

# Protect the future: Laws and practices on maternity protection at work in Taiwan

RH*i*COH

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# Maternity protection

It's everyone's business.



# Maternity protection policies in Taiwan

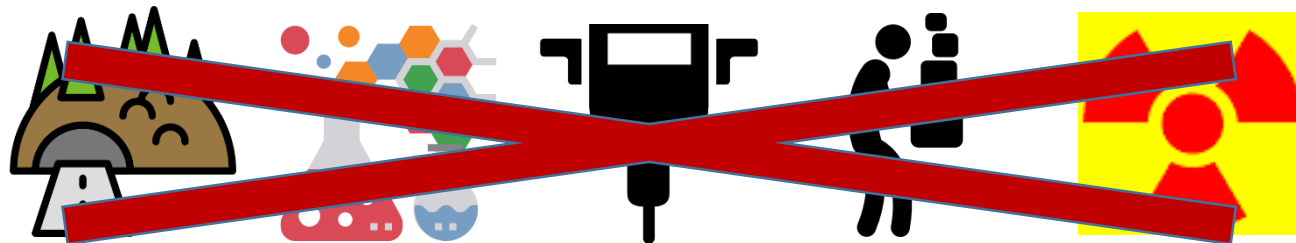
- Labor Safety and Health Law (勞工安全衛生法)(1974)
  - **Occupational** Safety and Health Act (職業安全衛生法)(2013)
    - Regulations of the prohibition of employing pre- and post-partum female labors and workers under age 18 in dangerous or harmful works (妊娠與分娩後女性及未滿十八歲勞工禁止從事危險性或有害性工作認定標準)(1991 → 2014)
    - Regulations for Implementing Maternal Health Protection of Female Workers (女性勞工母性健康保護實施辦法)(2014)
- Labor Standards Act (勞動基準法)(1984)
- Act of Gender Equality in Employment (性別工作平等法)(2002)



# Labor Safety and Health Law

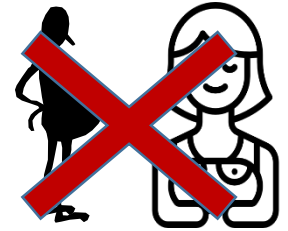
## Article 21

- Employers **shall not** employ a **female laborer** to perform any of the following potentially dangerous or harmful work:
  1. Work in **tunnels**
  2. Work at a site **where lead, mercury, chromium, arsenic, chlorine gas, yellow phosphorus, hydrogen cyanide, and aniline** and its compounds are spread
  3. Work involving the operation of a **rock drill** or other machinery with **excessive vibration**
  4. Work involving the handling of objects above a specific **weight**
  5. Work at a site where harmful level of **radiation** is present



# Labor Safety and Health Law

## Article 22



- Employers shall not employ a pregnant female laborer **AND** who are still within their first postpartum year to perform any of the following potentially dangerous or harmful work:
  - 1. Work involving the handling of smelted minerals or slag
  - 2. Work involving the operation of a crane or derrick crane
  - 3. Work involving the operation of a powered winch, powered carrier, or cableway
  - 4. Work involving the operation of rolling and grinding mills for rubber compounds or synthetic resins
  - 5. Other work determined to be of a potentially dangerous or harmful nature by the central competent authority.



# Occupational Safety and Health Act

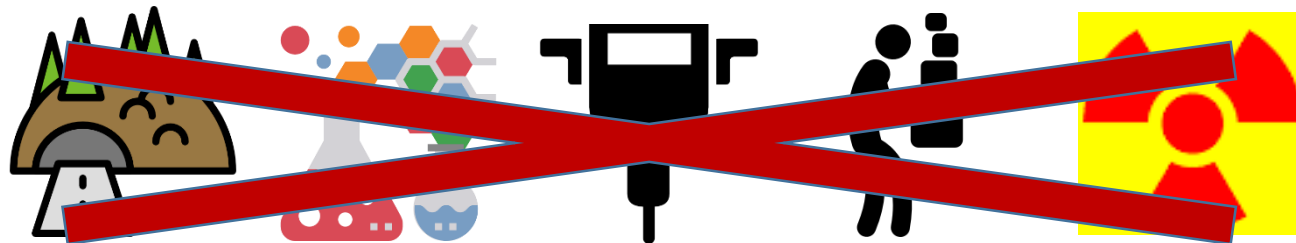
- The title and complete text of Labor Safety and Health Law were amended in 2013
  - **Labor** Safety and Health Act → **Occupational** Safety and Health Act
- Major changes in issues regarding female laborers
  - Article 21:
    - **deleted**



