



Article Content

Title : Indigenous Peoples Employment Rights Protection Act CH

Amended Date : 2015-02-04

Category : Council of Indigenous Peoples (原住民族委員會)

Chapter 1 General Provisions

Article 1 This Act is set forth in order to promote the employment of indigenous people and secure their right to work and their livelihood. Matters not stipulated herein must conform to provisions in other laws

Article 2 This Act protects individuals with an aboriginal identity.

Article 3 The competent authority mentioned herein refers to: Council of Indigenous Peoples, at the central level; municipal government at the level of municipality; County (City) government at the County (City) level. Matters stipulated herein, involving the competent authorities of each target industry, shall be processed in consultation with the respective competent authority.

Chapter 2 Proportional Recruitment Principle

Article 4 Among the total number of the following personnel hired by each level of government, public schools and state-owned businesses, except for those located outside of Penghu, Jinmen and Lianjiang County, there shall be 1 indigenous individual for each 100 workers: 1. Contract employee; 2. Stationed police; 3. Mechanic, driver, janitor, cleaner; 4. Fee administrator; 5. Non-technical workers not requiring the qualifications of civil servants. For the total number of the aforementioned personnel, there shall be one indigenous individual for every fifty-to-one-hundred staff hired. For the personnel mentioned in Section 1, in the event that each level of the government, public school and state-owned business decide not to fill a job slot, each such personnel shall not be included in the calculation of the total in the previous Section.

Article 5 At least a third of the total workforce of government bodies, public schools and state-run businesses of all levels shall be indigenous people: 1. Contract employee; 2. Stationed police; 3. Mechanic, driver, janitor, cleaner; 4. Fee administrator; 5. Non-technical workers not requiring the qualifications of civil servants. For all personnel mentioned in the previous section,

in case government bodies, public schools and state-operated businesses of all levels decide not to fill a job slot, each such personnel shall not be included in the calculation of the total in the previous Section.

Government bodies, public schools and state-run businesses in aboriginal areas need to hire individuals with civil-servant qualifications; the number of indigenous individuals hired cannot be lower than two percent (2%) of the total workforce. Such distribution shall be achieved within three years of implementation of this Act. However, if the existing ratio is not achieved, recruitment shall only proceed until there are vacancies for aboriginal civil servants.

- Article 6 Each level of competent authority, public occupational training institution, public employment service institutions of all levels and the competent authorities of the target industries involved in this Act shall assign staff to process matters related to the rights to work of indigenous people. Indigenous people shall have priority in being hired for the aforementioned positions.

Chapter 3 Cooperative Association for Indigenous People

- Article 7 Government shall guide indigenous people to set up cooperative associations for indigenous people of various characteristics based on the working habits of indigenous groups in order to explore work opportunities. The establishment of cooperative associations for indigenous people, training of members thereof and the operation and development thereof shall be guided and processed by the competent authority of each target industry; the guiding method shall be determined by the competent authority of each related target industry at the central level in consultation with the central competent authority. The cooperative association for indigenous people mentioned in Section 1 shall mean cooperative associations with more than eighty percent (80%) of its members being indigenous people.
- Article 8 Cooperative associations for indigenous people operated according to law can be exempted from income tax and business tax. However, income tax and business tax shall be waived within six (6) years of the date of implementation of the Act.
- Article 9 The funds for the operation and development of cooperative associations for the indigenous people shall be subsidized by each level of government as it deems fit. Each level of competent authority of target industries shall conduct scheduled examination and appraisal of cooperative associations for indigenous people or award the associations with excellent

performance. The method of examination and approval and award shall be determined by the competent authority of target industries at the central level in consultation with the central competent authority.

- Article 10 Each level of government shall set up a cooperative association for indigenous people guidance groups with the responsibilities thereof as follows:
- 1.Explain to the indigenous people Cooperative Law and related laws and decrees.
 - 2.Assist indigenous people in complying with the provisions on setting-up and registration categories delineated in Article 9 of Cooperative Law.
 - 3.After the establishment of cooperative association for indigenous people, provide scheduled tracking and guidance on the operation thereof.
 - 4.Act as the long-term counseling institution for the cooperative associations for indigenous people.
 - 5.Other guidance related to cooperative associations for indigenous people.

Chapter 4 Assurance of Public Construction and Government Procurement

- Article 11 Each level of government, public school and state-run businesses shall contract with indigenous individuals, institutions, legal persons or groups when conducting procurement with an amount less than the amount promulgated by the Government Procurement Law in the aboriginal areas. However, this limit does not apply when aboriginal individuals, institutions, legal persons or groups are unable to be contracted.

- Article 12 Companies winning bids according to the Government Procurement Act with more than one hundred staff shall hire indigenous people during the term of contract performance, with the total number of indigenous people accounting for no less than one percent (1%) of the total number of staff thereof. The indigenous people hired according to the provision in the previous section shall receive pre-job training before commencement of their work; training fees shall be subsidized by the government; the conditions, duration and amount of subsidy shall be determined by the central labor competent authority. In the event that the winning bidder fails to hire enough indigenous people based on the standard stipulated in Section 1, it shall make cash payment to the employment fund of the Aboriginal Comprehensive Development Fund.

