

<p>工會法 修正日期：民國 111 年 11 月 30 日 第一章 總則</p> <p>第 1 條 為促進勞工團結，提升勞工地位及改善勞工生活，特制定本法。</p> <p>第 2 條 工會為法人。</p> <p>第 3 條 本法所稱主管機關：在中央為勞動部；在直轄市為直轄市政府；在縣（市）為縣（市）政府。 工會之目的事業，應受各該事業之主管機關輔導、監督。</p> <p>第 4 條</p> <ol style="list-style-type: none"> 1. 勞工均有組織及加入工會之權利。 2. 現役軍人與國防部所屬及依法監督之軍火工業員工，不得組織工會；軍火工業之範圍，由中央主管機關會同國防部定之。 3. 教師得依本法組織及加入工會。 4. 各級政府機關及公立學校公務人員之結社組織，依其他法律之規定。 	<p style="text-align: center;">Labor Union Act</p> <p>Amended Date : 2022-11-30</p> <p>Chapter I General Provisions</p> <p>Article 1 The Labor Union Act (here-in-after referred to as the Act) is enacted for the purpose of promoting solidarity of workers, enhancing their status and improving their livelihood.</p> <p>Article 2 A labor union is a legal person.</p> <p>Article 3 The term “competent authority” referred to in the Act shall be 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. The objectives and activities of labor unions shall be guided and supervised by the competent authorities of the respective industries.</p> <p>Article 4 All workers shall have the right to organize and join labor unions. Military personnel in service and employees in the munitions industry, which is affiliated with and supervised by the Ministry of National Defense, shall not organize labor unions. The scope of munitions industry shall be determined by the Central Competent Authority together with the Ministry of National Defense. Teachers may organize and join labor unions in accordance with the Act. Association and organization of civil servants at all levels of governments and</p>
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第 5 條

工會之任務如下：

- 一、團體協約之締結、修改或廢止。
- 二、勞資爭議之處理。
- 三、勞動條件、勞工安全衛生及會員福利事項之促進。
- 四、勞工政策與法令之制（訂）定及修正之推動。
- 五、勞工教育之舉辦。
- 六、會員就業之協助。
- 七、會員康樂事項之舉辦。
- 八、工會或會員糾紛事件之調處。
- 九、依法令從事事業之舉辦。
- 十、勞工家庭生計之調查及勞工統計之編製。
- 十一、其他合於第一條宗旨及法律規定之事項。

第二章 組織

第 6 條

工會組織類型如下，但教師僅得組織及加入第二款及第三款之工會：

- 一、企業工會：結合同一廠場、同一事業單位、依公司法所定具有控制與從屬關係之企業，或依金融控股公司法所定金融控股公司與子公司內之勞工，所組織之工

public schools shall be governed by other applicable statutes.

Article 5

The tasks of a labor union are as follows:

1. Conclusion, amendment and abolishment of a collective bargaining agreement,
2. Settling of labor-management disputes,
3. Improvement of employment conditions, occupational safety and health and welfare of its members,
4. Promotion of the formulation and amendment of labor policies and labor statutes and regulations,
5. Provision of labor education,
6. Provision of employment services for its members,
7. Provision of recreational activities for its members,
8. Facilitating and settling of disputes between the labor union and its members,
9. Undertaking of business in accordance with statutes and regulations,
10. Surveying of workers' family livelihood and compilation of labor statistics, and
11. Undertaking other matters that are pursuant to the objectives of Article 1 of the Act and as prescribed by related statutes.

Chapter II Organizations

Article 6

Labor unions can be classified into the following three types; provided that, teachers can only organize and join the labor unions referred to in Subparagraphs 2 and 3:

1. Corporate union: a labor union

會。

二、產業工會：結合相關產業內之勞工，所組織之工會。

三、職業工會：結合相關職業技能之勞工，所組織之工會。

前項第三款組織之職業工會，應以同一直轄市或縣（市）為組織區域。

第 7 條

依前條第一項第一款組織之企業工會，其勞工應加入工會。

第 8 條

工會得依需要籌組聯合組織；其名稱、層級、區域及屬性，應於聯合組織章程中定之。

工會聯合組織應置專任會務人員辦理會務。

以全國為組織區域籌組之工會聯合組織，其發起籌組之工會數應達發起工會種類數額三分之一以上，且所含行政區域應達全國直轄市、縣（市）總數二分之一以上。

organized by employees of the same factory or workplace, of the same business entity, of enterprises with controlling and subordinate relationship between each other in accordance with the Corporation Act, or of a financial holding company and its subsidiaries in accordance with the Financial Holding Corporation Act,

2. Industrial union: a labor union organized by workers in the industry, and.

3. Professional union: a labor union organized by workers with the same professional skills.

Organizational district of a professional union in accordance with Subparagraph 3 of the preceding Paragraph shall be limited in the municipal city or county (city) where it locates.

Article 7

Employees shall join the corporate union organized in accordance with Subparagraph 1, Paragraph 2 to the preceding article.