# Labor Safety and Health Law

## Article 21

- Employers shall not employ a female laborer to perform any of the following prohibited dangerous or harmful work:
  1. Work involving the use of machinery with excessive vibration
  2. Work involving the use of chlorine gas, yellow phosphorus, and its compounds
  3. Work involving the use of machinery with excessive noise
  4. Work involving the lifting of objects of excessive weight
  5. Work involving a harmful level of radiation



# Occupational Safety and Health Act

- The title and complete text of Labor Safety and Health Act were amended in 2013
- Major changes in issues regarding female labors
  - Article 21:
    - deleted
  - Article 22:
    - **Separating** paragraphs between pregnant workers and postpartum workers
    - **Expanding** the lists of potentially dangerous or harmful work





# Labor Safety and Health Law

## Article 22

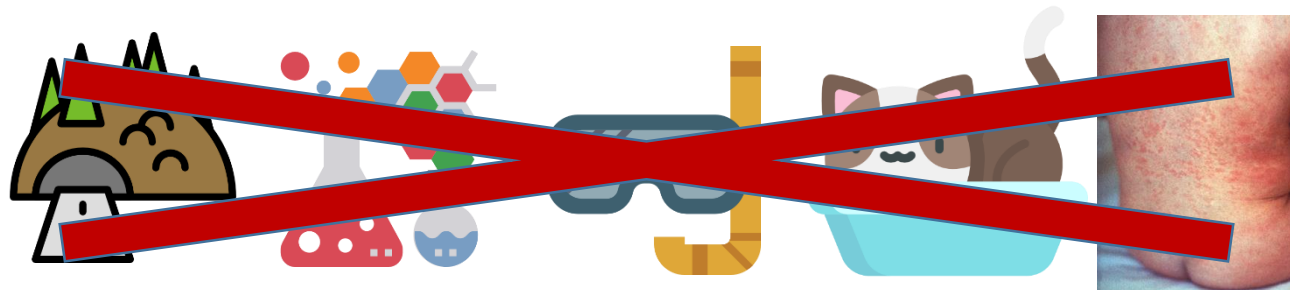
- Employers **shall not** employ a **pregnant** female laborer ~~and~~ who are still **within their first postpartum year** to perform any of the following potentially dangerous or harmful work:
  - 1. Work involving the handling of smelted minerals or slag
  - 2. Work involving the operation of a crane or derrick crane
  - 3. Work involving the operation of a powered winch, powered carrier, or cableway
  - 4. Work involving the operation of rolling and grinding mills for rubber compounds or synthetic resins
  - 5. Other work determined to be of a potentially dangerous or harmful nature by the central competent authority.
- This limitation shall not apply to the work set forth in Paragraph 1 where the person involved who is at least 6 months post-partum and provides medical certificates



