



Article Content

Title : Act for Settlement of Labor-Management Disputes CH

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Category : Ministry of Labor (勞動部)

Chapter I General Provisions

- Article 1 The Settlement of Labor-Management Disputes Act (here-in-after referred to as the Act) is enacted for the purpose of settling labor-management disputes, protecting workers' rights and interests, and stabilizing employment relations.
- Article 2 The parties to labor-management dispute shall resolve their dispute in good faith and through the principle of self-governance.
- Article 3 The Act applies when a labor-management dispute arises between employer(s) or an employer organization with legal person status (here-in-after referred to as the employer organization) and worker(s) or a labor union. Provided that, the Act is not applicable to a teachers' labor-management dispute involving matters which shall be resolved through administrative remedies in accordance with other related statutes.
- Article 4 The term "competent authority" referred to in the Act shall be the Ministry of Labor at the central level, the municipal government at the municipal level, and the county (city) government at the county (city) level.
- Article 5 The terms used in the Act are defined as follows:
1. Labor-management disputes denote to the rights disputes and the interests disputes.
 2. Rights disputes denote to the disputes over the rights and obligations under the laws, regulations, collective agreements, or labor contracts between employers and employees.
 3. Interests disputes denote to the disputes between employers and employees with respect to

maintaining or changing terms and conditions of employment.

4. Dispute activities denote to strikes or any industrial actions impeding business operations by labor unions to disputes and activities conducted by employers concerned in order to accomplish their objectives respectively.

5. Strike denotes to the activity that employees refuse temporarily to provide their services.

Article 6 Rights disputes may be settled by the procedures of mediation, arbitration or decision on unfair labor practices in accordance with the Act. The court, if necessary, shall set up a labor court to adjudicate rights disputes. The Central Competent Authority may provide proper support if employees in the labor dispute falls under any of the following situations:

1. Files a lawsuit;
2. Files for arbitration in accordance with the Arbitration Act;
3. Applies for a decision in accordance with the Act for any of the causes specified in Subparagraphs 1 to 4 of Paragraph 1 of Article 35 of the Labor Union Act.

The Central Competent Authority may authorize a civic organization to provide supports referred to in the preceding Paragraph. Application qualification, scope of support, review method and authorization for any given aid referred to in the preceding two Paragraphs shall be determined by the Central Competent Authority.

Article 7 Interests disputes shall be settled by the procedures of mediation or arbitration in accordance with the Act. The party from the labor side to the labor-management dispute referred to in the preceding Paragraph shall be a labor union. Provided that, in the following situations, the claimants may be the party from the labor side:

1. Ten or more employees not joining in a labor union but having the same claim.
2. Two-thirds or more employees hired by a business entity of less than ten employees not

joining in a labor union but having the same claim.

Article 8 During the procedures of mediation, arbitration or decision on unfair labor practices, an employer may not suspend or shut down its business, terminate the labor contract, or undertake any other activities unfavorable to employees arising from a labor-management dispute. Employees may not resort to strikes or undertake any other dispute activities arising from a labor-management dispute.

Chapter II Mediation

Article 9 When a party to a labor-management dispute applies for mediation, the application in writing for mediation shall be submitted to the municipal or county (city) competent authority where party from the labor side concerned provides services. If party to a labor-management dispute referred to in the preceding Paragraph is an agency (institution) or a school as prescribed in Paragraph 2 to Article 10 of the Collective Agreement Act, the agent attending at the mediation meeting shall submit a written authorization issued by its superior agency of foresaid agency (institution) or school. The municipal or county (city) competent authority referred to in Paragraph 1 may, if necessary, hands over ex officio the labor-management dispute to mediate and notify the parties concerned. If there are two or more parties from the labor side involving in the mediation referred to in Paragraph 1 and the Preceding Paragraph, the competent authorities where each party provides services shall have jurisdiction to process the mediation case.

Article 10 An application for mediation shall be submitted in writing and the following items shall be included:

1. Names, gender, age, occupations and residences or domiciles of the parties; in case that the parties are legal persons, employer organizations

or labor unions, their names, persons in charge, offices or places of business; and names, residences, domiciles or offices of agents, if any.

