

Title : Vocational Training Act (2015.07.01 Modified)

Chapter I General Provisions

- Article 1 The Act is enacted to provide vocational training for developing skilled workforce for national construction, advancing work skills and promoting employment for the nationals.
- Article 2 The competent authority referred to in the Act is the Ministry of Labor at the central level, the municipal government at the municipal level, and the county/city government at the county/city level.
- Article 3 The vocational training referred to in the Act is the training provided in accordance with the Act for developing and advancing work skills. The implementation of vocational training can be categorized as rudimentary training, apprentice training, upgrading training, and job-transfer training. The competent authority may entrust its subordinated agencies (institutions) or commission vocational training institutions, relevant agencies (institutions), schools, organizations, or business entities to provide rudimentary training and job-transfer training referred to in the preceding paragraph. Regulations concerning the qualifications, methods and other matters of compliance of being entrusted and commissioned to provide vocational training referred to in the preceding paragraph shall be prescribed by the Central Competent Authority.
- Article 4 Vocational training shall be implemented in association with vocational education, supplementary education and employment services.
- Article 4-1 The Central Competent Authority shall coordinate and integrate the competency standards, training courses, ability evaluation criteria and service information of vocational training provided by other central competent authorities of related business to promote the vocational training and skills certification needed for national employment.

Chapter II Vocational Training Institutions

- Article 5 Vocational training institutions include the following three types:
1. Those are established by government agencies.
 2. Those are subsidiaries of business entities, schools, or juridical associations.
 3. Those are established by non-profit corporate.
- Article 6 Vocational training institutions applying for establishment shall register with or admitted by the Central Competent Authority, and those for suspension or dissolution shall file with the Central Competent Authority for approval. Vocational training institutions shall provide training in accordance with their objectives of establishment; they may also be commissioned to provide training. Regulations concerning the establishment and management of vocational training institutions shall be prescribed by the Central Competent Authority.

Chapter III Implementation of Vocational Training

Section 1 Rudimentary Training

- Article 7 Rudimentary training is a systematical pre-employment training provided for the nationals who are fifteen years of age and above or have completed the junior high school education.
- Article 8 Rudimentary training shall be provided by vocational training institutions, unless there are different provisions applied in the Act.
- Article 9 The rudimentary training of job categories publicly announced by the Central Competent Authority shall be provided in accordance with the training courses, number of hours and required equipments prescribed by the Central Competent Authority.
- Article 10 The agencies (institutions), schools, organizations or business entities providing training shall issue training certificate to persons who have completed the rudimentary training and passed the test.

Section 2 Apprentice Training

- Article 11 Apprentice training is the training provided by business entities enterprises to the nationals who are fifteen years of age and above or have completed the junior high school education for the purpose of developing their skilled manpower at the basic level.
The Central Competent Authority shall prescribe and publicly announce the job categories and criteria of apprentice training.
- Article 12 When providing apprentice training, the business entity shall design a training plan in advance and sign a written contract with apprentices in accordance with related statutes and regulations.
- Article 13 The competent authority shall provide guidance and technical assistance to business entities of providing apprentice training.
- Article 14 The business entities shall issue training certificate to persons who have completed the apprentice training and passed the test.

Section 3 Upgrading Training

- Article 15 Upgrading training is the training provided to in-service employees for advancing their professional skills and knowledge and increasing their productivity.
- Article 16 Upgrading training may be provided by business entities of themselves, commissioning to training institutions, or assigning employees to take relevant professional training being held domestically or overseas.
- Article 17 Business entities in provision of upgrading training shall present the report of training provision to the competent authority for reference and record within two months after the end of fiscal year.

Section 4 Job-transfer Training

- Article 18 Job-transfer training is the training provided to job-transferring persons for acquiring skills and knowledge required for new jobs.
- Article 19 For coping with the social and economic changes, the competent authority may survey the demand for job-transfer training and accepting training applications, and design training plan in association with social welfare

measures.

When designing the training plan referred to in the preceding paragraph, the competent authority shall discuss with the agricultural competent authority when the plan is related to the voluntary job-transfer training of farmers.

Article 20 Job-transfer training shall be provided by vocational training institutions, unless there are different provisions applied in the Act.

Section 5 (Deleted)

Article 21 (Deleted)

Article 22 (Deleted)

Article 23 (Deleted)

Chapter IV Vocational Training Instructor

Article 24 Vocational training instructors are persons in charge of directly teaching vocational skills and related knowledge.

