法規名稱：性別平等工作法

修正日期：民國 112 年 08 月 16 日

第 一 章 總則

第 1 條

1 為保障工作權之性別平等，貫徹憲法消除性別歧視、促進性別地位實質平等之精神，爰制定本法。

2 工作場所性騷擾事件，除校園性騷擾事件依性別平等教育法規定處理外，依本法規定處理。

第 2 條

1 雇主與受僱者之約定優於本法者，從其約定。

2 本法於公務人員、教育人員及軍職人員，亦適用之。但第三十二條之一、第三十二條之二、第三十三條、第三十四條、第三十八條及第三十八條之一之規定，不適用之。

3 公務人員、教育人員及軍職人員之申訴、救濟及處理程序，依各該人事法令之規定。

4 本法於雇主依勞動基準法規定招收之技術生及準用技術生規定者，除適用高級中等學校建教合作實施及建教生權益保障法規定之建教生外，亦適用之。但第十六條及第十七條之規定，不在此限。

5 實習生於實習期間遭受性騷擾時，適用本法之規定。

第 3 條

本法用詞，定義如下：

一、受僱者：指受雇主僱用從事工作獲致薪資者。

二、求職者：指向雇主應徵工作之人。

三、雇主：指僱用受僱者之人、公私立機構或機關。代表雇主行使管理權之人或代表雇主處理有關受僱者事務之人，視同雇主。要派單位使用派遣勞工時，視為第八條、第九條、第十二條、第十三條、第十八條、第十九條及第三十六條規定之雇主。

四、實習生：指公立或經立案之私立高級中等以上學校修習校外實習課程之學生。

五、要派單位：指依據要派契約，實際指揮監督管理派遣勞工從事工作者。

六、派遣勞工：指受派遣事業單位僱用，並向要派單位提供勞務者。

七、派遣事業單位：指從事勞動派遣業務之事業單位。

八、薪資：指受僱者因工作而獲得之報酬；包括薪資、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。

九、復職：指回復受僱者申請育嬰留職停薪時之原有工作。

第 4 條

1 本法所稱主管機關：在中央為勞動部；在直轄市為直轄市政府；在縣（市）為縣（市）政府。

2 本法所定事項，涉及各目的事業主管機關職掌者，由各該目的事業主管機關辦理。

第 5 條

1 各級主管機關應設性別平等工作會，處理審議、諮詢及促進性別平等工作事項。

2 前項性別平等工作會應置委員五人至十一人，任期二年，由具備勞工事務、性別問題之相關學識經驗或法律專業人士擔任之；其中經勞工團體、性別團體推薦之委員各二人；女性委員人數應占全體委員人數二分之一以上；政府機關代表不得逾全體委員人數三分之一。

3 前二項性別平等工作會組織、會議及其他相關事項，由各級主管機關另定之。

4 地方主管機關設有就業歧視評議委員會者，第一項性別平等工作會得與該委員會合併設置，其組成仍應符合第二項規定。

第 6 條

1 直轄市及縣（市）主管機關為婦女就業之需要應編列經費，辦理各類職業訓練、就業服務及再就業訓練，並於該期間提供或設置托兒、托老及相關福利設施，以促進性別工作平等。

2 中央主管機關對直轄市及縣（市）主管機關辦理前項職業訓練、就業服務及再就業訓練，並於該期間提供或設置托兒、托老及相關福利措施，得給予經費補助。

第 6-1 條

主管機關應就本法所訂之性別、性傾向歧視之禁止、性騷擾之防治及促進工作平等措施納入勞動檢查項目。

第 二 章 性別歧視之禁止

第 7 條

雇主對求職者或受僱者之招募、甄試、進用、分發、配置、考績或陞遷等，不得因性別或性傾向而有差別待遇。但工作性質僅適合特定性別者，不在此限。

第 8 條

雇主為受僱者舉辦或提供教育、訓練或其他類似活動，不得因性別或性傾向而有差別待遇。

第 9 條

雇主為受僱者舉辦或提供各項福利措施，不得因性別或性傾向而有差別待遇。

第 10 條

1 雇主對受僱者薪資之給付，不得因性別或性傾向而有差別待遇；其工作或價值相同者，應給付同等薪資。但基於年資、獎懲、績效或其他非因性別或性傾向因素之正當理由者，不在此限。

2 雇主不得以降低其他受僱者薪資之方式，規避前項之規定。

第 11 條

1 雇主對受僱者之退休、資遣、離職及解僱，不得因性別或性傾向而有差別待遇。

2 工作規則、勞動契約或團體協約，不得規定或事先約定受僱者有結婚、懷孕、分娩或育兒之情事時，應行離職或留職停薪；亦不得以其為解僱之理由。

3 違反前二項規定者，其規定或約定無效；勞動契約之終止不生效力。

第 三 章 性騷擾之防治

第 12 條

1 本法所稱性騷擾，指下列情形之一：

一、受僱者於執行職務時，任何人以性要求、具有性意味或性別歧視之言詞或行為，對其造成敵意性、脅迫性或冒犯性之工作環境，致侵犯或干擾其人格尊嚴、人身自由或影響其工作表現。