Article 8

Labor unions may organize a confederated labor union. The name, level, district and type of the confederated labor union shall be prescribed in its union charter.

A confederated labor union shall have full-time personnel to process its union affairs.

In case a confederated labor union is organized on a nation basis, the number of labor unions proposing to organize it shall reach over one-third of the total amount of labor unions of the same type, and the labor unions proposing shall

第 9 條

依本法第六條第一項所組織之各企業工會，以組織一個為限。

同一直轄市或縣（市）內之同種類職業工會，以組織一個為限。

第 10 條

工會名稱，不得與其他工會名稱相同。

第 11 條

組織工會應有勞工三十人以上之連署發起，組成籌備會辦理公開徵求會員、擬定章程及召開成立大會。

前項籌備會應於召開工會成立大會後三十日內，檢具章程、會員名冊及理事、監事名冊，向其會址所在地之直轄市或縣（市）主管機關請領登記證書。但依第八條規定以全國為組織區域籌組之工會聯合組織，應向中央主管機關登記，並請領登記證書。

spread in no less than one half of municipal cities, counties (cities) of the whole nation.

Article 9

The number of corporate union of the same scope organized in accordance with Subparagraph 1 of Paragraph 1 to Article 6 of the Act shall be no more than one.

The number of professional union of the identical type organized in the same municipal city or county (city) shall be no more than one.

Article 10

The name of a labor union shall not be identical to any other labor unions.

Article 11

A labor union shall be organized by the signatures of no less than thirty workers. A preparatory committee shall be set up to openly recruit members, draft union charter, and convene the inaugural general meeting.

The preparatory committee referred to in the preceding Paragraph shall, within thirty days following the convention of the inaugural general meeting, submit the union charter and name lists of its members, members of the board of director and members of the board of supervisors, to the competent authority of the municipal city or county (city) where the labor union is located, to apply for a registration certificate. Provided that, a confederated labor union organized on a nation basis in accordance with Article 8 of the Act shall register with the Central Competent Authority and apply for a registration certificate.

第 12 條

工會章程之記載事項如下：

- 一、名稱。
- 二、宗旨。
- 三、區域。
- 四、會址。
- 五、任務。
- 六、組織。
- 七、會員入會、出會、停權及除名。
- 八、會員之權利及義務。
- 九、會員代表、理事、監事之名額、權限及其選任、解任、停權；置有常務理事、常務監事及副理事長者，亦同。
- 十、置有秘書長或總幹事者，其聘任及解任。
- 十一、理事長與監事會召集人之權限及選任、解任、停權。
- 十二、會議。
- 十三、經費及會計。
- 十四、基金之設立及管理。
- 十五、財產之處分。
- 十六、章程之修改。
- 十七、其他依法令規定應載明之事項。

第 13 條

工會章程之訂定，應經成立大會會員或會員代表過半數之出席，並經出席會員或會員代表三分之二以上之同意。

Article 12

A union charter shall contain the following items:

1. Name,
2. Objectives,
3. Organizational district,
4. Address,
5. Tasks,
6. Organization,
7. Initiation, withdrawal, suspension and expulsion of members,
8. Rights and obligations of members,
9. Number, authority, election, removal and suspension of members' representatives, directors and supervisors; if standing members of the board of directors, standing members of the board of supervisors and deputy chairperson of the board of directors are elected, they shall be also recorded,
10. Appointment and dismissal of secretary-general or chief of staff, if any,
11. Authority, election, dismissal and suspension of chairpersons of the board of directors and the board of the supervisors,
12. Meetings,
13. Budget and accounting,
14. Establishment and management of funds,
15. Disposal of property,
16. Amendment of union charter, and
17. Other matters that shall be prescribed in accordance with related statutes and regulations.

Article 13

The adoption of a union charter shall be agreed upon by no less than two-thirds of members or members' representatives

第三章 會員

第 14 條

代表雇主行使管理權之主管人員，不得加入該企業之工會。但工會章程另有規定者，不在此限。

第 15 條

工會會員人數在一百人以上者，得依章程選出會員代表。

工會會員代表之任期，每一任不得超過四年，自當選後召開第一次會員代表大會之日起算。

第 16 條

工會會員大會為工會之最高權力機關。但工會設有會員代表大會者，由會員代表大會行使會員大會之職權。

第四章 理事及監事

第 17 條

1. 工會應置理事及監事，其名額如下：

一、工會會員人數五百人以下者，置理事五人至九人；其會員人數超過五百人者，每逾五百人得增置理事二人，理事名額最

who presented at the inaugural general meeting which is attended by one half of members or members' representatives.

Chapter III Members

Article 14

Supervisory employees who represent employer in exercising managerial authority may not join the labor union in that business entity, except where the union charter prescribes otherwise.

Article 15

In case the number of members of a labor union is more than one hundred, member representatives may be elected in accordance with union charter.

