

## *Enforcement Rules of the Labor Insurance Act* **Article Amendments Overview**

*The Enforcement Rules of the Labor Insurance Act* (hereinafter referred to as “the Act”), went through many amendments and was put into effect on June 8<sup>th</sup> 2021 once the Ministry of Labor released the new amendments through the issuance of Labor Insurance Order Er-Zi-1100140321. Our firm, in regard to the amendments made to the Articles of the Act, and in reference to the announcement made by the Ministry of Labor, briefly discusses the key points and provides a comparison table of the amendments below:

1. In alignment with the Council of Agriculture, Executive Yuan’s endeavors to broaden the scope of farm certification, and as a means to protect the labor insurance rights and interests of employed workers while also taking into account the need for practical operations to be consistent, the requirement of employers to attach related documents to establish an insured unit was amended. (Amendment of Article 13)
2. With the purpose of obtaining the correct information of the insured person quickly, ensuring their rights and interests, and implementing the obligation for the insured to inform the insured unit in the event that there are changes to or errors in the insured person’s personal information, paragraph two of Article 24 was added. In addition, the policy that states the insurer may proactively update the information in accordance with the record kept with the relevant institutions was added so as to maintain the correctness of the insured persons’ information. (Amendment of Article 24)
3. The policy that states insurance premiums shall be calculated on a basis of 30 days per month, and dictates how insurance premium payable is calculated when there is a transfer between the insured and the insured unit of the same affiliation was added. (Amendment of Article 28-1)
4. To align with the nation’s Bilingual 2030 policy, and simplify both the application for insurance benefits and the insurer’s current review process of insurance benefit applications, certain documents made in English are to be accepted without the Chinese translation. Thus, a second proviso was added thereto. (Amendment of Article 54)

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5. Considering the fact that hospitals now commonly carry medical diagnosis certification documents, along with how, in a practical sense, a written medical diagnosis provided by the insured person applying for injury or sickness benefit that clearly states the name of the injury or sickness, the period of medical service and other details can be readily available for insurers to use as reference for audits, the wording of Article 57 was thereby amended. (Amendment of Article 57)

**English Version of Amendments Issued by Ministry of Labor, R.O.C**

Amended Article No.	Amendment 2021/06/08	Pre-Amendment 2018/03/28
Article No. 13	<p>When employers, associations or affiliated authorities hiring workers referred to in Article 6 and Article 8 of the Act apply for coverage of insurance, except for governmental authorities agencies <b>(institutions)</b>, public schools and the insured units which use the on-line requisition system providing by governmental agencies (institutions) to apply for coverage of insurance, they shall submit the copies of the front and back pages of the national identification cards of the persons in charge and the copies of the following related documents issued by related business competent authorities:</p> <ol style="list-style-type: none"> <li>1. Factories : shall submit the factory related registration certificates.</li> <li>2. Minefields : shall submit the minefield registration certificates,</li> </ol>	<p>When employers, associations or affiliated authorities hiring workers referred to in Article 6 and Article 8 of the Act apply for coverage of insurance, except for governmental authorities, public schools and the insured units which use the on-line requisition system providing by governmental agencies (institutions) to apply for coverage of insurance, they shall submit the copies of the front and back pages of the national identification cards of the persons in charge and the copies of the following related documents issued by related business competent authorities:</p> <ol style="list-style-type: none"> <li>1. Factories shall submit the factory related registration certificates.</li> <li>2. Minefields shall submit the minefield registration certificates, minefield excavating or prospecting</li> </ol>

