

**Article Content**

**Title :** People with Disabilities Rights Protection Act CH

**Amended Date :** 2021-01-20

**Category :** Ministry of Health and Welfare ( 衛生福利部 )

**Chapter 1 General Principles**

- Article 1** This Act aims to protect the legal rights and interests of people with disabilities, secure their equal opportunity to participate in social, political, economical, and cultural activities fairly, while contributing to their independence and development.
- Article 2** The competent authorities refer to the Ministry of Health and Welfare at the central level, municipal governments at the municipal level, and county (city) governments at the county (city) level.
- The affairs / issues prescribed in this Act which relates to the commissions / duties of individual competent authorities in charge of specific business shall be handled by these competent authorities individually.
- The commissions and duties of the competent authorities of individual levels and the competent authorities in charge of specific business referred to in the above two paragraphs are divided as follows:
1. The competent authorities are responsible for the planning, implementation and supervision of the affairs / issues concerning the related legal rights and interests of people with disabilities, such as the protection of dignity, financial security, care & support service, and potentially independent living.
  2. The competent authorities in charge of health are responsible for the planning, implementation and supervision of the affairs / issues concerning the related rights & interests in favor of people with disabilities in evaluation and assessment of the disability, medical care, rehabilitation, and the research and development of assistive devices, etc.
  3. The competent authorities in charge of education are responsible for the planning, implementation and supervision of the affairs / issues concerning the related rights & interests in favor of people with disabilities in education, even balanced distribution of educational resources and facilities / installations, cultivation of professional service providers, etc.
  4. The competent authorities in charge of labor are responsible for the planning, implementation and supervision of the affairs / issues concerning the related rights & interests in favor of people with disabilities in occupational reconstruction and

services, promotion and protection of employment, labor rights and worksite sanitary safety and health, etc.

5. The competent authorities in charge of construction, public works are responsible for the planning, implementation and supervision of issues concerning the related rights & interests in favor of people with disabilities, in housing, public buildings, or facilities / installing access-free living environment, etc.

6. The competent authorities in charge of transportation and communications are responsible for the planning, implementation and supervision of issues concerning the related rights & interests in favor of people with disabilities in communications, public transports, traffic tools, public parking lots, etc.

7. The competent authorities in charge of finance are responsible for the planning, implementation and supervision of the affairs / issues concerning the related rights & interests in favor of people with disabilities at a care facility / institution, and the sheltered workshop in reduction, etc.

8. The competent authorities in charge of commerce are responsible for the planning, implementation and supervision of the affairs / issues concerning services of financial and banking, financial insurance, property trust in favor of people with disabilities, etc.

9. The competent authorities in charge of law are responsible for the implementation and supervision of the affairs / issues concerning protection, sentenced person after-care, and environment improvement in favor of people with disabilities, etc.

10. The competent authorities in charge of the police are responsible for the planning, implementation and supervision of the affairs / issues concerning personal safety & protection and the search of the missing people with disabilities, etc.

11. The competent authorities in charge of sports are responsible for the planning, implementation and supervision of the affairs / issues concerning activities, sport locations and facilities, equipment, and unique assistive devices in favor of people with disabilities, etc.

12. The competent authorities in charge of culture are responsible for the planning, implementation and supervision of the affairs / issues concerning spiritual life, as well as the artistic and cultural activities in favor of people with disabilities, etc.

13. The competent authorities in charge of procurement / purchasing related to the Government Procurement Act are responsible for the implementation and supervision of the affairs / issues concerning profitable products and labor in favor of people with disabilities

14. The competent authorities in charge of communication and propagation are responsible for the planning, implementation and supervision of issues concerning the access-free information, technology and application system of communication & propagation, Internet platforms, application processing without discrimination in favor of people with disabilities

15. The competent authorities in charge of technology research and development are responsible for the research and development of assistive technology research, transformation, applications, promotion, and other affairs in favor of people with disabilities.

16. The competent authorities in charge of economic affairs are responsible for the stipulation of national standards for assistive devices, promotion

industry, the planning and implementation of product commercializ  
in favor of people with disabilities.

17. Other measures that safeguard the right of people with disabili  
implemented by individual competent authorities in charge of spec  
pursuant to their authority.

Article 3 The central competent authorities are in charge of following  
affairs / issues:

1. Planning, prescription and disseminating of national  
protection policies, regulations and setups of rights and  
interests of welfare services for people with disabilities;
2. Supervision and coordination between municipal and county  
(city) governments concerning the protection of rights and  
interests of welfare services for people with  
disabilities;
3. Allocation and subsidization of central welfare budget for  
people with disabilities;
4. Planning and reviewing of financial support for people with  
disabilities in municipal and county (city) level for people  
with disabilities
5. Planning of related professional training on the welfare  
services of people with disabilities;
6. Communication, exchange and cooperation of welfare and  
protection services in favor of people with disabilities with  
international agencies / organizations ;
7. Planning of protection services in favor of people with  
disabilities;
8. Collection and integration of data concerning welfare  
services in favor of people with disabilities;
9. Guidance, supervision and national review / accreditation of all  
welfare care facilities / institutions in the country for people  
with disabilities,
10. Guidance and assistance to private sector to participate in  
the implementation of affairs in favor of people with  
disabilities.
11. Planning and supervision of other related rights & interests  
in national welfare services and protection in favor of people  
with disabilities.

Article 4 The municipal and county (city) competent authorities are in  
charge of following affairs / issues :

1. Implementation of national protection policies, regulations  
and setups of related rights & interests in welfare services in  
favor of people with disabilities;
2. Planning, prescription, disseminating and implementation of  
regulations and setups in rights and interests of welfare  
services and protection for people with disabilities in the  
level of municipal and county (city);
3. Allocation and subsidization of municipal and county (city)  
welfare budget for people with disabilities;
4. Planning and implementation of financial support and  
reviewing / accreditation of welfare services for people with

- disabilities)in municipal and county (city) level;
5. Planning and implementation of professional training on the we for people with disabilities in municipal and county (city) level
  6. Implementation of protection services in favor of people with
  7. Collection and integration of welfare(services)data in favor o disabilities in municipal and county (city) level;
  8. Establishment, supervision and review / accreditation of welfar facilities / institutions for people with disabilities in municipa (city) level;
  9. Implementation and assistance of affairs for the private secto in the services in favor of people with disabilities.
  10. Planning and supervision of other related rights & interests services and protection in favor of people with disabilities in m county (city) level.

Article 5 People with disabilities in this Act refer to those who with the following deviation or loss resulting from physical or mental impairments, are limited or restricted to be engaged in the ordinary living activities and participation in the society; and they, after processes of evaluation & assessment by the committee composed of professionals from medicine, social work, special education and employment counseling and evaluation, can be regarded as suffering one of the following malfunction categories and issued a disability identification.:

- 1, Mental Functions & Structures of the Nervous System;
2. Sensory Functions & Pain ; The Eye, Ear and Related Structures;
3. Functions & Structures of /involved in Voice and Speech;
4. Functions & Structures of /related to the Cardiovascular, Haematological, Immunological and Respiratory Systems;
5. Functions & Structures of /related to the Digestive, Metabolic and Endocrine Systems;
6. Functions & Structures of /related to the Genitourinary and Reproductive Systems;
7. Neuromusculoskeletal and Movement related Functions & Structures;
8. Functions & Related Structures of the Skin.

Article 6 The municipal and county (city) competent authorities in charge of application and judgment of health condition / status shall assemble assessment teams by appointing specific institutions or professionals to render the assessment services and complete appraising and ascertaining / verification reports on the disability.

The evaluation report mentioned above shall be sent to the competent authorities in charge of health where the applicant's domicile sets within ten days. The competent authorities in charge of health shall issue assessment fees and transfer the evaluation report to the municipal and county (city) competent authorities no later than ten days.

Regulations on appointment and qualification of the disability assessment institutes or professionals, the categories and grades of disability, assessment items and standards, assessment

methods, instruments, operation and others mentioned in Paragraph prescribed by the central competent authorities in charge of health. The fees required for inspection, diagnosis, or examination in the assessment service are listed and provided from the budget and shall be regulated by the central competent authorities in charge of health coordinating with the municipal and county (city) competent authorities of health.

The items of the disability assessment service mentioned above that are not eligible for the provisions of National Health Insurance Act are not eligible for the fees mentioned above and shall be provided through health insurance.

**Article 7** The municipal and county (city) competent authorities shall assemble assessment teams to evaluate the living need of people with disabilities upon receiving the evaluation reports transferred from the competent authorities in charge of health. The evaluation mentioned above shall be rendered according to the category of disability, family economic condition/status, care service need, family living demand/need, social participation demand/need, etc.

Whereas people with disabilities, who set their domiciles in the governed districts, have been confirmed to be in conformity with the regulations, the municipal and county (city) competent authorities shall actively issue the disability identifications, and provide the mandatorily related welfare and services.

The need evaluation referred to in Paragraph 1 can be consolidated into the evaluation mentioned in the previous Article.

Regulations on the consolidation of evaluation, qualifications of assessment team members, evaluation instruments, operations and others shall be prescribed by the central competent authority and the central competent authority in charge of health.

**Article 8** To prevent and reduce the occurrence of disability, the competent authorities in charge of related services in all levels of governments hierarchy shall systematically promote the prevention of disability, propagandize the knowledge of eugenics, health care education on disability-related heredity, morbidity/disease, disaster, environmental pollution, etc. In addition, they also shall promote the related propaganda and the social education.

