

This English version of the Enforcement Rules of the Occupational Safety and Health Act of the Republic of China is a translation of the official legislation in Chinese. In the event of any discrepancy between the Chinese and English versions, the Chinese version shall prevail.

***This Enforcement Rules reflects only the amendments made until June 26, 2014**

職業安全衛生法施行細則

Enforcement Rules of the Occupational Safety and Health Act

中華民國 63 年 6 月 28 日內政部 (63) 台內勞字第 583680 號令訂定發布
Promulgated by Ministry of Interior Order (63) Tai-nei Lao-tzu No. 583680 on June 28, 1974.
中華民國 73 年 2 月 24 日內政部 (73) 台內勞字第 213442 號令修正發布
Amended and promulgated by Ministry of Interior Order (73) Tai-nei Lao-tzu No. 213442 on February 24, 1984.
中華民國 80 年 9 月 16 日行政院勞工委員會 (80) 台勞安字第 23899 號令修正發布
Amended and promulgated by Labor of Council Affairs, Executive Yuan (80) Tai-lao An-tzu No. 23899 on September 16, 1991.
中華民國 91 年 4 月 25 日行政院勞工委員會 (91) 勞安一字第 0910020529 號令修正發布全文 34 條；並自發布日施行
Complete text of 34 articles amended and promulgated by Labor of Council Affairs, Executive Yuan (91) lao-an (1) Yi-tzu No. 0910020529 on April 25, 2002; enforcement from date of promulgation.
中華民國 98 年 2 月 26 日行政院勞工委員會 (98) 勞安一字第 0980145205 號令增訂發布第 33-1 條條文
Article 33-1 inserted and promulgated by Labor of Council Affairs, Executive Yuan (98) Lao-an (1) Yi-tzu No. 0980145205 on February 26, 2009.
中華民國 103 年 6 月 26 日勞動部勞職授字第 1030200694 號令修正發布名稱及全文 54 條；並自一百零三年七月三日施行(原名稱:勞工安全衛生法施行細則)
Title and complete text of 54 articles amended and promulgated by Ministry of Labor Lao-zhi Shou-tzu No. 1030200694 on June 26th, 2014; enforcement from date of July 3rd, 2014 (original title: Enforcement Rules of the Labor Safety and Health Act).

第一章 總則

Chapter One General Provisions

- 第一條 本細則依職業安全衛生法(以下簡稱本法)第五十四條規定訂定之。
Article 1 These Rules are formulated pursuant to Article 54 of the Occupational Safety and Health Act (hereinafter referred to as “the Act”).
- 第二條 本法第二條第一款、第十條第二項及第五十一條第一項所稱自營作業，指獨立從事勞動或技藝工作，獲致報酬，且未僱用有酬人員幫同工作者。
Article 2 Self-employed workers referred to in Article 2 subparagraph 1, Article 10 Paragraph 2, and Article 51 Paragraph 1 of the Act mean workers who engage in independent work or artistry work for compensation, and who do not employ paid member(s) to help with said work.
本法第二條第一款所稱其他受工作場所負責人指揮或監督從事勞動之人員，指與事業單位無僱傭關係，於其工作場所從事勞動或以學習技能、接受職業訓練為目的從事勞動之工作者。
Other people engaged in work and directed or supervised by the responsible people in workplaces referred to in Article 2 subparagraph 1 of the Act mean workers who have no employment relationship with the business entity, but engage in work or for the purpose of learning skills or receiving occupational training at such business entity’s workplace.
- 第三條 本法第二條第一款、第十八條第一項、第二十七條第一項第一款及第五十一條第二項所稱工作場所負責人，指雇主或於該工作場所代表雇主從事管理、指揮或監督工作者從事勞動之人。
Article 3 People responsible for the workplace referred to in Article 2 subparagraph 1, Article 18 Paragraph 1, Article 27 Paragraph 1 subparagraph 1, and Article 51 Paragraph 2 of the Act mean employers or people who represent the employer to manage, direct, or

supervise workers engaged in labor.

第 四 條 本法第二條第二款、第十八條第三項及第三十六條第一項所稱工資，指勞工因工作而獲得之報酬，包括工資、薪金及按計時、計日、計月、計件以現金或實物等方式給付之獎金、津貼及其他任何名義之經常性給與均屬之。

Article 4 Wages referred to in Article 2 subparagraph 2, Article 18 Paragraph 3, and Article 36 Paragraph 1 of the Act mean compensation laborers received for work; this includes wages, salary, and bonuses, subsidies, and any other regular payment of any form paid for by the hour, by day, by month, by case in the form of cash or actual object.

第 五 條 本法第二條第五款、第三十六條第一項及第三十七條第二項所稱勞動場所，包括下列場所：

Article 5 Place of duty referred to in Article 2 subparagraph 5, Article 36 Paragraph 1, and Article 37 Paragraph 2 of the Act includes the following places:

一、於勞動契約存續中，由雇主所提示，使勞工履行契約提供勞務之場所。

1. For the duration of the labor contract, the place where the employer assigns laborers to carry out work services to fulfill the terms of the contract.

二、自營作業者實際從事勞動之場所。

2. The actual place where self-employed workers engage in work.

三、其他受工作場所負責人指揮或監督從事勞動之人員，實際從事勞動之場所。

3. The actual place where other people engaged in work and directed or supervised by the responsible people in workplaces engage in work.

本法第十五條第一項、第十七條、第十八條第一項、第二十三條第二項、第二十七條第一項、第三十七條第一項、第三項、第三十八條、第五十一條第二項所稱工作場所，指勞動場所中，接受雇主指示或代理雇主處理有關勞工事務之人所能支配、管理之場所。

Workplaces referred to in Article 15 Paragraph 1, Article 17, Article 18 Paragraph 1, Article 23 Paragraph 2, Article 27 Paragraph 1, Article 37 Paragraphs 1 and 3, Article 38, and Article 51 Paragraph 2 of the Act mean within the place of duty, the place where the person who accepts the employer's direction or the interim employer's handling of related laborer affairs can direct and manage.