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	<p>minefield excavating or prospecting certificates.</p> <p>3. Salt, ranges, pastures, forest and tea plantations : shall submit registration certificates <b>or related certifying documents.</b></p> <p>4. Transportation entities : shall submit transportation permits or other related <b>certifying</b> documents.</p> <p>5. Public utilities : shall submit business licenses or other related <b>certifying</b> documents.</p> <p>6. Companies and business entities : shall submit company registration certificates or business registration certificates.</p> <p>7. Private schools, news media, cultural entities, public-interest entities, cooperative entities, fisheries, occupational training institutions and civil organizations for various businesses : shall submit their accredited or registration certificates.</p> <p>8. Other industries should provide license or related registration, approval or reference certificates (p. 1).</p>	<p>certificates.</p> <p>3. Salt, ranges, pastures, forest and tea plantations shall submit registration certificates.</p> <p>4. Transportation entities shall submit transportation permits or other related documents.</p> <p>5. Public utilities shall submit business licenses or other related documents.</p> <p>6. Companies and business entities shall submit company registration certificates or business registration certificates.</p> <p>7. Private schools, news media, cultural entities, public-interest entities, cooperative entities, fisheries, occupational training institutions and civil organizations for various businesses shall submit their accredited or registration certificates.</p> <p>8. Other industries should provide license or related registration, approval or reference certificates (p. 1).</p>
	<p>Should insured units are unable to obtain certificates described in the preceding paragraphs, they should attach the organization or alteration</p>	<p>Should insured units are unable to obtain certificates described in the preceding paragraphs, they should attach the organization or alteration</p>

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	<p>register application for the withholder or the uniform invoice purchase certificate issued by the revenue service organizations when applying for insurance (p. 2).</p>	<p>register application for the withholder or the uniform invoice purchase certificate issued by the revenue service organizations when applying for insurance (p. 2).</p>
<p>Article No. 24</p>	<p>In the event that there are changes to or errors in the insured persons' name, birthdates, serial numbers of the national identification cards, the insured units shall fill out the application forms for change in items of the insured persons and submit the copies of the front and back pages of the national identification cards or other related documents to the insurer to process the changes (p. 1).</p> <p>If there is a need to change or correct the personal information of the insured person referred to in the preceding paragraph, the insured person should inform his/her insured unit immediately (p. 2).</p> <p>If the insured person failed to inform his/her insured unit as required in the preceding paragraph, or if the insured unit failed to submit to the insurer the relevant documents according to paragraph 1, the insurer may proactively update the information in accordance with the record kept with the relevant institutions (p. 3).</p>	<p>In the event that there are changes to or errors in the insured persons' name, birthdates, serial numbers of the national identification cards, the insured units shall fill out the application forms for change in items of the insured persons and submit the copies of the front and back pages of the national identification cards or other related documents to the insurer to process the changes (p. 1).</p>

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<p>Article No. 28-1</p>	<p>The insurance premium, as prescribed in Article 13, Paragraph 1 of the Act, shall be calculated on a basis of 30 days per month (p. 1).</p> <p>In the event that an insured person is transferred in accordance with Article 23 of the Enforcement Rules, the insurance premium payable by the transferring unit shall be calculated up to the date proceeding to the date of transfer. The insurance premium payable by the receiving unit shall be calculated from the date of transfer (p. 2).</p>	<p>(newly added amendment)</p>
<p>Article No. 54</p>	<p>When applying for all kind of insurance benefits according to the Act, the official documents enclosed not issued by our governmental organizations agencies (institutions) shall be verified by the following organizations:</p> <p>1. If the documents are made in foreign countries, they should be certified or authenticated by the R.O.C. embassy, consulate, representative office, office in the foreign country; if the documents are made in R.O.C. by foreign embassies or their authorized organizations, they should be re-inspected by the Ministry of Foreign Affairs of the</p>	<p>When applying for all kind of insurance benefits according to the Act, the official documents enclosed not issued by our governmental organizations shall be verified by the following organizations:</p> <p>1. If the documents are made in foreign countries, they should be certified or authenticated by the R.O.C. embassy, consulate, representative office, office in the foreign country; if the documents are made in R.O.C. by foreign embassies or their authorized organizations, they should be re-inspected by the Ministry of Foreign Affairs of the R.O.C.</p>

