

Increasing the salaries for migrant caregivers and the allowances of monthly salaries for the employers in employing foreign family caregivers

Q&A

2022.8.10

One: Increasing the monthly salaries for family caregivers

Question 1: Why is it necessary to adjust the monthly salaries for the family caregivers?

Answer: The monthly salaries for the family caregivers were set at NT\$17,000 (the same currency denomination all through this document) since September 2015, and remained unchanged. This is quite a big difference between the basic salaries of \$25,250 for migrant workers in the industrial sector at \$8,250. Considering the harmony of labor-management relations, stabilization of the sources of migrant workers, the proper management of all migrant workers, the economic burden of the employers and the reasonable salary structure of the migrant workers, the monthly salaries for the family caregivers will be adjusted upward to \$20,000. This helps to keep the recruitment of foreign family caregivers in Taiwan and related document authentication operation from being interrupted and solve the problem of the shortage of foreign family caregivers. For the disadvantaged families and normal families that need to recruit foreign caregivers, a salary allowance package is in place to benefit both sides.

Question 2: The monthly salaries for family caregivers were adjusted from \$17,000 to \$20,000, but why were the monthly salaries for migrant workers adjusted by 17% at one time?

Answer: Like the other migrant workers, family caretakers also live in

Taiwan at the same price level. The recent is adjusted from \$17,000 to \$20,000, and the salary will be adjusted by 3,000, which is a 17% increase. For the migrant workers in the industrial sector, their monthly salaries in the same period were adjusted from \$20,008 in 2015 to 25,250 in 2022, which is \$5,242 more or a proportion of 26%. The adjustment rate is relatively reasonable.

Question 3: The salary adjustment period for family migrant workers and who will be benefited?

Answer:

- I. Family migrant workers are foreign family caregivers and foreign maids.
- II. For the newly recruited family migrant workers with employment started on 2022.8.10, their monthly salaries will be adjusted from \$17,000 to \$20,000.
- III. Family migrant workers who have been employed with an employment permit renewed after expiration or switching to another employer after the expiration of the previous employment permit, the monthly salaries will be \$20,000 if the employment started on 2022.8.10.
- IV. Family migrant workers whose employment contracts are still in force, follow the terms and conditions inscribed in the contracts. However, the employers are free in raising the salaries for the migrant workers or modifying the terms and conditions of the employment contracts in line with the new salary system.

Question 4: Further to the previous question, is it necessary for the family migrant workers whose employment permit is renewed after expiration or switching to another employer after expiration to enter into an employment contract with

the employer in writing? Should the employment contracts binding the family migrant workers and the employer be subject to the authentication of the labor supplying countries? Should the contract be expressed in both Chinese and relevant foreign languages in parallel? And who is responsible for keeping the employment contracts after signing?

Answer:

- I. Yes. Employers must enter into a written agreement on the employment of family migrant workers in Chinese, and translate the text of the agreement into the native language of the migrant workers.
- II. The employer and the family migrant worker shall each keep one copy of the employment agreement signed by each other. It is the onus of the employer to procure and keep the agreement for the inspection of the local government.
- III. Employer processing for the renewal of employment at the expiration of the previous employment permit or switching to a new employer shall comply with the rules and regulations of the representative offices of relevant labor supplying countries in Taiwan on matters pertinent to the authentication of the employment agreement.

Question 5: If the family migrant workers demand a salary raise from the employer prior to the expiration of the employment agreement, is it necessary for the employer to comply? If not, should the migrant worker continue performing the duties stated in the original employment agreement?

Answer:

- I. Within the perpetuity of the previous employment agreement, the

salaries for the family migrant workers shall still be governed by the agreement.

II. The monthly salaries for the family migrant workers shall be jointly determined by both sides at common consent and shall be inscribed in the employment agreement. Any demand for upward adjustment of salaries prior to the expiration of the employment agreement shall be subject to the consent of the employer. In a dispute between the employer and the migrant workers concerning monthly salaries, the parties concerned may seek mediation from respective local governments.