本法第六條第一項第五款、第十二條第一項、第三項、第五項、第二十一條第一項及第二十九條第三項所稱作業場所，指工作場所中，從事特定工作目的之場所。

Job sites referred to in Article 6 Paragraph 1 subparagraph 5, Article 12 Paragraphs 1, 3, and 5, Article 21 Paragraph 1, and Article 29 Paragraph 3 of the Act mean places where work for specific purposes takes place within a workplace.

第 六 條 本法第二條第五款所稱職業上原因，指隨作業活動所衍生，於勞動上一切必要行為及其附隨行為而具有相當因果關係者。

Article 6 Occupational causes referred to in Article 2 subparagraph 5 of the Act mean all necessary behaviors and the accompanying behaviors at work that have relative cause and effect relations resulting from job activities.

第 七 條 本法第四條所稱各業，適用中華民國行業標準分類之規定。

Article 7 All industries referred to in Article 4 of the Act apply to the stipulations of Standard Industrial Classification of the Republic of China.

第 八 條 本法第五條第一項所稱合理可行範圍，指依本法及有關安全衛生法令、指引、實務規範或一般社會通念，雇主明知或可得而知勞工所從事之工作，有致其生

命、身體及健康受危害之虞，並可採取必要之預防設備或措施者。

Article 8 Reasonable and feasible scope referred to in Article 5 Paragraph 1 of the Act means the scope where necessary preventive equipment or measures can be taken, in accordance with the Act and related safety and health legislations, guidelines, regulations on practices, or regular social beliefs, when the employer knowingly or may be informed that the work laborers engaged in may harm their lives, bodies and may be hazardous to their health.

本法第五條第二項所稱風險評估，指辨識、分析及評量風險之程序。

Risk assessments referred to in Article 5 Paragraph 2 of the Act are procedures for indentifying, analyzing, and evaluating risks.

第二章 安全衛生設施

Chapter Two Safety and Health Facilities

第九條 本法第六條第二項第一款所定預防重複性作業等促發肌肉骨骼疾病之妥為規劃，其內容應包含下列事項：

Article 9 The adequate plan to prevent musculoskeletal disorders brought on by repetitive tasks specified in Article 6 Paragraph 2 subparagraph 1 of the Act shall include the following items:

- 一、作業流程、內容及動作之分析。
1. Analysis of work procedure, content and behaviors;
- 二、人因性危害因子之確認。
2. Confirmation of ergonomic risk factors;
- 三、改善方法及執行。
3. Implementation and methods for improvement;
- 四、成效評估及改善。
4. Assessment and improvement of results;
- 五、其他有關安全衛生事項。
5. Other matters related to safety and health.

第十條 本法第六條第二項第二款所定預防輪班、夜間工作、長時間工作等異常工作負荷促發疾病之妥為規劃，其內容應包含下列事項：

Article 10 The adequate plan to prevent ailments brought on by exceptional workload, such as work shifts, work at night and long work hours specified in Article 6 Paragraph 2 subparagraph 2 of the Act shall include the following items:

- 一、高風險群之辨識及評估。
1. Identification and assessment of high-risk groups;
- 二、醫師面談及健康指導。
2. Interview and health guidance by physicians;
- 三、工作時間調整或縮短及工作內容更換之措施。
3. Measures to adjust or shorten work hours and change work duty;
- 四、健康檢查、管理及促進。
4. Promotion, management and examination of health;
- 五、成效評估及改善。
5. Assessment and improvement of results;

六、其他有關安全衛生事項。

6.Other matters related to safety and health.

第十一條 本法第六條第二項第三款所定預防執行職務因他人行為遭受身體或精神不法侵害之妥為規劃，其內容應包含下列事項：

Article 11 The adequate plan to prevent wrongful physical or mental harm caused by the behaviors of others during the execution of job duties specified in Article 6 Paragraph 2 subparagraph 3 of the Act shall include the following items:

一、危害辨識及評估。

1.Identification and assessment of risks;

二、作業場所之配置。

2.Adaptation of job sites;

三、工作適性安排。

3.Placement of job suitability;

四、行為規範之建構。

4.Establishment of regulations for behaviors;

五、危害預防及溝通技巧之訓練。

5.Training on risk prevention and communication techniques;

六、事件之處理程序。

6.Procedures for handling events;

七、成效評估及改善。

7.Assessment and improvement of results;

八、其他有關安全衛生事項。

8.Other matters related to safety and health.

第十二條 本法第七條第一項所稱中央主管機關指定之機械、設備或器具如下：

Article 12 Machinery, equipment or tools specified by the central competent authority referred to in Article 7 Paragraph 1 of the Act are:

一、動力衝剪機械。

1.Power punching-shearing machinery;

二、手推刨床。

2.Hand-push planer;

三、木材加工用圓盤鋸。

3.Circular saw for woodworking;

四、動力堆高機。

4.Power fork lift truck;

五、研磨機。

5.Grinder;

六、研磨輪。

6.Lapping wheel;

七、防爆電氣設備。

7.Explosion-proof electrical apparatus;

八、動力衝剪機械之光電式安全裝置。

8.Photoelectric safety device for power punching-shearing machinery;

九、手推刨床之刀部接觸預防裝置。

9.Blade guard for hand-push planer;

十、木材加工用圓盤鋸之反撥預防裝置，及其鋸齒接觸預防裝置。

10.Kickback prevention device for woodworking circular saw;

十一、其他經中央主管機關指定公告者。

11. Other items published by the central competent authority.

第十三條 本法第七條至第九條所稱型式驗證，指由驗證機構對某一型式之機械、設備或器具等產品，審驗符合安全標準之程序。

Article 13 Type certification referred to in Articles 7 to 9 of the Act means the process of certifying that a particular machinery, equipment or tool has passed safety standard inspection by a certification agency.