The term of service of member representatives shall not exceed four years each term. The term of service for those member representatives elected starts with the date when the first member representatives' meeting is convened.

Article 16

The general meeting of members of a labor union shall be the body with supreme authority of the union. Provided that, in case a labor union has a general meeting of member representatives, the authority of the general meeting of members shall be exercised by the general meeting of member representatives.

Chapter IV Directors and Supervisors

Article 17

A labor union shall have directors and supervisors, and their number shall be as follows:

1. In case a labor union has members less than five hundred, it shall have five to

多不得超過二十七人。

二、工會聯合組織之理事不得超過五十一人。

三、工會之監事不得超過該工會理事名額三分之一。

2.前項各款理事、監事名額在三人以上時，得按其章程規定推選常務理事、常務監事；其名額不得超過理事、監事名額三分之一。工會得置候補理事、候補監事至少一人；其名額不得超過該工會理事、監事名額二分之一。

3.工會應置理事長一人，對外代表工會，並得視業務需要置副理事長。理事長、副理事長應具理事身分。

4.工會監事名額在三人以上者，應設監事會，置監事會召集人一人。監事會召集人執行監事會決議，並列席理事會。

第 18 條

nine directors; in case its members are more than five hundred, it can have two more directors for every additional five hundred of members. However, the total number of directors shall not exceed twenty-seven in any event.

2. The total number of directors of a confederated labor union shall not exceed fifty-one.

3. The number of supervisors of a labor union shall not exceed one-third that of its directors.

In case the number of directors or supervisors prescribed in the preceding Paragraph is three or more, a labor union may elect standing directors or supervisors in accordance with its union charter and the number shall not exceed one-third of its directors or supervisors. A labor union may have at least one alternate director or supervisor and the number shall not exceed one-half of its directors or supervisors.

A labor union shall have one chairperson of the board of directors to represent it officially in external affairs, it may also have a deputy chairperson if required. Chairperson and deputy chairperson shall be directors of the labor union.

In case a labor union has three or more supervisors, it shall have a board of supervisors and a chairperson of the board. The chairperson of the board of supervisor shall execute the resolutions of the board and attend without voting rights in the meeting of the board of directors.

Article 18

- 1.會員大會或會員代表大會休會期間，由理事會處理工會一切事務。
- 2.工會監事審核工會簿記帳目，稽查各種事業進行狀況及章程所定之事項，並得會同相關專業人士為之。
- 3.監事之職權於設有監事會之工會，由監事會行使之。

第 19 條

- 1.工會會員已成年者，得被選舉為工會之理事、監事。
- 2.工會會員參加工業團體或商業團體者，不得為理事或監事、常務理事、常務監事、副理事長、理事長或監事會召集人。

第 20 條

- 1.工會理事、監事、常務理事、常務監事、副理事長、理事長及監事會召集人之任期，每一任不得超過四年。
- 2.理事長連選得連任一次。

第 21 條

During the adjournment of the general meeting of members or member representatives, the board of directors shall process all matters of the labor union.

Supervisors of a labor union shall review the accounting book of the labor union, audit all kinds of business undertaken by it and matters prescribed in the union charter. They may assume aforesaid tasks jointly with related professionals. The authority of supervisors shall be exercised by the board of supervisors in case a labor union has such a board.

Article 19

A member of a labor union who has reached the age of 18 may be elected as a director or supervisor of the labor union. A member of a labor union who also has joined an industrial or commercial organization shall not be elected as a director, a supervisor, a standing director, a standing supervisor, the deputy chairperson, the chairperson of board of directors or the chairperson of board of supervisors.

Article 20

The term of service of directors, supervisors, standing directors, standing supervisors, deputy chairperson and chairperson of board of directors and chairperson of board of supervisors of a labor union shall be no more than four years.

The chairperson of board of directors of a labor union shall be re-elected for a consecutive term.

Article 21

工會理事、監事、常務理事、常務監事、副理事長、理事長、監事會召集人及其代理人，因執行職務所致他人之損害，工會應負連帶責任。

第五章 會議

第 22 條

工會召開會議時，其會議通知之記載事項如下：

- 一、事由。
- 二、時間。
- 三、地點。
- 四、其他事項。

第 23 條

1. 工會會員大會或會員代表大會，分定期會議及臨時會議二種，由理事長召集之。
2. 定期會議，每年至少召開一次，至遲應於會議召開當日之十五日前，將會議通知送達會員或會員代表。
3. 臨時會議，經理事會決議，或會員五分之一或會員代表三分之一以上請求，或監事之請求，由理事長召集之，至遲應於會議召開當日之三日以前，將會議通知送達會員或會員代表。但因緊急事故召集臨時會議，得於會議召開當日之一日前送達。

A labor union shall be jointly and severally liable for any damage inflicted on the third party by any of its directors, supervisors, standing directors, standing supervisors, deputy chairperson and chairperson of board of directors, chairperson of board of supervisors and their substitutes in the course of exercising their duties.

