

**Article Content**

**Title :** Enforcement Rules of the Occupational Safety and Health Act  CH

**Amended Date :** 2014-06-26

**Category :** Ministry of Labor (勞動部)

**Chapter One General Provisions**

- Article 1** These Rules are formulated pursuant to Article 54 of the Occupational Safety and Health Act (hereinafter referred to as "the Act").
- 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.
- 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.
- 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.
- 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.
- 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:
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.
  2. The actual place where self-employed workers engage in work.
  3. The actual place where other people engaged in work and directed or supervised by the responsible people in workplaces

engage in work.

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.

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.

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

## **Chapter Two Safety and Health Facilities**

- 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:  
1.Analysis of work procedure, content and behaviors;  
2.Confirmation of ergonomic risk factors;  
3.Implementation and methods for improvement;  
4.Assessment and improvement of results;  
5.Other matters related to safety and health.
- 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:  
1.Identification and assessment of high-risk groups;

- 2.Interview and health guidance by physicians;
  - 3.Measures to adjust or shorten work hours and change work duty;
  - 4.Promotion, management and examination of health;
  - 5.Assessment and improvement of results;
  - 6.Other matters related to safety and health.
- 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:
- 1.Identification and assessment of risks;
  - 2.Adaptation of job sites;
  - 3.Placement of job suitability;
  - 4.Establishment of regulations for behaviors;
  - 5.Training on risk prevention and communication techniques;
  - 6.Procedures for handling events;
  - 7.Assessment and improvement of results;
  - 8.Other matters related to safety and health.
- Article 12** Machinery, equipment or tools specified by the central competent authority referred to in Article 7 Paragraph 1 of the Act are:
- 1.Power punching-shearing machinery;
  - 2.Hand-push planer;
  - 3.Circular saw for woodworking;
  - 4.Power fork lift truck;
  - 5.Grinder;
  - 6.Lapping wheel;
  - 7.Explosion-proof electrical apparatus;
  - 8.Photoelectric safety device for power punching-shearing machinery;
  - 9.Blade guard for hand-push planer;
  - 10.Kickback prevention device for woodworking circular saw;
  - 11.Other items published by the central competent authority.
- 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.
- Article 14** Hazardous chemicals referred to in Article 10 Paragraph 1 of the Act mean the following dangerous substances or harmful substances:
- 1.Dangerous substances: Substances with physical hazards that satisfy CNS15030 classification;
  - 2.Harmful substances: Substances with health hazards that satisfy CNS15030 classification.
- 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.

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.

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.  
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:  
1. Indoor job sites where central air conditioning is available;  
2. Job sites that are inside tunnels;  
3. Job sites emitting extreme noise;  
4. The following job sites designated by the central competent authority:  
(1) Job sites with high temperature;  
(2) Job sites extremely exuding dust;  
(3) Job sites carrying out the lead work;  
(4) Job sites carrying out the tetra-alkyl lead work;  
(5) Job sites manufacturing or handling organic solvents;  
(6) Job sites manufacturing or handling the specified chemical substances;  
5. Other job sites designated and announced by the central competent authority.

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:

1. The code of the new chemical substance;  
2. Classification of hazards and labels;  
3. Information on the physical and chemical characteristics;  
4. Information on toxicology;  
5. Information on safe use;  
6. Information that is necessary to disclose to specific members in response to emergency measures or to maintain the safety of workers.

The scope of information of the preceding subparagraph 6 includes:

1. Name of the new chemical substance and information for basic identification;  
2. The quantity of the manufactured or imported new chemical substance;

- 3.The compound of the new chemical substance in mixture;
- 4.Information on the manufacturing, usage, and exposure of the new chemical substance.
- Article 19 Controlled chemicals referred to in Article 14 Paragraph 1 of the Act are:
- 1.Priority management chemicals stipulated in Article 20 that are evaluated by the central competent authority to be of high exposure risks;
  - 2.Other chemicals designated and announced by the central competent authority.
- Article 20 Priority management chemicals referred to in Article 14 Paragraph 2 of the Act are:
- 1.Hazardous chemicals that are listed in Article 29 Paragraph 1 subparagraph 3 and Article 30 Paragraph 1 subparagraph 5;
  - 2.According to the CNS 15030 classification, chemicals that are class 1 carcinogens, class 1 germ cell mutagenicity or class 1 toxic for reproduction;
  - 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;
  - 4.Other chemicals designated and announced by the central competent authority.
- 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.
- 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.
- 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:
- 1.Fixed cranes;
  - 2.Mobile cranes;
  - 3.Derrick cranes;
  - 4.Elevators for construction use;
  - 5.Lifts for construction use;
  - 6.Cradles;

