



## Article Content

Title : [Labor Inspection Law](#) ( 2002.05.29 Amended ) [Ch](#)**Chapter I General Provision**

- Article 1 This law is hereby enacted to implement labor inspection system, enforce labor laws, protect the labor-management rights and benefits, maintain the stability of the society and to achieve economic development.
- Article 2 The Council of Labor Affairs, Executive Yuan, shall be designated as the competent authority at the national level, the municipal government at the municipal level and the county/city government at the county/city level.
- Article 3 The terms used in this law shall be defined as follows:  
1. "Labor inspectorate" means a governmental inspection agency established by the national or municipal competent authority or relevant authority for the purpose of labor inspection.  
2. "Appointed inspection agent" means an administrative unit, academic institute, public institute, or non-profit organization designated by the national competent authority to inspect dangerous machine or equipment.  
3. "Labor inspector" means a person who holds a labor inspection permit and identification card authorized to carry out labor inspection.  
4. "Labor inspection agent" means a person who holds delegated inspection identification card authorized to carry out the inspection.
- Article 4 The scope of labor inspection includes the enforcement of:  
1. This law.  
2. The Labor Standards Law.  
3. The Labor Safety and Health Law.  
4. Other labor laws.

**Chapter II Labor Inspection Agency**

- Article 5 Labor inspection shall be carried out by the labor inspectorate which is established by the national competent authority or by the delegation of inspection power from the national competent authority to the municipal competent authority. When necessary, the labor inspectorate may conduct joint inspection with the county/city competent authority.  
The power of labor inspection as mentioned above shall be delegated according to the requirements in this Law and under the direction and supervision of the national competent authority.  
The organizational and staffing criteria for the inspectorate shall be developed by the national competent authority according to the number of business entities which shall be inspected and the characteristics of each inspectorate region, and shall be approved by the Executive Yuan.
- Article 6 The national competent authority, based on the current status of labor employment, conditions of safety and health, occupational fatality/injury rates and the severity of fatalities/injuries, shall issue, publicize and make available the labor inspection directives six months before the beginning of the next fiscal year. The directives shall include the following:  
1. Selection criteria for priority audit inspections of business entities.  
2. Priority items to be audited.  
3. Inspection objectives and guidelines.  
4. Others.  
Within three months following the issuance of inspection strategic directives, an inspection audit proposal shall be developed by the labor inspectorate and submitted to the national competent authority for approval.
- Article 7 The Labor inspectorate shall compile relevant information on the labor inspections of inspected business entities and, when necessary, may request related authorities or organizations to provide the required information.  
Related authorities or organizations shall not refuse the above request except those prescribed in other regulations.

### Chapter III Labor Inspectors

- Article 8 In addition to the relevant regulations and laws applicable to the appointment of civil servants, the standards of recruitment and appointment of labor inspectors shall be specified by the national competent authority.
- Article 9 Labor inspectors shall receive professional training.  
This training program shall be developed by the national competent authority.
- Article 10 Labor inspectors, assigned by the labor inspectorate on the basis of their specialities and the characteristics of inspections to be conducted, shall carry out the duties as prescribed in Article 4.
- Article 11 Labor inspectors shall not:  
1.Alter, conceal or falsify factual information in the inspection reports.  
2.Disclose any information of the inspected business entities including but not limited to production technology, equipment, financial status, and management. This clause survives after the termination of the employment of the inspector.  
3.Disclose the source of the complaint while processing confidential complaints.  
4.Engage with the inspected business entities in any financial relationship.  
Any person may report with facts, any violation of laws and un-fulfillment of the duties of the labor inspector.
- Article 12 When potential conflict of interests between a labor inspector and a business entity exists, the labor inspector shall decline from conducting the duty voluntarily. Guideline shall be determined by the national competent authority.
- Article 13 Labor inspector shall not pre-notify any business entity the schedule of an inspection except the following:  
1.An audit or an inspection as prescribed in article 26.  
2.An inspection of a dangerous machine or equipment.  
3.An investigation of occupational fatality/injury.  
4.Other inspections approved by the labor inspectorate or competent authority.
- Article 14 Labor inspector shall, for carrying out the inspection duties, enter the business premises at any time. The employer, any agent acting on behalf of the employer, employees, and any other persons in concern shall not refuse, avoid or obstruct the inspection without reason.  
When necessary, the labor inspector may request assistance from police officer to deal with the refusal, avoidance or obstruction of the inspection.
- Article 15 When carrying out the inspection, a labor inspector shall, within the scope of the inspection, present to the employer, department managers in concern, union representatives and other persons in concern the following issues:  
1. To make inquiries about persons in concern and when necessary, take written or audio record of the inquiry.  
2. To notify persons in concern to submit reports, records, salary files, and documents in concern or to provide explanations as deemed necessary.  
3. To examine documents, information and materials prepared by the business entity as required by law; where necessary, the labor inspector may make copies of the documents, take photographs, make videotapes or make measurements.  
4. To seize in sealed container, or to take upon providing receipt to the business entity, materials, samples, equipments, and tools, for examination.  
The business entity or any person in concern shall not refuse, avoid or obstruct labor inspector performing the above duties.  
Where necessary, the business entity may apply to the labor inspectorate for examining or duplicating the videotapes and/or photographs taken by the labor inspector under item 3, paragraph 1 of this article.  
Labor inspectorate shall not refuse this request from the business entity.
- Article 16 On suspicion of violating the labor inspection law, labor inspector(s) may, where necessary, acquire a search warrant from the prosecutor and search the workplace(s), office(s) and materials in concern. When deemed necessary, labor inspector(s) may detain documents and materials as evidence.