Chapter V Meetings

Article 22

When a labor union convenes a meeting, the notice of meeting shall list the following items:

1. Reasons and subjects of the meeting,
2. Date and time,
3. Location, and
4. Other matters.

Article 23

The general meeting of members or member representatives of a labor union is classified into two types: the regular meeting and the extraordinary meeting. Both of them shall be convened by the chairperson of board of directors.

The regular meeting shall be convened at least once each year and the notice of such a meeting shall be received by members or member representatives no later than fifteen days prior to the scheduled meeting date.

The extraordinary meeting shall be convened by the chairperson of board of directors of a labor union by the resolution of the board of directors, or upon request of over one-fifth of total members or over one-third of total member representatives, or upon request

第 24 條

工會理事會分為定期會議及臨時會議二種，由理事長召集之。

定期會議，每三個月至少開會一次，至遲應於會議召開當日之七日前，將會議通知送達理事。

臨時會議，經理事三分之一以上之請求，由理事長召集之，至遲應於會議召開當日之一日前，將會議通知送達理事。理事長認有必要時，亦得召集之。

理事應親自出席會議。

工會設監事會者，其定期會議或臨時會議準用前四項規定；會議應由監事會召集人召集之。

監事得列席理事會陳述意見。

of the board of supervisors. The notice of such a meeting shall be received by members or member representatives no less than three days prior to the scheduled meeting date. Provided that, in case an extraordinary meeting is convened due to an emergency reason, the notice of such a meeting may be received by members or member representatives no later than one day prior to the scheduled meeting date.

Article 24

The meeting of board of directors of a labor union is classified into two types: the regular meeting and the extraordinary meeting. Both of them shall be convened by the chairperson of board of directors.

The regular meeting shall be convened at least once each three months and the notice of such a meeting shall be received by the directors no later than seven days prior to the scheduled meeting date.

The extraordinary meeting shall be convened by the chairperson of board of directors upon request of over one-third of the directors. The notice of such a meeting shall be received by the director no later than one day prior to the scheduled meeting date. The chairperson of board of directors may also convene such a meeting when he or she deems it as necessary.

Directors shall attend the meetings in person.

In case a labor union has a board of supervisors, its regular or extraordinary meeting shall be convened, mutatis mutandis, the preceding four Paragraphs. The meeting shall be convened by the

第 25 條

前二條之定期會議，不能依法或依章程規定召開時，得由主管機關指定理事或監事一人召集之。

前二條之臨時會議，理事長或監事會召集人不於請求之日起十日內召集時，原請求人之一人或數人得申請主管機關指定召集之。

第 26 條

下列事項應經會員大會或會員代表大會之議決：

- 一、工會章程之修改。
- 二、財產之處分。
- 三、工會之聯合、合併、分立或解散。
- 四、會員代表、理事、監事、常務理事、常務監事、副理事長、理事長、監事會召集人之選任、解任及停權之規定。
- 五、會員之停權及除名之規定。
- 六、工會各項經費收繳數額、經費之收支預算、支配基準與支付及稽核方法。
- 七、事業報告及收支決算之承認。
- 八、基金之運用及處分。
- 九、會內公共事業之創辦。
- 十、集體勞動條件之維持或變更。

chairperson of board of supervisors.

Supervisors may attend the meetings of the board of directors to express their opinions.

Article 25

In case the regular meeting referred to in the preceding two Articles cannot be convened in accordance with related statutes or the union charter, the competent authority may designate one of the directors or supervisors to convene the meeting.

In case the extraordinary meeting referred to in the preceding two Articles cannot be convened by the chairperson of board of directors or the chairperson of board of supervisors within ten days on the date when the request was made, the person or persons who make the request may apply to the competent authority to designate a person concerned to convene the meeting.

Article 26

The following matters shall be resolved by the general meeting of members or member representatives:

1. Amendment of the union charter.
2. Disposal of property.
3. Confederation, merging, splitting or dissolution of the labor union.
4. Election, dismissal and suspension of member representatives, directors, supervisors, standing directors, standing supervisors, deputy chairperson, chairperson of board of directors and chairperson of board of supervisors.
5. Suspension and expulsion of members.
6. Standards for collecting various fees, budget, standards for payment and

十一、其他與會員權利義務有關之重大事項。

前項第四款之規定經議決訂定者，不受人民團體法及其相關法令之限制。

會員之停權或除名，於會員大會或會員代表大會議決前，應給予其陳述意見之機會。

第 27 條

工會會員大會或會員代表大會，應有會員或會員代表過半數出席，始得開會；非有出席會員或會員代表過半數同意，不得議決。但前條第一項第一款至第五款之事項，非有出席會員或會員代表三分之二以上同意，不得議決。

會員或會員代表因故無法出席會議時，得以書面委託其他會員或會員代表出席，每一代表以委託一人為限，委託人數不得超過親自出席人數之三分之一；其委託方式、條件、委託數額計算及其他應遵循事項之辦法，由中央主管機關定之。

工會聯合組織之會員代表委託代表出席

methods of payment and auditing for the labor union.