Regulations concerning the titles, ranks, qualifications, recruitment and review, and selection and hiring of vocational training instructors shall be prescribed by the Central Competent Authority.

Article 25 When a vocational training instructor passes the recruitment and review, his/her seniority of teaching in a vocational training institution may be mutually admitted and calculated with the seniority of being a teacher in school of equivalent level. His/her remuneration may be paid by following the pay scale criteria of teacher in school of equivalent level.

Regulations concerning the admission, calculation and the criteria of following referred to in the preceding paragraph shall be prescribed by the Central Competent Authority in association with the education competent authority.

Article 26 The Central Competent Authority may designate vocational training institutions to provide rudimentary training, supplementary training and upgrading training for vocational training instructors.

Regulations concerning the development and training of vocational training instructors referred to in the preceding paragraph shall be prescribed by the Central Competent Authority.

Chapter V Training Expenses of Business Entities

Article 27 The annual expenses required for vocational training of business entities to provide vocational training shall not be less than the prescribed percentage of their business revenue of the year. Those spending less than the prescribed percentage are required to turn in the difference in amount within the given period to the vocational training fund established by the Central Competent Authority for overall utilization on vocational training.

Regulations concerning industries and scale of business entities, percentage of vocational training expenses, the given period of turning in difference, and the establishment, management, and utilization of vocational training fund referred to in the preceding paragraph shall be prescribed by the Executive Yuan.

Article 28 The vocational training expenses of business entities referred to in the preceding article shall be spent on the following items:

1. Expenses for self- or jointly-implemented training.
2. Expenses for commissioned training.
3. Expenses for training designated to participate.

Regulations concerning the reviewing of expenses referred to in the preceding paragraph shall be prescribed by the Central Competent Authority.

Article 29 The vocational training expenses appropriated in accordance with Article 27 shall have its own accounting title, be spent for specific purposes, and be listed and disbursed as functional expenses.

Article 30 Business entities required to provide vocational training shall present the report concerning the use of their vocational training expenses to the competent authority for review within two months after the end of fiscal year.

Chapter VI Skills Certification, Issuance of Certificate and Accreditation

Article 31 The Central Competent Authority shall conduct skills certification for upgrading skill level and developing the certificate system.
The Central Competent Authority, if necessary, may entrust or commission relevant agencies (institutions) or organizations to conduct the skills certification referred to in the preceding paragraph.

Article 31-1 The central competent authority of related business or nationally professional organizations legally established for non-profit purpose may apply to the Central Competent Authority for accreditation on the capability of job categories of skills test.
The Central Competent Authority may, if necessary, commission professional accreditation institutions for non-profit purpose to undertake accreditation business referred to in the preceding paragraph.
Regulations concerning qualifications of agencies, organizations and institutions, reviewing procedures, amount of reviewing fees, job categories of accreditation, level and effective period, termination of commissioning, and other matters of management referred to in the preceding two paragraphs shall be prescribed by the Central Competent Authority.

Article 31-2 Agencies or organizations accredited (hereinafter referred to as accredited units) in accordance with the preceding article may undertake job categories of skills test, and issue job categories of skills diplomas to persons passing the test.
The effect of diplomas referred to in the preceding paragraph is equivalent to that of technician certificates, and the rank and class of diplomas can be referred to the provision of Article 32; regulations concerning issuance and management of diplomas shall be prescribed by the Central Competent Authority.

Article 32 The rank for each job category of skills certification can be rated as Class A, Class B and Class C in accordance with its scope of skills and level of specialty; the Central Competent Authority shall determine the rank for job categories which are not easily rated as three classes.

Article 33 The persons who pass the skills certification will be entitled as technician, and receive technician certificates issued by the Central Competent Authority.

Regulations concerning the matters of establishing and managing questions bank for skills certification, selection, training and evaluation of invigilator and marker, qualifications of certification application, commissioning of written and field tests, evaluation and subsidization of machines and equipments required for the sites of field test, issuance and administration of technician certificates, and the reward on the promotion of technician certificates institution shall be prescribed by the Central Competent Authority.

Regulations concerning the matters of developing job categories of skills certification, establishment of guidelines, formulation of test questions and grading, operational procedures for test, written test invigilation, field test invigilating and marking, and examination site directions shall be prescribed by the Central Competent Authority.

Article 34 When hiring personnel of technical position, persons with Class B technician certificate may be employed as being equivalent to junior college graduates; persons with Class A technician certificate may be employed as being equivalent to university graduates or above.