Chapter 5 Promote Employment

- Article 13 The central competent authority shall set up an aboriginal employment promotion committee, plan, research, consult,

coordinate, drive and promote employment-related matters of indigenous people; the emphasis of this set-up shall be stipulated independently by the central competent authority. The government shall encourage public and private business institutions to process the employment services for the indigenous people, providing employment consultation, and career counseling, employment matching and guidance on living.

- Article 14** The central competent authority shall conduct aboriginal employment status surveys on a regular basis; each level of competent authority shall set up aboriginal human resource databases and unemployment reporting systems in order to refer indigenous people for employment or participate in occupational training.
When each level of government, public school and state-run businesses hire indigenous people according to the provisions in Article 4 and Article 5, they may solicit the introduction of the competent authority by letter.
- Article 15** The central labor management authority shall award the institutions offering occupational training where necessary to provide occupational training to indigenous people. The central labor competent authority shall provide indigenous people with opportunities to participate in various occupational training according to the employment needs thereof and provide living subsidies during occupational training. The central competent authority shall award the indigenous people that have become certified technical workers in order to ensure and enhance the professional skills thereof. The grant conditions and amount provided in Section 2 shall be determined by the central labor competent authority; the award method mentioned in the previous section shall be determined by the central competent authority.
- Article 16** The central competent authority shall provide various skill training, and develop cultural industries in order to develop employment opportunities according to the cultural characteristics of each aboriginal tribe.
- Article 17** Private institutions hiring more than fifty indigenous people can arrange for social workers to provide career counseling and living guidance with the fees subsidized by the government. The method of subsidization set forth in the previous section shall be determined by the central competent authority.
- Article 18** When an aboriginal worker finds him/herself in a difficult position due to involuntary unemployment, he/she can apply for temporary work; the conditions for application shall be determined by the central labor competent authority.

Article 19 Each level of local government shall coordinate and promote aboriginal employment.

Chapter 6 Labor Dispute and Remedy

Article 20 Aboriginal labor disputes shall be processed according to the Labor Dispute Resolution Act. However, in the event of disputes concerning the rights of employees and employers and adjustment thereof, if more than one-third (1/3) of the workers are involved, rules governing the mediation members or arbitration members assigned by the labor competent authority and the various levels of competent authority are as follows:

1. Mediation Procedures: The competent authority shall assign three (3) people with at least one (1) with aboriginal status.
2. Arbitration Procedures: The competent authority of labor disputes and the central competent authority shall assign three (3) -to-five (5) representatives with at least one (1)-to-two (2) of aboriginal status.

Article 21 In the event of employment prejudice or labor disputes at work, each level of competent authority shall provide the following assistance:

1. Legal counseling.
 2. Provide attorneys and necessary litigation fees.
- The aforementioned method of subsidization shall be determined by the central competent authority.

Article 22 In the list of arbitration members recommended and approved by the municipal, county (city) government according to Article 30 of the Labor Dispute Resolution Act with at least one (1)-to-five (5) having aboriginal status.

Article 23 The central competent authority shall set up employment funds under the Aboriginal Combined Development Funds for the processing of the promotion of aboriginal employment rights and interests; the income and expenses, the method of balancing, safekeeping and utilization thereof shall be set forth by the Executive Yuan.

The source of the aforementioned employment funds:

1. Fund allocation by the government according to the budgeting procedure.
2. The voucher paid according to this Act.
3. Interest income generated from the fund.
4. Other relevant income.

For the funds required for the processing of aboriginal employment service and occupational training by the central competent authority, the work plan and fund requirement can be submitted to the Employment Stabilization Fund Management

Committee for review with the payment thereof being made thereafter.

- Article 24** If the number of aboriginals hired by each level of government, public school and state-run businesses three (3) years after implementation of the Act does not reach the proportion stipulated in Article 4 and Article 5, vouchers shall be paid monthly. However, in the event of request by letter to the various levels of competent authority for reference according to the provision in Section 2 of Article 14, no voucher needs to be paid before the competent authority makes any reference. The vouchers mentioned in the previous section and Section 3 of Article 12 shall be calculated based on the monthly salary multiplied by the difference in the number of people. Failure to pay vouchers required by the Act after being notified of the deadline for payment shall be submitted for compulsory execution by law.
- Each level of government, public school, state-run businesses and winning bidders according to the Government Procurement Act hiring more indigenous people than the proportion stipulated herein shall be awarded; the award method shall be determined by the central competent authority.

Chapter 7 Supplementary Provisions

- Article 25** The implementation details of this Act shall be determined by the central competent authority.
- Article 26** This Act shall enter into effect on the day of promulgation.