7. Approval of business reports and annual financial settlement.

8. Utilization and disposal of funds.

9. Establishment of businesses for members.

10. Maintenance and alternation of labor conditions for members.

11. Other important matters concerning members' rights and obligations.

In case matters referred to in Subparagraph 4 of the preceding Paragraph are resolved by the meeting, it shall not be restricted by the Civil Organizations Act and other related statutes and regulations.

For suspension or expulsion of a member, the member shall be given the opportunity to make a statement prior to the resolution to be made at the meeting of members or the meeting of member representatives.

Article 27

A general meeting of members or member representatives shall not be convened without the attendance of over one half of the total members or member representatives and a resolution shall not be reached without the approval of over one half of members or member representatives present. However, matters referred to in Sub-paragraphs 1 to 5, Paragraph 1 to the preceding Article shall not be resolved without the approval of two-thirds of members or member representatives present.

In case a member or a member

時，其委託除應依前項規定辦理外，並僅得委託所屬工會或各該本業之其他會員代表。

第六章 財務

第 28 條

工會經費來源如下：

- 一、入會費。
- 二、經常會費。
- 三、基金及其孳息。
- 四、舉辦事業之利益。
- 五、委託收入。
- 六、捐款。
- 七、政府補助。
- 八、其他收入。

前項入會費，每人不得低於其入會時之一日工資所得。經常會費不得低於該會員當月工資之百分之零點五。

企業工會經會員同意，雇主應自該勞工加

representative cannot attend the meeting, he or she may designate in writing another member or member representative to attend the meeting on his or her behalf. Each member representative may only designate one proxy and the total number of proxies shall not exceed one-third of member representatives who attend the meeting in person. Methods of designation, conditions, counting of the number of such designation and other matters that need to be observed shall be prescribed by the Central Competent Authority. In case a member representative of a confederated labor union designates a proxy to attend the meeting, the designation shall not only follow the requirements referred to in the preceding Paragraph, but shall also limit to other member representative of the same labor union or the same profession or industry affiliated with.

Chapter VI Finance

Article 28

Sources of expenditures of a labor union are as follows:

1. Initiation fees,
2. Regular membership dues,
3. Funds and interests derived thereof,
4. Profits from business undertaken,
5. Revenues from consignments,
6. Donations,
7. Government subsidies, and
8. Other revenues.

Initiation fees referred to in the preceding Paragraph for every member shall not be less than a member's one-day wage at

人工會為會員之日起，自其工資中代扣工會會費，轉交該工會。

會員工會對工會聯合組織之會費繳納，應按申報參加工會聯合組織之人數繳納之。但工會聯合組織之章程另有規定者，從其規定。

前項繳納會費之標準，最高不得超過會員工會會員所繳會費總額之百分之三十，最低不得少於百分之五。但工會聯合組織之章程另有規定者，從其規定。

第 29 條

工會每年應將財產狀況向會員大會或會員代表大會提出書面報告。會員經十分之一以上連署或會員代表經三分之一以上連署，得選派代表會同監事查核工會之財產狀況。

第 30 條

time of admission. Regular membership fees shall not be less than 0.5% of the member's monthly wage.

When a corporate union receives the consent of its members, the employer shall check off union dues from members' wage on the date when they formally become union members and transfer the dues to the labor union.

Membership fees of a member union paid to its confederated labor union shall be calculated in accordance with the number of its members reported to the confederated labor union; unless the union charter of the confederated labor union has provided otherwise.

The maximal amount of membership fees referred to in the preceding Paragraph shall not exceed thirty percent of the total membership fees paid by members of the member unions, and the minimal amount of them shall not be less than five percent; unless the union charter of the confederated labor union has provided otherwise.

Article 29

A labor union shall submit a written report concerning its financial situations to its general meeting of members or member representatives annually. After the signature of no less than one-tenth of total members or no less than one-third of member representatives, members or member representatives concerned may elect representatives to accompany supervisors to audit financial situations of the labor union.

Article 30

工會應建立財務收支運用及稽核機制。
工會財務事務處理之項目、會計報告、預算及決算編製、財產管理、財務查核及其他應遵行事項之準則，由中央主管機關定之。

第七章 監督

第 31 條

工會應於每年年度決算後三十日內，將下列事項，報請主管機關備查：

- 一、理事、監事、常務理事、常務監事、副理事長、理事長及監事會召集人之名冊。
- 二、會員入會、出會名冊。
- 三、聯合組織之會員工會名冊。
- 四、財務報表。
- 五、會務及事業經營之狀況。

工會未依前項規定辦理或主管機關認有必要時，得限期令其檢送或派員查核。

第 32 條

A labor union shall set up financial operation and auditing mechanisms respectively.

The standards for subparagraphs of handling financial matters, accounting reports, compiling of budget and annual financial settlement, management of property, auditing of financial situations and other related matters that need to be abided by labor unions shall be prescribed by the Central Competent Authority.