# Occupational Safety and Health Act

## Article 30 Paragraph 1

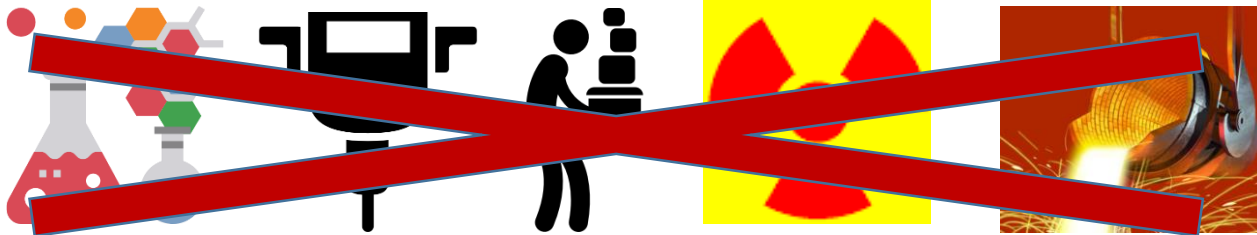
- Employers **shall not** employ a **pregnant** female laborer to perform any of the following potentially dangerous or harmful work:
  1. Work in **tunnels**
  2. Work at a site where **lead and its compounds** are spread
  3. Work under **abnormal air pressure** conditions
  4. Work involving the handling of or exposure to **Toxoplasma gondii, rubella,** or other microorganisms or viruses which potentially affect the health of the fetus



# Occupational Safety and Health Act

## Article 30 Paragraph 1

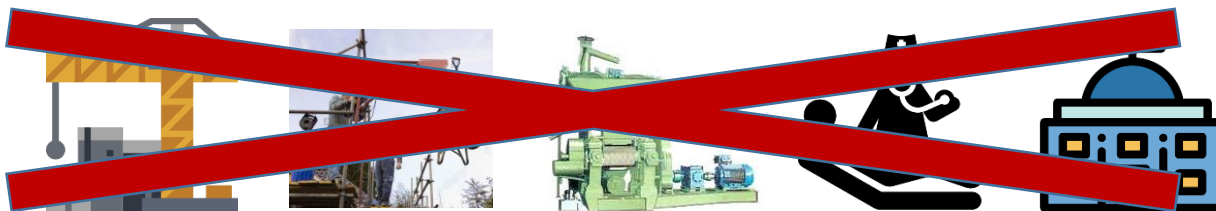
5. Work involving the handling of or exposure to carbon disulfide, trichloroethylene, ethylene oxide, acrylamide, ethylenimine, arsenic and its compounds, mercury and its inorganic compounds, and other chemicals designated as hazardous by the central competent authority
6. Work involving the operation of a rock drill or other machinery with excessive vibration
7. Work involving the handling of objects above a specific weight
8. Work at a site where harmful level of radiation is present
9. Work involving the handling of smelted minerals or slag



# Occupational Safety and Health Act

## Article 30 Paragraph 1

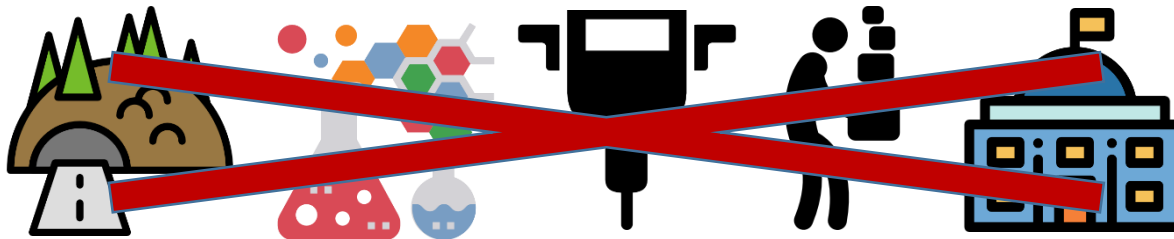
10. Work involving the operation of a crane or derrick crane
11. Work involving the operation of a powered winch, powered carrier, or cableway
12. Work involving the operation of rolling and grinding mills for rubber compounds or synthetic resins
13. Work involving the handling of or exposure to disease or lethal microorganisms designated potentially infectious by the central competent authority
14. Other work determined to be of a potentially dangerous or harmful nature by the central competent authority.