**Article 9** The central and municipal or county (city) competent authorities and the competent authorities in charge of specific services shall organize the units or appoint officers to handle the affairs concerning the rights and interests of people with disabilities exclusively. The number of the units or officers shall be determined according to the actual requirement for providing the services.

The business related to the welfare services of people with disabilities shall be handled by selected professionals.

**Article 10** The central and municipal or county (city) competent authorities shall appoint the representatives of people with disabilities or

their guardians, scholars and experts in the field of the welfare people with disabilities, civil representatives, representatives of the private sector, and the competent authorities in charge of services to render the protection affairs of rights and interests disabilities. The number of the representatives of people with di their guardians, and the representatives of associations of the p shall be no less than one third of the total number of the commit In the protection representatives mentioned above, neither gender less than one-third of the seats of the committee.

Paragraph 1 concerning the protection of rights and interests inc  
1. Integration, planning, research, consultation, coordination, a the affairs/issues concerning improving protection of people wit  
2. Negotiation of the appeals for the damage to their rights and people with disabilities;  
3. Other affairs/issues that can improve the rights and interest protection of people with disabilities.

Paragraph 1 concerning the protection of rights and interests and the second clause of the preceding paragraph concerning the negot appeals for the damage to their rights and interests of people wi and others areprescribed by the competent authorities of differen

Article 11 The governments' hierarchy of individual levels shall periodically investigate the needs of living, health care, special education, employment and occupational training, transportation and welfare of people with disabilities at least once every five years, and publish the report of the surveys. People with disabilities shall be included in the population census taken by the Executive Yuan once every ten years.

Article 12 The funds for the welfare of people with disabilities are raised from the following sources:  
1. The budgets made by the governments' hierarchy of individual levels exclusively for the welfare of people with disabilities;  
2. Social welfare fund;  
3. The exclusive Employment Fund established for people with disabilities;  
4. Donations from individuals or associations;  
5. Other incomes.

The budgets for the welfare of people with disabilities referred to in the first clause of the preceding paragraph above shall be made generously in accordance with the survey report referred to in preceding Article.

If a municipal or county (city) competent authority really has difficulty in making the budget for the welfare services of people with disabilities referred to in Paragraph 1 above, the central government shall subsidize, and which are used only for the purpose exclusively.

Article 13 People with disabilities who disagree with the results of disability evaluation and need assessment, must submit a written application to the municipal or county (city) competent authorities within 30 days commencing from the next day after receipt of the result, to apply for re-evaluation and re-

assessment. The application is limited for one time only.

The applicant shall pay for 40% of the re-evaluation and re-asses according to the paragraph above. If the objection is accepted, t evaluation and re-assessment fees will be refunded to people with concerned.

The fees concerning an overdue application of re-evaluation and r according to Paragraph 1 above shall be self-paid for the whole o

Article 14 The expiration date of the disability identification is five years for the longest. However, where the disability satisfies the rules under Section 3, Article 6 concerning the standards of disability that cannot be mitigated or recovered and is free from re-evaluation, the municipal and county (city) competent authorities shall issue disability identification without an expiration date and conduct a needs re-assessment under Article 7 every five years.

People who hold disability identification with an expiration date shall apply for re-evaluation and re-assessment to the municipal and county (city) competent authorities within 90 days prior to expiration.

If people with disabilities do not apply for re-evaluation and re-assessment within 60 days prior to the expiration date of the disability identification, the municipal and county (city) competent authorities shall send a written notice to people with disabilities concerned for application.

If people with disabilities cannot apply for re-evaluation and re-assessment before the expiration date with proper reasons, they can submit the document(s) just before the expiration date. Upon approval by the municipal and county (city) competent authorities, people with disabilities shall resume the application within 60 days from the expiration date.

Where the condition / status of disability changes, people with disabilities shall apply for re-evaluation and re-assessment on their own initiatives.

When the change of disability condition / status is discovered, the municipal and county (city) competent authorities shall notify in written people with disabilities concerning to apply for re-evaluation and re-assessment within 60 days since the date of notification.

When re-evaluation and re-assessment are applied for pursuant to Section 2 to the preceding section and the disability satisfies the rules under Section 3, Article 6 concerning the standards of disability that cannot be mitigated or recovered and is free from re-evaluation, the municipal and county (city) competent authorities shall handle the same in accordance with the proviso of Section 1.

For people who hold valid permanent manuals before July 11, 2012, the municipal and county (city) competent authorities may directly change the same to disability identification without an expiration date.

An applicant maintains the rights and interests according to Paragraph 1 to 3 of prior Article during the period between expiration date of original identification and valid date of the new disability identification, after the application is marked by the municipal and county (city) competent authorities. If the result of re-evaluation and re-assessment proves the change of disability categorizing and grading, the subsidies issued to the applicant following the previous paragraph shall be recovered or refunded. Upon elimination of the fact of disability or decease of people with disabilities, the family members or interested ones shall return the disability identification to the municipal and county (city) competent authorities for abolishment or cancellation. The municipal and county (city) competent authorities have the right to directly abolish or cancel the unreturned identification, the rights and interests set in this Act, or recover the overpaid subsidies.

Article 16 The dignity and legal rights and interests of people with disabilities shall be respected and guaranteed. People with disabilities shall not be discriminated on the rights and interests of education, (examination) participation, employment, residence / housing, migration and medical care service. Any person who operates public places or facilities / installations, shall not prevent people with disabilities from fairly using and enjoying the facilities / installations, equipments, and rights only because of their disability. When attending to public exams, all public, private organizations (institutes), corporate, schools, and enterprises should provide multiple appropriate assistances, under the principle of fairness, to test-takers with disabilities to safeguard the exam opportunities for people with disabilities.

Article 17 When a person with disabilities applies for any cash deliverance or subsidies according to proper regulations, the person should present the certificate issued by the municipal, county (city) competent authorities. Then the person should open a specific account with a financial institute and detail the title and address of the institute, account number, and title of account before sending to the municipal, county (city) competent authorities for permission to grant the amount. The account is for receiving the cash deliverance and subsidies only and the money in the dedicated account shall not be regarded as the target of offset, detainment / seizure, assignment, and security, and aggressive enforcement.

Article 18 To provide timely medical care services or referring, the municipal and county (city) competent authorities in charge of specific business shall establish reporting the following notification systems:

1. The competent authorities in charge of health shall establish a notification system for detecting the victims suspected to be disabled, the infants and children suspected with growth in development retardation or abnormality.
2. The competent authorities in charge of education shall



establish a notification system for detecting the students suspected disabled.

3. The competent authorities in charge of labor shall establish a system of occupational injuries.

4. The competent authorities in charge of police administration shall establish a notification system of traffic accidents.

5. The competent authorities in charge of household registration shall establish a notification system of changing and moving of people with disabilities. Upon detecting anyone suspected to be disabled as referred to in municipal and county (city) competent authorities shall render assistance for his/her living need immediately, and offer active supporting services to transfer the disability case to the competent authorities in charge of business.

Article 19 The competent authorities at individual levels and the competent authorities in charge of specific business shall, based on the results of service need assessment, provide individualized and diversified services to people with disabilities.

Article 20 To improve the integration, research and development, and services of assistive devices for people with disabilities, the central competent authorities should integrate the competent authorities in charge of specific business to integrate resource management, research and development, and services of assistive devices for people with disabilities. The regulations for resource integration, research and development, and services of assistive devices shall be prescribed by the central competent authorities and the central competent authorities in charge of education, labor, technology research, and economy.

## **Chapter 2 Rights and Interests of Health and Medical Care**

Article 21 The central competent authority in charge of health shall plan and integrate the medical resources to provide people with disabilities with appropriate services concerning health maintenance and reproductive health. The municipal and county (city) competent authorities shall provide periodical health examination and health care services for people with disabilities, as well as follow-up services with their willingness according to the health examination reports. Regulations on the health care service, follow-up service, health examination items and methods mentioned in above paragraphs are prescribed by the central competent authority together with the central competent authority in charge of health.

Article 22 The competent authorities at individual levels in charge of health shall integrate medical care resources and provide individualized health and medical care services for people with disabilities, and assist welfare care facilities/institutions for people with disabilities to provide the required health and medical care services.

Article 23 Hospitals shall set up service entries for people with disabilities who have difficulty expressing their own needs or other special requirements, to help communication and other health-seeking related services.

Hospitals shall provide discharge planning program for the admitted people with disabilities and the program shall include the following items:

1. Home care proposals.
2. Rehabilitation proposals.
3. Referral services of medical care resources in community
4. In-home environment improvement proposals.
5. Assessment and usage proposals of assistive device appliance.
6. Transitional services.
7. Reconstruction of (daily) living service proposals.
8. Psychological counseling service proposals.
9. The implementation of discharge plan services should be listed as the item of hospital assessment by the central competent authorities.

Article 24 The municipal and county (city) competent authorities in charge of health shall, according to the population size and health-seeking need of people with disabilities, appoint hospitals to set up special clinics for people with disabilities.

Regulations on hospital qualification, practice departments, personnel deployment, medical care service facilities / installations, supervision and evaluation of the special clinic for people with disabilities in the above-mentioned paragraph shall be prescribed by the central competent authorities in charge of health.