2. Matters requested to be mediated.

3. The way of choosing mediation in accordance with Paragraph 1 to Article 11 of the Act.

Article 11 After receiving application for mediation, the municipal or city (county) competent authority shall, upon the request of the applicant, conduct the mediation by one of the following methods:

1. Assign a mediator.

2. Organize a mediation committee of labor-management dispute (here-in-after referred to as mediation committee).

When the municipal or city (county) competent authority hands over ex officio the dispute to mediate, the mediation may be processed by one of methods prescribed in the preceding Paragraph.

The municipal or city (county) competent authority may commission civil organizations to assign a mediator to mediate as referred to in Item 1 of Paragraph 1.

Regulations concerning mediation procedures, qualifications of appointing mediators or members of mediation committee, and qualifications of commissioned civil organizations and other matters of compliance shall be prescribed by the Central Competent Authority.

Except for the expenses of commission, the competent authority may subsidize the civil organizations referred to in Paragraph 3.

Article 12 When the municipal or city (county) competent authority assigns a mediator to mediate, the mediation shall be processed within three days after receiving the application in writing for mediation.

A mediator shall investigate the facts and commence the mediation within seven days since the date of his/her assignment.

When a mediator conducts the investigation, the municipal or city (county) competent authority shall notify the parties, persons or business

entities concerned to provide oral or written statements; if necessary, the mediator may enter into the business entity concerned for interviewing and investigating with the approval of the competent authority.

The persons being notified or interviewed as referred to in the preceding Paragraph shall not make false statements, provide false information or refuse to explain without justifiable reasons. The mediators shall propose mediation proposals within ten days after the commencement of the mediation, and Articles 19, 20, and 22 shall be applicable *mutatis mutandis*.

Article 13 A mediation committee shall have three or five members organized by the following persons, and the chair of the committee shall be the one designated by the municipal or city (county) competent authority:

1. One or three persons assigned by the municipal or city (county) competent authority.
2. Two persons respectively selected by the parties to the labor-management dispute.

Article 14 When the mediation is processed by a mediation committee, the municipal or city (county) competent authority upon receiving the application in writing for mediation or handing over *ex officio* the dispute to mediate shall notify the parties to the labor-management dispute; the parties concerned shall select members of the mediation committee within three days since the date of receiving the notification, and submit their names, gender, age, occupations, and residences or domiciles to the competent authority. If no member of the mediation committee is selected within a given period, the municipal or city (county) competent authority shall designate the members on behalf of the parties concerned.

The municipal or city (county) competent authority referred to in the preceding Paragraph shall prepare name list of members of mediation committee for reference.

- Article 15 When the mediation is processed by a mediation committee, the municipal or city (county) competent authority shall organize a mediation committee and convene a mediation meeting within fourteen days of after completing the selection or assignment of members of the mediation committee.
- Article 16 The mediation committee shall assign member(s) to investigate the facts, unless there are unusual circumstances the member(s) shall submit the fact-finding result and solution proposal to the committee within ten days after the assignment. The mediation committee shall hold a meeting within fifteen days after receiving the fact-finding result and solution proposal. If necessary or with the consent of the parties to the dispute, the holding of the meeting can be further extended for seven days.
- Article 17 Members of mediation committee shall attend the meeting of mediation committee in person, and shall not attend the meeting by proxy; this provision is also applicable when the member(s) is assigned to investigate the fact.
When member(s) of the mediation committee conducts the investigation or the mediation committee holds a meeting, the municipal or city (county) competent authority shall notify the parties, persons or business entities concerned to provide oral or written statements; If necessary, member(s) of the mediation committee may enter into the business entity concerned for interviewing and investigating with the consent of the competent authority.
The persons being notified or interviewed as referred to in the preceding Paragraph shall not make false statements, provide false information or refuse to explain without justifiable reasons.
- Article 18 The meeting of mediation committee shall be held with the attendance of more than one half of members; the mediation proposal shall be made and approved by more than one half of the attending members.