Question 6: Should this new salary adjustment rule apply to migrant workers in Taiwan with employment agreement still in force but switching to another employer?

Answer:

I. According to Paragraph 4 under Article 53 of the Employment Service Act, migrant workers cannot switch to another employer or job unless provided under Paragraph 1 under Article 59 of the Employment Service Act, subject to the approval of the Ministry of Labor.

II. If the switching to another employer satisfied the conditions set forth in Article 59 of this law and approved by the Ministry of Labor, the new employer shall endorse the employment with monthly salary payment of \$20,000.

Question 7: When should the representative offices from respective labor supplying countries in Taiwan authenticate the employment agreements of the migrant workers on the basis of the salaries after adjustment?

Answer: The Ministry of Labor has notified the representative offices of respective labor supplying countries in Taiwan that with effect on 2022.8.10, all newly recruited family migrant workers, family migrant workers with employment agreement renewed after expiration or switching to a new employer after expiration shall be entitled to monthly salaries of \$20,000. Accordingly, employers should apply for authentication of salaries for the aforementioned migrant workers at this level.

Question 8: When will the affidavit on salary payment be announced and become effective after the adjustment? After the said affidavit has become effective, could the previous affidavit on salary payment already authenticated by the governments of the labor supplying countries be used as the required documents for the foreign representations of the Republic of China for issuing visas?

Answer:

- I. The new version of the affidavit on salary payment will be effective on 2022.8.10. Respective labor supplying countries should authenticate the document by the updated version.
- II. Affidavit of salary payment already authenticated by the government institutions of the family migrant worker supplying countries in due process of law can still be accepted by the foreign representations of the Republic of China for processing the visa application.
- III. The affidavit on salary payment authenticated by the government institutions of the labor supplying countries before 2022.8.10 could still be accepted by the foreign representations of the Republic of China for visa application.

Question 9: Further to the recent upward adjustment of monthly salaries for the family migrant workers, will there be any annual salary increment by the years of seniority of the migrant workers?

Answer:

I. To encourage migrant workers to work with “the same employer” for achieving stable labor-management relation, if the migrant workers have been working with “the same employer” for 3 consecutive years, the employer is advised to raise the salary for the migrant worker by \$1,000/month at the time of employment renewal further to the mandatory upward adjustment to \$20,000 per month. If the migrant worker has been working with “the same employer” for 6 consecutive years, the employer is advised to raise the salary for the migrant worker by \$1,000/month again at the time of employment renewal.

II. Examples: If the term of employment of a specific family caregiver ends on 2022.8.9, and the employer and the migrant worker elect to renew the employment agreement, the monthly salary shall be \$20,000 with effect on 2022.8.10. If this specific migrant worker has been working with the same employer until 2025.8.10 for 3 consecutive years, the employer is advised to raise another \$1,000/per month, which makes up to NT\$21,000/month in favor of the migrant worker. Likewise, if this specific migrant worker has been working with the same employer until 2028.8.10 for 6 consecutive years, the employer is advised to raise another \$1,000/month for the migrant worker for a second time, which makes up the total of NT\$22,000/month in favor of the migrant worker.

Question 10: If the employer has agreed with the migrant workers with a monthly salary payment of more than \$20,000 before

2022.8.10, could the payment for the migrant worker be cut down to \$20,000/month from the effective date of salary adjustment?

Answer: No. For family migrant workers who have entered into an employment agreement and have been working in Taiwan before the date of mandatory salary adjustment, employers may adjust the current level of salary as agreed only at the common consent of both the migrant workers and the employers through entering into a new round of employment agreement. The conditions for authentication of “affidavit on salary payment” unfavorable to the migrant workers cannot be adopted.