Article 25 To reinforce health and medical care services for people with disabilities, the municipal and county (city) competent authorities in charge of health shall, according to the number of each category of people with disabilities and their need, establish or encourage the establishment of medical and rehabilitation facilities / institutions or nursing home, to provide medical care, rehabilitation, assistive device services, day care and home care services, etc..

Regulations on encouraging the care facilities / institutions and services mentioned above for people with disabilities, shall be prescribed by the central competent authority in charge of health.

Article 26 Before the expenditure for medical care and rehabilitation services, and assistive devices needed by people with disabilities are included in the coverage of the National Health Insurance, the municipal and county (city) competent authorities shall subsidize people with disabilities according to the result of need evaluation / assessment. Regulations on the subsidization mentioned in paragraph above shall be prescribed by the central competent authority in charge of health together with the central competent authority.

### Chapter 3 Rights and Interests of Education

- Article 27 The central and municipal, county (city) competent authorities of individual levels in charge of(education)shall, according to the data obtained in census of the disabled, plan and establish special educational facilities (such as schools or classes / programs), or educate those who can not receive schooling in ordinary schools or classes / programs, so as to protect their rights and interests of education.
- The schools of all levels, for those who pass the evaluation / assessment and be arranged by municipal and county (city) competent authorities, may not refuse people with disabilities because of their disability, the fact of not well-equipped / well-installed in the organizations / institutions, and other reasons . Teachers / instructors in all levels of special education schools and special education classes / programs shall be qualified on related special education.
- The government shall provide free transportation for children with disabilities who cannot commute by themselves in school ages. In case the government does have difficulty in providing such transportation services, traffic subsidy shall be provided; if the funds raised by the municipal or county (city) competent authority in charge of education are not sufficient, the central competent authority in charge of education shall subsidize the local governments.
- Article 28 The competent authorities of individual levels in charge of education shall actively help people with disabilities to receive schooling, and people with disabilities in school ages who are receiving medical care or social welfare services, and solve their related educational issues.
- Article 29 The competent authorities of individual levels in charge of education shall, according to the respective levels of household socioeconomic status of people with disabilities, favor them or their children with related educational expenses. The regulations on the subsidization shall be prescribed by the central competent authority in charge of education.
- Article 30 Upon providing education and holding entrance exam for people with disabilities, the competent authorities of individual levels in charge of education shall, according to the conditions / status' of people with disabilities and the learning and living requirements, provide necessary professionals, special teaching materials, all kinds of educational assistive devices, access-free campus environment, Braille books, and related education resources, so as to create fair and reasonable opportunities and conditions for people with disabilities concerned to receive education and take examination.
- Article 30-1 The central education authority should consider resource sharing and commonly used modern digital technology according to the needs of the visually disabled, learning function impaired,

hearing function impaired or other perceived work difficulty, and libraries responsible for planning, integration and collection of resources in touchable digital form for the utilization of the vi and other impaired persons.

The appointed libraries in the provisions of the preceding paragr provide priority library resources according to the needs of the impaired and other impaired persons stated in the preceding parag The content, utilization and funding regulations for the planning and collection stated in paragraph 1 should be set by the central authority.

Article 30-2 Publishers of teaching books audited by the central education authority should provide digital form of teaching books in publication to authorities or schools appointed by the central education authority, in order to provide an accessible form for the visually impaired and other impaired persons as stated in paragraph 1 of the preceding article.  
The digital formats in the provisions of the preceding paragraph are set by the central education authority.

Article 31 The competent authorities of individual levels in charge of education shall plan resources for the preschool education for those with the disabilities. The authorities should also encourage to establish private preschool organizations / institutions that provide after-school care service, research and development of teaching materials.  
Public preschools and after-school care services, shall prioritize the inclusion of children with disabilities, and practice preschool education, nursing services and related professional services for children with disabilities. Private sector of preschools and after-school care services, shall be encouraged to receive children with disabilities.

Article 32 The competent authorities of individual levels in charge of education shall encourage people with disabilities to receive education in senior high schools and colleges; the regulations of encouragement and implementation shall be prescribed by the central competent authority in charge of education.  
The central competent authorities in charge of education shall encourage and help college to open departments related to massage, physical therapy, or medical massage skills. The authorities should also guarantee the entrance and study opportunities for those with visual disability.  
The above-mentioned schools that provide access-free facilities / installations to people with disabilities may claim subsidies from the central competent authority in charge of education to improve access-free campuses.

#### **Chapter 4 Rights and Interests of Employment**

Article 33 The competent authorities of individual levels in charge of labor shall, according to the willingness of people with

disabilities to work and the evaluation of their capacities and n by the occupational reconstruction case managers, set up appropri individualized occupational reconstruction service programs and c relevant resources to provide occupational reconstruction service or by designated civic organizations if necessary.

The occupational reconstruction referred to in the preceding para occupational reconstruction case management service, occupational assessment, occupational training, employment services, occupatio entrepreneur guidance, etc.

The occupational reconstruction service referred to in the preced may be applied for by people with disabilities or their guardians competent authorities at all levels in charge of labor.

Article 34 The competent authorities of individual levels in charge of labor shall, for people with disabilities not independently competitive in employment market, according to their abilities / capabilities and willingness to work, provide supportive and individualized employment services, such as sheltering employment services, occupational training, and other assistance to the work.

The competent authorities of individual levels in charge of labor shall provide sheltering employment services, in accordance with the result of occupational guidance assessment, for people with disabilities who have willingness but not independently competitive, mandatory for long-term employment supports to enter the competitive employment market.

Article 35 To provide the occupational training, employment services in Paragraph 2 of Article 33 and sheltering employment services in the preceding Article mentioned above, the municipal and county (city) competent authorities in charge of labor shall promote to establish the following welfare agencies / organizations / institutions for people with disabilities:

1. Occupational training agency / organization / institution;
2. Employment service agency / organization / institution;
3. Sheltered workshop;

The above agencies / organizations / institutions can be established separately or together. If, for the conducting of its affairs, the established body needs to use a specific piece of public land, with the approval of the competent authority managing the particular piece of public land, the established body shall use it uncompensated.

The occupational training agencies / organizations / institutions, employment service agencies / organizations / institutions, and sheltered workshops of private sectors mentioned in Paragraph 1 shall, after applying and getting the permits of the municipal and county (city) competent authorities in charge of labor, provide services

to people with disabilities, The agencies / organizations / institutions are not allowed to provide the related services without the permits of governments, but the agencies / organizations / institutions, associations or schools established

under authority / commission of governments by law are free from the Regulations on permit and preparation of establishment, rewarding as well as the standards of the facilities / installations, deploy staffing, related qualifications, nurturing, and subsidizations prescribed by the central competent authorities in charge of labor

Article 36 The competent authorities of individual levels in charge of labor shall coordinate with the individual competent authorities in charge of specific business and consolidate relevant resources to assist the sheltered workshops with the following:

1. Operating and financial management;
2. Market information, product promotion, and improvement and consultation of production technology;
3. On-the-job training for employees; and Other necessary assistance.

Article 37 The competent authorities of individual levels in charge of labor shall propose plans and establish by themselves or consolidate the resources of the private sectors to establish occupational guidance assessment, occupation redesign and entrepreneur counseling mentioned in Paragraph 2 of Article 33. Regulations on the implementation, qualification of professionals and subsidizations referred to in the preceding paragraph shall be prescribed by the central competent authorities in charge of labor.

Article 38 Any given government department (agency / organization) of individual levels, public school, or public business agency / organization / institution whose total number of employees is no less than 34 shall employ people with disabilities with capability to work and the number of employees with disabilities shall be no less than 3 percent of the total number of the employees.

Any given private school, association, or private business agency / organization / institution whose total number of employees is no less than 67 shall employ people with disabilities with capability to work and the number of employees with disabilities shall be no less than 1 percent of the total number of the employees, and no less than 1 person.

Where the government department (agency / organization), public or private school, association or business agency / organization / institution referred to in the two paragraphs above, with the obligation to employ people with disabilities, their numbers of total employees and employees with disabilities are based on those listed

for labor insurance and government employee (civil servant / public official) insurance on every first day of a month. The personnel quota of the obligatory agency / organization / institution referred to in the preceding paragraph, which is determined to be frozen or no replacement is thus exclusive from the total number of employees.

Employees in the paragraph mentioned above who do not receive

monthly payment in accordance with basic wage in the Labor Standards Law shall be counted as employees with disabilities and total employees. But those with disabilities who work for part time and receive payment no less than the basic wage can be counted in pairs as employees with disabilities and total employees.

People with disabilities who work under sheltering employment in employment service agency/organization/institution are not included in the calculation of employees with disabilities and total employees. Whereas a department/organization/institution employs a person with severe disability as prescribed in Paragraph 1 and 2, the person shall be calculated as one employee. The guidelines for calculating the total number of the obligatory employees with disabilities of police administrations, fire departments, customs, national defense and legal affairs shall be prescribed otherwise in the Enforcement Rules for this Act.

Agencies that are not included in the calculation range of fixed employee number as prescribed in the previous paragraph, their job vacancies shall be analyzed and completed within three years.

The criteria and procedures for the analysis in the previous paragraph shall be prescribed by the central competent authorities in charge of labor affairs.

**Article 38-1** If an enterprise establishes a subsidiary enterprise in accordance with the Company Act, when the number of employees with disabilities has reached over 20% of the total employees, it is allowed to calculate the fixed employee number mentioned in the paragraph above.

