

Summary on Amendment of Article 286-3, Article 324-7 and Article 325-1 for Occupational Safety & Health Facilities Rules

Since the announcement of Occupational Safety & Health Facilities Rules (hereunder briefed as this Rule), as being formulated under the authorization of Occupational Safety & Health Act (hereunder briefed as this Act) was developed and announced on October 30, 1974, it has been amended several times and the latest amendment announcement was on April 30, 2019. In recent days, a number of traffic accidents have occurred to the workers during the takeout food delivery process. In addition to the traffic accident and the disease threat caused by outdoor high and low temperature as may be encountered during the takeout food delivery process, it may also jeopardize the mental and physical health of the delivery personnel when sustaining excessive workload and the pressure of meeting the delivery timeline. Due to this reason, it is required to develop a multi-layer protection mechanism immediately in order to strengthen the safety and health protective measures required for takeout food delivery operation and to meet actual disaster prevention demand. Therefore, Article 286-3, Article 324-7 and Article 325-1 of this Rule are amended hoping that the occupational hazard can be effectively prevented while protecting the mental and physical health of the labor. Described below are main ingredients of the amendment:

1. To prevent the traffic accident and the disease hazard caused by the high and low temperature environment when the labor is performing the takeout food delivery services, additional requirements for reasonable and necessary safety and health protection facilities are added such as safety hat, reflective signage, high/low temperature hazard prevention and emergency communication equipment. It also specifies that the business hiring over 30 employees for performing the takeout food delivery services is required to set up and execute the “Hazard Prevention Plan for Takeout Food Delivery Operation.” (Article 286-3 of the amended clause)
2. To avoid the excessive workload and the pressure of meeting the delivery timeline from jeopardizing the mental and physical health of the workers performing the takeout food delivery, the employer is required to evaluate relevant elements such as traffic, climate conditions, the quantity to be delivered, time and location. (Article 324-7 of the amended clause)
3. To prevent the occupational hazard from occurring to the personnel who is hired by the business for executing the takeout food delivery services and who does not have employment relationship with the business, additional rules are added specifying that such business shall be quasi applicable for the requirements set out in Article 286-3 and Article 324-7. (Article 325-1 of the

amended clause)

Comparison Table for Article 286-3, Article 324-7 and Article 325-1 of Occupational Safety & Health Facilities Rules

Clause amended	Prevailing clause	Description
<p>Article 286-3: When assigning workers to execute the takeout food delivery service with transportation tools such as motorcycles and bicycles, the employer shall provide reasonable and necessary safety and health protection facilities such as a helmet, reflective signage, high/low temperature hazard prevention device and emergency communication equipment and shall urge the workers to use these facilities correctly.</p> <p>If the number of workers hired by the business for engaging in the takeout food delivery services is over 30 persons, then the employer shall set up a “Hazard Prevention Plan for Food Delivery Services” according to the guidelines announced by the competent authority and shall execute the delivery services according to such plan. If the number of workers is less than 30 persons, then such plans may be replaced by the execution record or document.</p> <p>The aforesaid execution record or documents shall be preserved for a period of 3 years.</p>		<ol style="list-style-type: none"> 1. This article is newly added. 2. In view that the thermos-keeping or the freshness retaining would be required for the food during the takeout delivery period, the takeout food delivery labors may contract the disease in order to meet the pressure of delivery timeline when operating under high and low outdoor temperature environment, in addition to the traffic accident. To protect the takeout food workers from occupational hazard, the employer shall provide reasonable and necessary safety and health protection facilities such as a helmet, reflective signage, and emergency communication equipment and shall urge workers to use them correctly. In the meantime, the employer shall also provide high/low temperature environment hazard preventive measures such as cold and hot adaptive working environment, sufficient drinking water, multi-layer warm-keeping air permeable working suit, regular break time, and

		<p>health management in order to protect the safety and the health of the takeout food delivery workers.</p> <p>3. To improve the labor safety measures for takeout food delivery workers, the “Takeout Food Delivery Operation Safety Guideline (Rev. 1)” was announced by the Ministry of Labor on October 02, 2019 after considering the suggestions and practical demands raised by the competent sectors. To fortify the operation safety and interest protection for takeout food delivery services, the aforesaid guideline was amended as “Takeout Food Operation Safety Guideline (Rev. 2)” on December 02 the same year again. To further strengthen the self-management of the business and to enhance the legal validity of such guideline, the legal practices set out in Article 277-1 was quoted by adding the regulations in Item 2 specifying that the employer shall maintain “Hazard Prevention Plan for Takeout Food Delivery Services” if the takeout food delivery workers hired is over 30 persons and shall urge them to execute the work according to such plan.</p>
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<p>Article 324-7: When assigning workers to execute the takeout food delivery services, the employer shall evaluate relevant factors like traffic, climate conditions, number of cases to be delivered, time and location, etc. In the meantime, the employer shall also take appropriate measures and dispatch the work reasonably to avoid jeopardizing the physical and mental health of the labor.</p>		<p>1. <u>This article is newly added.</u></p> <p>2. It is observed that traffic accidents have occurred to the worker performing the takeout food delivery service due to several factors such as the workload and the pressure of meeting the delivery timeline. To avoid jeopardizing the physical and mental health of the workers, this rule is added requiring that the employer should take appropriate</p>

		evaluation and reasonable work assignment (e.g. through the application program design or the computation rules of the information system) in order to prevent the hazard from occurring or avoid jeopardizing the physical and mental health of the workers.
Article 325-1: When hiring workers without an employment relationship to execute the takeout food delivery services, the regulations set out in Article 286-3 and Article 324-7 shall be quasi applicable for the hazard prevention as well as the physical and mental health protection measures established by the business for the delivery services.		<ol style="list-style-type: none"> 1. <u>This article is newly added.</u> 2. To meet the new economic type of takeout food delivery service, the business may assign such work to someone without an employment relationship and allow them to execute and complete the work personally. Therefore, this regulation is added to prevent such people from suffering an occupational hazard.