第十四條 本法第十條第一項所稱具有危害性之化學品，指下列之危險物或有害物：

Article 14 Hazardous chemicals referred to in Article 10 Paragraph 1 of the Act mean the following dangerous substances or harmful substances:

一、危險物：符合國家標準CNS15030分類，具有物理性危害者。

1. Dangerous substances: Substances with physical hazards that satisfy CNS15030 classification;

二、有害物：符合國家標準CNS15030分類，具有健康危害者。

2. Harmful substances: Substances with health hazards that satisfy CNS15030 classification.

第十五條 本法第十條第一項所稱危害性化學品之清單，指記載化學品名稱、製造商或供應商基本資料、使用及貯存量等項目之清冊或表單。

Article 15 Hazardous chemical inventories referred to in Article 10 Paragraph 1 of the Act mean the inventories or lists that record the names of the chemicals, basic information of manufacturers or suppliers, usage and the quantity in storage.

第十六條 本法第十條第一項所稱危害性化學品之安全資料表，指記載化學品名稱、製造商或供應商基本資料、危害特性、緊急處理及危害預防措施等項目之表單。

Article 16 Dangerous and harmful chemical safety data sheets referred to in Article 10 Paragraph 1 of the Act mean data sheets recording the names of the chemicals, basic information of manufacturers or suppliers, characteristics of the hazard, emergency procedures, and hazard preventive measures.

第十七條 本法第十二條第三項所稱作業環境監測，指為掌握勞工作業環境實態與評估勞工暴露狀況，所採取之規劃、採樣、測定、分析及評估。

Article 17 Job site monitoring referred to in Article 12 Paragraph 3 of the Act means the plans, samplings, measurements, analyses, and assessments that are adopted so as to understand the actual operation conditions and assess the exposure of laborers.

本法第十二條第三項規定應訂定作業環境監測計畫及實施監測之作業場所如下：

The job site monitoring plan that shall be formulated and the job sites of implementation stipulated in Article 12 Paragraph 3 of the Act include:

一、設置有中央管理方式之空氣調節設備之建築物室內作業場所。

1. Indoor job sites where central air conditioning is available;

二、坑內作業場所。

2. Job sites that are inside tunnels;

三、顯著發生噪音之作業場所。

3. Job sites emitting extreme noise;

四、下列作業場所，經中央主管機關指定者：

4. The following job sites designated by the central competent authority:

(一) 高溫作業場所。

(1) Job sites with high temperature;

(二) 粉塵作業場所。

(2)Job sites extremely exuding dust;

(三) 鉛作業場所。

(3)Job sites carrying out the lead work;

(四) 四烷基鉛作業場所。

(4)Job sites carrying out the tetra-alkyl lead work;

(五) 有機溶劑作業場所。

(5)Job sites manufacturing or handling organic solvents;

(六) 特定化學物質作業場所。

(6)Job sites manufacturing or handling the specified chemical substances;

五、其他經中央主管機關指定公告之作業場所。

5.Other job sites designated and announced by the central competent authority.

第十八條 中央主管機關依本法第十三條第二項，審查化學物質安全評估報告後，得予公開之資訊如下：

Article 18 The chemical substance safety assessment report examined by the central competent authority in accordance with Article 13 Paragraph 2 of the Act may be made public of the following information:

一、新化學物質編碼。

1.The code of the new chemical substance;

二、危害分類及標示。

2.Classification of hazards and labels;

三、物理及化學特性資訊。

3.Information on the physical and chemical characteristics;

四、毒理資訊。

4.Information on toxicology;

五、安全使用資訊。

5.Information on safe use;

六、為因應緊急措施或維護工作者安全健康，有必要揭露予特定人員之資訊。

6.Information that is necessary to disclose to specific members in response to emergency measures or to maintain the safety of workers.

前項第六款之資訊範圍如下：

The scope of information of the preceding subparagraph 6 includes:

一、新化學物質名稱及基本辨識資訊。

1.Name of the new chemical substance and information for basic identification;

二、製造或輸入新化學物質之數量。

2.The quantity of the manufactured or imported new chemical substance;

三、新化學物質於混合物之組成。

3.The compound of the new chemical substance in mixture;

四、新化學物質之製造、用途及暴露資訊。

4.Information on the manufacturing, usage, and exposure of the new chemical substance.

第十九條 本法第十四條第一項所稱管制性化學品如下：

Article 19 Controlled chemicals referred to in Article 14 Paragraph 1 of the Act are:

一、第二十條之優先管理化學品中，經中央主管機關評估具高度暴露風險者

1. Priority management chemicals stipulated in Article 20 that are evaluated by the central competent authority to be of high exposure risks;

二、其他經中央主管機關指定公告者。

2. Other chemicals designated and announced by the central competent authority.

第二十條

本法第十四條第二項所稱優先管理化學品如下：

Article 20

Priority management chemicals referred to in Article 14 Paragraph 2 of the Act are:

一、本法第二十九條第一項第三款及第三十條第一項第五款規定所列之危害性化學品。

1. Hazardous chemicals that are listed in Article 29 Paragraph 1 subparagraph 3 and Article 30 Paragraph 1 subparagraph 5;

二、依國家標準CNS 15030分類，屬致癌物質第一級、生殖細胞致突變性物質第一級或生殖毒性物質第一級者。

2. According to the CNS 15030 classification, chemicals that are class 1 carcinogens, class 1 germ cell mutagenicity or class 1 toxic for reproduction;

三、依國家標準CNS 15030分類，具有物理性危害或健康危害，其化學品運作量達中央主管機關規定者。

3. According to the CNS 15030 classification, chemicals with physical stress or health stress that meet the operation capacity stipulated by the central competent authority;

四、其他經中央主管機關指定公告者。

4. Other chemicals designated and announced by the central competent authority.

第二十一條

本法第十五條第一項第一款所稱從事石油裂解之石化工業，指勞動檢查法第二十六條第一項第一款所定從事石油產品之裂解反應，以製造石化基本原料者。

Article 21

Petrochemical industry engaging in petroleum cracking referred to in Article 15 Paragraph 1 subparagraph 1 of the Act means as specified in Article 26 Paragraph 1 subparagraph 1 of the Labor Inspection Act, industry that manufactures petrochemical raw materials from cracking process of petroleum products.