An enterprise shall be encouraged and guided when it invests a certain amount of money to the subsidiary companies or employs a certain number of people with disabilities following the rules in above paragraph.

The investment amount in the above paragraph, the number of employees with disabilities, incentives and guidance, and the applicable conditions for the combined calculation in the first paragraph shall be prescribed by the central competent authorities of individual purposes with the participation from the central competent authorities in charge of labor affairs.

**Article 39** To employ people with disabilities, the government departments (agencies/organizations) of individual levels, public schools, and public business agencies/organizations/institutions shall request Examination Yuan to arrange special examination for people with disabilities and remove the unreasonable restrictions on the grade of anthropological status requirement to people with disabilities occurred in the examinations for government employees (civil servants/public officials).

**Article 40** The departments (agency/organization) that employ people with disabilities shall abide by the principle of "same pay for same work" and treat them without any discrimination. The wages for people with disabilities working in normal work time shall be no less than the basic wage.

The wages of people with disabilities under sheltering employment may be calculated according to their productivity. If

the productivity is not sufficient, the wages may be reasonably reduced. Wages are to be discussed by both the employers and the sheltered labor reported to the municipal and county (city) competent authorities in charge of labor.

Article 41 People with disabilities qualified for sheltered employment in occupational guidance assessment are provided with jobs by the (units) (agencies / organizations / institutions) capable of providing sheltered employment services. Both sides shall sign a written contract under mutual understanding (on the rights, interests and duties, obligations).  
When people with disabilities accept sheltered employment but are appraised (ascertained / verified) in the occupational guidance assessment of Article 34 unfitting for the sheltered employment, the sheltered employment service agencies / organizations / institutions shall, according to the factual need of people with disabilities, provide transition service, and may not pay Severance Payment.

Article 42 The employers shall provide labor insurance, national health insurance and other social insurances pursuant to the related labor laws and regulations, to ensure the rights and interests of people with disabilities during their supportive and sheltered employment.  
The standard of people with disabilities occupational disaster compensation salaries of sheltered employment in sheltered workshops shall be no less than basic wages.  
After the payment is made of to the sheltered employees with occupational disaster compensation, the sheltered workshops may apply for compensatory subsidies to the municipal and county (city) competent authorities of individual levels in charge of labor.  
Regulations on the qualification conditions, terms, amounts, ratios and implementation shall be prescribed by the central competent authorities in charge of labor.

Article 43 The municipal and county (city) competent authorities in charge of labor shall open an exclusive account of employment fund for people with disabilities in order to promote the disabled employment.  
Regulations on the receipts and disbursements or transactions and implementation shall be prescribed by the municipal and county (city) competent authorities in charge of labor.  
The agencies / organizations / institutions which do not employ sufficient number of people with disabilities mentioned in Paragraph 1 and 2 of Article 38, shall periodically pay the difference subsidies to the Disabled Employment Funds. The amount is based on the difference in number of employed multiplied by the monthly basic wage.  
The Disabled Employment Funds under the municipal and county (city) competent authorities in charge of labor shall submit 30% of the difference subsidies of previous year to Employment Security Fund under the central competent authorities in charge



of labor for the overall allocation and distribution. Regulations submitting and the allocation and distribution shall be prescribed by the central authorities in charge of labor.

Article 44 The Disabled Employment Fund shall be utilized as follows:

1. Subsidize the agencies / organizations / institutions which need to purchase, re-equip / re-install, fix instruments & materials and facilities / installations and other charges by employing (the sufficient number of) people with disabilities;
2. Issue grants to the private agencies / organizations / institutions over-employing people with disabilities;
3. Implement other related affairs / issues to promote the employment rights and interests of people with disabilities.

The amount of the grants mentioned in the above Clause 2 shall be based on the upper limit of over-number of difference multiplied by 50% of monthly basic wage.

Article 45 The competent authorities of individual levels in charge of labor shall encourage the departments (agencies / organizations) that perform excellently in employing people with disabilities. Regulations on the encouragement referred to in the preceding paragraph shall be prescribed by the central competent authority in charge of labor.

Article 46 Anyone other than the seeing (visual acuity functions) disabled may not be engaged in massage industry.

To assist people with seeing (visual acuity functions) disability to take the massage and physiotherapy massage practices, the competent authorities of individual levels in charge of labor affairs should actively integrate private resources, guide and improve their professional skills and management abilities, and grant subsidies for the practices they operate.

The targets of guidance and subsidies, methods, and other rules that should be followed shall be prescribed by the central competent authorities in charge of labor affairs.

A medical care institute is allowed to employ people with seeing (visual acuity functions) disability to engage in non-medical massage in specific places.

Medical care institutes, stations, airports, park operators, and government agencies (institutes) are not allowed to provide places for people without seeing (visual acuity functions) disability to engage in massage or physiotherapy massage services. The above mentioned institutes, stations, airports, operators, and agencies providing places to people with seeing (visual acuity functions) disability to engage in massage or physiotherapy massage practices should be treated with preference.

The first paragraph will be invalid on October 31, 2011.

Article 46-1 When a government agency (institute) and a state-run business pro-actively or delegate others to attend to consulting

telephone information service and the number of such employee is number of employed people with seeing (visual acuity functions) d be more than 1/10 of the total telephone answerer unless regulate other regulations. However, if the nature of the job needs specia or it is difficult to employee such people, they should report to county (city) competent authorities in charge of labor affairs wh telephone service is located for agreement before they are exempt laws.

However, if the proviso in above paragraph happens, when the agen to the service by themselves or delegate the service to others ar the municipal, county (city) competent authorities in charge of l where the telephone answering service is located, they should rep central competent authorities for agreement.

Article 47 In order to deal with premature / accelerated ageing among people with disabilities, the central competent authorities in charge of labor shall establish the mechanism of early retirement for employees with disabilities to ensure their life quality after they leave worksites.

## **Chapter 5 Support Services**

Article 48 To connect the welfare demand of people with disabilities in different stages of their careers, the related departments (agencies / organizations) in the municipal and county (city) competent authorities shall actively communicate and coordinate with one another to work out career transitions and connecting plans, to provide people with disabilities with integrated and continuous services.

The service procedure, modes, data format, and other rules that should be followed for the career connection mentioned in above paragraph shall be prescribed by the central competent authorities together with the central competent authorities in charge of individual purposes.

Article 49 The supportive services for people with disabilities shall be planned based on the principles of diversification and continuation. The municipal and county (city) competent authorities shall, by themselves or consolidate resources of private sectors, provide supportive services to people with disabilities. And there shall be no limit to the time of setting the domiciles.

Article 50 To assist and take care of people with disabilities to improve their living quality, social participation chances, and obtain independence, the municipal and county (city) competent authorities shall provide the following home services according to the results of need assessment:

1. Home care;
2. Daily living reconstruction;
3. Psychological reconstruction;
4. Residence / Housing in community;
5. Marital and reproductive health counseling;

6. Day care and residential care;
7. Home-based care services;
8. After-school care;
9. Supportive service for independent life;
10. Other related personal care services for people with disabilities

Article 51 To reinforce the capability of the families to take care of people with disabilities, the municipal and county (city) competent authorities shall provide the following services according to the results of need assessment:

1. Temporary / Respite and short-term care;
2. Supports to the caregivers,
3. Training and practicing for the caregivers;
4. Family care visits and service;
5. Other related services to promote the capability of family caregivers and their life quality.

Regulations on the content, practicing procedures, qualification & training of working personnel, and management of the issues referred to in the preceding Article and above paragraph, where necessary, shall be prescribed by the central competent authorities and the central competent authorities in charge of specific business.

Article 52 The municipal and county (city) competent authorities of individual levels and purposes shall provide the following services to encourage people with disabilities to participate in social activities:

1. Leisure and cultural activities;
2. Sports;
3. Access-free to public information;
4. Fair participation in politics;
5. Law counseling and support
6. Access-free environment;
7. Assistive device, installation, appliances of technology and services;
8. Social propagation and education to the society;
9. Other services related to social participation of people with disabilities.

Giving preferential treatment to people with disabilities for the preceding items which are fee-for-service.

The access-free to public information mentioned in the third subparagraph of paragraph 1 indicates that Internet, telecommunication, broadcasting, TV program providers should provide access-free reading, watching, transfer, or transmission and other assistive, subsidized measures for people with visual, hearing, and speech disabilities.

Regulations on the subsidy and subsidy measure content, practicing procedures, and management of the issues referred to in the above paragraph, shall be prescribed by the central competent authorities in charge of specific business

In the first paragraph, except for the service measures in the third subparagraph, the central competent authorities and the

central competent authorities of specific business shall stipulate plan based on the contents and their practicing methods.

Article 52-1 The central competent authorities in charge of specific business should actively collect the regulation (criteria) of access-free software and hardware products from each country every year to stipulate a national access-free regulation (criteria) for each product design or service provider. The authorities should also encourage manufacturers or service providers to follow the regulation (criteria) when developing, producing their products or providing the service through incentives and certificate systems.

The central competent authorities in charge of specific business should prescribe and manage the stipulation of standard certificate issuing for the incentive contents, qualifications, targets, and products or services mentioned in the above paragraph.

Article 52-2 The websites established by all levels of government agencies (institutes) and their subsidiary agencies (institutes), and schools should obtain the first priority access-free examination and receive the certificate marks.