# Occupational Safety and Health Act

## Article 30 Paragraph 2

- Employers **shall not** employ female laborers who are still **within their first postpartum year** to perform any of the following potentially dangerous or hazardous work:
  1. Work in **tunnels**
  2. Work at sites where **lead** and its compounds are spread
  3. Work involving the operation of a **rock drill** or other machinery involving **excessive vibration**
  4. Work involving the handling of objects above a specific **weight**
  5. Other work determined to be of a potentially dangerous or hazardous nature by the central competent authority



# Occupational Safety and Health Act

## Article 30 Paragraph 3

- This limitation shall not apply to the work set forth in subparagraphs 5 to 14 of Paragraph 1 and subparagraphs 3 to 5 of the preceding paragraph where the employers implement **maternal health protection measures** pursuant to Article 31 and the person involved provides **written consent**

- **pregnant** female laborer



1. Work in **tunnels**
2. Work at a site where **lead and its compounds** are spread
3. Work under **abnormal air pressure** conditions
4. Work involving the handling of or exposure to **Toxoplasma gondii, rubella**

- female laborer still **within their first postpartum year**



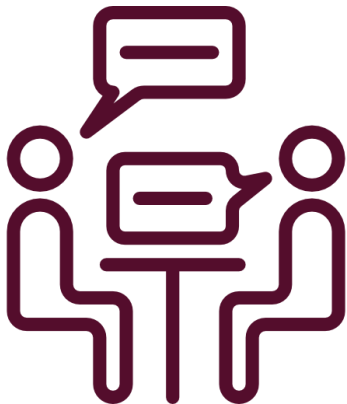
1. Work in **tunnels**
2. Work at sites where **lead** and its compounds are spread



# Occupational Safety and Health Act

## Article 30 Paragraph 5

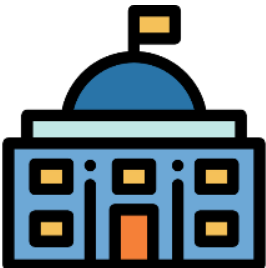
- Where the employers are not informed by the person involved of the pregnancy or childbirth and breach the regulations stipulated in Paragraph 1 or 2, the employers shall be **exempt from penalty**; however, this exemption shall not apply if employers are aware or could have known of the fact.
- **Article 41**
  - Violations in Article 30 Paragraph 1 or 2 may be subject to a maximum of one year imprisonment, detention, and/or a criminal fine of up to **NT\$180,000 (~ USD 6,000)**



# Occupational Safety and Health Act

## Article 30 Paragraph 4

- The evaluative standards for the potentially dangerous or harmful work set forth in Paragraphs 1 and 2 shall be determined by the **central competent authority**.
- Regulations of the prohibition of employing **pre- and post-partum** female labors and workers under age 18 in dangerous or harmful works





# Regulations of the prohibition of employing **pre-** and **post-partum** female labors and workers under age 18 in dangerous or harmful works

	PEL-TWA (for <b>general</b> workers)		PEL-TWA (for <b>pregnant</b> workers)	
	ppm	mg/m <sup>3</sup>	ppm	mg/m <sup>3</sup>
CS <sub>2</sub>	10	31	5	15.5
Trichloroethylene	50	269	25	134.5
Ethylene oxide	1	1.8	0.5	0.9
Acrylamide		0.03		0.015
Ethylenimine	0.5	0.88	0.25	0.44
Arsenic and its inorganic compounds		0.01		0.005
Mercury and its inorganic compounds		0.05		0.025



# Regulations of the prohibition of employing **pre-** and **post-**partum female labors and workers under age 18 in dangerous or harmful works

## Prepartum

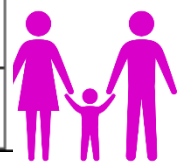
作業別	重量	規定值 (公斤) Permissible Weight limit (kg)
斷續性作業		十 10
持續性作業		六 6

Intermittent work  
Continuous work

## Postpartum

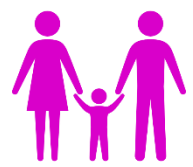
作業別	重量	Permissible Weight limit (kg) 規定值 (公斤)	
		分娩未滿六個月者 PP < 6m	分娩滿六個月但未滿一年者 PP 6m~1yr
斷續性作業		十五 15	三十 30
持續性作業		十 10	二十 20