本法第十五條第一項第二款所稱從事製造、處置或使用危害性之化學品，數量達中央主管機關規定量以上者，指勞動檢查法第二十六條第一項第五款所定之製造、處置或使用危險物及有害物，達中央主管機關規定之數量。

Workplaces engaging in the manufacturing, storage, or usage of hazardous chemicals in excess of the quantity stipulated by the central competent authority mean as specified in Article 26 Paragraph 1 subparagraph 5 of the Labor Inspection Act, the quantity of dangerous or harmful substances that are manufactured, processed and used is at the threshold level as specified by the central competent authority.

第二十二條

本法第十六條第一項所稱具有危險性之機械，指符合中央主管機關所定一定容量以上之下列機械：

Article 22

Machinery specified as potentially dangerous referred to in Article 16 Paragraph 1 of the Act means the following machinery that has a specific volume exceeding the threshold specified by the central competent authority:

一、固定式起重機。

1. Fixed cranes;

二、移動式起重機。

2. Mobile cranes;

三、人字臂起重桿。

- 3.Derrick cranes;
四、營建用升降機。
- 4.Elevators for construction use;
五、營建用提升機。
- 5.Lifts for construction use;
六、吊籠。
- 6.Cradles;
七、其他經中央主管機關指定公告具有危險性之機械。
- 7.Other potentially dangerous machinery specified and announced by the central competent authority.

第二十三條 本法第十六條第一項所稱具有危險性之設備，指符合中央主管機關所定一定容量以上之下列設備：

Article 23 Equipment specified as potentially dangerous referred to in Article 16 Paragraph 1 of the Act means the following equipment that has a specific volume exceeding the threshold specified by the central competent authority:

- 一、鍋爐。
1.Boilers;
- 二、壓力容器。
2.Pressure vessels;
- 三、高壓氣體特定設備。
3.Specified high-pressure equipment;
- 四、高壓氣體容器。
4.High-pressure vessels;
- 五、其他經中央主管機關指定公告具有危險性之設備。
5.Other potentially dangerous equipment specified and announced by the central competent authority.

第二十四條 本法第十六條第一項規定之檢查，由中央主管機關依機械、設備之種類、特性，就下列檢查項目分別定之：

Article 24 Inspection stipulated in Article 16 Paragraph 1 of the Act shall be governed separately by the central competent authority according to the types and characteristics of machinery and equipment in the following categories:

- 一、熔接檢查。
1.Welding inspection;
- 二、構造檢查。
2.Structural inspection;
- 三、竣工檢查。
3.Completed project inspection;
- 四、定期檢查。
4.Regular scheduled inspection;
- 五、重新檢查。
5.Re-inspection;
- 六、型式檢查。
6.Type inspection;
- 七、使用檢查。
7. Usage inspection;
- 八、變更檢查。

8. Modification inspection.

第二十五條 本法第十八條第一項及第二項所稱有立即發生危險之虞時，指勞工處於需採取緊急應變或立即避難之下列情形之一：

Article 25 Concern of a potential imminent danger referred to in Article 18 Paragraphs 1 and 2 of the Act means laborers are in one of the following situations where emergency management or immediate withdrawal must be adopted:

- 一、自設備洩漏大量危害性化學品，致有發生爆炸、火災或中毒等危險之虞時。
1. Major leakage of hazardous chemicals of equipment where there is a concern of potential danger of explosion, fire, or poisoning;
- 二、從事河川工程、河堤、海堤或圍堰等作業，因強風、大雨或地震，致有發生危險之虞時。
2. Engaging in river engineering, riverbank, sea embankment, or cofferdam works where there is a concern of potential danger due to strong wind, heavy rain, or earthquake;
- 三、從事隧道等營建工程或管溝、沉箱、沉筒、井筒等之開挖作業，因落磐、出水、崩塌或流砂侵入等，致有發生危險之虞時。
3. Engaging in tunnel construction engineering or trenching, caisson, displacer, and pit shaft excavation works where there is a concern of potential danger due to rock fall, cave in, piping, or boiling,;
- 四、於作業場所有易燃液體之蒸氣或可燃性氣體滯留，達爆炸下限值之百分之三十以上，致有發生爆炸、火災危險之虞時。
4. Stagnation of vapors from flammable liquid or flammable gas at the job site that is 30% above the lower limit of explosion where there is a concern of potential danger of explosion or fire;
- 五、於儲槽等內部或通風不充分之室內作業場所，致有發生中毒或窒息危險之虞時。
5. Inside storage tank or indoor job site with inadequate ventilation where there is a concern of potential danger of poisoning or suffocation;
- 六、從事缺氧危險作業，致有發生缺氧危險之虞時。
6. Carrying out work at the place of oxygen deficient danger where there is a concern of potential danger of anoxia;
- 七、於高度二公尺以上作業，未設置防墜設施及未使勞工使用適當之個人防護具，致有發生墜落危險之虞時。
7. Engaging in work more than two meters above ground without fall-proof equipment and without personal safeguard device for laborers where there is a concern of potential danger of falling;
- 八、於道路或鄰接道路從事作業，未採取管制措施及未設置安全防護設施，致有發生危險之虞時。
8. Engaging in work on the road or adjacent to the road without adopting any traffic control measures and without safety protection facility where there is a concern of potential danger;
- 九、其他經中央主管機關指定公告有發生危險之虞時之情形。
9. Other conditions specified and announced by the central competent authority to be of concern of potential danger.