The central competent authorities in charge of specific business should prescribe the examination criteria, methods, frequency, and certificate issuing rules mentioned in the above paragraph.

Article 53 Transport vehicle carriers shall plan appropriate routes, airlines, service schedules, car / carriage / cabin / compartment (of vehicles, airplanes and ships), etc., for access-free transportation services.

If access-free transportation services cannot be provided in the routes, airlines, or areas mentioned in the preceding paragraph, the municipal and county (city) competent authorities at all levels in charge of transportation shall, according to the actual need of people with disabilities, invite representatives from the related associations for people with disabilities, local transport vehicle carriers and the competent authorities in charge of social welfare services, to discuss and agree on which provisions of the preceding paragraph shall not apply. Access-free equipment and facilities / installations shall be planned and established in public transport for the convenience of people with disabilities. Public transportation facilities without reserved seats shall set aside priority seats for the disabled, elderly, women and children. At a rate of seats no less than fifteen (15) percent of total seats available. Such seats should be located close to the car or cabin doors or any entrance. The floors between the priority seats to above-mentioned exits should be flat and without any obstacles, and, if necessary, marked or broadcasted with yield seats warnings. Except for the security reasons prescribed by the competent authority in charge of civilian aviation, domestic airliners should not ask people with disabilities to accept special restrictions or refuse providing transportation service for

them.  
Regulations on establishment of the barrier-free equipment and facilities and installations, measures, and other necessary issues related to an environment referred to in the third paragraph, including regulations on railway, highways, massive rapid transportation, air transit, water transportation, and others, shall be prescribed in sections by the competent authorities in charge of transportation affairs.

If barrier-free equipment and facilities / installations in public transport do not comply with the regulations mentioned in the preceding paragraph, the competent authorities at all levels in charge of transportation shall require transport vehicle carriers to submit improvement plans within a certain time. However, if there are technical difficulties in establishing barrier-free equipment and facilities / installations due to limitations in public transport equipment, transport vehicle carriers may submit an improvement plan that specifies a time limit for improvement.

The improvement plan mentioned in the preceding paragraph shall be approved by the competent authorities in charge of transportation for approval. The procedures shall apply to any amendment.

Article 54 The roads, streets, sidewalks and arcades in urban areas shall meet the related barrier-free regulations and directions prescribed by the central competent authorities in charge of specific business.

Article 55 The central competent authorities in charge of specific business shall establish the related transport marks, lines, signals and identification frequency of the barrier-free transportation. The municipality and county(city) government shall, based on the identification frequency referred to in the paragraph above, promote visualized voice signals and voice positioning.

Article 56 In each public parking area, 2 percent of the total parking lots shall be reserved for people with disabilities. Where the total number of a public parking area is less than 50, at least 1 parking lot must be reserved for people with disabilities. Any person other than those with disabilities who have the exclusive identification cards of disabled parking is not allowed to use the reserved parking lot(s).  
The exclusive identification card of disabled parking shall be issued in accordance with the result of need assessment. The location, space planning and usage of the disabled parking lots as well as issuance of the exclusive identification card and the reprimand / punishment for illegal use shall be prescribed by the central competent authority together with the related departments (agencies / organizations) in charge of transportation & communication, construction, and so on.  
For all levels of government agencies, public and private schools, organization, state- and private-run business, if they have parking facilities, they should attend to such matters in accordance with the above three paragraphs.

Article 57 The public buildings and gathering places to be newly constructed or manufactured shall include facilities /

installation and equipment that are convenient for people with disabilities for use. The government shall not issue construction licenses to the buildings, or gathering places that are not in conformity with this provision, nor allow them to be opened to the public.

Public buildings and activity venues shall at least set up barriers and facilities at essential places such as outdoor passageways, and handrails, evacuation exits, indoor entrances and exits, indoor stairs, elevators, breastfeeding (collecting) rooms, restrooms (if any), bathrooms, spaces for wheelchair-using spectators and park and specifications are as stipulated by the respective central authorities in accordance with the Act or the relevant laws.

The competent authorities of individual levels in charge of specific shall order the owners or the people in charge of the management buildings and gathering places to improve if the access-free equipment facilities / installation are not in conformity with the regulation paragraph, But where it is really difficult to establish access-free and facilities / installation due to military control, protection relics, natural factors, construction of the buildings, restricted equipment or facilities / installation, or other special conditions the people in charge of the management of the agency / organization may submit an alternative improvement plan to the competent authorities individual levels in charge of specific business. The competent authorities specify a time limit for implementing the improvement plan.

Article 58 People with disabilities may, when taking domestic public transport, be favored with half price by the right & interest of the disability identification. If people with disabilities are ascertained / verified to be in need of company, according to the result of need assessment, and have one companion only, people with disabilities and their guardians or one of the necessary companions may also enjoy the preceding favors. People with disabilities have the prior rights & interests to take the transports referred to in Paragraph 1, and the favors shall not be limited to the place of the domiciles, unless the transports are under local authorities. Except for the security reasons prescribed by the competent authorities in charge of civilian aviation that don't allow people with disabilities to travel alone, domestic airliners should not charge the company of the traveling person. Regulations on the implementation, operating procedure and the scope of practicing referred to in the above four paragraphs shall be prescribed by the central competent authorities in charge of specific business.

Article 58-1 Competent authorities at the level of directly-controlled municipality and the level of county (city) government that operate Rehabilitation Bus services shall lift the restriction on household registration beginning January 1, 2012.

Article 59 People with disabilities do not need to pay the admittance fee with their disability identification when entering the scenery areas, entertainment places, or cultural and educational areas

that are operated by public or a government owned, contractor operated entity. Where the scenery areas, entertainment places, or cultural educational areas are managed by the private sector, they shall be half price.

If people with disabilities are ascertained/verified to be in need according to the result of need assessment, and have one companion with disabilities and their guardians or the necessary companions the preceding favors.

Article 60 People with visual, auditory, and physical disabilities accompanied by qualified guide dogs, hearing dogs, or mobility assistance dogs or training personnel bringing young guide dogs, young hearing dogs, and young mobility assistance dogs during training are allowed to enter public areas, public buildings, business places, public transports and other public facilities freely.

The owner, administrator or user of the preceding public places, public buildings, business places, public transports and other public facilities in the paragraph above shall not charge the young guide dogs, young hearing dogs, and young mobility assistance dogs as well as guide dogs, hearing dogs, and mobility assistance dogs with additional expenses, refuse their free entry or exit, or add other conditions for their entrance and exit.

When guide dogs, hearing dogs, and mobility assistance dogs guide people with visual, auditory, and physical disability, others shall not touch, feed or interfere with the guide dogs, hearing dogs, and mobility assistance dogs by any sound, voice, or signals.

Regulations on the qualification, management, approval of training agencies, cancellation or abolition of approval, and other related issues of guide dogs, hearing dogs, and mobility assistance dogs as well as young guide dogs, young hearing dogs, and young mobility assistance dogs are prescribed by the central competent authorities.

Article 60-1 The central competent authorities should join with the central competent authorities in charge of labor affairs to assist and guide municipal, county (city) governments to attend to reconstruction services in life and occupation for people with visual disability.

The service mentioned in the above paragraph should contain trainings for living skills and oriented mobility. The contents and the training of professional personnel and other relating regulations shall be prescribed by the central competent authorities together with the central competent authorities in charge of labor affairs.

Second paragraph will become valid two years after the Act is promulgated.

Article 61 The municipal and county (city) governments shall set up an entry to provide sign language translation services to people with disabilities in hearing or speaking/speech function, for

their actual needs, while they participate in public affairs; the transcription service may also be provided based on the actual needs of people with disabilities.

Regulations on the scope and operating procedure of the preceding or simultaneous transcription services are prescribed by the municipal (city) competent authorities.

Certified technicians of sign language will serve the post of sign interpreter/translator according to Paragraph 1 on the day of its implementation since this Act was legislated and promulgated.

Article 62 The municipal and county (city) authorities shall, according to the characteristics and needs of people with disabilities in their domicile, establish by themselves or consolidate the resources of the private sector to establish the welfare care facilities/institutions to provide services of life care, (daily) living re-construction, welfare counseling, etc., for people with disabilities.

Principles of the services provided by the above mentioned care facilities/institutions in Paragraph 1 are to enhance the ability for families to take care of people with disabilities and for them to participate in social affairs, and are to support the services mentioned from Article 50 to Article 52.

The standards of type, scale, business, facilities/installation and personnel deployment in care facilities/institutions referred to in Paragraph 1 are prescribed by the central competent authorities. The care facilities/institutions in the preceding Paragraph 1 may charge fees for the facilities/installations or services, and regulations of charging fees shall be submitted to the municipal and county (city) competent authorities for approval.

The care facilities/institutions in the preceding Paragraph 1 extending their business into other fields are acceptable, and shall be under the regulations and directions of the competent authorities in charge of other specific business.

Article 63 To establish a welfare care facility/institution for people with disabilities, applications shall be submitted to the municipal and county (city) competent authorities for the permits.

After having obtained the permits in accordance with the above paragraph, the care facility/institution shall register itself as a juristic corporation within three months commencing from the date of the application. While the registration procedure is finished, the juristic corporation may accept donations/subsidies or collect funds from the outside with the approval of the competent authorities, and the funds shall be used for exclusive purposes. It is not necessary for the care facility/institution to handle this registration if any of the following facts exists:

1. The care facility/institution is affiliated to a juristic corporation or a public-welfare corporation that is established pursuant to other laws;
2. The size of the care facility/institution is small, and it



will not collect funds from the outside, receive donations / subsidies the privileges of tax reduction or exemption.