二、雇主對受僱者或求職者為明示或暗示之性要求、具有性意味或性別歧視之言詞或行為，作為勞務契約成立、存續、變更或分發、配置、報酬、考績、陞遷、降調、獎懲等之交換條件。

2 本法所稱權勢性騷擾，指對於因僱用、求職或執行職務關係受自己指揮、監督之人，利用權勢或機會為性騷擾。

3 有下列情形之一者，適用本法之規定：

一、受僱者於非工作時間，遭受所屬事業單位之同一人，為持續性性騷擾。

二、受僱者於非工作時間，遭受不同事業單位，具共同作業或業務往來關係之同一人，為持續性性騷擾。

三、受僱者於非工作時間，遭受最高負責人或僱用人為性騷擾。

4 前三項性騷擾之認定，應就個案審酌事件發生之背景、工作環境、當事人之關係、行為人之言詞、行為及相對人之認知等具體事實為之。

5 中央主管機關應建立性別平等人才資料庫、彙整性騷擾防治事件各項資料，並作統計及管理。

6 第十三條、第十三條之一、第二十七條至第三十條及第三十六條至第三十八條之一之規定，於性侵害犯罪，亦適用之。

7 第一項第一款所定情形，係由不特定人於公共場所或公眾得出入場所為之者，就性騷擾事件之調查、調解及處罰等事項，適用性騷擾防治法之規定。

8 本法所稱最高負責人，指下列之人：

一、機關（構）首長、學校校長、各級軍事機關（構）及部隊上校編階以上之主官、行政法人董（理）事長、公營事業機構董事長、理事主席或與該等職務相當之人。

二、法人、合夥、設有代表人或管理人之非法人團體及其他組織之對外代表人或與該等職務相當之人。

第 13 條

1 雇主應採取適當之措施，防治性騷擾之發生，並依下列規定辦理：

一、僱用受僱者十人以上未達三十人者，應訂定申訴管道，並在工作場所公開揭示。

二、僱用受僱者三十人以上者，應訂定性騷擾防治措施、申訴及懲戒規範，並在工作場所公開揭

示。

2 雇主於知悉性騷擾之情形時，應採取下列立即有效之糾正及補救措施；被害人及行為人分屬不同事業單位，且具共同作業或業務往來關係者，該行為人之雇主，亦同：

一、雇主因接獲被害人申訴而知悉性騷擾之情形時：

（一）採行避免申訴人受性騷擾情形再度發生之措施。

（二）對申訴人提供或轉介諮詢、醫療或心理諮商、社會福利資源及其他必要之服務。

（三）對性騷擾事件進行調查。

（四）對行為人為適當之懲戒或處理。

二、雇主非因前款情形而知悉性騷擾事件時：

（一）就相關事實進行必要之釐清。

（二）依被害人意願，協助其提起申訴。

（三）適度調整工作內容或工作場所。

（四）依被害人意願，提供或轉介諮詢、醫療或心理諮商處理、社會福利資源及其他必要之服務。

3 雇主對於性騷擾事件之查證，應秉持客觀、公正、專業原則，並給予當事人充分陳述意見及答辯機會，有詢問當事人之必要時，應避免重複詢問；其內部依規定應設有申訴處理單位者，其人員應有具備性別意識之專業人士。

4 雇主接獲被害人申訴時，應通知地方主管機關；經調查認定屬性騷擾之案件，並應將處理結果通知地方主管機關。

5 地方主管機關應規劃整合相關資源，提供或轉介被害人運用，並協助雇主辦理第二項各款之措施；中央主管機關得視地方主管機關實際財務狀況，予以補助。

6 雇主依第一項所為之防治措施，其內容應包括性騷擾樣態、防治原則、教育訓練、申訴管道、申訴調查程序、應設申訴處理單位之基準與其組成、懲戒處理及其他相關措施；其準則，由中央主管機關定之。

第 13-1 條

1 性騷擾被申訴人具權勢地位，且情節重大，於進行調查期間有先行停止或調整職務之必要時，雇主得暫時停止或調整被申訴人之職務；經調查未認定為性騷擾者，停止職務期間之薪資，應予補發。

2 申訴案件經雇主或地方主管機關調查後，認定為性騷擾，且情節重大者，雇主得於知悉該調查結果之日起三十日內，不經預告終止勞動契約。

第 四 章 促進工作平等措施

第 14 條

1 女性受僱者因生理日致工作有困難者，每月得請生理假一日，全年請假日數未逾三日，不併入病假計算，其餘日數併入病假計算。

2 前項併入及不併入病假之生理假薪資，減半發給。

第 15 條

1 雇主於女性受僱者分娩前後，應使其停止工作，給予產假八星期；妊娠三個月以上流產者，應使其停止工作，給予產假四星期；妊娠二個月以上未滿三個月流產者，應使其停止工作，給予產假一星期；妊娠未滿二個月流產者，應使其停止工作，給予產假五日。