	7. Other potentially dangerous machinery specified and announced by the central competent authority.
Article 23	<p>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:</p> <ul style="list-style-type: none"> <li>1. Boilers;</li> <li>2. Pressure vessels;</li> <li>3. Specified high-pressure equipment;</li> <li>4. High-pressure vessels;</li> </ul> <p>5. Other potentially dangerous equipment specified and announced by the central competent authority.</p>
Article 24	<p>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:</p> <ul style="list-style-type: none"> <li>1. Welding inspection;</li> <li>2. Structural inspection;</li> <li>3. Completed project inspection;</li> <li>4. Regular scheduled inspection;</li> <li>5. Re-inspection;</li> <li>6. Type inspection;</li> <li>7. Usage inspection;</li> <li>8. Modification inspection.</li> </ul>
Article 25	<p>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:</p> <ul style="list-style-type: none"> <li>1. Major leakage of hazardous chemicals of equipment where there is a concern of potential danger of explosion, fire, or poisoning;</li> <li>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;</li> <li>3. Engaging in tunnel construction engineering or trenching, caisson, displacer, and pit shaft exaction works where there is a concern of potential danger due to rock fall, cave in, piping, or boiling,;</li> <li>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;</li> <li>5. Inside storage tank or indoor job site with inadequate ventilation where there is a concern of potential danger of poisoning or suffocation;</li> <li>6. Carrying out work at the place of oxygen deficient danger</li> </ul>

- where there is a concern of potential danger of anoxia;
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;
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;
9. Other conditions specified and announced by the central competent authority to be of concern of potential danger.
- 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.
- 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.
- Health examination for currently employed laborers referred to in Article 20 Paragraph 1 of the Act includes the followings:
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;
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;
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.
- Article 28** Tasks with special health hazards referred to in Article 20 Paragraph 1 subparagraph 2 of the Act mean the following tasks:
1. Tasks involving high temperature;
2. Tasks involving noise;

- 3.Tasks involving ionizing radiation;
- 4.Tasks involving abnormal air pressure;
- 5.Tasks involving lead;
- 6.Tasks involving tetra-alkyl lead;
- 7.Tasks involving dusts;
- 8.Tasks involving organic solvent that is specified by the central competent authority;
- 9.Tasks involving the manufacturing, disposition, or usage of specific chemical substances that are specified by the central competent authority;
- 10.Tasks involving the manufacturing, disposition, or usage of yellow phosphorous;
- 11.Tasks involving the manufacturing of bipyridine or paraquat;
- 12.Other tasks specified and announced by the central competent authority.

**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.

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.

**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.  
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.

### **Chapter Three Safety and Health Management**

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

- 1.Identification, assessment, and control of work environment or task hazards;
- 2.Management of machinery, equipment, or tools;
- 3.Categorizing, labelling, communication, and management of hazardous chemicals;
- 4.Planning and monitoring of sampling method for hazardous job environment;
- 5.Assessment of the process or construction safety of dangerous

job sites;

6. Procurement management, contractor management, and modification management;

7. Operation standards for safety and health;

8. Periodic inspections, target inspections, job checks, and on-site inspection tours;

9. Safety and health educational training;

10. Management of personal protective equipment;

11. Health examination, management, and facilitation;

12. Compiling, sharing, and application of safety and health information;

13. Emergency response and preparedness;

14. Investigation and settlement and statistical analysis of occupational accidents, near misses, events that affect the physical and mental health;

15. Record of safety and health management and measures for performance assessment;

16. Other safety and health management measures.

- Article 32** Safety and health organizations specified in Article 23 Paragraph 1 of the Act include the following organizations:
1. Occupational safety and health management entities: Organization within the business entity that formulates, plans, promotes, and monitors occupational safety and health related affairs;
2. Occupational safety and health committee: Organization with the business entity that deliberates, coordinates, and advocates occupational safety and health related affairs.
- 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:
1. Occupational safety and health affair managers;
2. Occupational safety management specialist ;
3. Occupational health management specialist ;
4. Occupational safety and health management personnel.
- 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.
- Article 35** Occupational safety and health management system referred to in Article 23 Paragraph 2 of the Act means 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.
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.
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.
Article 38	<p>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:</p> <ol style="list-style-type: none"> <li>1.The implementation and cooperation of safety and health management;</li> <li>2.Regulations on labor job safety and health and health management;</li> <li>3.Control of dangerous jobs such as hot work, work aloft, excavation, demolition, high-voltage power hotline;</li> <li>4.Entry procedures of confined spaces and job sites manufacturing or handling the harmful substances;</li> <li>5.Control of electronic machines and tools entering the factory;</li> <li>6.Control of job personnel entering the site;</li> <li>7.Management of modification;</li> <li>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;</li> <li>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;</li> <li>10.Other matters deemed necessary for coordination.</li> </ol>
Article 39	<p>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:</p> <ol style="list-style-type: none"> <li>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;</li> <li>2.Individual work type of the laborer that easily results in health hazard during pregnancy or breastfeeding after birth,</li> </ol>

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

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

- 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.
- 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:
1. Safety and health management of the business and the authority of each level of administration;
  2. Maintenance and inspection of machinery, equipment, or tools;
  3. Standards for work safety and health;
  4. Education and training;
  5. Health guidance and management measures;
  6. First aid and rescue;
  7. Preparation, maintain, and usage of protective equipment;
  8. Notification and report of accidents;
  9. Other matters related to safety and health.
- 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.  
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.
- 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.

#### **Chapter Four Supervision and Inspections**

- 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.

- 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.
- 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.
- 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.  
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.
- 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.  
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.

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.

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.

**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.

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

1. Industries with more than 50 laborers;
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;

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

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

**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.

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

**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:

1. Strategies and plans;
2. Legislations;
3. Implementation;
4. Supervision;

5. Review and analysis;
6. Other activities to promote safety and health.

#### **Chapter Five Supplementary Provisions**

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

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Web site : Laws & Regulations Database of The Republic of China