Where the care facility / institution has not registered itself as a corporation in accordance with the preceding Paragraph 1 within a limit (or is not in conformity with the preconditions of exemption registration), the care facility / institution may apply to the municipal and county (city) competent charge of specific business for extension once, and the extension no longer than three months. An overdue application shall make the invalid.

Regulations on the permit / approval requirements, procedure, revocation permit / approval cancellation and abolishment, suspension, extension migration, supervision and management, etc., are prescribed by the competent authority.

Article 63-1 A person who has following conditions shall not be in charge of a welfare care facility / institution for people with disabilities.

1. Has been found guilty of drug possession, violent crime, sexual harassment or sexual assault.
2. Has been convicted of disorderly behavior violating the rights of the disabled.

The competent authority shall actively investigate the person in charge stated in the preceding paragraph.

A welfare care facility / institution for people with disabilities shall terminate, by transfer, severance, retirement or termination of the employee contract, the job of the person who currently works in the disability welfare institution and meets any condition in paragraph 1.

Article 64 The competent authorities of all levels shall periodically counsel, review and evaluate a welfare care facility / institution for people with disabilities, and the conditions of guiding, reviewing and improving in the institution shall be included in the evaluation index items. The results of review should be classified as follows:

1. Excellence
2. Grade A
3. Grade B
4. Grade C
5. Grade D

Any welfare care facility / institution for people with disabilities that are reviewed as Excellent Level or A Level in the previous paragraph shall be awarded; any welfare care facility / institution for people with disabilities that are reviewed as C Level or D Level shall make improvements according to the guiding of the competent authorities.

The items, methods, awards, counselling and improvement of periodically guiding, reviewing and evaluating a institution stated in paragraph 1 shall be prescribed by the central competent authorities.

- Article 65 A written contract shall be signed between a welfare care facility/institution for people with disabilities and the care receivers or their families on the mutual understanding of rights, interests and obligations, duties.
- A written contract of transfer and settlement shall be signed between the municipal and county (city) competent authorities and a welfare care facility/institution for people with disabilities on the mutual understanding of rights, interests and obligations, duties.
- The central competent authority concerned shall set forth a standard pattern of the written contract, based on the format, & content mentioned in previous sections. The things/issues to be recorded or not shall be all listed in the pattern.
- The pattern of the standard contract shall be published by the care facilities/institutions and to be (delivered to the clients) along with the receipts of payment. Unless otherwise specified, this shall be regarded as a mutually agreed contract, as stated in Paragraph 1 of this Article.
- Article 66 A welfare care facility/institution for people with disabilities shall insure itself with public liability insurance and secure its own operation in order to protect the rights and interests of people with disabilities.
- The scope and amount of public liability insurance in the above paragraph shall be prescribed by the central competent authority and the central competent authorities in charge of specific business.
- The secure capability of operation referred to in Paragraph 1 and its judging standard are prescribed by the municipal and county (city) competent authority where the welfare care facility/institution registers.
- Article 67 Where people with disabilities apply for setting up retail stores or booths in public places owned by the government, or for purchasing or rent public housing or parking lots, the government shall reserve certain quota of the places for them to permit/approve their applications first. The reserved quota is prescribed by the municipal and county (city) competent authorities.
- The conditions of the applicant and limits on the rent or transfer to others mentioned in previous paragraph are prescribed by the competent authorities of specific business.
- Other applicants with disabilities shall enjoy priority to rent and transfer.
- The government shall provide low-interest financing or rent subsidies to people with disabilities who purchase or rent the stores or booths referred to in Paragraph 1, and the regulations are prescribed by the central competent authority.
- Article 68 The municipal and county (city) governments (competent authorities) shall reserve quotas and priorities for the permit/approval in favor of the welfare care facilities/institutions,

associations and those qualified for establishment of sheltered workshops to set up sheltered workshops (welfare factories or sto places, or for providing residences in public dwelling houses. The reserving quotas in above mentioned paragraph shall be put in of constructing plan during the planning stage of specific areas and county (city) competent authorities in charge of specific bus with the municipal and county (city) competent authorities. The applicant qualified for permit / approval, limits on its rent are implemented under related regulations prescribed by the compe in charge of specific business; the objects of rent and transfer to the related welfare care facilities / institutions or associat with disabilities.

Article 69 The government departments (agencies / organizations) of individual levels, public schools, public business agencies / organizations / institutions, and the care facilities / institutions, associations, private schools receiving subsidies from the governments shall, during purchasing, under a reasonable price and lower than a certain amount, give priority to the products and services produced and provided by the welfare care facilities / institutions and associations, sheltered workshops for people with disabilities. The competent authorities of individual levels shall announce the information of the products and services referred to in the preceding paragraph at a fixed interval, or notify each unit that has the obligation to purchase the products and services of such information by letter, and such units shall support the purchase of the products and services to a certain percentage according to the related laws and regulations. Items of such products and services, percentages, certain amount, reasonable price, and the priority of purchasing referred to in the above two paragraphs as well as other related affairs / issues shall be prescribed by the central competent authority.

Article 69-1 The competent authorities of all levels should give guidance to people with seeing disability to establish cooperatives that provide massage services. If the members of the cooperatives mentioned in the above paragraph are all people with seeing disability and the cooperatives are operated following relating laws, the business tax should be paid according to the provisions of first paragraph of Article 13 in Value-added and Non Value-added Business Tax Act.

## **Chapter 6 (Economic)Security**

Article 70 The economical security for people with disabilities are to be planned and executed, step by step, by life subsidies, day care and residential care subsidies, caregiver allowance, and pension / annuity insurance.

Regulations on the pension/annuity insurance for people with disabilities mentioned in the above paragraph is implemented by the related social insurance

Article 71 The municipal and county (city) competent authorities shall, according to the result of need assessment, provide people with disabilities in their governed districts with following subsidies, and there shall be no limit on the time of setting the domiciles.

1. Life subsidy;
2. Day care and residential care subsidy;
3. Medical care subsidy;
4. Home care subsidy;
5. Assistive devices subsidy;
6. Subsidies on house rent and house-purchasing loan interest;
7. Parking lot purchasing loan interest or parking lot rent;
8. Other subsidy for necessary expenses (for their welfare).

Regulations on the subsidizations referred to in the preceding paragraph shall be prescribed by the central competent authority and the central competent authority in charge of specific business, except elsewhere stated in this Act and in others. To implement the affairs/issues mentioned in the preceding Clause 1, 2, 6, 7 of Paragraph 1, the municipal and county (city) competent authorities shall, on their own initiative and before the end of each fiscal year, as consolidating those information provided by the related departments (agencies/ organizations), reexamine the documents concerning the approved subsidy cases. However, whereas it is alteration of the applicant's qualification or it is deemed necessary for examination, the competent authorities may request the applicant to provide the related certification documents. For unqualified receivers, the subsidy shall be returned by the receivers within 60 days upon receiving, under the writing order issued by the municipal and county (city) competent authorities concerned. Shall it be not returned in time, the whole case will be sent to administrative execution.

Article 71-1 The competent authorities shall ask relevant organizations (institutions), groups, juristic corporators, or individuals to provide information required for processing the subsidies mentioned in the preceding article. The abovementioned respondents have an obligation to provide the information required.

The competent authorities shall duly perform the duty of care of information obtained in accordance with the provisions of the preceding paragraph, and possess, process and use that information according to the provisions of the Personal Information Protection Act.

Article 72 The government shall, by laws, reduce or exempt the taxes to be paid by people with disabilities or their supporters. Provided that a tax payer or his/her spouse or supported family members be disabled, it is allowed to record the special reduction amount in favor of people with disabilities on the tax

return, and the amount is prescribed in the Income Tax Act. The s received by people with disabilities or their supporters are not taxation.

Article 73 When people with disabilities participate in social insurance, the government shall, according to the household economical conditions/status', subsidize them for part of the premium required to be paid by the disabled themselves. Regulations on the subsidization for premium referred to in the preceding paragraph shall be prescribed by the central competent authority.

## Chapter 7 Protection Services

Article 74 When reporting on people with disabilities or those suspected with disabilities, no discriminative title or description shall be used by the media, and no non-factual or audience-misleading report is allowed to direct the audience to discriminate or prejudice against people with disabilities. The mass media shall not blame on the disease/morbid condition or impairment/disability of the litigant only because people with disabilities are involved in related lawsuits, or before the courts judge that the disease/morbid condition or impairment /disability of the litigant causes the incident.

Article 75 Any of the following acts shall not be imposed on people with disabilities:

1. Desertion.
2. Physical and mental abuse.
3. Freedom restriction.
4. Leave the incompetent disabled persons alone in specific environments/situations where they might be put in danger or get hurt.
5. Make use of people with disabilities to beg or act for performance.
6. Force or seduce people with disabilities to get married.
7. Other crimes or misbehaviors against people with disabilities or make use of them.