Question 11: With effect on the date of mandatory salary adjustment that the employers and family migrant workers shall jointly determine the monthly salary of \$20,000, will this amount include compensation for overtime duties on holidays, bonus, or commission for the job broker of the migrant workers?

Answer: No. It is not included. The amount of \$20,000 is just the monthly salaries agreed upon in the employment agreement, which is the regular salary payment that does not include any compensation for overtime on holidays and other variable incomes (e.g.: gifts for the 3 major festivals, and year-end bonus), and also does not include the commission for the job broker of the migrant workers.

Question 12: Is there any penalty if the employer fails to effect monthly salary payment at the mandatory level after the effective day of adjustment?

Answer: If a specific employer fails to effect salary payment as agreed under the employment agreement, it is a violation of Subparagraph

9 under Article 57 of the Employment Service Act, and Paragraph 2 under Article 66 of the Regulations Governing the Permission and Management of Employing Foreigners by Employers. Accordingly, this specific employer shall be liable for a fine ranging from \$60,000 to \$300,000, and the revocation of the employment permit for employers.

Question 13: Will the premiums for national health insurance and the occupational hazards insurance be increased to be borne by the employers or the family migrant workers after the salary adjustment day?

Answer: No. The monthly salary after adjustment still falls below Level 1 (\$25,250) of the national health insurance premium currently in effect, and Level 1 of the salary level for the occupational hazard insurance. As such, there will be no increase in premiums for national health insurance and occupational hazards insurance to be borne by the employers or the family migrant workers.

Question 14: If the migrant worker performs overtime duties on the routine day-off for 1 day in every 7 days of works, and on the days for annual leave after the salary adjustment day, how are the compensation and salaries on these days of overtime duties calculated?

Answer: If the monthly salary is agreed on at \$20,000, then the daily wage will be $\$20,000 \div 30 \text{ days} = \$667/\text{day}$. Accordingly, the compensation for overtime duties on routine days off and on the days of annual leave will be \$677/day. If the monthly salary is agreed on at \$21,000, the daily compensation will be \$700.

Question 15: Could the job brokers increase the registration fee and the commission for intermediary service from the salary

adjustment day and beyond in the employment of migrant workers to the appointment of the employers?

Answer: Yes, but job brokers cannot charge the employers for more than 1 month of the 1st month of salary for the migrant workers for the registration fee and service commission according to Article 3 of the Standards for Fee-charging Items and Amounts of the Private Employment Services Institution. For migrant workers whose employment agreement is still effective, and if the employer agrees to adjust the salary payment before the expiration of the employment agreement, this involves only the alteration of the amount of salary payment as stated in the employment agreement binding the employer and the migrant workers, and does not relate to the registration and intermediary services of the job brokers. As such, it is not necessary to pay additional registration fees and service commissions to the job brokers.

Two: Salary allowance for employers employing foreign family caregivers

I. Eligibility for application

Question 1: Who will be entitled to salary allowance and what will be the eligibility for application?

Answer: Employers who have employed foreign family caregivers and agreed to pay more than NT\$20,000 (the same currency denomination all through this document) per month (excluding the compensation for overtime duties on holidays and other amounts payable under the title of salaries or as a substitute for other items) and who meet the following conditions are entitled to apply for salary allowance:

- (I) Employers who hold a valid employment permit issued by the Ministry of Labor for the period of 2022.8.10 to 2025.8.9, and

either the employer or the person under nursing care is qualified for any of the following in the duration of application for salary allowance:

1. Low income or moderate to low income households under the Social Aid Act.
2. Those who are subsidized for livelihood under the Handicapped Rights Protection Act.
3. Those who are subsidized for livelihood under the Old Age Welfare Act.

(II) Employers who hold valid employment permits issued by the Ministry of Labor for the period of 2022.8.10 to 2022.12.31, and neither the employer nor the person under nursing care is qualified for any of the above benefits.

Question 2: If a specific family caregiver has been paid \$20,000/month before 2022.8.10, and is still in employment, could the party concerned be entitled to apply for a salary allowance?