- Article 19 The mediation is successfully concluded when the mediation proposal is approved in accordance with the preceding Article and the parties to the labor-management dispute agree to sign the mediation record. Provided that, if the party to a dispute is an agency (institution) or a school as prescribed in Paragraph 2 to Article 10 of the Collective Agreement Act, its agent shall submit a written authorization issued by the superior agency of foresaid agency (institution) or school before signing the mediation record.
- Article 20 The mediation is not successfully concluded, when the parties to the labor-management dispute object to the mediation proposal approved by the mediation committee.
- Article 21 When there is one of the following situations, the mediation is deemed as unsuccessful:
1. The chair of the mediation committee convenes the meeting, and the number of attending members is less than one half of the members of mediation committee for two consecutive meetings.
 2. A mediation proposal is not made.
- Article 22 Regardless of whether the mediation is successful or not, the mediation committee shall submit the mediation record to the municipal or county (city) competent authority for delivery to the parties to the labor-management dispute.
- Article 23 When the mediation is successfully concluded, it is deemed as a contract between the parties to the labor-management dispute; if one of the parties is a labor union, the mediation is deemed as a collective agreement between the parties.
- Article 24 Mediators, members of mediation committee, and persons who participate in the mediation and process the mediation affairs shall keep the mediation matters confidential, except those already known by the public.

Chapter III Arbitration

Article 25 When a mediation of labor-management dispute is not successfully concluded, the parties may jointly apply for handing over an arbitration to the municipal or county (city) competent authority. Provided that, for an interest dispute, if one party that is an agency (institution) or a school as prescribed in Paragraph 2 to Article 10 of the Collective Agreement Act shall not apply for arbitration without the approval by the superior agency of foresaid agency (institution) or school.

When one of the parties to an interest dispute is a worker as referred to in Paragraph 2 to Article 54 of the Act, either party to the dispute may apply for handing over an arbitration to the municipal or county (city) competent authority; when the industries referred to in Paragraph 3 to Article 54 of the Act are involved in an interest dispute and both parties fail to reach a minimum service clause, either party may apply for handing over an arbitration to the Central Competent Authority.

With the written consent of both parties to the labor-management dispute, any party may apply for handing over an arbitration to the municipal or county (city) competent authority without going through mediation procedures.

When an interest dispute is not successfully concluded, the municipal or county (city) competent authority regards that the dispute is of great impact on livelihood and interests of the public or receives the request of the competent authority of related business, and may ex officio hand over the dispute to arbitrate and notify both parties.

Article 26 After the competent authority receiving the application for arbitration, the applicant can request to arbitrate by either of the two following methods, however, if the arbitration is applied by one of the parties for handing over an arbitration or handed over by the competent authority ex officio, the arbitration may only be conducted by the method as referred to in Subparagraph 2:

1. Selecting a single arbitrator with full authority.
 2. Organizing an arbitration committee of labor-management dispute (here-in-after referred to as the arbitration committee).
- Regulations concerning qualifications of arbitrator and members of the arbitration committee, methods of appointment, selection, arbitration procedures and other matters to be complied shall be prescribed by the Central Competent Authority.

Article 27 When the parties agree to select an arbitrator to arbitrate, the municipal or city (county) competent authority shall, upon receiving the application for arbitration, notify the parties to labor-management dispute to select a single arbitrator with full authority from the name list of arbitrators prepared by the municipal or city (county) competent authority, and they shall report the result of their selection within five days on the date of receiving the notice; if the arbitrator is not selected within the given days, the municipal or city (county) competent authority shall designate an arbitrator on behalf of the parties.

Arbitrators referred to in the preceding Paragraph shall be appointed from persons who are qualified, impartial and with professional knowledge and experiences by the municipal or city (county) competent authority, and their name list shall be compiled and filed by the municipal or city (county) competent authority to the Central Competent Authority for review and record.

Articles 32, 33, and 35 to 37 of the Act shall apply, mutatis mutandis, to arbitration procedures conducted by a single arbitrator with full authority.

Article 28 An application in writing by the parties for handing over an arbitration shall be submitted together with the mediation record or a written consent of not going through mediation procedures; if an arbitration is applied for by

any of the parties, documents pursuant to Paragraph 2 to Article 25 of the Act shall be submitted.