Article 76 Medical staff, social workers, educational workers, police-officers, village (neighborhood) secretaries, and other personnel who implement disability welfare business Shall report the suspicious case in any one of all clauses in the preceding Article to the municipal and county (city) competent authorities in charge of specific business no later than 24 hours. Village/borough heads or any other persons shall report any suspicious case to the municipal and county (city) competent authorities. The personal information of the reporter in the above mentioned paragraphs shall be kept secret. While being informed in accordance with preceding paragraphs, the municipal and county (city) competent authorities shall conduct or commission other organization/institution or

association to conduct a visit and investigation to people with disabilities later than 24 hours, and the investigation report shall be submitted within 5 days upon receiving the case. The authorities can ask for necessary assistance from the police-offices, hospitals or other relating agencies /or institutions.

Regulations on reporting procedure and follow-up referred to in the above paragraph are prescribed by the central competent authorities.

**Article 77** While the legal supporters who take care of people with disabilities by law or by contract lose their supportive capability or violate any of the provisions of subparagraphs in Article 75 and endanger people with disabilities life-threateningly, physically or economically, the municipal and county (city) competent authorities shall provide the appropriate protection and settlement, upon request of people with disabilities themselves, legal supporters, or based on request of the municipal and county (city) competent authorities /commissions, after need assessment is taken. The expenses occurred during the implementation of the above paragraph are to be paid by people with disabilities or their legal supporters, with the exception of subsidies issued by the municipal and county (city) competent authorities pursuant to Clause 2 of Paragraph 1 in Article 71.

**Article 78** Shall people with disabilities encounter any of the difficulties as one of all clauses listed in Article 75, and be in instant danger or danger suspension on lives, body, or freedom, the municipal and county (city) competent authorities shall provide urgent protection, settlement, or other necessary disposition. As confronting the urgent protection, settlement, or other mandatory management, the municipal and county (city) competent authorities can ask for necessary assistance from the prosecutors or local police-offices to complete the above urgent task.

**Article 79** The urgent protection or settlement in the preceding Article can be commissioned to related welfare care facilities /institutions for people with disabilities. The expenses shall be paid by the persons who conduct any of the acts /mistreatments referred to in Paragraph 1 of Article 78. The above expense, if necessary, shall be paid in advance by the municipal and county (city) competent authorities, and copies of receipts and a detail calculation for the reimbursement must be sent to the persons who conduct any of the acts /mistreatments referred to in Paragraph 1 of Article 78. The above reimbursement shall be requested in written by the municipal and county (city) competent authorities, and paid within 10 to 30 days upon receiving related documents. If the return of reimbursement has not been completed after the date of expiration, the case will be referred to the courts for compulsory enforcement.

**Article 80** The urgent protection or settlement for people with disabilities in Article 78 shall not exceed 72 hours; while settlement

shorter than 72 hours does not provide sufficient protection to p disabilities, the case will be referred to the courts for a(judgm continuous protection and settlement. The time limit for continuo and settlement is no longer than three months, and the cases can the courts for a sentence of the necessary extensions.  
For people with disabilities who are in the continuous protection the municipal and county (city) competent authorities shall, acco condition/status of people with disabilities and their need, ass disabilities to apply to the courts for the announcement of inter The municipal and county (city) competent authority concerned men shall assess and assist in transferring people with disabilities care facilities/institutions before the continuous protection an expire.

Article 81 For people with disabilities who are in a necessary status of interdiction announcement, the municipal and county (city) competent authorities shall assist the application to the courts. When the factors causing interdiction announcement are eliminated, the authorities concerned mentioned above shall assist people with disabilities to apply for an abatement of interdiction to the original courts of judging.  
When it is necessary to change the guardians, the competent municipal and county (city) authorities shall assist people with disabilities to do such an appeal.  
If the court shall appoint a social welfare care facility / institution, a corporation as the guardian, the municipal and county (city) competent authorities shall supervise the implementation of the guardian obligation; regulations on the related supervision are prescribed by the central competent authority.

Article 82 The municipal and county (city) competent authorities, related welfare care facilities / institutions for people with disabilities, provide residence arrangement service for people with disabilities in a community, and suffer opposition from the dwellers in any pattern whatever, the competent municipal and county(city) governments shall provide assistance to expel the opposition.

Article 83 To ensure the security on the rights & interests of the property of people with disabilities, the central competent authority shall, together with the related competent authorities in charge of specific business, encourage trust enterprises to provide property trust scheme for people with disabilities.

Article 84 During a lawsuit in processing, if people with disabilities is involved in the lawsuit or has to testify, the prosecutor or the judge shall, according to the special need of his / her disability category and grade, provide necessary assistance.  
In case an accused or a suspect is unable to make a complete statement due to mental disabilities or other mental defects, the municipal and county (city) competent authorities shall

appoint a social worker as a qualified assistant pursuant to Article 16 of Criminal Procedure.

While the appointed assistant pursuant to Paragraph 1 in Article 16 of Criminal Procedure is unable to take the position, a social welfare organization or association can apply for the re-appointment to the municipal and county (city) competent authorities, in accordance with the provisions mentioned above.

Article 85 While people with disabilities are institutionalized in correction facilities / organizations / institutions by law, the competent authorities in charge of law shall make necessary improvements upon considering the characteristics of the correction facility / organization / institution, current installations of the facilities and the special need of people with disabilities.

## Chapter 7 Penal Provisions

Article 86 Anyone who violates the regulations of Paragraph 1 of Article 16 will be fined a sum no less than NT\$100,000 and no more than NT\$500,000.

Anyone who violates the regulations of Article 74 will be fined a sum no less than NT\$100,000 and no more than NT\$500,000 by the competent authority in charge of specific business.

Article 87 Anyone who violates the regulations of Paragraph 1 of Article 40 will be fined a sum no less than NT\$100,000 and no more than NT\$500,000 by the municipal and county (city) competent authority in charge of labor.

Article 88 Where the regulations of no improvement, or no alternative improvement plan submitted, or the improvement not completed within the time limit specified in the approved improvement plan (in charge of the management of public buildings, gathering places and public transports), referred to in Paragraph 3 of Article 57, are violated, the competent authorities of individual levels may stop using the public buildings, gathering places, and public transports, and fine the owner or the principal of the management department / agency a sum no less than NT\$60,000 and no more than NT\$300,000, and order improvement within a stipulated time limit. In case improvement is not completed within the stipulated time limit, the competent authorities may continue to issue fines till the improvement is completed, and can cut the water or electricity supply, or shut them down completely and dismantle it coercively where necessary.

The competent authorities shall establish a fund and use the fines as the incomes of the fund to improve and promote access-free equipment and facilities / installation. Regulations on management and use of the fund shall be prescribed by the central competent authorities in charge of specific business.

Article 89



Whereas a welfare care facility / institution for people with disabilities is opened without permit / approval of the establishment in accordance with Paragraph 1 of Article 63, or without juristic incorporator registration within the specified time limit in accordance with Paragraph 2 or 3 of Article 63, the principal will be fined a sum no less than NT\$60,000 and no more than NT\$300,000. The competent authority may publicize the name of the principle, and may order improvement within a stipulated time limit.

During the stipulated time limit mentioned above, the welfare care facility / institution shall take no more people with disabilities. The principal of the violating care facility / institution will be fined a sum no less than NT\$60,000 and no more than NT\$300,000, and may be fined per violation continuously.

Whereas the care facility / institution referred to in Paragraph 1 (does not) abide by the order of the competent authority to improve within the stipulated time limit, the principal will be fined a sum no less than NT\$100,000 and no more than NT\$500,000, and may be fined per violation continuously. The competent authority may publicize the name of the care facility / institution, and may order it to shut down the business.

Whereas the care facility / institution referred to in the above paragraph does not abide by the order of the competent authority to close out the business, the principal will be fined a sum no less than NT\$200,000 and no more than NT\$1,000,000, and may be fined per violation continuously.

Article 90 Whereas a welfare care facility / institution for people with disabilities violates any of following clauses and is confirmed in the investigation by the competent authorities, the care facility / institution will be fined a sum no less than NT\$60,000 and no more than NT\$300,000, and ordered to improve within a stipulated time limit. In case the care facility / institution does not improve accordingly after the time limit has expired, it may be fined per violation continuously.

1. One of the clauses listed in Article 75.
2. Provide unsafe facilities / installation or equipment or insanitary food.
3. Other major events sufficient to influence the mental and physical health of people with disabilities.

Article 91 Whereas a welfare care facility / institution for people with disabilities stops its business or dissolves, the competent authority shall appropriately settle down people with disabilities served by the care facility / institution, and care facilities / institutions for people with disabilities shall be cooperative; otherwise, coercive execution may be performed and a sum no less than NT\$60,000 and no more than NT\$600,000 will be fined.

Regulations on the above takeover procedure, terms, and limitation of the rights & interests of operation and property management, etc., of the care facility / institution under takeover, are prescribed by the central competent authorities. While the care facility / institution completes the improvement, it shall prepare the related information and documents to apply to the authority concerned for reopening; the reopening planning proposal shall be submitted to the central competent authorities

for reference after the review is taken by the authority concerne

Article 92 During the period of being ordered by the competent authority to improve conditions according to Article 90, 93 and 94, a welfare care facility / institution for people with disabilities shall not take more residents of people with disabilities. and the violator will be fined a sum no less than NT\$60,000 and no more than NT\$300,000, and may be fined per violation continuously. Whereas a welfare care facility / institution for people with disabilities does not improve within the time limit stipulated by the competent authority pursuant to Article 90, and Article 93, Section 1-3 the competent authority may order it to shut down the business for no less than one month and no more than one year, and publicize its name. Any welfare care facility / institution for people with disabilities that is ordered by the competent authority to improve within a stipulated time limit pursuant to to Article 93, Section 4 and has not improved by the stipulated time limit shall be ordered to shut down the business for no less than one month and no more than one year, and publicize its name. In case the welfare care facility / institution for people with disabilities still does not improve accordingly after the time limit has expired or seriously violates the laws or regulations, the competent authority shall withdraw the permit / approval or, if the care facility / institution is a juristic corporator, dissolve it. In case the care facility / institution still does not close out the business according to the regulations in paragraphs 2 and 3, it will be fined NTD20,000~1,000,000 per violation continuously.

