

Enforcement Rules of the Gender Equality in Employment Act (2008.07.11 Modified)

Article Content

- [Article 1](#) These rules are enacted pursuant to Article 39 of the Gender Equality in Employment Act (hereinafter referred to as the Act).
- [Article 2](#) Discriminatory treatments referred to in Articles 7-11, 31 and 35 of the Act shall mean that employers treat employees or applicants disadvantageously directly or indirectly **because of their sex or sexual orientation**.
- [Article 3](#) The nature of work only suitable to a special sex referred to in Article 7 of the Act shall mean a work that cannot be accomplished or cannot be possible accomplished by applicants or employees of a special sex.
- [Article 4](#) The determination of sexual harassment referred to in the Act shall be examined on a case-by-case basis, in order to investigate the concrete facts of the background of occurrence, work environments, interpersonal relationships, the offenders' speeches and conduct and the understandings of the respondents.
- [Article 5](#) The computation of employees hired referred to in Paragraph 1 to Article 13, Paragraph 1 to Article 16, Article 19, Paragraph 1 to Article 20 and Paragraph 1 to Article 23 of the Act shall include employees hired by branch offices and affiliated units.
- The number of employees hired referred to in Paragraph 1 to Article 16, Article 19 and Paragraph 1 to Article 20 of the Act shall be calculated by the total amount of employees hired by the employers on the first working day of the month that the employees file their applications or makes their requests.
- [Article 6](#) The computation of the period of maternity leave referred to in Paragraph 1 to Article 15 of the Act shall be computed consecutively according to calendar.
- [Article 7](#) When employees decide to take the **three**-day fraternity leave referred to in Paragraph 3 to Article 15 of the Act, they shall select the **three** days during the period of five days including the day their spouses are in labor and two days right before and after that date.
- In the case the dates referred to in the preceding Paragraph coincide with the regular days off, memorial days and other days off as prescribed by the related statutes or administration regulations, they shall be included and not be counted as days off.
- [Article 8](#) In the cases of where female employees apply for an unpaid parental leave pursuant to Paragraph 1 to Article 16 of the Act and gives birth or miscarries

before the expiration of the leave-taking period, if their periods of maternity leave as prescribed by Paragraph 1 to Article 15 of the Act overlap with their reinstatement date, their employers shall still offer them the maternity leave pursuant to the Act. However, the days from the date of child-birth or miscarriage to the date of reinstatement may be deducted from the duration of maternity leave.

[Article 9](#) The original social insurance programs that employees are entitled to continually participate in, referred to in Paragraph 2 to Article 16 of the Act, shall not include taking part in the occupational injury insurance of the Labor Insurance Program. The employees on leave shall be covered, without disruption, by the original insured units.

[Article 10](#) For those employees who participate continually in the original social insurance programs referred to in Paragraph 2 to Article 16 of the Act, matters concerning their insurance procedures, insurance amount, payment of premiums and insurance benefit payments shall be processed in accordance with the related statutes and administrative regulations.

[Article 11](#) Feeding in person referred to in Paragraph 1 to Article 16 of the Act shall also include female employees using containers to store their breast milk in order to feed their babies.

[Article 12](#) The children referred to in Paragraph 1 to Article 16, Paragraph 1 to Article 18 and Article 19 of the Act mean children born within wedlock, illegitimate children and adopted children.

[Article 13](#) When employees file applications or make requests pursuant to Articles 14 to 20 of the Act, employers may require them to provide with related verification documentations, if necessary.

[Article 14](#) The child care facilities or suitable child care measures that employers shall set up for their employees referred to in Paragraph 1 to Article 23 of the Act shall include the facilities or measures that are jointly provided for in conjunction with other employers, or the facilities or measures provided for by other child care institutions or kindergarten that are commissioned by the employer.

[Article 15](#) These Rules shall become effective on the date of promulgation.