Article 29 When an arbitration is conducted by the arbitration committee, the competent authority shall, upon receiving the application for arbitration or handing over the arbitration ex officio, notify the parties to labor-management dispute to respectively select members of arbitration committee from the name list of members of arbitration committee prepared by the competent authority, and the parties shall report the result of their selection within five days on the date of receiving the notice; if members of arbitration committee are not selected within the given days, the competent authority shall designate the members on behalf of the parties. The competent authority shall notify members of the arbitration committee within three days of selecting or designating members of the arbitration committee, the members shall select the chief member and other members of arbitration committee in accordance with Paragraphs 1 and 2 or 4 to Article 30 and report the result of selection to the competent authority within seven days of receiving the notice; if the selection cannot be made within given days, the competent authority shall designate on behalf of the members.

Article 30 The arbitration committee shall have three or five members organized by the following persons:

1. Two persons respectively selected by the parties to labor-management dispute.
2. One or three persons jointly selected by the members of arbitration committee who are selected by the parties to labor-management dispute from the name list of members of arbitration committee.

The arbitration committee referred to in the preceding Paragraph shall have a chief member selected by members referred to in Subparagraph 2 of the preceding Paragraph, and the chief member shall be the chair of the committee meeting(s).

Members of arbitration committee shall be appointed from persons who are qualified, impartial and with professional knowledge and experiences by the municipal or city (county) competent authority, and their name list shall be filed by the municipal or city (county) competent authority to the Central Competent Authority for review and record.

When the arbitration is handed over ex officio by the Central Competent Authority in accordance with Paragraph 2 to Article 25, the arbitration committee shall have five or seven members; among them, two members shall be respectively selected by the parties to labor-management dispute and one or three members shall be jointly selected by those members. One member who is selected by jointly selected members shall be the chief member and also the chair of the committee meeting(s).

The members of arbitration committee referred to in the preceding Paragraph shall be appointed by the Central Competent Authority after consulting with the competent authorities of related business.

Article 31 The competent authority shall organize the arbitration committee and convene an arbitration meeting within fourteen days of after completing the selection or designation of the chief member of arbitrator committee.

Article 32 A person who has any of the following situations shall not be a member of the arbitration committee in the same labor-management dispute:

1. He/she was a member of the mediation committee for the labor-management dispute.
2. He/she, his/her spouse, ex-spouse or the person who has engagement with him/her is a party to the labor-management dispute, or he/she has the relationship in joint rights, joint obligations or obligations for payment of debt with the parties.
3. He/she is a relative of one of the parties within the eighth degree by blood, or within the fifth degree by marriage or who had such a

foresaid relationship.

4. He/she is or was an agent, parent or family member of a party to the labor-management dispute.

5. When a labor union is a party to the dispute, its members, directors, supervisors or staff members of the labor union.

6. When an employer organization or employer is a party to the dispute, its members, directors, supervisors, staff members or employees.

If a member of the arbitration committee has any of the situations referred to in the preceding Subparagraphs and does not recuse by himself/herself, or there are substantial facts indicating that he/she is likely not to be impartial, the parties to the labor-management dispute may apply to the competent authority for removing the member; Article 33 of the Administrative Procedures Act may apply, *mutatis mutandis*, to the foresaid application procedures.

Article 33 The arbitration committee shall assign member(s) to investigate the fact of the dispute; unless there are unusual circumstances, the member(s) shall submit the fact-finding report to the committee within ten days after the assignment. The arbitration committee shall make an arbitration decision within twenty days after receiving the fact-finding report; nevertheless, with the consent of the parties, the foresaid time limit can be extended by ten days. When the member(s) of arbitration committee conducts the fact-finding or the arbitration committee is convened, the competent authority shall notify the parties, persons or business entities concerned to provide oral or written statements; if necessary, the member(s) may enter into the business entity concerned for interviewing and investigating with the approval of the competent authority. The persons being notified or interviewed as referred to in the preceding Paragraph shall not make false statements, provide false information or refuse to explain without justifiable reasons.

Article 34 Meeting of the arbitration committee shall be called by the chief member. When the arbitration committee is organized by three members, the arbitration decision shall be made only when all three members attend the meeting and the majority of the attending members agree. When the arbitration committee is organized by five or seven members, the arbitration decision shall be made only when no less than two-thirds of the members attend the meeting and no less than three-fourths of the attending members agree. If a member fails to attend the meeting twice consecutively, he/she shall be relieved of his/her duty as a member of the arbitration committee, and the competent authority shall designate another member to replace.