Article 93 The competent authorities shall periodically guide and evaluate / appraise the welfare care facilities / institutions for people with disabilities pursuant to Paragraph 1 of Article 64. If the competent authorities detect any of the following conditions, the care facility / institution shall be stipulated to improve within a specified time limit. In case the care facility / institution still does not improve accordingly after the time limit has expired, it may be fined a sum no less than NT\$50,000 and no more than NT\$250,000, and may be fined per violation continuously:

- 1.The objective of business operation does not meet the target of care facility / institution establishment or the Bylaw of Donation.
- 2.The care facility / institution violates the standard of original permit / approval to its establishment.
- 3.The sum of property does not afford to achieve the targeted business, or the care facility / institution submits an dishonest financial report.
- 4.The care facility / institution is graded as unqualified by competent authorities.

Article 94 Whereas a welfare care facility / institution for people with disabilities is detected any of the following conditions and

shall be stipulated to improve within one month. In case the care institution still does not improve accordingly after the time limit it will be fined a sum no less than NT\$30,000 and no more than NT\$150,000, and may be fined per violation continuously if:

- 1.The care facility/institution does not submit the standard of to Paragraph 4 of Article 63, or it overcharges against the regulation
- 2.The care facility/institution does not meet the regulations prescribed by the central competent authorities pursuant to Paragraph 4 of Article 63, expand, or migrate.
- 3.The care facility/institution violates Paragraph 1 of Article 63 and does not(establish)a written contract with care receivers or their families to include the forbidden items into the contract.
- 4.The care facility/institution for people with disabilities violates Paragraph 1 of Article 66 and does not insure public liability insurance or secure its operation.

Article 95 Anyone who violates any of clauses in Article 75 shall be fined a sum no less than NT\$30,000 and no more than NT\$150,000. The competent authority may publicize the name.

The home caregiver or family member of people with disabilities who violates any clause in Article 75, shall be punished according to the regulation mentioned above. In addition, the(municipal)and county (city) competent authorities shall order him/her to take a family education lesson and guidance no less than eight hours and no more than fifty hours, and to charge for the lesson where necessary. The standards of charges are prescribed by the municipal and county (city) competent authorities.

Whereas the one referred to in the above paragraph(does not)abide by the order of the competent authority to take the family education lesson and guidance or the hours are not sufficient, he/she will be fined a sum no less than NT\$3,000 and no more than NT\$15,000, and may be fined per violation continuously until the order is taken.

Article 96 Where any of the following conditions occurs, the person or the agency/organization/institution will be fined a sum no less than NT\$20,000 and no more than NT\$100,000 by the municipal and county (city) competent authorities in charge of labor:

- 1.An occupational training agency/organization/institution, employment service agency/organization/institution or sheltered workshop violates Paragraph 3 of Article 35 and is ordered to close out the service for improvement within a stipulated time limit, and the agency/organization/institution does not abide by the order, or without any improvement.

- 2.A private school, association or agency/organization/institution of private sectors violates Paragraph 2 of Article 38 without proper reasons.

Article 97 An agency/organization/institution, association, or private school receiving subsidies from the governments which violates Paragraph 2 of Article 69 without proper reasons shall be fined

a sum no less than NT\$20,000 and no more than NT\$100,000 by the c  
authorities in charge of specific business.

Article 98 Those who violate the 1st paragraph of Article 46 shall be fined NT\$10,000-50,000 by the competent labor-affairs authorities of the directly-controlled municipality level and the county (city) government level. Additionally, the proprietor or the person in charge of the business establishment where such a violation occurs shall be fined NT\$20,000-100,000 and ordered to improve within a time limit. Those who fail to improve upon the expiration of the time limit shall be fined on a per-violation basis. Those who violate the 5th paragraph of Article 46 shall be ordered by the competent labor-affairs authorities of the directly-controlled municipality level and the county (city) government level to improve within a time limit and shall be fined NT\$10,000-50,000 on a per-violation basis if improvements have not been made by prescribed time. Penalty proceeds from the two previous paragraphs shall be incorporated into the exclusive Employment Fund established for people under directly-controlled municipalities and county (city) governments, being used specifically for facilitating the employment of the visually impaired.

Article 99 Regarding domestic air transport enterprises that restrict or refuse to provide transport services to people with disabilities in violation of the 4th paragraph of Article 53 and that charge persons accompanying people with disabilities in violation of the 4th paragraph of Article 58 or public transportation vehicles that have not installed barrier-free facilities as stipulated by the 6th paragraph of Article 53, the competent authority in transportation shall request each offending operator to submit an improvement plan within a limited period of time. In case the public parking area does not improve accordingly after the time limit has expired, the owner or manager will be fined a sum no less than NT\$10,000 and no more than NT\$50,000.

Whereas a public parking area does not reserve a certain quota of the parking lots for people with disabilities pursuant to Paragraph 1 of Article 56, the competent authority shall order improvement within a stipulated time limit. In case the public parking area does not improve accordingly after the time limit has expired, the owner or manager will be fined a sum no less than NT\$10,000 and no more than NT\$50,000.

Article 100 Anyone who violates the regulations referred to in Paragraph 2 of Article 16 or in Paragraph 2 of Article 60 will be ordered to improve within a stipulated time limit. In case the persons do not improve accordingly after the time limit has expired, they will be fined a sum no less than NT\$10,000 and no more than NT\$50,000, and ordered to participate in a four-hour training.

Article 101 Whereas the agency / organization / institution providing sheltered employment violates the regulations referred to in Paragraph 1

of Article 41, the municipal and county (city) competent authority shall order improvement within a stipulated time limit; in /organization/institution does not improve accordingly after the time limit has expired, it will be fined a sum no less than NT\$6,000, and may be fined per violation continuously.

Article 102 The government employee (civil servant/public official) who carries any of the following behaviors while performing his/her commissions /duties shall be penalized:

1. Violating the regulations of Paragraph 1 of Article 16.
2. Violating the regulations of Paragraph 1 of Article 38, Paragraph 1 of Article 67, Paragraph 1 of Article 68, or Paragraph 2 of Article 69, without proper reasons.

Article 103 The competent authorities of individual levels in charge of labor shall publicize the violators against the regulations referred to in Paragraph 1 or 2 of Article 38. The persons who do not abide by the regulations in Paragraph 2 of Article 43 and pay the difference subsidies periodically, will be fined a delinquency charge with overdue fine of 0.2% of the unpaid difference subsidies each day since the day next to the difference subsidies due until one day before the complete payment. The total delinquency charge with overdue fine is limited within one time of the unpaid difference subsidies. The income of the above delinquency charge shall be included in the exclusive account of the employment fund set up by the municipal and county (city) governments for people with disabilities, and shall be used for exclusive purposes.

Article 104 The fines and reprimandment /penalty under this Act are executed by the municipal and county (city) competent authorities except elsewhere stated.

Article 104-1 To any violation of the provisions of Article 59, the competent authority should order to make improvements within a limited time period. Failure to comply with such order will be warned first, followed by fines of NTD10,000 to NTD50,000 for the second compliance failure; institution and the name of the person in charge will be announced in the case of serious condition

## **Chapter 9 Supplementary Provisions**

Article 105 The governments hierarchy of individual levels shall report the implementation of this Act to the civil representative organization/council yearly.

Article 106 People with disabilities who receive the disability manual before the comprehensively enforcing/implementation of the amended articles on July 11, 2007 shall apply for re-evaluation and need assessment, or for change to disability identification within the appointed time/date and procedures set up by the municipal and county (city) competent authorities; in case people with disability who fail to apply upon expiration, the

authorities concerned shall proactively assist them to handle the application procedures; those who refuse to handle without proper authorities concerned may abolish the received disability manual. People with disabilities who apply for re-evaluation (re-appraisal/ascertaining/re-verification), and need re-assessment, or for disability identification according to the above paragraphs shall return to original welfare services before the issuance of disability identification manual by municipal and county (city) competent authorities in accordance with the provisions/articles before the amendment on July 11, 2007. The municipal and county (city) competent authorities shall accommodate and handle the related affairs for people with valid permanent disability manuals within the scope of the comprehensively enforcing/implementation of amended articles on July 11, 2007.

- Article 107 The provision of Article 38 amended on June 5th in 2007 in this Act will come into force two years since the date of promulgation; Article 5 to Article 7, Article 13 to Article 15, Article 18, Article 26, Article 50, Article 51, Article 56, Article 58, Article 59 and Article 71 will come into force five years since the date of promulgation. The provisions amended on June 12, 2009 will come into force on November 23, 2009. The provisions amended on 000 will come into force as of the date of promulgation except that Article 61 will come into force two years since the date of promulgation.
- Article 108 Enforcement Rules for this Act will be prescribed by the central competent authority.
- Article 109 This Act will come into force as of the date of promulgation except elsewhere stated.