### Chapter IV Appointed Inspection Agent and Agent Inspector

- Article 17 The national competent authority may, when necessary, appoint an inspection agent who in turn, to assign its inspector(s) to perform inspection duties on dangerous machines or equipment, in addition to the inspections conducted by labor inspectors from the labor inspectorate.
- Article 18 The national competent authority shall develop the criteria for determining the appointed inspection agent's and its inspector's qualification, competence, responsibilities, certification and evaluation.
- Article 19 An inspection agent shall operate on a non-profit basis. The fees to be charged shall be calculated on the basis of maintaining the income-expenditure balance. The inspection agent shall itemize its expenditure and submit to the national competent authority for approval.
- Article 20 Prior to making changes to the business operations, the inspection agent shall apply to the national competent authority for approval. Its application shall include attachment of any changes in machines or equipment and inspection classes, and districts to be added to or deleted from the business scope.
- Article 21 Article 11 and article 12 shall also apply to agent inspectors.

## Chapter V Inspection Procedure

- Article 22 Upon entering a business entity for inspection, labor inspector shall show his inspector permit and identification card and notify the employer and the union(s). The business entity may refuse inspection by a labor inspector without the inspector permit and identification card.  
Upon completion of an inspection, the labor inspector shall complete the inspection record and notify the business entity the contraventions and provide suggestions based on the requirements of labor law to the employer and his employees.  
The labor inspector permit and identification card mentioned in paragraph 1 above shall be issued by the national competent authority.
- Article 23 Where necessary and subject to the approval of labor inspectorate, a labor inspector may initiate invitation and be accompanied by competent authorities in concern, academic institutes, relevant organizations, specialists or physicians to make joint inspection and assessment. The business entity being inspected shall not refuse it.  
The requirements as prescribed in item 2, paragraph 1 in article 11 and article 12 shall also apply to any person invited by the labor inspector to make the joint inspection.
- Article 24 While investigating, reviewing, analyzing and assessing occupational fatality/injury, the Labor Safety and Health Research Institute, administered under the national competent authority, and other academic or research institutes shall provide necessary technical assistance.
- Article 25 The labor inspector shall report the inspection results to labor inspectorate and handle the case in the manner prescribed by the Law. Where there is a contravention, the labor inspectorate shall notify the business entity in writing within ten days and issue an order for immediate or pre-scheduled rectification and shall also, distribute copies of the inspection report to the municipal or county/municipal competent authorities to monitor compliance. For government-owned business entity, a copy of the inspection results shall also be distributed to its supervisory agency to monitor the compliance.  
The business entity shall post the results of inspection for at least seven days at conspicuous place (s) within the work area where the contravention has been found.
- Article 26 Without the approval of labor inspectorate or having passed the inspection(s), the business entity shall not allow workers to work in the following workplaces:  
1.Places which process the cracking of petroleum or petroleum products in petrochemical industry.  
2.Places which manufacture agricultural chemicals.  
3.Factories making fire-crackers and fireworks or gunpowder.  
4.Places which install pressure vessels containing gases under high pressures or steam boilers which reach the pressure or volume criteria as set in the regulation by the national competent authority.  
5.Places which manufacture, process and use dangerous or harmful materials in quantities at or above the threshold level as specified by the national competent authority.  
6.Places of construction projects designated by the national competent authority in consultation with the supervisory agencies of the targeted business entities.  
7.Other places designated by the national competent authority.  
Items to be inspected at places mentioned above shall be determined by the national competent authority.
- Article 27 When there is a serious occupational fatality or injury, the labor inspectorate shall assign labor inspector(s) to inspect and investigate the causes and determine the responsible person(s) or party(-ies). Where necessary to stop work in order to prevent further fatality/injury, the labor inspector(s) shall notify the business entity in writing and order work stoppage in all or part.
- Article 28 When an imminent danger to the worker(s) is noted during a safety and health inspection, a labor inspector shall notify the business entity in writing that work stoppage must be carried out at the affected workplace/operation.  
Items with imminent danger mentioned above shall be determined by the national competent authority.
- Article 29 Where a contravention has not been rectified by the established compliance date and an occupational fatality or injury may occur, the labor inspector shall report to the labor inspectorate in concern. Where necessary, the labor inspectorate shall notify the business entity to stop the whole or part(s) of operation.
- Article 30 After the causes for work stoppage have been eliminated, the business entity, which was notified to stop work under articles 27 to 29 of this Law, may apply to the labor inspectorate for work resumption.
- Article 31 Upon entering the business entity for inspection, the agent inspector shall show his inspection identification card voluntarily and inform the business entity to designate appropriate person(s) on site. Upon completion of inspecting the dangerous machine or equipment the agent inspector shall sign the original certificate and specify the valid certification period for those fulfill the requirements; where requirements are not met, the agent inspector shall notify the business entity the non-compliance and to his/her appointed inspection agent; the agent shall inform the labor inspectorate in writing, and the inspectorate shall handle the contravention in a manner as prescribed in the law.  
The dangerous machine or equipment that failed to comply with the requirements shall not be operated until it has been re-certified.  
The agent inspector's identification card shall be issued by the central competent authority.