Article 35 The arbitration award shall be rendered within ten days after the arbitration committee makes the arbitration decision, and be submitted to the competent authority for delivery to the parties to the labor-management dispute.

Article 36 If the parties to the labor-management dispute agree to settle the dispute during the arbitration procedures, the written settlement shall be submitted to the arbitration committee and the competent authority for review and record, and the arbitration procedures can be terminated. The settlement has the same effect as the mediation successfully concluded in accordance with the Act.

Article 37 The arbitration award rendered by the arbitration committee for rights dispute has the same effect as the final ruling of the court on the parties to the labor-management dispute.
The arbitration award rendered by the arbitration committee for interests dispute is deemed as a contract between the parties to the dispute. If one of the parties is a labor union, the arbitration award is deemed as a collective agreement between the parties.
When one party to a labor-management dispute may bring a lawsuit against the other party to revoke

the arbitration award referred to in the preceding two Paragraphs, Chapter 5 of the Arbitration Act shall be, *mutatis mutandis*, applied.

When an arbitration award is rendered for interests dispute, the parties to the labor-management dispute may not conduct an industrial dispute action again for the same dispute; this provision shall be applicable if a lawsuit for revoking the arbitration award is brought in accordance with the preceding Paragraph.

Article 38 Paragraph 4 to Article 9, Article 10, Paragraph 1 to Article 17 and Article 24 of the Act shall be, *mutatis mutandis*, applied to the arbitration procedures.

Chapter IV Decision on the Unfair Labor Practices

Article 39 Worker(s) may apply to the Central Competent Authority for a decision on any dispute referred to in Paragraph 2 to Article 35 of the Labor Union Act.

The application for a decision referred to in the preceding Paragraph shall be submitted within ninety days after the day when the worker(s) is aware of the violation of Paragraph 2 to Article 35 of the Labor Union Act or when the violation has occurred.

Article 40 An application for a decision on the unfair labor practices shall be submitted in writing and the following items shall be included:

1. Names, gender, age, occupations and residences or domiciles of the parties; in case that the parties are legal persons, employer organizations or labor unions, their names, persons in charge, offices or places of business; and names, residences, domiciles or offices of agents, if any.
2. Matters requested to be decided and their reasons and facts.

Article 41 When an application filed for a decision in accordance with Paragraph 2 to Article 35 of the Labor Union Act is in violation of Paragraph 2 to

Article 39 and the preceding Article of the Act, the members of the Board of Decision on the unfair Labor Practices (here-in-after referred to as the Board) shall make a decision of dismissal. Provided that, if the situations of violation can be corrected, the applicant shall be ordered to make the correction within a given period. The applicant cannot claim to review the decision of dismissal referred to in the preceding Paragraph.

Article 42 When a party applies for a decision on civil lawsuits pursuant to Paragraph 2 to Article 35 of the Labor Union Act, the court shall, ex officio, stay the civil procedures before the conclusion of the decision-rendering procedures. The court may still continue the mediation procedures for a lawsuit which is filed within the given period prescribed in Paragraph 2 to Article 39 and is deemed as an application for mediation in accordance with the Code of Civil Procedures. An application for a decision, unless it is withdrawn, shall have the same effect as filing a lawsuit with the court, and tolls the statute of limitations.

Article 43 The Central Competent Authority shall organize the Board. The Board shall act impartially and exercise its powers independently. The Board shall have seven to fifteen members, as appointed by the Central Competent Authority from professionals familiar with labor statutes and regulations and labor-management relations, who shall hold office on a part-time basis for a term of office for two years, including 1~3 members serving as standing members. Board members shall elect one among themselves as the Chair of the Board. The Central Competent Authority shall designate or hire a professional staff to execute the orders given by the chair of the board to assist with procedural review, issue coordination and data collection for the issue to be determined.

For the designated or hired person possessing a professional license, his or her service years shall be counted toward the seniority of professional practice.