Chapter VII Supervision

Article 31

A labor union shall report the following matters to the competent authority for review and record within thirty days after submitting annual financial settlement:

1. Name lists of its directors, supervisors, standing directors, standing supervisors, deputy chairperson of the board of directors, chairperson of the board of directors and chairperson of the board of supervisors,
2. Name lists of members admitted and withdrawn,
3. Name lists of member unions of a confederated labor union,
4. Financial reports, and
5. Situations of union affairs and business undertaken.

When a labor union does not comply with the preceding Paragraph or the competent authority that deems it as necessary may order the labor union to submit the report within a given period or send personnel to inspect and examine the labor union.

Article 32

工會章程之修改或理事、監事、常務理事、常務監事、副理事長、理事長、監事會召集人之變更，應報請主管機關備查。

第 33 條

工會會員大會或會員代表大會之召集程序或決議方法，違反法令或章程時，會員或會員代表得於決議後三十日內，訴請法院撤銷其決議。但出席會議之會員或會員代表未當場表示異議者，不得為之。

法院對於前項撤銷決議之訴，認為其違反之事實非屬重大且於決議無影響者，得駁回其請求。

第 34 條

工會會員大會或會員代表大會之決議內容違反法令或章程者，無效。

第八章 保護

第 35 條

A labor union shall report to the competent authority for review and record after the amendment of its union charter and the changes of its directors, supervisors, standing directors, standing supervisors, deputy chairperson of the board of directors, chairperson of the board of directors and/or chairperson of the board of supervisors.

Article 33

In case that the procedures for convening a general meeting of members or member representatives, or the methods of adopting resolutions at such a meeting violate statutes, regulations or union charter, a member or member representative attended may file a suit to a court to abolish the resolution within thirty days after the adoption of such a resolution, provided that, if the member or member representative attended has not raised any opposition during the meeting, the member or member representative is not allowed to file the suit.

In case that the court deems the violation is insignificant and has no effect on the resolution, it may dismiss the suit for abolishing the resolution referred to in the preceding Paragraph.

Article 34

The contents of a resolution adopted at a general meeting of members of member representatives violate statutes, regulations or union charter, such a resolution shall be null and void.

Chapter VIII Protections

Article 35

雇主或代表雇主行使管理權之人，不得有下列行為：

- 一、對於勞工組織工會、加入工會、參加工會活動或擔任工會職務，而拒絕僱用、解僱、降調、減薪或為其他不利之待遇。
- 二、對於勞工或求職者以不加入工會或擔任工會職務為僱用條件。
- 三、對於勞工提出團體協商之要求或參與團體協商相關事務，而拒絕僱用、解僱、降調、減薪或為其他不利之待遇。
- 四、對於勞工參與或支持爭議行為，而解僱、降調、減薪或為其他不利之待遇。
- 五、不當影響、妨礙或限制工會之成立、組織或活動。

雇主或代表雇主行使管理權之人，為前項規定所為之解僱、降調或減薪者，無效。

第 36 條

工會之理事、監事於工作時間內有辦理會務之必要者，工會得與雇主約定，由雇主給予一定時數之公假。

企業工會與雇主間無前項之約定者，其理

An employer or supervisory employees who represent the employer in exercising the managerial authority shall not proceed the following practices:

1. Refusing to hire, dismiss, demote, reduce the wage of, or render other unfair treatment to an employee who organizes or joins a labor union, participates in activities held by a labor union, or assumes the office of a labor union,
2. Requiring an employee or job applicant not to join a labor union or assume the office of a labor union as a condition of hiring,
3. Refusing to hire, dismiss, demote, reduce the wage of, or render other unfair treatment to an employee who requests collective bargaining or participates in related activities concerning collective bargaining,
4. Dismiss, demote, reduce the wage of, or render other unfair treatment to an employee who participates in or supports industrial dispute action, and
5. Improperly influence, impede or restrict the establishment, organization or activities of a labor union.

Any dismissal, demotion, reduction of wage made by the employer or supervisory employees who represent the employer in exercising the managerial authority as prescribed in the preceding Paragraph shall be null and void.

Article 36

In case that it is necessary for the directors or supervisors of a labor union to process union affairs during their working hours, the labor union may reach

事長得以半日或全日，其他理事或監事得於每月五十小時之範圍內，請公假辦理會務。

企業工會理事、監事擔任全國性工會聯合組織理事長，其與雇主無第一項之約定者，得以半日或全日請公假辦理會務。

第九章 解散及組織變更

第 37 條

工會有下列情形之一者，得經會員大會或會員代表大會議決，自行宣告解散：

- 一、破產。
- 二、會員人數不足。
- 三、合併或分立。
- 四、其他經會員大會或會員代表大會認為必要時。

工會無法依前項第一款至第三款規定自行宣告解散或無從依章程運作時，法院得因主管機關、檢察官或利害關係人之聲請解散之。

an agreement with their employer to provide them with a certain number of hours as official leave.

