

移工不得非法打工

案例

夜市擺攤的**陳老闆**，近期生意很好，缺少幫手，便向附近工廠工作的**移工小林**詢問，是否可以下班後來幫忙簡單的工作，讓他賺點零用錢，來臺灣工作的小林也想多賺點錢回家鄉，便在**老闆**攤位幫忙送餐及收拾的工作，沒想到**陳老闆**和**移工小林**都違法了。



解析



陳老闆違反就業服務法規定，聘僱未經許可、許可失效或他人所申請聘僱的外國人從事工作，將處罰鍰15萬至75萬元

移工小林也違反規定，為申請許可以外的雇主工作，將被廢止聘僱許可並限令出國



● 本項措施符合就業安定基金用途

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It is illegal for foreign workers to engage in part-time work

Example

Business has been booming at **Mr. Chen's** night market stall recently, but he had no one to help him and so asked **foreign worker Hsiao Lin**, who is employed at a nearby factory, if he would be willing to help out with simple tasks after work to earn some extra money. **Hsiao Lin** was keen to make more money to send back home and so agreed to help at **Mr. Chen's** stall by delivering food and cleaning up. Neither man realized that this arrangement broke the law.



Analysis



Mr. Chen violated the provisions of the Employment Service Act by employing a foreign national without permission, whose permit has expired or who another person applied to hire and will be fined NT\$150,000 to NT\$750,000.

Foreign worker Hsiao Lin also broke the law by working for an employer who did not apply to hire him and as a result his employment permit will be revoked and he will be ordered to leave Taiwan within a fixed period of time.



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Pekerja Migran Dilarang Bekerja Secara Ilegal

Contoh Kasus

Pemilik lapak di pasar malam, **Bapak Chen**, belakangan ini usahanya berjalan dengan sangat baik dan kekurangan tenaga bantuan. Chen pun bertanya kepada **Xiaolin**, seorang pekerja migran yang bekerja di pabrik terdekat, apakah ia bisa membantu melakukan pekerjaan-pekerjaan yang mudah setelah jam kerja guna mendapatkan uang saku tambahan.

Xiaolin yang datang ke Taiwan untuk bekerja, juga ingin menghasilkan lebih banyak uang untuk dibawa pulang ke kampung halamannya. Dirinya pun membantu di lapak **Bapak Chen** dengan mengantar makanan dan merapikan barang. Tak disangka, baik **Bapak Chen** maupun **Xiaolin** ternyata telah melanggar hukum.



Penjelasan



Bapak Chen melanggar Undang-Undang Layanan Ketenagakerjaan karena mempekerjakan orang asing yang tidak memiliki izin kerja, masa izin kerja kedaluarsa atau izin kerja dari majikan lain, maka akan dikenakan sanksi sebesar NT\$150.000 hingga NT\$750.000

Pekerja Migran Xiaolin juga melanggar peraturan karena bekerja di luar izin kerja dengan pemberi kerja lain, maka izin kerja akan dicabut dan diperintahkan untuk meninggalkan Taiwan.



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Người lao động nhập cư không được làm thêm bên ngoài

Trường hợp

Ông chủ họ Trần bán hàng ở chợ đêm, gần đây buôn bán rất đắt, thiếu người phụ giúp nên ông hỏi Tiểu Lâm, một lao động nhập cư đang làm việc tại nhà máy gần đó, cậu có thể đến giúp tôi làm một số công việc đơn giản sau khi tan ca để kiếm thêm tiền tiêu vặt không. Tiểu Lâm cũng muốn kiếm thêm tiền để gửi về cho gia đình nên đã giúp ông chủ bung bê thức ăn và dọn dẹp tại quầy hàng. Không ngờ rằng, cả ông chủ họ Trần và người lao động nhập cư Tiểu Lâm đều đã vi phạm pháp luật.

Phân tích



Ông chủ họ Trần đã vi phạm Luật Dịch vụ Việc làm khi thuê người nước ngoài không có giấy phép, giấy phép đã hết hạn hoặc hợp pháp được người khác tuyển dụng, ông sẽ bị phạt từ 150.000 - 750.000 Đài tệ.

Người lao động nhập cư Tiểu Lâm cũng vi phạm quy định khi làm việc cho một chủ lao động khác ngoài chủ thuê hợp pháp của mình. Giấy phép lao động của anh sẽ bị thu hồi và sẽ bị buộc xuất cảnh.