Organization of the board, qualifications and requirements of board members, selection method, procedure of relevant matters to be dealt with by the board, transfer, designation, selection or appointment of the employee indicated in the preceding Paragraph, and regulations governing other applicable matters shall be determined by the Central Competent Authority.

- Article 44 The Central Competent Authority shall convene a meeting of the Board within seven days of receiving the application for decision.
- The Board shall assign one to three members to investigate, ex officio, the facts and necessary evidences, and shall make a fact-finding report within twenty days of their assignment; the time limit can be extended by twenty days if necessary.
- When member(s) of the Board conducts the investigate or the Board meeting is convened, the Central Competent Authority shall notify the parties, persons or business entities concerned to provide oral or written statements; if necessary, the member(s) may enter into the business entity concerned for interviewing and investigating with the approval of the Central Competent Authority.
- The persons being notified or interviewed as referred to in the preceding Paragraph shall not make false statements, provide false information or refuse to explain without justifiable reasons. If the applicant is notified to make statement at the Board meeting in accordance with Paragraph 3 and is absent twice without justifiable reasons, the application shall be deemed as being withdrawn; if the counterparty is absent twice, the Board may make the decision based upon the statement of the party who is present.
- If the parties to the decision are consent with a written settlement by themselves or a mediation plan made by a legal mediation authority on the

same dispute, the Board shall make a decision of dismissal.

Article 45 The Chair of the Board shall convene a board meeting within seven days when the board members made the fact-finding report, and the Board shall make the decision within thirty days on the date of meeting. However, with the consent of one-half or more of the board members who shall attend, the deadline can be extended by thirty days.

Article 46 The decision shall be made only when no less than two-thirds of the members attend the meeting and no less than one-half of the attending members agree; prior to making the decision, the parties shall make oral statements.
The board members shall attend the meeting in person, and shall not attend by proxy.
The standards of remuneration for the board members to review the cases shall be prescribed by the Central Competent Authority.

Article 47 A decision award shall include the following items:

1. Names, residences or domiciles of the parties, or in case that the parties are juristic persons, employer organizations or labor unions, their names, persons in charge, main offices or principal places of business.
2. Names, residences, domiciles or offices of agents, if any.
3. Holdings.
4. Facts.
5. Reasons.
6. Names of the Chair and attending board members.
7. Year, month and date.

After the Board makes a decision, the Central Competent Authority shall deliver the decision award to the parties within twenty days.

Article 47-1 The Central Competent Authority shall publicize the decision award by periodic publication or posting the same on its website, or in any other appropriate manner, provided that, where the decision award contains any information

restricted from disclosure or not made available pursuant to the Freedom of Government Information Act, only the parts other than such information may be disclosed.

The disclosure referred to in the preceding Paragraph may exclude a natural person's given name, ID No. and other information sufficient to identify the person, provided that, the natural person's family name and any designation that is sufficient to identify the person shall be disclosed.

Article 48 For the decision made for the civil dispute that is pursuant to Paragraph 2 to Article 35 of the Labor Union Act, in case that one of the parties does not, within thirty days after the original copy of the decision has delivered, files a civil lawsuit to the court and sues the other party concerned as the defendant with the same civil dispute covered by the original decision, or withdraws his/her lawsuit which had been filed, it shall be deemed that both parties have reached a consent in accordance with the decision award. When both parties have reached consent as referred to in the preceding Paragraph, the decision award shall be sent to the court where the Board is located for approval within seven days after the expiration of the given period referred to in the preceding Paragraph. If the court decides that the decision award referred to in the preceding Paragraph is not in violation of statutes or regulations, it shall approve and return the decision award to the Board for delivery to the parties. If the court decides that the procedures or contents of the decision are in violation of statutes or regulations and does not approve it accordingly, it shall inform the Board of its reasons. However, if the violation can be corrected, the Board shall be ordered to make the necessary correction within a given period. If a decision approved by the court shall be null and void or can be revoked with causes, any party may file a lawsuit to the court that approved the decision to proclaim that the decision is null

and void or shall be revoked.

A party shall file the lawsuit referred to in the preceding Paragraph within thirty days after the delivery of decision award approved by the court.

Article 49 A decision referred to in Paragraph 2 of the Preceding article that is approved by the court shall have the same effect as a final civil court decision.