Answer: Yes, if the foreign family caregiver still receives a monthly salary of \$20,000 or more from 2022.8.10 onward, and the employment permit is still valid, the party concerned may apply for salary allowance in the due procedure by the deadline.

Question 3: Could the employer holding a handicapped handbook be entitled to apply for a salary allowance?

Answer: Yes, if the employer can adjust the monthly salary as agreed to \$20,000 or more from 2022.8.10 onward, this employer is entitled to apply for a salary allowance. If only the employer or the person under nursing care holds the handicapped handbook, and does not meet the criteria for qualifying as low income or moderate to low income household under the Social Aid Act, or entitled to be

subsidized for livelihood under the Handicapped Rights Protection Act, or subsidized for livelihood as moderate to low-income household under the Old Age Welfare Act, they may apply for salary allowance only under the title as a common employer.

Question 4: If the employer is not the salary payer, could the actual salary payer apply for salary allowance?

Answer: Only the employer to whom the Ministry of Labor issued the employment permit could be entitled to salary allowance, not the actual salary payer. As such, only the employer may apply.

II. Deadline and method of application

Question 1: What will be the deadline for employers to apply for salary allowance?

Answer:

Employers who are entitled to salary allowance should apply from the day on which the salary allowance guideline was announced (2022.8.10) with the Workforce Development Agency of the Ministry of Labor (hereinafter, the “WDA”) within the following time limits:

(I) Either the employer or the person under nursing care is a low or moderate to low-income household under the Social Aid Act, or is subsidized for livelihood as a moderate to low-income household under the Handicapped Rights Protection Act or the Old Age Welfare Act (hereinafter, “disadvantaged employer(s)”): Apply with WDA from 2022.8.10 to 2025.8.9. If the validity of the employment permit is extended to 2025.8.9, application may be made no later than 2025.8.11 or will not be eligible for application.

(II) Employers who are not qualified for social welfare: apply with WDA from 2022.8.10 to 2022.12.31. If the validity of the employment permit is extended to 2022.12.31, application may be made no later than 2023.1.3 or

will not be eligible for application.

Question 2: What will be the required documents for applying for salary allowance?

Answer:

The following documents are required for applying for salary allowance:

- (I) Application.
- (II) Photocopy of the account passbook of a domestic financial institution under the account title of the employer.
- (III) Photocopy of the employment agreement (monthly salary at NT\$20,000 or above).

Question 3: How could employers apply for salary allowance?

Answer: The employer shall prepare a document for proof of a natural person, and apply online with WDA through the “Online Application for Cases of Foreigners” (website: <https://fwapply.wda.gov.tw>). The employer may also fill in an application in hard copy and deliver the application and the required documents to the Multinational Workforce Affairs Center of WDA by mail or in person (Address: 100 10F, No. 39, Section 1, Zhonghua Road, Zhongzheng District, Taipei City).

Question 4: Is it necessary for the disadvantaged employers to present documents for proof of entitlement to social welfare further to the application, the bank passbook on their own, and the employment agreement in applying for salary allowance?

Answer: As a matter of principle, WDA will voluntarily check with a related job broker to confirm if the employer is entitled to social welfare. It is not necessary for the employer to present related proving documents at the time of application. WDA will request

such documents only if no related information is available.

Question 5: Is it possible to entrust a private placement service institution to apply for a salary allowance?

Answer: Employer may apply for salary allowance by itself or entrust a private placement service institution for application, but have to fill in the application properly and accurately with the attachment of the required documents for facilitating the review process of WDA and the disbursement of the allowance.

Question 6: If the disadvantaged employer is entitled to the waiver of the employment stability fee, is it necessary for this employer to apply again for salary allowance?

