

**因應 COVID-19 疫情期間
恢復外籍家庭看護工及外籍家庭幫傭轉換雇主或工作問答集**

110.07.01

壹、雇主承接家庭類移工

問題一：110 年 7 月 1 日起家庭類移工起恢復轉換程序嗎?有其他產業移工嗎?

回答：依指揮中心指示，自 110 年 7 月 1 日起恢復外籍家庭看護工及外籍家庭幫傭(下稱家庭類移工)，其他產業除有符合雇主關廠歇業、遭受性侵害、性騷擾、暴力毆打或經鑑別為人口販運被害人等特殊情事外，仍暫緩轉換。

問題二：只有家庭類雇主可以承接家庭類移工嗎?

回答：自 110 年 7 月 1 日起恢復家庭類移工轉換雇主或工作，可由家庭看護工或家庭幫傭雇主(下稱家庭類雇主)承接，其他產業如製造業、營造業、安養護機構、農漁業及其他產業別仍暫緩轉換。

問題三、家庭類雇主和移工可以合意承接轉換的方式有那些?

回答：家庭類雇主和移工可以辦理以承接轉換：

- 一、 合意接續聘僱：在移工原聘僱期間內，由移工與新雇主合意辦理接續聘僱，到新雇主家中從事被看護者的照顧工作。如：移工 SITI 原聘僱期間到 110 年 8 月 30 日，在這之前的 110 年 7 月 15 日和新雇主阿明合意，由阿明接續聘僱照顧家中失能父親，即為合意接續聘僱，110 年 7 月 15 日是為接續聘僱起日，這天必須要安排移工做 PCR。
- 二、 期滿轉換：在移工原聘期到期前申請由新雇主期滿轉換，等到原期聘結束後，再轉到新雇主家工作。如：移工 SITI 原聘期為 110 年 8 月 30 日，在 110 年 5 月中時就申請聘期結束後到新雇主阿明家工作並由本部同意，到 110 年 8 月 31 日再到新雇主阿明家工作，110 年 8 月 31 日即為新聘期起日，這天必須安排移工做 PCR。

問題四：110 年 7 月 1 日起家庭類雇主接續聘僱家庭類移工，防疫部分要配合辦理什麼?

回答：家庭類雇主接續家庭類移工後，必須於接續聘僱當日安排移工檢採 PCR，之後依本部雇主指引進行移工健康監測、記錄移工出入足跡，有助移工及家庭成員疫情期間安全。

(一) 安排移工核酸檢驗(下稱 PCR)：承接家庭類移工之新雇主應於接續聘僱(含期滿轉換)當日內安排移工至合格醫療機構檢驗 PCR，檢測費用應由新雇主支付。比如：110 年 7 月 10 日雇主阿明接續聘僱家庭類移工 SITI 照顧失能的父親，在 7 月 10 日當天阿明就要安排 SITI 去醫院採檢 PCR，若當天未做 PCR，將無法聘僱移工。做 PCR 的費用也必須由雇主阿明負擔，不可向移工收取。若為期滿轉換，需在期滿轉換移工開始新聘期當天辦理 PCR。

(二) 雇主應辦理防疫措施：倘若接續聘僱移工檢測 PCR 確診時，新雇主應負雇主責任，並依本部「因應嚴重特殊傳染性肺炎雇主聘僱移工指引：移工工作、生活及外出管理

注意事項」(下稱本指引)，配合衛生單位安排就醫或送集中檢疫所隔離治療，並依確診個案處置及解除隔離治療條件續處。倘若接續聘僱移工檢測 PCR 陰性，新雇主應依雇主指引，每日進行移工健康監測及記錄移工出入足跡。例如每日量測移工體溫，注意有無發燒、頭痛、流鼻水、喉嚨痛、咳嗽、肌肉痠痛等情形，關心瞭解移工外出的情形，有無旅遊史、接觸史及群聚情形等。