第二十六條 本法第十八條第三項及第三十九條第四項所稱其他不利之處分，指直接或間接損害勞工依法令、契約或習慣上所應享有權益之措施。

Article 26 Other unfavorable treatment referred to in Article 18 Paragraph 3 and Article 39 Paragraph 4 of the Act means the direct or indirect measures that damage the rights laborers are bestowed according to laws, contracts, or usual practices.

第二十七條 本法第二十條第一項所稱體格檢查，指於僱用勞工時，為識別勞工工作適性，考量其是否有不適合作業之疾病所實施之身體檢查。

Article 27 Physical examination referred to in Article 20 Paragraph 1 of the Act means physical examination given to laborers at the time of employment to determine their work suitability and to take into account whether they have any illnesses that are not suitable for their work.

本法第二十條第一項所稱在職勞工應施行之健康檢查如下：

Health examination for currently employed laborers referred to in Article 20 Paragraph 1 of the Act includes the followings:

一、一般健康檢查：指雇主對在職勞工，為發現健康有無異常，以提供適當健康指導、適性配工等健康管理措施，依其年齡於一定期間或變更其工作時所實施者。

1.General health examination: Means health examination that is implemented to currently employed laborers based on their age by the employer on a regular basis or when there is a change of work for the purpose of discovering any abnormality in health so that health management measures such as proper health guidance and proper work assignment can be provided;

二、特殊健康檢查：指對從事特別危害健康作業之勞工，為發現健康有無異常，以提供適當健康指導、適性配工及實施分級管理等健康管理措施，依其作業危害性，於一定期間或變更其工作時所實施者。

2.Special health examination: Means health examination that is implemented to laborers involved in tasks with special health hazards based on the hazard of their work on a regular basis or when there is a change of work for the purpose of discovering any abnormality in health so that health management measures such as proper health guidance, proper work assignment, and risk ranking management can be provided;

三、特定對象及特定項目之健康檢查：指對可能為罹患職業病之高風險群勞工，或基於疑似職業病及本土流行病學調查之需要，經中央主管機關指定公告，要求其雇主對特定勞工施行必要項目之臨時性檢查。

3.Health examinations of specific items for specific target workers: Means for laborers with high-risk of occupational illness or for the investigation need of suspected occupational illness and local epidemiology, temporary examination of specific items that is specified and announced by the central competent authority, requesting the employer to implement on specific target laborers.

第二十八條 本法第二十條第一項第二款所稱特別危害健康作業，指下列作業：

Article 28 Tasks with special health hazards referred to in Article 20 Paragraph 1 subparagraph 2 of the Act mean the following tasks:

一、高溫作業。

1.Tasks involving high temperature;

二、噪音作業。

2.Tasks involving noise;

- 三、游離輻射作業。
- 3.Tasks involving ionizing radiation;
- 四、異常氣壓作業。
- 4.Tasks involving abnormal air pressure;
- 五、鉛作業。
- 5.Tasks involving lead;
- 六、四烷基鉛作業。
- 6.Tasks involving tetra-alkyl lead;
- 七、粉塵作業。
- 7.Tasks involving dusts;
- 八、有機溶劑作業，經中央主管機關指定者。
- 8.Tasks involving organic solvent that is specified by the central competent authority;
- 九、製造、處置或使用特定化學物質之作業，經中央主管機關指定者。
- 9.Tasks involving the manufacturing, disposition, or usage of specific chemical substances that are specified by the central competent authority;
- 十、黃磷之製造、處置或使用作業。
- 10.Tasks involving the manufacturing, disposition, or usage of yellow phosphorous;
- 十一、聯啞或巴拉刈之製造作業。
- 11.Tasks involving the manufacturing of bipyridine or paraquat;
- 十二、其他經中央主管機關指定公告之作業。
- 12.Other tasks specified and announced by the central competent authority.

第二十九條 本法第二十條第六項所稱勞工有接受檢查之義務，指勞工應依雇主安排於符合本法規定之醫療機構接受體格及健康檢查。

Article 29 Laborers are obligated to accept the examinations referred to in Article 20 Paragraph 6 of the Act means laborers shall accept the physical and health examinations arranged by the employers at medical institutions that are in compliance with the regulations of the Act.

勞工自行於其他符合規定之醫療機構接受相當種類及項目之檢查，並將檢查結果提供予雇主者，視為已接受本法第二十條第一項之檢查。

Laborers accepting examinations of comparable types and items at medical institutions that are in compliance with regulations, and submit such medical reports to the employer are considered having accepted the examination stipulated in Article 20 Paragraph 1 of the Act.

第三十條 事業單位依本法第二十二條規定僱用或特約醫護人員者，雇主應使其保存與管理勞工體格及健康檢查、健康指導、健康管理措施及健康服務等資料。

Article 30 For business entities employing or contracting medical personnel in accordance with Article 22 of the Act, the employer shall have such enterprises save and manage the laborers' physical and health examinations, health guidance, health management measures, and health services data.

雇主、醫護人員於保存及管理勞工醫療之個人資料時，應遵守本法及個人資料保護法等相關規定。

When saving and managing the laborers' personal medical record, the employer and medical personnel shall abide by related regulations of the Act and Personal Information Protection Act.