Answer: Yes, the disadvantaged employer still has to apply with the attachment of related required documents, as WDA still needs to check if the monthly salary as agreed between the employer and the foreign family caregiver under the employment agreement is \$20,000 or above. The employer must apply just once and WDA will automatically disburse the salary allowance quarterly in the employment period if the employer is confirmed in the review as entitled to the allowance.

Question 7: If the employment permit applied by the employer for the foreign family caregiver is expired but approved for renewal, is it necessary for the employer to apply again for salary allowance?

Answer: Yes, it is necessary. WDA will automatically disburse the salary allowance quarterly after confirming the entitlement of the employer in the application review process. However, the

expiration of the previous employment permit for the foreign family caregiver will make the previous employment permit ineffective that WDA will stop disbursing the allowance. If the employer employs the foreign family caregivers again to serve the same person under nursing care (continued employment, renewal of employment at expiration, switching to another employer after expiration), and the employee is qualified for salary allowance, the employer can apply again with WDA for salary allowance.

III. Calculation of the subsidizing period and limit

Question 1: What will be the maximum period of salary allowance? Is there any limit for payment?

Answer:

(I) For the same person under nursing care provided by foreign family givers employed by the same or different employers who have applied for salary allowance, the subsidy will be continued on the basis of the chronological order of the employment permit and the aforementioned criteria. The subsidizing period in accumulation and the maximum amount of allowance in totality is specified below:

1. Entitled to social welfare benefit: allowance will be disbursed for up to 3 years and the total amount of allowance in accumulation will be limited to \$108,000.
2. Not entitled to social welfare benefit: allowance will be disbursed for up to 4 months and the total amount of allowance in accumulation will be limited to \$6,000.

(II) If the person under nursing care is entitled to the service of one more foreign family caregiver, and the employer has employed 2 foreign family caregivers in the same employment period for taking

care of this person, the total amount of allowance will be calculated separately.

Question 2: What will be the amount of monthly salary allowance?

Answer:

(I) Disadvantaged employers: up to \$3,000/month for the same person under nursing care. If the employment period is shorter than one month in the month of issuing the employment permit, the allowance will be \$100/day.

(II) Common employers: up to \$1,500/month for the same person under nursing care. If the employment period is shorter than one month in the month of issuing the employment permit, the allowance will be \$50/day.

Question 3: If the employer employs 2 foreign family caregivers to take care of 2 persons under nursing care, what kind of salary allowance could be applied?

Answer: Since allowance will be granted on the basis of the same person under nursing care for limit control, the employer shall apply for salary allowance for different persons under nursing care separately. The subsidy period and allowance amount will be calculated separately by the entitlement to social welfare benefits.

Question 4: If the employer employs 2 foreign family caregivers to take care of the same person under nursing care, could salary allowance be applied for the employment of both foreign family caregivers? And how to calculate the amount of allowance?

Answer:

(I) If the employer employs 2 foreign family caregivers to take care of one person under nursing care at the same time, the employer

actually pays salaries for the 2 foreign family caregivers simultaneously so that the salary allowance can be calculated separately. However, the salary allowance for the 2nd foreign family caregiver may only be effected in the period during which two foreign caregivers were employed to take care of the same person under nursing care.

(II) For example, if the employer employs foreign family caregivers A and B to take care of person X under nursing care, and the employment period for A to take care of person X starts on 2022.10.1 and ends on 2025.10.1 while that for B starts on 2023.4.1 and ends on 2026.4.1, then the employer may apply for salary allowance separately within the effective period of employment of A and B for taking care of person X (from 2023.4.1 to 2025.10.1).

Question 5: If the entitlement of the employer or the person under nursing care to social welfare benefits was changed during the employment period of foreign family caregivers, what will be the change in the calculation of the subsidizing period and the total amount of allowance?

Answer:

(I) The subsidy will be granted on the basis of the entitlement of the employer or the person under nursing care to social welfare benefits. The subsidizing period and the maximum amount of allowance will be determined on the basis of the caring of the same person. If the entitlement to social welfare benefits is extinct or enhanced, the subsidizing period and the maximum amount of allowance will also be changed accordingly.