Intermittent work  
Continuous work



# Permissible weight limits for lifting during pregnancy: Comparisons between countries

	Taiwan	United States	Great Britain	Germany
Laws	○ (Occupational Safety and Health Act)	X (AMA)	X (Royal College of Physicians)	○ (The Federal Act On Maternity Protection)
Permissible Weight Limits (kg)	10/6	23/11 (depending on gestational weeks)	X (reducing heavy physical task if possible)	10/5
Postpartum	○	X	X	X



# Regulations of the prohibition of employing **pre-** and **post-partum** female labors and workers under age 18 in dangerous or harmful works

Pathogens/D	Route of exposures (besides mother to child)	Hazards
<b>Toxoplasma gondii</b>	<ol style="list-style-type: none"> <li>1. Foodborne</li> <li>2. Animal to human</li> </ol>	Blindness or mental disability later in life for infected infants
<b>Rubella</b>	<ol style="list-style-type: none"> <li>1. airborne droplets</li> </ol>	<ol style="list-style-type: none"> <li>1. miscarriage or stillbirth</li> <li>2. Congenital rubella syndrome: deafness, cataracts, heart defects, intellectual disabilities, etc.</li> </ol>
<b>HBV</b>	<ol style="list-style-type: none"> <li>1. infected blood and various body fluids</li> </ol>	<ol style="list-style-type: none"> <li>1. the impact of HBV infection on newborns: not well defined</li> <li>2. women with cirrhosis → intrauterine growth restriction, intrauterine infection, premature delivery, and intrauterine fetal demise</li> </ol>
<b>HCV</b>	<ol style="list-style-type: none"> <li>1. infected blood and various body fluids</li> </ol>	fetal growth restriction and low birthweight
<b>HIV</b>	<ol style="list-style-type: none"> <li>1. infected blood and various body fluids</li> </ol>	prematurity, low birth weight, stillbirth, and abnormal Apgar scores
<b>Chickenpox</b>	<ol style="list-style-type: none"> <li>1. Touching blisters</li> <li>2. Airborne droplets</li> </ol>	<ol style="list-style-type: none"> <li>1. before 3<sup>rd</sup> trimester: congenital varicella syndrome (skin scarring, and underdeveloped arms and legs, inflammation of the eyes, and incomplete brain development)</li> <li>2. Peripartum: life-threatening neonatal varicella</li> </ol>
<b>TB</b>	<ol style="list-style-type: none"> <li>1. Airborne droplets</li> </ol>	Preterm birth, low birth weight

# Occupational Safety and Health Act

## Article 31 Paragraph 1

- Employers shall institute **hazard assessments, controls, and hierarchy management measures** for work which is **potentially hazardous to maternal health** in industries designated by the central competent authority
- For female laborers who are still within their first postpartum year, **work adjustment or reassignment** or other protective measures shall be adopted in accordance with the **physician's suitability assessment recommendations**, and records of these measures should be kept.



# Occupational Safety and Health Act

## Article 31 Paragraph 2

- In the event that the laborers in the preceding paragraph experience health abnormalities or adverse reactions due to changes in working conditions or operating processes during the period of protection, where a **physician's assessment** confirms that the laborers are unsuitable for her original work, the employers shall **rearrange** the matter in accordance with the provisions of the preceding paragraph.



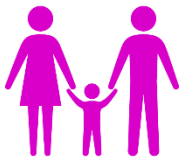
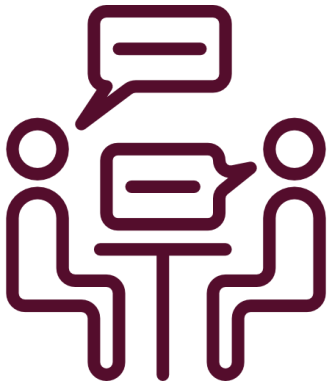
# Occupational Safety and Health Act

## Article 31 Paragraph 4

- Where the employers are not informed by the person involved of the pregnancy or childbirth and breach the regulations stipulated in Paragraph 1 or 2, the employers shall be **exempt** from penalty; however, this exemption shall not apply if employers are aware or could have known of the fact.