肆、其他產業雇主承接得例外轉換移工

問題：其他產業雇主承接得例外轉換移工是否需於接續做 PCR 檢驗？

回答：非家庭類雇主（製造業、營造業、海洋漁撈業、農林牧漁業（含農業外展）、安養護機構等），承接本部 110 年 6 月 7 日函釋因被看護者亡、雇主關廠歇業、受人身侵害或人口販運，可以例外轉換的移工，考量現處防疫期間，新雇主自 110 年 7 月 2 日起應於承接得例外轉換移工時，比照鬆綁的家庭類雇主，於接續聘僱移工合意接續聘僱日或期滿轉換新聘期起始日之當日內安排移工至合格醫療機構檢驗 PCR，檢測費用應由新雇主支付。

Restoration of the Right of Foreign Home Care Workers and Home Help to Change Employers in Response to COVID-19

-- Questions and Answers --

July 1, 2021

1. Employer Transfers for Live-in Foreign Workers

Q1: From July 1, 2021, will the right of foreign home care workers and home help to change employers be restored? What about foreign workers in other industries?

A: In accordance with instructions from the Central Epidemic Command Center (CECC), from July 1, 2021, foreign home care workers and home help (hereafter live-in foreign workers) will have their right to change employers restored. At present, foreign workers in other industries will still not be permitted to change employers other than in cases where an employer shuts down a factory or the foreign employee is subject to sexual assault, sexual harassment, violence or identified as a victim of human trafficking.

Q2: Can live-in foreign workers only be transferred to home care employers?

A: From July 1, 2021, the right of live-in foreign workers to change employers or work is restored. Such home care workers and home help can only be transferred to home care employers. Foreign workers in other industries, whether manufacturing, construction, nursing home, agriculture, fisheries and others sectors are currently not allowed to change employers.

Q3: What are the acceptable ways for home care employers and live-in foreign workers to agree to transfers?

A: Home care employers and live-in foreign workers can arrange transfers in the following ways:

1. Agreed employer transfer: This involves a foreign worker and prospective new employer agreeing to the transfer of the former, while still under his/her original employment contract, to the home of the new employer to look after a care recipient. For example, the original employment period of foreign worker SITI runs until Aug. 30, 2021, however, on July 15, 2021, SITI comes to an agreement with new employer A-ming to care for A-ming's incapacitated father at his home. This is called an "agreed employer transfer" and in this

case the first day of the new employment period is July 15, 2021, on which day the new employer is required to arrange for the foreign worker to receive a COVID-19 Polymerase Chain Reaction (hereafter PCR) test.

2. Contract completion employer transfer: In this situation an application is made, before the existing employment contract expires, for the foreign worker to transfer to a new employer when the current contract is completed. Once the original contract is completed the foreign worker transfers to the home of the new employer. For example, the original employment period of foreign worker SITI ends on Aug. 30, 2021, but in the middle of May SITI applies to transfer to new employer A-ming's home when the contract ends and with the agreement of the Ministry of Labor, SITI moves into A-ming's home on Aug. 31, 2021. In this example, the first day of the new employment period is Aug. 31, on which day the employer must arrange for the foreign worker to receive a COVID-19 PCR test.

Q4: When a live-in foreign worker transfers to a home care employer from July 1, 2021, what pandemic prevention measures are required?

A: When a live-in foreign worker transfers to a home care employer, the latter is required to arrange for the foreign worker to receive a COVID-19 PCR test on the first day of work. Thereafter, in accordance with the Ministry of Labor's Foreign Worker Employment Guidelines employers are required to monitor the health and record the comings and goings of the foreign workers, to ensure their health and the health of family members for the duration of the pandemic.

(1) Arrange for the foreign worker to take a COVID-19 PCR test: When a live-in foreign worker transfers to a new employer, the latter must arrange for said worker to receive a COVID-19 PCR test at a qualified medical facility on the first day of the new job (including contract completion employer transfers), the cost of which must be paid by the new employer. For example, if live-in foreign worker SITI transfers to new employer A-ming to care for his incapacitated father on July 10, 2021, then A-ming is required to arrange a COVID-19 PCR test at a hospital for SITI on the same day. If no test is conducted on that day then A-ming cannot employ the foreign worker. The cost of the PCR test must be paid by the new employer and reimbursement cannot be sought from the foreign worker. If the employment transfer takes place when the original contract ends then the PCR test must be taken on the day the transferring foreign worker begins their new employment contract.

