



Article Content

Title Enforcement Rules for Act of Gender Equality in Employment Ch

Amended Date 2012.04.23

- Article 1 The Rules are prescribed in accordance with Article 39 of the Act of Gender Equality in Employment (here-in-after referred to as the Act).
- Article 2 Discriminatory treatments referred to in Articles 7-11, 31 and 35 of the Act shall mean that employers directly or indirectly treat employees or applicants adversely because of their gender or sexual orientation.
- Article 3 The nature of work only suitable to a specific gender referred to in Article 7 of the Act shall mean a work that cannot be accomplished or cannot be possibly accomplished by the applicants or employees of a specific gender.
- Article 4 In the determination of sexual harassment referred to in the Act, the concrete facts pertaining to the background, work environments, interpersonal relationships, the offenders' speeches and conduct and the understandings of concerned person for the occurrence shall be examined on the basis of the particular case.
- Article 5 In computation of employees hired referred to in Paragraph 1 to Article 13, Article 19 and Paragraph 1 to Article 23 of the Act, the number of employees shall include those who hired by branch offices and affiliated units.
The number of employees hired referred to in Article 19 of the Act shall be calculated by the total amount of employees hired by the employers on the first working day of the month that the employees file their applications or makes their requests.
- Article 6 The computation of the period of maternity leave referred to in Paragraph 1 to Article 15 of the Act shall be computed consecutively according to calendar.
- Article 7 When employees decide to take the three-day paternity leave referred to in Paragraph 4 to Article 15 of the Act, they shall select the three days during the period of five days including the day their spouses are in labor and two days right before and after that date.
In the case the dates referred to in the preceding paragraph coincide with the regular days off, memorial days and other days off as prescribed by the related statutes or administration regulations, they shall be included and not be counted as days off.
- Article 8 Where a female employee giving child-birth or miscarrying a child during an non-pay parental leave pursuant to Paragraph 1 to Article 16 of the Act and before the expiration of the leave-taking period and if the periods of her maternity leave as prescribed by Paragraph 1 to Article 15 of the Act survive after her reinstatement date, her employer shall still offer them the maternity leave pursuant to the Act. However, the period from the date of child-birth or miscarriage to the date of reinstatement should be deducted from the period of maternity leave.
- Article 9 The occupational injury insurance of the labor insurance program shall not be included in the original social insurance programs referred to in Paragraph 2 to Article 16 of the Act that employees are entitled to

continuously participate. The employees on leave shall be continuously covered through the original insured units.

- Article 10 For those employees who participate continually in the original social insurance programs referred to in Paragraph 2 to Article 16 of the Act, matters concerning their insurance procedures, insurance amount, payment of premiums and insurance benefit payments shall be processed in accordance with the related statutes and administrative regulations.
- Article 11 Feeding in person referred to in Paragraph 1 to Article 16 of the Act shall also include female employees using containers to store their breast milk in order to feed their babies.
- Article 12 The children referred to in Paragraph 1 to Article 16, Paragraph 1 to Article 18 and Article 19 of the Act mean children born within wedlock, illegitimate children and adopted children.
- Article 13 When employees file applications or make requests pursuant to Articles 14 to 20 of the Act, employers may require them to provide with related verification documentations, if necessary.
- Article 14 The child care facilities or suitable child care measures that employers shall set up for their employees referred to in Paragraph 1 to Article 23 of the Act shall include the facilities or measures that are jointly provided for in conjunction with other employers, or the facilities or measures provided for by other child care institutions or kindergarten that are commissioned by the employer.
- Article 15 The Rules shall become effective on the date of promulgation.