- **Article 43**

- Violations in Article 31 Paragraph 1 or 2 shall be subject to a fine of no less than NT\$30,000 but no more than **NT\$300,000 (~ USD 10,000)**



# Regulations for Implementing Maternal Health Protection of Female Workers

Female workers

- Pregnant
- Postpartum within one year

Risk assessment

- Hazard identification
- Exposure assessment
- Risk characterization: Grade I~III

Work adjustment

- Work duties, locations, hours, etc.



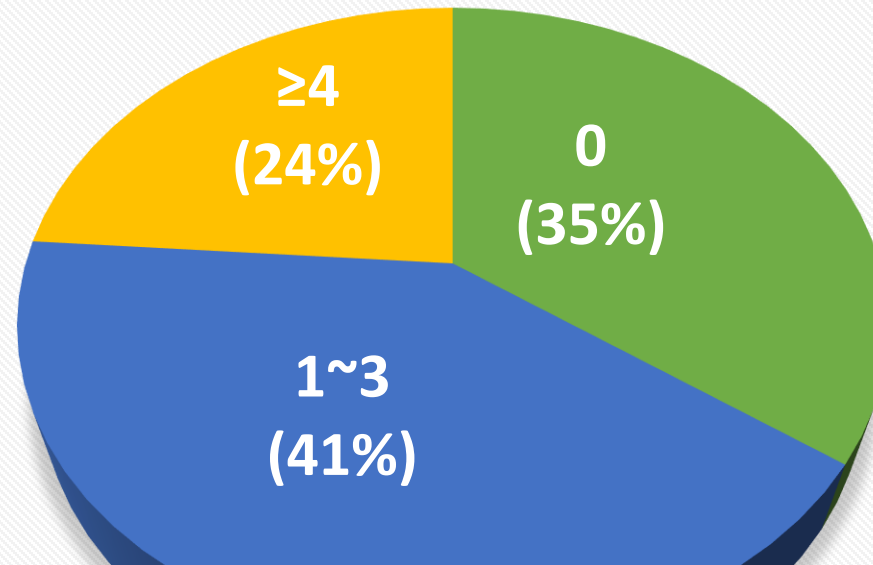


# Maternity protection policies in Taiwan

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    - Regulations of the prohibition of employing pre- and post-partum female labors and workers under age 18 in dangerous or harmful works (妊娠與分娩後女性及未滿十八歲勞工禁止從事危險性或有害性工作認定標準)(1991 → 2014)
    - Regulations for Implementing Maternal Health Protection of Female Workers (女性勞工母性健康保護實施辦法)(2014)
  - investigation
    - 172 employed women at 12<sup>th</sup> week of pregnancy
    - Questionnaire
- Labor Standards Act (勞動基準法)(1984)
- Act of Gender Equality in Employment (性別工作平等法)(2002)



## Total numbers of occupational hazards



\* No consultation service for maternity right/protection: 64.5%

1. Prolonged standing: 29.7%
2. Repetitive movement/Noise: 25.6%
3. Heavy lifting: 18.0%



# Maternity protection policies in Taiwan

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# Labor Standards Act

## Act of Gender Equality in Employment

- Working time adjustment
- Breastfeeding time
- Maternity leave
- Paternity leave
- Parental leave
- Family care leave



# Labor Standards Act

## Article 51

- A female worker may apply to be transferred to **less strenuous work** during her pregnancy. The employer shall **neither reject her application nor reduce her wage**.
  - Violations: fines between NTD 90,000~450,000 (~USD 3,000-15,000)



# Labor Standards Act

## Article 49

- An employer shall not require a worker to perform her work between **ten o'clock morning**. However, if there is no labor union in a business, the following provisions in each paragraph are not applied:
  1. The necessary rest periods are provided.
  2. When there are no rest facilities available, the provisions for female workers are arranged.