(2) Pandemic prevention measures to be undertaken by employers: If the COVID-19 PCR test arranged for a transferred foreign worker comes back positive it is the responsibility of the new employer, in conjunction with the health authorities, to arrange medical treatment or place the worker in a government quarantine facility where he/she can be treated, in accordance with the Ministry of Labor's "Foreign Worker Employment Guidelines in Response to Severe Pneumonia with Novel Pathogens (COVID-19): Managing the Work, Life, and Outdoor Activities of Foreign Workers" (hereafter The Guidelines) and thereafter

be processed based on the “Severe Pneumonia with Novel Pathogens Positive Case and Quarantine Release Treatment Conditions.” If the COVID-19 PCR test arranged for a transferred foreign worker comes back negative it is the responsibility of the new employer, in accordance with the Employment Guidelines, to conduct daily health monitoring and record the comings and goings of the foreign worker. For example, the worker’s temperature should be taken every day, with attention paid to whether he/she has a fever, headache, runny nose, sore throat, cough, muscle soreness etc. Attention should also be paid to where the foreign worker visits, specifically their travel history, contact history or connection to clusters.

4. Exemption transfers of foreign workers to employers in other industries

Q: Are exemption transfer foreign workers who transfer to employers in other industries required to take a COVID-19 PCR test?

A: Based on the Ministry of Labor policy explanation given on June 7, 2021, when foreign workers subject to a work transfer exception, as a result of the death of a care recipient, an employer closing a plant, personal assault or human trafficking, are transferred to a non home care employer (in the manufacturing, construction, marine fishing, agriculture, forestry, animal husbandry and fisheries (including agricultural outreach), nursing home sectors etc) from July 2, 2021 the same rules apply as for home care employers. In other words, on the first day of the agreed employer transfer or the contract completion employer transfer, the new employer must make arrangements for the foreign worker to receive a COVID-19 PCR test at a qualified medical facility and pay the cost of said test.

貳、家庭類移工重新轉換

問題一：家庭類移工已於 110 年 6 月 5 日(含)前經本部核准轉出，且已至公立就業服務機構辦理轉出登記，但因本部 110 年 6 月 7 日函釋暫緩轉換作業，如 110 年 7 月 1 日起想要恢復轉換，該如何處理？

回答：本部將自 110 年 7 月 1 日次日起，由轉換雇主系統自動重新給予 60 日轉換期限；家庭類移工如果想要停止轉換公告，得向登記轉換公告的公立就業服務機構申請撤銷。

問題二：家庭類移工已於 110 年 6 月 5 日(含)前經本部核准轉出，但尚未至公立就業服務機構辦理轉出登記，因本部 110 年 6 月 7 日函釋暫緩轉換作業，如 110 年 7 月 1 日起想要恢復轉換，該如何處理？

回答：家庭類移工或雇主應自 110 年 7 月 1 日次日起 14 日內，至公立就業服務機構辦理轉出登記。

問題三：家庭類移工已向本部申請轉出，但本部未同意轉換，因本部 110 年 6 月 7 日函釋暫緩轉換作業，如 110 年 7 月 1 日起想要恢復轉換，該如何處理？

回答：家庭類移工自始未經本部核准轉換，可自 110 年 7 月 1 日次日起 60 日內，由雇主或移工向本部重新申請轉換程序，倘雇主未於上開期限內提出申請，可於超過上開期限後 15 日內向本部補行申請，並以 1 次為限。且於本部核發重新轉換函送達後 14 日內至公立就業服務機構辦理轉出登記。

肆、申請期滿轉換

問題一：家庭類移工於 110 年 6 月 6 日(含)後向本部申請期滿轉換，因本部 110 年 6 月 7 日函釋暫緩轉換作業，經本部不予許可，移工現行原聘期尚未屆滿者，如 110 年 7 月 1 日起想要恢復轉換作業，該如何處理？

