

Written Statement Submitted by Professor Chung-Sen Yang

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**WRITTEN STATEMENT SUBMITTED BY
PROF. CHUNG-SEN YANG* AFTER
THE CONFERENCE**

I would like to make some remarks on the question raised in the first session about the labor law and working conditions in the ROC. To improve the workmen's livelihood and welfare as a means to foster social security is set forth in the Constitution of ROC as the basic national policy. There is a great amount of labor legislation aimed at protecting the working conditions and promoting the welfare of the workers. The workmen's right to organize or join a labor union is not only protected but also made mandatory by the Labor Union Law. Certain unfair labor practices which might hinder the activities and development of

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labor unions on the part of the employers are prohibited with criminal sanctions. The Factory Law sets forth various safety and sanitation standards as well as minimum working conditions which every employer shall comply with. The contents of this law are pretty comprehensive. It covers, among other things, maximum working hours, minimum wage, allowance, overtime payment, fringe benefits, vacation and termination of contract. Among these provisions, one especially merits attention, namely, that the workers are entitled to participate through their representatives in the decision-making process of the factory policies with their employers (Art. 49-55). In order to enforce this Factory Law, the government employs many factory examiners who have the duty of visiting periodically each factory to examine whether the legal requirements are observed. If there is any irregularity or violation on the part of the employer, the employer may be prosecuted and punished by the court. As far as I know, there have been a number of court cases in which certain factory owners were fined heavily by the court for failure to maintain the minimum sanitary facilities or for having the workers work beyond maximum working hours.

Since 1960, the ROC government has enforced a compulsory insurance program for the workers so that they are insured against sickness, injury, disability, unemployment, old age, death and childbirth. This program has turned out to be very successful.

As far as collective bargaining and labor disputes are concerned, the labor union may negotiate with the employer through the collective bargaining process (see the Law Concerning Collective Agreement). If certain labor disputes should happen and both sides fail to reach an amicable settlement through conciliation, then the workers may go on strike according to Art. 26 of the aforementioned Labor Union Law. However, a special law entitled Law Governing the Settlement of Disputes between Labor and Management provides that in a time of emergency any labor dispute shall resort to conciliation and arbitration and the employers are not allowed to shut down their factories nor are the workers permitted to go on strike (Art. 36, Sec. 2). Since at the present time the ROC is still facing the military threat of the PRC, the right to strike on the part of the workers is therefore temporarily suspended in order to assure industrial peace and internal stability.

It is to be noted that the government agencies concerned in the ROC are not unmindful of the welfare of workmen. As a matter of fact, in the past years, the Ministry of Interior Affairs

has endeavored to revise and codify the existing labor laws and regulations and bring them in line with those of the developed countries for the purpose of promoting considerably the welfare of laborers and giving them much better protection. However, such revisions may increase the costs of doing business and may have an adverse effect on the competitive power of the ROC's exports as well as on the incidence of foreign investment, which may in turn retard the economic prosperity in the ROC. Since at the present, the first priority for the ROC is to enhance industrial prosperity and economic development, the attempt to raise workers' benefits cannot but yield to the general national interest to a certain extent.