**NO WORKING  
FROM 22:00  
TO 06:00**

- For those female workers who are breastfeeding their babies, the provisions in the following paragraph shall not be applied.

- Violations: fines between NTD 90,000~450,000 (~USD 3,000-15,000)

worker perform her work between **ten o'clock morning**, or if there is no labor union, or if there is no labor union, the following provisions in each paragraph are not applied:  
rest periods are provided.  
When there are no rest facilities available, the provisions for female workers are arranged.

For those female workers who are breastfeeding their babies, the provisions in the following paragraph shall not be applied.



# Labor Standards Act

## Article 50

- A female worker shall be granted **maternity leave** before and after childbirth for a combined period of **eight weeks**. In the case of a miscarriage after the first three months of pregnancy, the female worker shall be permitted to discontinue her work and shall be granted maternity leave for a period of four weeks.
  - If the female worker referred to in the preceding paragraph has been employed for more than six months, she shall be **paid** regular wages during the maternity leave, while if her period of service is less than six months, she shall be paid wages at half of the regular payment.



**Paid maternity leave  
(8 weeks)**



# To whom does Labor Standards Act not apply?

- Those who do not have Labor Insurance
  - Civil servants
  - Military personnel
- Certain industries
  - Irrigation associations
  - International associations
  - Street vendors
  - Housekeeping service
- Certain workers
  - Physicians
  - Professional athletes and their coaches and referees





# If workers are not entitled to maternity rights in Labor Standards Act...



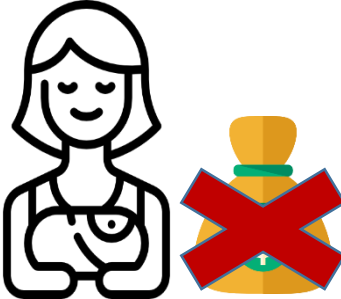
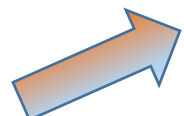
**NO** WORKING  
FROM 22:00  
TO 06:00



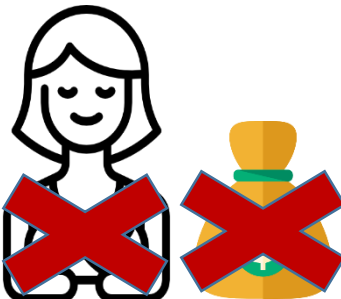
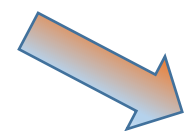
**Keep working  
from 22:00 to 06:00**



**Paid maternity leave  
(8 weeks)**



**Unpaid or shortened  
maternity leave**



**No maternity leave**



# Investigation on gender-friendly working environment for physicians

- 13% female physicians were asked to sign a deal of **not to become pregnant** during the training course
- 65% female physicians were worried that being pregnant would cause the hospital/clinics to become **short-handed**
- 37% female physicians were asked to **return to work earlier** than 8 weeks after childbirth

以醫學生與青年醫師為主的「醫師勞動條件改革小組」調查發現，不少住院醫師在求職面試的過程中，曾被明示或暗示未來某段時間內別有懷孕計畫，有13%的女醫師甚至被要求簽署文件承諾不會懷孕。記者羅真／攝影



# Maternity protection

1. Occupational Safety and Health Act
2. Regulations of the prohibition of employing pre- and post-partum female labors and workers under age 18 in dangerous or harmful works
3. Regulations for Implementing Maternal Health Protection of Female Workers
4. Labor Standards Act
5. Act of Gender Equality in Employment
  - Health protection at the workplace
  - Protection of employment and non-discrimination
  - Paid maternity leave
  - Breastfeeding arrangements at work



# Maternity protection

It matters to everyone.



Thank you for your attention!

RHiCOH

JUN 23-24

母性保護

Maternity Protection at Work