回答：自 110 年 7 月 1 日起，依轉換準則及本辦法規定，向本部重新申請期滿轉換、期滿續聘、一般轉出或一般接續聘僱程序。

問題二：家庭類移工於 110 年 6 月 6 日(含)後申請期滿轉換，因本部 110 年 6 月 7 日函釋暫緩轉換作業，經本部不予許可，移工現行原聘期已屆滿者，如 110 年 7 月 1 日起想要恢復轉換作業，該如何處理？

回答：自 110 年 7 月 1 日起，依本部 109 年 11 月 23 日函釋規定向本部申請轉換程序。

肆、其他問題

問題一：110 年 6 月 7 日函釋全面暫緩轉換雇主，除非有特殊情事者才可以繼續辦理轉換雇主。那自 110 年 7 月 1 日起非屬家庭類移工，但符合特殊情事的其他產業移工，是否仍可以依 110 年 6 月 7 日函釋繼續辦理轉出？

回答：可以。指揮中心自 110 年 7 月 1 日起恢復家庭類移工辦理轉換雇主或工作，此未影響本部 110 年 6 月 7 日函釋規定符合特殊情事的其他類別移工可辦理轉出作業。因此，其他非家庭類移工如符合 110 年 6 月 7 日函釋所定特殊情事者，仍可繼續轉換雇主或工作。

問題二：110 年 7 月 1 日起恢復家庭類移工轉換，原先已在公立就業服務中心登記轉換者，由本部自動重新給予 60 日轉換期限，該如何查詢重新轉換期限呢？

回答：自 110 年 7 月 1 日起，家庭類移工恢復轉換雇主或工作，如果 110 年 6 月 5 日已至本部「跨國勞動力權益維護資訊網站」-「移工轉換雇主專區」登錄轉出資料者，而且還在有效轉換期間，也還沒有新雇主承接，將由系統自動重新給予 60 日轉換期，移工可至權益網站的「移工轉換雇主專區」查詢進度，操作步驟如下：

1. 開啟瀏覽器，於網址列輸入 <https://fw.wda.gov.tw/>，進入跨國勞動力權益資訊網站，點選「移工轉換雇主專區」。
2. 進入「移工轉換雇主專區」頁面後，點選「轉出外國人資料查詢」。
3. 進入「轉出外國人資料查詢」頁面後，輸入欲查詢移工之個人資料後，即可查詢該移工轉換進度。

The screenshot shows the 'Transfer Foreigner Information Query' (轉出外國人資料查詢) page on the WDA website. The page has a yellow header with navigation links and a search bar. Below the header, there are several tabs: 'Information Query' (資料查詢), 'Information Registration' (資料登錄), 'Transfer Foreigner Information Query' (移工轉換雇主專區-首頁), 'Information Modification' (資料修改), and 'Related Links' (相關連結). The 'Transfer Foreigner Information Query' tab is selected. The main content area contains a search form with the following fields:

- 國籍** (Nationality): Radio buttons for 全部 (All), 菲律賓 (Philippines), 印尼 (Indonesia), 泰國 (Thailand), 越南 (Vietnam), 馬來西亞 (Malaysia), 蒙古 (Mongolia).
- 工作類別** (Job Category): Radio buttons for 全部 (All), 家庭看護工 (Home Care Worker), 家庭幫傭 (Home Helper), 製造工 (Manufacturing Worker), 營造工 (Construction Worker), 養護機構 (Maintenance Institution), 漁工及其它 (Fishermen and Others), 雙語人員 (Bilingual Staff), 廚師 (Chef), 屠宰工 (Slaughterhouse Worker), 農林牧或魚場養殖工作 (Agriculture, Forestry, Fishing, and Aquaculture Work), 外展農務工作 (Outreach Farm Work), 外展製造工作 (Outreach Manufacturing Work).
- 希望工作區域** (Desired Work Area): A dropdown menu with '請選擇' (Please select).
- 剩餘工作年限** (Remaining Work Term): A dropdown menu with '請選擇' (Please select).
- 語言** (Language): Checkboxes for 中文 (Chinese), 英文 (English), 台語 (Taiwanese), 客家語 (Hakka), 其他 (Other).
- 護照號碼** (Passport Number): A text input field.
- 登錄案號** (Registration Case Number): A text input field.

At the bottom of the form, there are two buttons: '查詢' (Query) and '重設' (Reset).