第三章 安全衛生管理

Chapter Three Safety and Health Management

第三十一條 本法第二十三條第一項所定職業安全衛生管理計畫，包括下列事項：

Article 31 Occupational safety and health management plan specified in Article 23 Paragraph 1 of the Act includes the following matters:

- 一、工作環境或作業危害之辨識、評估及控制。
1. Identification, assessment, and control of work environment or task hazards;
- 二、機械、設備或器具之管理。
2. Management of machinery, equipment, or tools;
- 三、危害性化學品之分類、標示、通識及管理。
3. Categorizing, labelling, communication, and management of hazardous chemicals;
- 四、有害作業環境之採樣策略規劃及監測。
4. Planning and monitoring of sampling method for hazardous job environment;
- 五、危險性工作場所之製程或施工安全評估。
5. Assessment of the process or construction safety of dangerous job sites;
- 六、採購管理、承攬管理及變更管理。
6. Procurement management, contractor management, and modification management;
- 七、安全衛生作業標準。
7. Operation standards for safety and health;
- 八、定期檢查、重點檢查、作業檢點及現場巡視。
8. Periodic inspections, target inspections, job checks, and on-site inspection tours;
- 九、安全衛生教育訓練。
9. Safety and health educational training;
- 十、個人防護具之管理。
10. Management of personal protective equipment;
- 十一、健康檢查、管理及促進。
11. Health examination, management, and facilitation;
- 十二、安全衛生資訊之蒐集、分享及運用。
12. Compiling, sharing, and application of safety and health information;
- 十三、緊急應變措施。
13. Emergency response and preparedness;
- 十四、職業災害、虛驚事故、影響身心健康事件之調查處理及統計分析。
14. Investigation and settlement and statistical analysis of occupational accidents, near misses, events that affect the physical and mental health;
- 十五、安全衛生管理紀錄及績效評估措施。
15. Record of safety and health management and measures for performance assessment;
- 十六、其他安全衛生管理措施。
16. Other safety and health management measures.

第三十二條 本法第二十三條第一項所定安全衛生組織，包括下列組織：

Article 32 Safety and health organizations specified in Article 23 Paragraph 1 of the Act include the following organizations:

- 一、職業安全衛生管理單位：為事業單位內擬訂、規劃、推動及督導職業安全衛生有關業務之組織。
1. Occupational safety and health management entities: Organization within the

business entity that formulates, plans, promotes, and monitors occupational safety and health related affairs;

二、職業安全衛生委員會：為事業單位內審議、協調及建議職業安全衛生有關業務之組織。

2.Occupational safety and health committee: Organization with the business entity that deliberates, coordinates, and advocates occupational safety and health related affairs.

第三十三條 本法第二十三條第一項所稱安全衛生人員，指事業單位內擬訂、規劃及推動安全衛生管理業務者，包括下列人員：

Article 33 Safety and health personnel referred to in Article 23 Paragraph 1 of the Act mean personnel within the business entity that formulate, plan, promote, and monitor occupational safety and health management work, including the following personnel:

一、職業安全衛生業務主管。

1.Occupational safety and health affair managers;

二、職業安全管理師。

2.Occupational safety management specialist ;

三、職業衛生管理師。

3.Occupational health management specialist ;

四、職業安全衛生管理員。

4.Occupational safety and health management personnel.

第三十四條 本法第二十三條第一項所定安全衛生管理，由雇主或對事業具管理權限之雇主代理人綜理，並由事業單位內各級主管依職權指揮、監督所屬人員執行。

Article 34 Safety and health management specified in Article 23 Paragraph 1 of the Act is to be managed generally by the employer or by the employer' s representative who has management authority over the business, and is to be implemented by personnel under the direction and supervision of each level of supervisor within the business entity.

第三十五條 本法第二十三條第二項所稱職業安全衛生管理系統，指事業單位依其規模、性質，建立包括安全衛生政策、組織設計、規劃與實施、評估及改善措施之系統化管理體制。

Article 35 Occupational safety and health management system referred to in Article 23 Paragraph 2 of the Act manes the systematic management that business entity establishes based on its size and characteristics, including safety and health policies, organization design, plans and implementations, assessments and improvement measures.

第三十六條 本法第二十六條第一項規定之事前告知，應以書面為之，或召開協商會議並作成紀錄。

Article 36 Prior notification referred to in Article 26 Paragraph 1 of the Act shall be in written form, or a negotiation meeting shall be convened and a record of the meeting shall be made.

第三十七條 本法第二十七條所稱共同作業，指事業單位與承攬人、再承攬人所僱用之勞工於同一期間、同一工作場所從事工作。

Article 37 Working together referred to in Article 27 of the Act means laborers hired by business entities, contractors, and subcontractors work during the time period and at the same job site.

第三十八條 本法第二十七條第一項第一款規定之協議組織，應由原事業單位召集之，並定期或不定期進行協議下列事項：

Article 38 Consultative organization stipulated in Article 27 Paragraph 1 subparagraph 1 of the Act shall be convened by the original business entity, and to consult regularly or irregularly

on the following matters:

- 一、安全衛生管理之實施及配合。
1.The implementation and cooperation of safety and health management;
- 二、勞工作業安全衛生及健康管理規範。
2.Regulations on labor job safety and health and health management;
- 三、從事動火、高架、開挖、爆破、高壓電活線等危險作業之管制。
3.Control of dangerous jobs such as hot work, work aloft, excavation, demolition, high-voltage power hotline;
- 四、對進入局限空間、有害物作業等作業環境之作業管制。
4.Entry procedures of confined spaces and job sites manufacturing or handling the harmful substances;
- 五、電氣機具入廠管制。
5.Control of electronic machines and tools entering the factory;
- 六、作業人員進場管制。
6.Control of job personnel entering the site;
- 七、變更管理。
7.Management of modification;
- 八、劃一危險性機械之操作信號、工作場所標識(示)、有害物空容器放置、警報、緊急避難方法及訓練等。
8.Standardize operation signal for potentially dangerous machinery, labeling at job sites, storage of empty containers for hazardous substances, alarms, emergency withdrawal methods and trainings;
- 九、使用打樁機、拔樁機、電動機械、電動器具、軌道裝置、乙炔熔接裝置、電弧熔接裝置、換氣裝置及沉箱、架設通道、施工架、工作架台等機械、設備或構造物時，應協調使用上之安全措施。
9.When using pile driver, pile extractor, motor-driven machinery, motor-driven tools, track setups, acetylene welding setups, ventilation setups and caissons, passage setups, scaffolds, work mounts for machinery, equipment, or construction, safety measures for usage shall be coordinated;
- 十、其他認有必要之協調事項。
10.Other matters deemed necessary for coordination.