Article 50 If a party makes a request based upon a decision pursuant to Paragraph 1 to Article 48 and intends to secure the compulsory execution or prevent the damage from worsening, the party may apply to the court for provisional attachment or provisional injunction prior to the approval of decision award by the court.

The creditor filing the application referred to in the preceding Paragraph may use the decision as a statement to replace the reason for provisional attachment or provisional injunction, and the court shall not order the creditor to provide a guarantee for the provisional attachment or provisional injunction.

Provisions concerning provisional attachment or provisional injunction in the Code of Civil Procedures, except for Article 529 shall apply, mutatis mutandis, to situations referred to in the preceding two Paragraphs.

A party may apply to the court for revoking the ruling of provisional attachment or provisional injunction in case that the decision award is not approved by the court.

Article 51 The procedures for decision application filed in accordance with Paragraph 1 to Article 35 of the Labor Union Act and Paragraph 1 to Article 6 of the Collective Agreement Act shall apply, mutatis mutandis, to Articles 39, Article 40, Paragraph 1 to Article 41, and Articles 43 to 47 of the Act. The decision referred to in the preceding Paragraph may include ordering the parties to take or not to take certain action.

The party that claims objection to the decision of dismissal referred to in the first Paragraph may file a written administrative appeal pleading

through the Central Competent Authority to the Executive Yuan within thirty days on the following day of receiving the decision.

The party that claims objection to the decision referred to in Paragraphs 1 and 2 may file an administrative litigation within two months on the following day of receiving the decision.

Article 52 Article 32 shall apply, *mutatis mutandis*, to the decision procedures.

Chapter V Industrial Dispute Actions

Article 53 Industrial dispute actions cannot be undertaken unless a mediation of labor-management dispute is not successfully concluded; for the rights dispute, strike is not allowed.

If the Central Competent Authority decides that an employer or employer organization is in violation of Article 35 of the Labor Union Act or Paragraph 1 to Article 6 of the Collective Agreement Act, the labor union may undertake industrial dispute actions in accordance with the Act.

Article 54 A labor union shall not call a strike and set up a picketing line unless the strike has been approved by no less than one half of the members in total via direct and secret balloting.

The following workers are not allowed to strike:
1. Teachers.

2. Workers who are employed by the Department of National Defense and its affiliated agencies (institutes) or schools.

For the following types of businesses which may have impacts on the safety of public lives, national security or essential public interests, a labor union may call a strike only when the labor union and its counterpart have reached a minimal service clause:

1. Water supply businesses.

2. Power and fuel supply businesses.

3. Hospitals.

4. Financial information service businesses engaging in the transfer or settlement of funds between banks, businesses dealing with securities

or futures trading, settlement and custody, and other businesses handling payment systems. After the minimal service clause referred to in the preceding Paragraph is reached, the business entity shall submit it to the competent authorities of related business for review and record.

A labor union may call a strike for Type I telecommunication businesses which provide fixed or mobile telecommunication service, unless that the basic voice telecommunication service can be maintained without interruption.

The scope of the agencies (institutes) and businesses referred to in Paragraphs 2 and 3 shall be prescribed by the Central Competent Authority jointly with the competent authorities of the business or competent authorities of related business. The scope of the basic voice telecommunication service referred to in the preceding Paragraph shall be prescribed by the competent authorities of related business.

When a great disaster occurs or may occur, government at all levels for carrying out disaster prevention duties or undertaking actions to deal with an emergency in accordance with the Disaster Prevention Act may prohibit, restrain, or stop a strike during the period of managing the disaster.

Article 55 Industrial dispute actions shall be undertaken in good faith and on the basis of the principle of the rights that shall not be abused.

An employer shall not claim damages from industrial dispute actions undertaken by the labor union and its members in accordance with the Act.

Justifiable industrial dispute actions undertaken by a labor union and its members that are pursuant to the requirements under the Criminal Code and other special criminal statutes shall not be penalized. Provided that, the foresaid rule is not applicable when force and threat are used and the life or body of other person is or may be harmed.

Article 56 During the period of industrial dispute actions being undertaken, both parties to the dispute shall maintain the normal operation of safety and sanitary equipments in the workplace.