In case that a corporate union and the employer do not reach such an agreement as prescribed in the preceding Paragraph, its chairperson of the board of directors may be entitled to have an official leave for half a day or a whole day, and other directors or supervisors may have an official leave for up to fifty hours per month to process union affairs.

In case that a director or supervisor of a corporate union assumes the chairperson of board of directors of a national confederated labor union and the corporate union does not reach such an agreement as prescribed in Paragraph 1 to the article, the director or supervisor may have an official leave for half a day or a whole day to process union affairs.

Chapter IX Dissolution and Change of An Organization

Article 37

A labor union may by itself declare dissolution by a resolution adopted at a general meeting of members or member representatives for any of the following reasons:

1. Bankruptcy,
2. Inadequacy in number of members,
3. Merging or spitting, and
4. Other reasons as deemed necessary by the general meeting of members or member representatives.

In case that a labor union cannot declare dissolution by itself in accordance with Sub-paragraphs 1 to 3 of the preceding

第 38 條

工會經議決為合併或分立時，應於議決之日起一年內完成合併或分立。

企業工會因廠場或事業單位合併時，應於合併基準日起一年內完成工會合併。屆期未合併者，主管機關得令其限期改善，未改善者，令其重新組織。

工會依前二項規定為合併或分立時，應於完成合併或分立後三十日內，將其過程、工會章程、理事、監事名冊等，報請主管機關備查。

行政組織區域變更時，工會經會員大會或會員代表大會議決，得維持工會原名稱。但工會名稱變更者，應於行政組織區域變更後九十日內，將會議紀錄函請主管機關備查。工會名稱變更者，不得與登記有案之工會相同。

依前項規定議決之工會，其屆次之起算，應經會員大會或會員代表大會議決。

Paragraph or cannot operate in accordance with the union charter, the court may dissolve the labor union upon the request of the competent authority, public prosecutor or interested third party.

Article 38

In case that a labor union has made a resolution for merging or spitting, it shall complete the merging and spitting within one year from the date when the resolution is made.

When a corporate union is merging as a result of the amalgamation of plant sites or business units, the merging shall be completed within one year after the amalgamation standard date is set. In case that the merging has not completed upon the expiration of the said period, the competent authority may order it to merge within a given period, and if the merging cannot be achieved, the labor union shall be ordered to restructure.

When a labor union has merged or spitted in accordance with the preceding two Paragraphs, it shall within thirty days after the completion of merging and spitting report the processes, union charter, name lists of directors or supervisors to the competent authority for review and record.

In case that an administrative district has changed, a labor union may maintain its original name after the resolution of a general meeting of members or member representatives. Provided that, when the name of a labor union has changed, it shall submit the minute of the meeting to

<p>第 39 條 工會合併後存續或新成立之工會，應概括承受因合併而消滅工會之權利義務。因分立而成立之工會，其承繼權利義務之部分，應於議決分立時由會員大會或會員代表大會一併議決之。</p> <p>第 40 條 工會自行宣告解散者，應於解散後十五日內，將其解散事由及時間，報請主管機關備查。</p> <p>第 41 條 工會之解散，除因破產、合併或組織變更外，其財產應辦理清算。</p> <p>第 42 條 工會解散時，除清償債務外，其賸餘財產</p>	<p>the competent authority for review and record within ninety days after the change of the administrative district. When the labor union has changed its name, which cannot be identical with that already registered by other labor union.</p> <p>In case that a labor union has resolved in accordance with the preceding Paragraph, the counting of its sequence shall be resolved by its general meeting of members or member representatives.</p> <p>Article 39 The surviving or newly established labor union after the merging shall generally assume the rights and obligations of the labor union which is ceased to exist after the merging.</p> <p>For the labor union which is established after the splitting, the portion of rights and obligations the labor union succeeds shall be concurrently decided by the time when the general meeting of members or member representatives of the original labor union has resolved to spit.</p> <p>Article 40 In case that a labor union by itself declares to dissolve, it shall submit the reason and time of dissolution to the competent authority for review and record within fifteen days of the dissolution.</p> <p>Article 41 Unless the dissolution of a labor union is due to bankruptcy, merging or change of organization, otherwise its property shall be liquidated.</p> <p>Article 42 Upon the dissolution of a labor union, its residual property shall, except for paying</p>
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之歸屬，應依其章程之規定、會員大會或會員代表大會之決議。但不得歸屬於個人或以營利為目的之團體。

工會無法依前項規定處理時，其賸餘財產歸屬於會址所在地之地方自治團體。

第十章 罰則

第 43 條

工會有違反法令或章程者，主管機關得予以警告或令其限期改善。必要時，並得於限期改善前，令其停止業務之一部或全部。

工會違反法令或章程情節重大，或經限期改善屆期仍未改善者，得撤免其理事、監事、理事長或監事會召集人。

第 44 條

主管機關依第三十一條第二項規定派員查核或限期檢送同條第一項資料時，工會無正當理由規避、妨礙、拒絕或未於限期內檢送資料者，處行為人新臺幣三萬元以上

debts, be processed in accordance with union charter or the resolution adopted by the general meeting of members or member representatives. Provided that, the residual property shall not be transferred to individuals or for-profit organizations.