第三十九條 本法第三十一條第一項所稱有母性健康危害之虞之工作，指其從事可能影響胚胎發育、妊娠或哺乳期間之母體及幼兒健康之下列工作：

Article 39 Work that is potentially hazardous to maternal health referred to in Article 31 Paragraph 1 of the Act means involving in the following works that might affect the growth of the fetus, the health of the mother and infant for the duration of pregnancy or breastfeeding:

- 一、工作暴露於具有依國家標準CNS 15030分類，屬生殖毒性物質、生殖細胞致突變性物質或其他對哺乳功能有不良影響之化學品者。
1. Work that exposes to the CNS 15030 classification chemicals class 1 germ cell mutagenicity, class 1 toxic for reproduction, or other chemicals that might have adverse effect on breastfeeding function;
- 二、勞工個人工作型態易造成妊娠或分娩後哺乳期間，產生健康危害影響之工作，包括勞工作業姿勢、人力提舉、搬運、推拉重物、輪班及工作負荷等工作型態，致產生健康危害影響者。
2.Individual work type of the laborer that easily results in health hazard during pregnancy of breastfeeding after birth, including work posture, manually

lifting, transporting, pushing or pulling heavy objects, work shifts, and heavy workload that can cause harmful effect to health;

三、其他經中央主管機關指定公告者。

3. Other works specified and announced by the central competent authority.

第四十條 雇主依本法第三十三條規定宣導本法及有關安全衛生規定時，得以教育、公告、分發印刷品、集會報告、電子郵件、網際網路或其他足使勞工周知之方式為之。

Article 40 Employers disseminating the content of this Act and related safety and health regulations in accordance with Article 33 of the Act may do so in the format of education, announcements, distributing printed materials, collective reports, emails, Internet, or other method sufficient to inform the laborers.

第四十一條 本法第三十四條第一項所定安全衛生工作守則之內容，依下列事項定之：

Article 41 The content to the safety and health work rules specified in Article 34 Paragraph 1 of the Act shall be formulated according to the following matters:

一、事業之安全衛生管理及各級之權責。

1. Safety and health management of the business and the authority of each level of administration;

二、機械、設備或器具之維護及檢查。

2. Maintenance and inspection of machinery, equipment, or tools;

三、工作安全及衛生標準。

3. Standards for work safety and health;

四、教育及訓練。

4. Education and training;

五、健康指導及管理措施。

5. Health guidance and management measures;

六、急救及搶救。

6. First aid and rescue;

七、防護設備之準備、維持及使用。

7. Preparation, maintain, and usage of protective equipment;

八、事故通報及報告。

8. Notification and report of accidents;

九、其他有關安全衛生事項。

9. Other matters related to safety and health.

第四十二條 前條之安全衛生工作守則，得依事業單位之實際需要，訂定適用於全部或部分事業，並得依工作性質、規模分別訂定，報請勞動檢查機構備查。

Article 42 Safety and health work rules of the preceding Article may be formulated according to the actual needs of the business entity to be completely or partially applicable to the business, and may formulate separately according to the nature of the work and size, and report to the labor inspection agency for future reference.

事業單位訂定之安全衛生工作守則，其適用區域跨二以上勞動檢查機構轄區時，應報請中央主管機關指定之勞動檢查機構備查。

When the safety and health work rules formulated by the business entity is applicable to two or more labor inspection agency's jurisdictions, such rules shall be reported to the labor inspection agency designated by the central competent authority for future reference.

第四十三條 本法第三十四條第一項、第三十七條第一項所定之勞工代表，事業單位設有

工會者，由工會推派之；無工會組織而有勞資會議者，由勞方代表推選之；無工會組織且無勞資會議者，由勞工共同推選之。

Article 43 Labor representatives specified in Article 34 Paragraph 1 and Article 37 Paragraph 1 are to be assigned by the labor union shall the business entity has a labor union; those without a labor union but have a labor-management meeting shall be elected by the labor representatives; Those without a labor union and labor-management meeting shall be elected jointly by the laborers.

第四章 監督及檢查

Chapter Four Supervision and Inspections

第四十四條 中央主管機關或勞動檢查機構為執行職業安全衛生監督及檢查，於必要時，得要求代行檢查機構或代行檢查人員，提出相關報告、紀錄、帳冊、文件或說明。

Article 44 The central competent authority or labor inspection agency in their implementation of occupational safety and health supervision and inspection, when necessary, may request the designated inspection agencies or designated inspection personnel to submit related reports, records, bookkeeping records, documents, or explanations.

第四十五條 本法第三十五條所定職業安全衛生諮詢會，置委員九人至十五人，任期二年，由中央主管機關就勞工團體、雇主團體、職業災害勞工團體、有關機關代表及安全衛生學者專家遴聘之。

Article 45 Occupational safety and health consultative committees specified in Article 35 of the Act shall have 9 to 15 committee members, for a term of two years. Said members shall be chosen by the central competent authority from labor organizations, employer organizations, occupational accident labor organizations, representative from related agencies, and safety and health experts and scholars.

第四十六條 勞動檢查機構依本法第三十六條第一項規定實施安全衛生檢查、通知限期改善或停工之程序，應依勞動檢查法相關規定辦理。

Article 46 Labor inspection agencies carrying out safety and health inspections, notifying to make improvements within a limited time period or suspend works in accordance with Article 36 Paragraph I of the Act shall do so in accordance with related regulations in the Labor Inspection Acts.