Article 35 Business entities that are technologically related to industries of public safety shall employ technicians of certain percentage; the industries and percentage shall be prescribed by the Executive Yuan.

Chapter VII Guidance and Reward

Article 36 The competent authority may from time to time send personnel to inspect the situations of vocational training provided by vocational training institutions and business entities.

Vocational training institutions or business entities may not refuse the inspection referred to in the preceding paragraph and shall provide related information and materials.

Article 37 After inspecting the situations of vocational training provided by vocational training institutions and business entities, the competent authority may take the following measures in accordance with the inspection results:

1. Rewarding those with outstanding performance.
2. Providing guidance to those deficient in technology.
3. Subsidizing those lacking of expenses.

Article 38 Individuals, organizations or business entities who donate their property to the provision of vocational training or make special contributions to vocational training shall be rewarded.

Article 38-1 The Central Competent Authority shall hold skills competitions for encouraging the nationals to learn vocational skills and advancing the vocational skills level in the country.

Regulations concerning the matters of implementing skills competitions, entrusting subordinated agencies (institutions) or commissioning relevant agencies (institutions) or organizations to hold the skills competitions, selection of judges, qualifications and restrictions of competitors, competition rules, settlement of disputes and rewards referred to in the preceding paragraph shall be prescribed by the Central Competent Authority.

Chapter VIII Penal Provisions

Article 39 When vocational training institutions fail to provide vocational training properly, or are in violation of related statutes and regulations or conditions of establishment admission, the competent authority may in accordance with the circumstances take the following measures:

1. Warning.
2. Improving with a given period.
3. Suspending and reorganizing.
4. Revoking or abolishing the admission.

Article 39-1 Units accredited in accordance with Article 31-1 shall not have any of the following situations:

1. Advertising or disclosing false information when undertaking job categories of skills test.
2. Collecting fees in addition to the prescribed amount for job categories of skills test.
3. Obtaining unfair gains for themselves or others.
4. Having difficulty in business affairs or financial operation.
5. Refusing to provide, or providing false or expired information and materials required to provide in accordance with statutes and regulations.
6. Violating the provisions of qualifications, reviewing procedures, and other matters of management in regulations prescribed by the Central Competent Authority in accordance with Paragraph 3 to Article 31-1.

When units in violation of sub-paragraphs of the preceding paragraph, the Central Competent Authority shall impose a fine of no less than N.T.\$ 30,000 but not exceeding N.T.\$ 300,000, and also take the following measures in accordance with the circumstances:

1. Warning.
2. Improving with a given period.
3. Suspending the business of skills test.
4. Revoking or abolishing the accreditation.

Accredited units whose accreditation has been revoked or abolished in accordance with Subparagraph 4 in the preceding paragraph cannot issue job categories of skills diplomas on the date that the revocation or abolition takes effect.

When units in violation of sub-paragraphs in the preceding paragraph, or unaccredited units that issue job categories of skills diplomas prescribed in Article 31-2, shall be fined no less than N.T.\$ 100,000 but not exceeding N.T.\$ 1,000,000.

Article 39-2 When persons with job categories of skills diplomas have any of the following situations, the Central Competent Authority shall revoke or abolish their diplomas :

1. Acquiring diplomas with fraud, coercion, bribery, or other improper methods.
2. Lending their diplomas to others.
3. Violating seriously the provisions concerning effect of diplomas, rank and class, issuance of diplomas and other management matters in regulations prescribed in accordance with Paragraph 2 to Article 31-2.

When accreditation of accredited units is revoked or abolished in accordance with the preceding article, except having the situations prescribed in the preceding paragraph, the diplomas legally acquired by participants of job

categories of skills test before the revocation or abolition of accreditation remain effective.

Article 40 When the difference of vocational training expense accordance with Article 27 is not turned in, an overdue fine of 0.2 percent of unpaid difference shall be imposed for each day from the second day after the expiration of given turn-in period to the day of paying up difference. However, the total fine shall not exceed two times the unpaid difference.

Article 41 If the unpaid difference of vocational training expense and overdue fine in accordance with the Act are still unpaid after being noticed to pay within the given period, it may be submitted to the court for judicial collection.

Chapter IX Supplementary Provisions

Article 42 (Deleted)

Article 43 The enforcement rules of the Act shall be prescribed by the Central Competent Authority.

Article 44 The Act shall become effective on the date of promulgation.
Amended articles of the Act will be enforced on the date of promulgation, except Articles 31-1, 31-2, 39-1 and 39-2 that were amended on October 25, 2011 and will become effective one year after promulgation.