In case that a labor union cannot process its residual property in accordance with the preceding Paragraph, the property shall be transferred to the local autonomous organization where the labor union is located.

Chapter X Penal Provisions

Article 43

In case that a labor union violates statutes, regulations or union charter, the competent authority may issue a warning or order it to improve within a given period. The competent authority may also order the labor union to suspend part or all of its businesses before making any improvement within a given period if it deems it as necessary.

In case that a labor union seriously violates statutes, regulations or union charter, or has not made any improvement after the expiration of the given period, the competent authority may remove its directors, supervisors, chairperson of the board of directors or chairperson of the board of supervisors.

Article 44

When the competent authority sends personnel to examine and audit a labor union in accordance with Paragraph 2 to Article 31 of the Act, or requests the labor union to submit the documents

十五萬元以下罰鍰。

第 45 條

雇主或代表雇主行使管理權之人違反第三十五條第一項規定，經依勞資爭議處理法裁決決定者，由中央主管機關處雇主新臺幣十萬元以上五十萬元以下罰鍰，並公布其名稱、代表人姓名、處分期日、違反條文及罰鍰金額。

雇主或代表雇主行使管理權之人違反第三十五條第一項第一款、第三款或第四款規定，未依前項裁決決定書所定期限為一定之行為或不行為者，由中央主管機關處雇主新臺幣二十萬元以上一百萬元以下罰鍰。

雇主或代表雇主行使管理權之人違反第三十五條第一項第二款或第五款規定，未依第一項裁決決定書所定期限為一定之行為或不行為者，由中央主管機關處雇主新臺幣二十萬元以上一百萬元以下罰鍰，並得令其限期改正；屆期未改正者，得按次連續處罰。

prescribed in Paragraph 1 to the same Article within a given period, if the labor union avoids, impedes, refuses to abide, or has not submitted the documents within the given period, for the person who commits such actions shall be fined no less than N.T.\$ 30,000 but not exceeding N.T.\$ 150,000.

Article 45

When an employer or supervisory employees who represent the employer in exercising the managerial authority violate Paragraph 1 to Article 35 of the Act, and the decision of such violation has been rendered in accordance with the Settlement of Labor-Management Disputes Act, the Central Competent Authority shall impose a fine of no less than N.T.\$ 30,000 but not exceeding N.T.\$ 150,000 on the employer.

When an employer or supervisory employees who represent the employer in exercising the managerial authority violate Sub-paragraphs 1, 3 or 4 of Paragraph 1 to Article 35 of the Act, and has not undertaken any action or inaction within the period as prescribed in the decision rendered in accordance with the preceding Paragraph, the Central Competent Authority shall impose a fine of no less than N.T.\$ 60,000 but not exceeding N.T.\$ 300,000 on the employer.

When an employer or supervisory employees who represent the employer in exercising the managerial authority violate Sub-paragraphs 2 to 5 of Paragraph 1 to Article 35 of the Act, and

<p>第 46 條 雇主未依第三十六條第二項規定給予公假者，處新臺幣二萬元以上十萬元以下罰鍰。</p> <p>第 十一 章 附則</p> <p>第 47 條 本法施行前已組織之工會，其名稱、章程、理事及監事名額或任期與本法規定不符者，應於最近一次召開會員大會或會員代表大會時改正之。</p> <p>第 48 條 本法施行細則，由中央主管機關定之。</p> <p>第 49 條</p>	<p>has not undertaken any action or inaction within the period as prescribed in the decision rendered in accordance with Paragraph 1 to the Article, the Central Competent Authority shall impose a fine of no less than N.T.\$ 60,000 but not exceeding N.T.\$ 300,000 on the employer, and also order the employer to correct within a given period. If the employer fails to take corrective action within a given period, the fine may be imposed consecutively.</p> <p>Article 46 When an employer does not give the official leave in accordance with Paragraph 2 to Article 36 of the Act, a fine of no less than N.T.\$ 20,000 but not exceeding N.T.\$ 100,000 shall be imposed.</p> <p>Chapter XI Supplementary Provisions</p> <p>Article 47 For those labor unions that were organized before the implementation of the Act, if their names, union charters, numbers or terms of services of their directors or supervisors are not consistent with the provisions of the Act, those inconsistencies shall be corrected when the most current general meeting of members or member representatives is convened.</p> <p>Article 48 The enforcement rules of the Act shall be prescribed by the Central Competent Authority.</p> <p>Article 49</p>
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<p>本法施行日期，由行政院定之。</p>	<p>The date of enforcing the Act shall be determined by the Executive Yuan.</p>
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