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	<p>R.O.C.</p> <p>2. Documents produced in the Mainland China area shall be authenticated by the institution set up or designated, or by the private organization entrusted by the Executive Yuan.</p> <p>3. For documents issued in Hong Kong or Macau, they shall be authenticated by the institution set up or designated, or by the private organization entrusted by the Executive Yuan in Hong Kong or Macau (p. 1).</p>	<p>2. Documents produced in the Mainland China area shall be authenticated by the institution set up or designated, or by the private organization entrusted by the Executive Yuan.</p> <p>3. For documents issued in Hong Kong or Macau, they shall be authenticated by the institution set up or designated, or by the private organization entrusted by the Executive Yuan in Hong Kong or Macau (p. 1).</p>
	<p>If the original documents are in foreign language, the Chinese translations of the documents must be enclosed and Chinese translations shall be produced by the authorized organizations listed above or notarized by domestic notary public. <b>Unless it is considered necessary by the insurer, the Chinese translation is not required if the document is made in English</b> (p. 2).</p>	<p>If the original documents are in foreign language, the Chinese translations of the documents must be enclosed and Chinese translations shall be produced by the authorized organizations listed above or notarized by domestic notary public (p. 2).</p>

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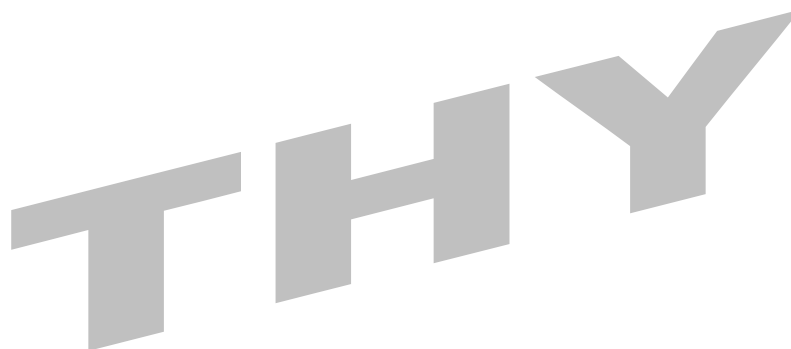
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<p>Article No. 57</p>	<p>When applying for the payments of injury or sickness benefits in accordance with Article 33 or 34 of the Act, the following documents must be prepared:</p> <ol style="list-style-type: none"> <li>1. Application forms for injury or sickness benefit payments and Receipt of benefit payments.</li> <li>2. Written medical diagnosis of the injury or sickness. In the event that hospitalization is required, the documents prepared and issued by the hospitals concerned which contain the names of the injury or sickness and the dates of hospitalization and discharge can be served as substitutes (p. 1).</li> </ol>	<p>When applying for the payments of injury or sickness benefits in accordance with Article 33 or 34 of the Act, the following documents must be prepared:</p> <ol style="list-style-type: none"> <li>1. Application forms for injury or sickness benefit payments and Receipt of benefit payments.</li> <li>2. Written medical diagnosis of the injury or sickness. <b>In the event that hospitalization is required, the documents prepared and issued by the hospitals concerned which contain the names of the injury or sickness and the dates of hospitalization and discharge can be served as substitutes (p. 1).</b></li> </ol>
	<p><b>Instead of the “Written Medical Diagnosis of the Injury or Sickness” referred to in Subparagraph 2 of the preceding paragraph, the applicant may alternatively provide a certifying document issued by the hospital or clinic where he/she receives the medical treatment, carrying the name of the injury or sickness, the period of medical service and other details (p. 2).</b></p>	<p><b>Instead of the “Written Medical Diagnosis of the Injury or Sickness” referred to in Subparagraph 2 of the preceding paragraph, the applicant may alternatively provide a certifying document issued by the hospital or clinic where he/she receives the medical treatment, carrying the name of the injury or sickness, the period of medical service and other details (p. 2).</b></p>
	<p>Those who suffer from pneumoconiosis should submit their certificate of diagnosis for pneumoconiosis, a form stating previous work experience in</p>	

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	dusty workplaces, and relevant imaging tests when claiming Occupational Disease Compensation for the first time. However, it is not necessary to submit these documents if the insurer confirms that the employee has previously been hospitalized due to pneumoconiosis (p. 3).	
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