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ห้ามแรงงานต่างชาติทำงานเสริมหลังเลิกงาน

กรณีตัวอย่าง

เจ้าแถมเงิน เป็นเจ้าของแผงลอยขายอาหารที่ตลาดกลางคืน ช่วงนี้กิจการดีมากและขาดคนช่วยงาน จึงสอบถาม **เหลิม แรงงานต่างชาติ** ในโรงงานที่อยู่ละแวกใกล้เคียงว่าอยากมาช่วยทำงานง่ายๆ เป็นการหารายได้พิเศษหลังเลิกงานไหม

เหลิม มาทำงานที่ได้วันก็อยากมีรายได้เพิ่มเพื่อส่งกลับบ้าน จึงไปช่วยเจ้าของแผงลอยส่งอาหารและเก็บโต๊ะแต่หารู้ไม่ว่า ทั้ง **เจ้าแถมเงิน** และ **เหลิม** ล้วนทำผิดกฎหมาย

คำอธิบาย



เจ้าแถมเงิน ผ่าฝืนกฎหมายการจ้างงาน การว่าจ้างชาวต่างชาติโดยไม่ได้รับอนุญาต หรือใบอนุญาตทำงานหมดอายุ หรือเป็นผู้ที่ได้รับการว่าจ้างโดยนายจ้างรายอื่น มีโทษปรับ 150,000 - 750,000 บาท หรือจำคุก

เหลิม แรงงานต่างชาติ ก็ถือว่าฝ่าฝืนกฎหมาย เพราะไปทำงานกับนายจ้างอื่นนอกเหนือจากที่ได้รับอนุญาต จะถูกเพิกถอนใบอนุญาตทำงานและต้องเดินทางออกนอกประเทศภายในเวลาที่กำหนด

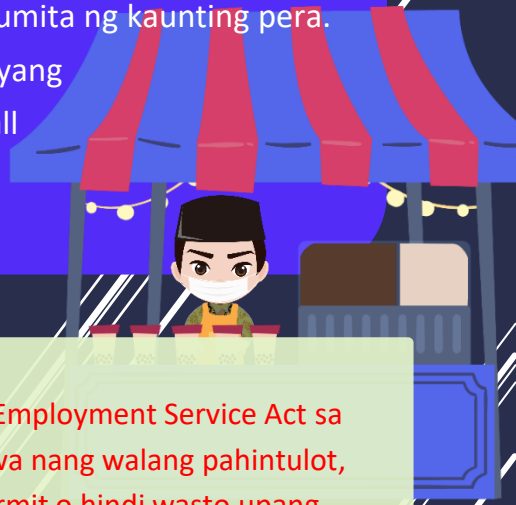


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Ang mga Migranteng Manggagawa ay Bawal Mag Part Time

Kaso

Si **boss Chen**, isang may-ari ng stall sa night market, ay kamakailan lang ay kumikita ng mabuti, ngunit kailangan nya ng tulong, kaya tinanong niya si Xiao Lin, isang migranteng manggagawa na nagtatrabaho sa isang kalapit na factory, kung maaari syang tumulong pagkatapos ng trabaho at gawin ang ilang simpleng gawain para kumita ng kaunting pera. Nais din ni Xiao Lin na makapag-apon at magpadala ng pera sa kanyang pamilya sa kanyang bayan, kaya't pumayag siyang tumulong sa stall ni **boss Chen**, nagdadala ng pagkain at nag-aayos ng mga gamit. Ngunit hindi nila alam, **pareho silang** lumabag sa batas.



Pagsusuri



Si boss Chen, ang may-ari ng stall, ay lumabag sa Employment Service Act sa pamamagitan ng pag-hire ng banyagang manggagawa nang walang pahintulot, o ng banyagang manggagawa na may expired na permit o hindi wasto upang magtrabaho. Ang parusa para dito ay mula 150,000 hanggang 750,000 NTD

Si Xiao Lin, isang migranteng manggagawa, ay lumabag din sa regulasyon sa pamamagitan ng pagtatrabaho para sa isang employer na hindi nakalista sa kanyang permit. Dahil dito, marerevoke ang kanyang permit at papaguhin siyang umalis ng bansa.



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