第四十七條 本法第三十七條第二項規定雇主應於八小時內通報勞動檢查機構，所稱雇主，指罹災勞工之雇主或受工作場所負責人指揮監督從事勞動之罹災工作者工作場所之雇主；所稱應於八小時內通報勞動檢查機構，指事業單位明知或可得而知已發生規定之職業災害事實起八小時內，應向其事業單位所在轄區之勞動檢查機構通報。

Article 47 The employers shall notify a labor inspection agency within eight hours stipulated in Article 37 Paragraph 2 of the Act, the referred to employers mean the employer of the laborer suffering from the accident or the employer of the workplace where the laborer suffering from the accident engaged in work and directed or supervised by the responsible people in workplaces. Notify a labor inspection agency within eight hours means the business entity knowingly or may be informed of the occupational accident has happened within eight hours, shall report to the labor inspection agency of its jurisdiction.

雇主因緊急應變或災害搶救而委託其他雇主或自然人，依規定向其所在轄區

之勞動檢查機構通報者，視為已依本法第三十七條第二項規定通報。

For the sake of emergency management or accident rescue, employers who entrust other employers or natural person to notify occupational accidents to the labor inspection agency of its jurisdiction in accordance with regulations is considered having met the requirement for report stipulated in Article 37 Paragraph 1 of the Act.

第四十八條 本法第三十七條第二項第二款所稱發生災害之罹災人數在三人以上者，指於勞動場所同一災害發生工作者永久全失能、永久部分失能及暫時全失能之總人數達三人以上者。

Article 48 Accidents causing injuries to three people or more referred to in Article 37 Paragraph 2 subparagraph 2 of the Act mean the same accident occurred at the place of duty causing a total of more than three workers to suffer from permanent full disability, permanent partial disability, and temporary full disability.

本法第三十七條第二項第三款所稱發生災害之罹災人數在一人以上，且需住院治療者，指於勞動場所發生工作者罹災在一人以上，且經醫療機構診斷需住院治療者。

Accidents causing injuries to one person or more and requiring hospitalization referred to in Article 37 Paragraph 2 subparagraph 3 of the Act mean one or more persons suffering from injury at the place of duty requiring hospitalization after having been diagnosed by a medical institution.

第四十九條 勞動檢查機構應依本法第三十七條第三項規定，派員對事業單位工作場所發生死亡或重傷之災害，實施檢查，並調查災害原因及責任歸屬。但其他法律已有火災、爆炸、礦災、空難、海難、震災、毒性化學物質災害、輻射事故及陸上交通事故之相關檢查、調查或鑑定機制者，不在此限。

Article 49 Labor inspection agency shall dispatch inspectors in accordance with Article 37 Paragraph 3 of the Act to the business entity's workplaces where accidents causing death or serious injuries occurred, to implement the inspection and investigate the cause of the accident and responsibility. However, other laws that have related inspections, investigations, or identification mechanism on fires, explosions, mining accidents, aviation accidents, sea accidents, earthquake disasters, poisonous chemical substance accidents, radiations, and land traffic accidents, shall not be subject to this restriction.

前項所稱重傷之災害，指造成罹災者肢體或器官嚴重受損，危及生命或造成其身體機能嚴重喪失，且須住院治療連續達二十四小時以上之災害者。

Serious injuries referred to in the preceding Paragraph mean the injured person suffers from serious damage to their limbs or organs, endangers their lives, or causing severe loss to their bodily functions, and must be hospitalized for more than 24 hours.

第五十條 本法第三十七條第四項所稱雇主，指災害發生現場所有事業單位之雇主；所稱現場，指造成災害之機械、設備、器具、原料、材料等相關物件及其作業場所。

Article 50 Employers referred to in Article 37 Paragraph 4 of the Act mean employers of the business entity of the site where accident occurred. Site means related objects and their job sites where the machinery, equipment, tools, raw materials, materials caused the accidents.

第五十一條 本法第三十八條所稱中央主管機關指定之事業如下：

Article 51 Industries designated by the central competent authority referred to in Article 38 are the followings:

一、勞工人數在五十人以上之事業。

1. Industries with more than 50 laborers;

二、勞工人數未滿五十人之事業，經中央主管機關指定，並由勞動檢查機構函知者。

2. Industries with less than 50 laborers, that are designated by the central competent authority, and are notified in writing by the labor inspection agency;

前項第二款之指定，中央主管機關得委任或委託勞動檢查機構為之。

Designation in subparagraph 2 of the preceding Paragraph may be commissioned or entrusted to the labor inspection agency by the central competent authority.

雇主依本法第三十八條規定填載職業災害內容及統計之格式，由中央主管機關定之。

The format which employers compile reports and statistics on occupational accidents in accordance with Article 38 shall be determined by the central competent authority.

第五十二條 勞工因雇主違反本法規定致發生職業災害所提起之訴訟，得向中央主管機關申請扶助。

Article 52 Litigations raised by laborers as a result of the employer violating regulations of the Act causing occupational accidents to occur may request assistance from the central competent authority.

前項扶助業務，中央主管機關得委託民間團體辦理。

Such assistance of the preceding Paragraph may be entrusted to private organizations by the central competent authority.

第五十三條 本法第五十條第二項所定直轄市與縣（市）主管機關及各目的事業主管機關應依有關法令規定，配合國家職業安全衛生政策，積極推動包括下列事項之職業安全衛生業務：

Article 53 The municipal and county(city) competent authority and other subject industries competent authority specified in Article 50 Paragraph 2 of the Act shall in accordance with laws and regulations, comply with national occupational safety and health policies, actively promote the following occupational safety and health affairs, including:

一、策略及規劃。

1. Strategies and plans;

二、法制。

2. Legislations;

三、執行。

3. Implementation;

四、督導。

4. Supervision;

五、檢討分析。

5. Review and analysis;

六、其他安全衛生促進活動。

6. Other activities to promote safety and health.

第五章 附則

Chapter Five Supplementary Provisions

第五十四條 本細則自中華民國103年7月3日施行。

Article 54 These Enforcement Rules takes effect on July 3rd, 2014.