Chapter VI Temporary Reduction of Litigation Fees and Ruling on Compulsory Execution

Article 57 When a worker or labor union files a lawsuit to ascertain employment relationship or payment of wages, one-half of the court fees shall be temporarily exempted in accordance with the Code of Civil Procedures.

Article 58 Except the situations referred to in Paragraph 2 to Article 50, when a worker applies for provisional attachment or provisional injunction against an employer or employer organization for payment of wages, compensations or damages for occupational hazards, retirement pension or severance pay, the amount that the court requires as a guarantee in accordance with the Code of Civil Procedures shall be no more than one-tenth of the price or value of the claim.

Article 59 If one party to the dispute under the concluded mediation or arbitration refuses to carry out its obligations to pay in accordance with civil statutes, the other party may apply to the competent court for a ruling on compulsory execution and temporarily exempted from paying court fees; in case of applying for a compulsory execution, the execution fees can be temporarily exempted.

The court shall make a ruling on the application referred to in the preceding Paragraph within seven days.

A party may file an interlocutory appeal to the ruling referred to in the preceding Paragraph, and the related provisions in the Non-Litigation Act shall be applicable if the foresaid appeal is filed; for matters not prescribed in the Non-Litigation Act, the related provisions in the Code of Civil Procedures shall be, *mutatis mutandis*, applicable.

Article 60 The court shall dismiss an application for a ruling on compulsory execution under any of the following situations:

1. The mediation plan or arbitration decision leads the parties to labor dispute to carry out activities prohibited by the law.
2. The mediation plan or arbitration decision is not related to the claims of the dispute or appropriate for compulsory execution.
3. The compulsory execution cannot be conducted in accordance with other statutes.

Article 61 When a court makes a ruling to dismiss an application for compulsory execution afterwards, the mediation concluded in accordance with the Act shall be deemed as not successful. Provided that, the foresaid rule is not applicable if the court dismisses the application in accordance with Paragraph 2 to the preceding Article or to the portion of mediation that is not dismissed by the ruling on compulsory execution and is successfully concluded.

Chapter VII Penal Provisions

Article 62 An employer or employer organization that is in violation of Article 8 shall be fined no less than N.T. \$200,000 but not exceeding N.T. \$600,000.

A labor union that is in violation of Article 8 shall be fined no less than N.T. \$100,000 but not exceeding N.T. \$300,000.

A worker who is in violation of Article 8 shall be fined no less than N.T. \$10,000 but not exceeding N.T. \$30,000.

Article 63 A person who is in violation of Paragraph 4 to Article 12, Paragraph 3 to Article 17, Paragraph 4 to Article 33 or Paragraph 4 to Article 44 and makes false statements or provides false information shall be fined no less than N.T. \$30,000 but not exceeding N.T. \$150,000.

A person who is in violation of Paragraph 3 to Article 12, Paragraph 3 to Article 17, Paragraph 4 to Article 33 or Paragraph 4 to Article 44 and refuses to explain without justifiable reason or

disallows mediator or member(s) of mediation committee to enter into the business entity shall be fined no less than N.T. \$10,000 but not exceeding N.T. \$50,000.

When the parties to the dispute receive the notice of the mediation meeting but do not attend without justifiable reason, they shall be fined no less than N.T. \$2,000 but not exceeding N.T. \$10,000.

Chapter VIII Supplementary Provisions

Article 64 The effect of rights disputes mediation which has been successfully concluded in accordance with the Town and City Mediation Statute shall be subject to the foresaid Act.

If both parties agree to arbitrate rights disputes in accordance with the Arbitration Act, the effect of the arbitration shall be subject to the foresaid Act.

Article 8 shall apply to mediation and arbitration referred to in the preceding two Paragraphs.

Article 65 The Central Competent Authority shall contribute and set up a Labor Rights and Interests Fund for settling labor-management disputes and protecting labor rights and interests.

Sources of this Fund referred to in the preceding Paragraph include:

1. Residual money in the previous labor rights and interests fund (a specific account).
2. Appropriation by the Government in accordance with the yearly budget plan.
3. Interests of the Fund.
4. Donations.
5. Other related incomes.

Article 66 The date of enforcing the Act shall be determined by the Executive Yuan.