(II) For example, the employer employs a foreign family caregiver to take care of person X under nursing care, and the

employment period starts on 2022.9.1 and ends on 2025.9.1, and applies for salary allowance by the deadline. However, the employer and the person under nursing care are not entitled to social welfare benefits until November 2022, and the entitlement was not granted until December 2022. Under this circumstance, the calculation will be:

1. The amount of \$4,500 will be granted in the duration without entitlement to social welfare benefits (the subsidizing period starts on 2022.9.1 and ends on 2022.11.30, a period of 3 months with \$1,500/month).
2. The period of entitlement to social benefit starts in the month in which entitlement was granted (December 2022), in which case \$3,000/month will be effected all through the actual period of employment and entitlement to social welfare benefit. The maximum amount will be \$108,000.

Question 6: When will the money be transferred after the employer has applied for a salary allowance?

Answer: After WDA has approved and calculated the quarterly amount of salary allowance, it will release the allowance for the quarter on the 5th day of the 3rd month of the quarter from the quarter after the day of application. In other words, the allowance will be released on the 5th day of March, June, September, and December. If the disbursement day is a holiday, it will be deferred to the business day of the financial institution after the holiday. The initial amount will cover the salary allowance from the day the applicant is entitled to salary allowance to the last day of the quarter of application. For example, a disadvantaged employer employs a foreign family

caregiver from 2022.8.15 and agrees to pay more than \$20,000/month, and applies for an allowance on 2022.11.15. The application was approved. Then the salary allowance amount from 2022.8.15 to 2022.9.30, and from 2022.10.1 to 2022.12.31 will be released simultaneously on 2023.3.6 (Monday).

IV. Others

Question 1: If the Ministry of Labor turns down the employer's application for salary allowance, what is the reason?

Answer: If the employer exhibits any of the following, 1. provides misinformation, disinformation or outdated information; 2. evades, hinders or rejects confirmation; 3. supplementary document is required for the application, but no document of this kind was received by the deadline; 4. fails to apply for allowance by the deadline; 5. violation of other requirements under the salary allowance guideline, WDA will not grant allowance.

Question 2: If the employer is approved for granting salary allowance, but the entitlement of the employer or the person under nursing care to social welfare was revoked in the subsidizing period, are they still eligible for applying?

Answer: WDA will review the status of the employer or the person under nursing care for entitlement to social welfare benefits at regular intervals of time. If the entitlement is being revoked, WDA will stop the salary allowance to the employer and will notify the employer.

Three: Information or Inquiry

Question: If a specific employer or migrant worker has a question on salary adjustment or salary allowance, where could they seek consultation? How could the migrant workers in Taiwan access information on the upward adjustment of monthly salaries for family migrant workers?

Answer: If a specific employer or migrant worker has a question on salary adjustment or salary allowance, they may contact the Workforce Development Agency of the Ministry of Labor for information and consultation by calling (02):8995-6000, or the 1955 complaint hotline, or visit the multinational labor right website at <https://fw.wda.gov.tw>, the broadcasting program produced by the Ministry of Labor in Chinese and relevant foreign languages. They may also join the LINE@1955mw_tw. Related information will be disseminated among the migrant workers for their knowledge.

The graphic is a vertical poster with a light orange background and white polka dots. At the top left is the logo of the Workforce Development Agency, Ministry of Labor. The main title is '1955 移工專線' (1955 Migrant Worker Hotline) next to 'E-LINE 移點通' (E-LINE Migrant Point-to-Point). A LINE logo is also present. Below this, there are four sections, each with a QR code, a LINE ID, and a URL:

- 中文版 LINE ID :** @1955mw_tw
URL: <https://lin.ee/9ogCQ3T>
- 英文版 English LINE ID :** @1955mw_ph
URL: <https://lin.ee/jap3WmC>
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