- Article 32 The business entity shall post the following in a conspicuous place or places in the workplace:
- 1.The names of agencies or persons who handle workers' complaints.
  - 2.The scope of labor-related matters within which a complaint may be made.
  - 3.The format of worker complaint application form.
  - 4.The procedure of making a complaint.
- The format and content of the posted notice shall be determined by the national competent authority.
- Article 33 Upon accepting a complaint from worker(s), the labor inspectorate shall initiate, according to the nature of the complaint, an inspection by labor inspector(s) at soonest, and shall notify the complainant(s) the results of the inspection within fourteen days.
- Upon receiving a complaint from worker(s) the labor union shall review and verify the worker's complaint and, shall suggest improvement to the complainant's employer and copy to the labor inspectorate and the complainant(s).
- Where the business entity rejects the suggestions mentioned above, the union may apply to the labor inspectorate for requesting an inspection.

#### Chapter VI Penalties

- Article 34 In any of the following cases, the business entity upon conviction is subjected to imprisonment for a term of not more than three years or to a fine of not more than one hundred and fifty thousand NT dollars or a combination of the two:
- 1.Violation of article 26 to permit workers working in workplaces without inspection or workplaces without passing the inspection.
  - 2.Violation of stop-work order as specified in articles 27 to 29.
- When the representative of a business entity, the agent of a business entity or person-in-charge, the representative of a natural person, the representative employees or other representative workers of a business entity performing business duty violates the regulations prescribed above, business entity or the natural person shall be fined as prescribed in this article in addition to the actor.
- Article 35 In any of the following violations, the business entity or the contravener shall be fined not less than thirty thousand new Taiwan dollars and not more than one hundred and fifty thousand new Taiwan dollars:
- 1.Violation of paragraph 1, article 14 of this Law.
  - 2.Violation of paragraph 2, article 15 of this Law.
- Article 36 In any of the following violations, a fine not less than thirty thousand new Taiwan dollars and not more than sixty thousand new Taiwan dollars shall be imposed:
- 1.Business entity violating paragraph 2, article 25 or paragraph 1, article 32 of this Law.
  - 2.Organization in concern violating paragraph 2, article 7 of this Law.
- Article 37 After serving notice by the national competent authority unpaid fines shall be referred to the court and be collected by jurisdiction force.

#### Chapter VII Supplementary Provisions

- Article 38 Prior to the effect of this Law, an existing workplace as designated by law and falls under article 26 of this law as dangerous workplace shall apply to labor inspectorate for inspection within the period specified by the national competent authority. Shall such business entity fails to apply for inspection or fails to meet approval or inspection requirements, and should workers continue working in a dangerous workplace mentioned above, the business entity shall be penalized as prescribed in article 34.
- Article 39 Implementation details of this Law shall be determined by the national competent authority.
- Article 40 This Law shall be effective on the day of promulgation

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