2 產假期間薪資之計算，依相關法令之規定。

3 受僱者經醫師診斷需安胎休養者，其治療、照護或休養期間之請假及薪資計算，依相關法令之規定。

4 受僱者妊娠期間，雇主應給予產檢假七日。

5 受僱者陪伴其配偶妊娠產檢或其配偶分娩時，雇主應給予陪產檢及陪產假七日。

6 產檢假、陪產檢及陪產假期間，薪資照給。

7 雇主依前項規定給付產檢假、陪產檢及陪產假薪資後，就其中各逾五日之部分得向中央主管機關申請補助。但依其他法令規定，應給予產檢假、陪產檢及陪產假各逾五日且薪資照給者，不適用之。

8 前項補助業務，由中央主管機關委任勞動部勞工保險局辦理之。

第 16 條

1 受僱者任職滿六個月後，於每一子女滿三歲前，得申請育嬰留職停薪，期間至該子女滿三歲止，但不得逾二年。同時撫育子女二人以上者，其育嬰留職停薪期間應合併計算，最長以最幼子女受撫育二年為限。

2 受僱者於育嬰留職停薪期間，得繼續參加原有之社會保險，原由雇主負擔之保險費，免予繳納；原由受僱者負擔之保險費，得遞延三年繳納。

3 依家事事件法、兒童及少年福利與權益保障法相關規定與收養兒童先行共同生活之受僱者，其共同生活期間得依第一項規定申請育嬰留職停薪。

4 育嬰留職停薪津貼之發放，另以法律定之。

5 育嬰留職停薪實施辦法，由中央主管機關定之。

第 17 條

1 前條受僱者於育嬰留職停薪期滿後，申請復職時，除有下列情形之一，並經主管機關同意者外，雇主不得拒絕：

一、歇業、虧損或業務緊縮者。

二、雇主依法變更組織、解散或轉讓者。

三、不可抗力暫停工作在一個月以上者。

四、業務性質變更，有減少受僱者之必要，又無適當工作可供安置者。

2 雇主因前項各款原因未能使受僱者復職時，應於三十日前通知之，並應依法定標準發給資遣費或退休金。

第 18 條

1 子女未滿二歲須受僱者親自哺（集）乳者，除規定之休息時間外，雇主應每日另給哺（集）乳時間六十分鐘。

2 受僱者於每日正常工作時間以外之延長工作時間達一小時以上者，雇主應給予哺（集）乳時間三十分鐘。

3 前二項哺（集）乳時間，視為工作時間。

第 19 條

1 受僱於僱用三十人以上雇主之受僱者，為撫育未滿三歲子女，得向雇主請求為下列二款事項之一：

一、每天減少工作時間一小時；減少之工作時間，不得請求報酬。

二、調整工作時間。

2 受僱於僱用未滿三十人雇主之受僱者，經與雇主協商，雙方合意後，得依前項規定辦理。

第 20 條

1 受僱者於其家庭成員預防接種、發生嚴重之疾病或其他重大事故須親自照顧時，得請家庭照顧假；其請假日數併入事假計算，全年以七日為限。

2 家庭照顧假薪資之計算，依各該事假規定辦理。

第 21 條

1 受僱者依前七條之規定為請求時，雇主不得拒絕。

2 受僱者為前項之請求時，雇主不得視為缺勤而影響其全勤獎金、考績或為其他不利之處分。

第 22 條

（刪除）

第 23 條

1 僱用受僱者一百人以上之雇主，應提供下列設施、措施：

一、哺（集）乳室。

二、托兒設施或適當之托兒措施。

2 主管機關對於雇主設置哺（集）乳室、托兒設施或提供托兒措施，應給予經費補助。

3 有關哺（集）乳室、托兒設施、措施之設置標準及經費補助辦法，由中央主管機關會商有關機關定之。

第 24 條

主管機關為協助因結婚、懷孕、分娩、育兒或照顧家庭而離職之受僱者獲得再就業之機會，應採取就業服務、職業訓練及其他必要之措施。

第 25 條

雇主僱用因結婚、懷孕、分娩、育兒或照顧家庭而離職之受僱者成效卓著者，主管機關得給予適當之獎勵。

第 五 章 救濟及申訴程序

第 26 條

受僱者或求職者因第七條至第十一條或第二十一條之情事，受有損害者，雇主應負賠償責任。

第 27 條

1 受僱者或求職者因遭受性騷擾，受有財產或非財產上損害者，由雇主及行為人連帶負損害賠償責任。但雇主證明其已遵行本法所定之各種防治性騷擾之規定，且對該事情之發生已盡力防止仍不免發生者，雇主不負損害賠償責任。

2 如被害人依前項但書之規定不能受損害賠償時，法院因其聲請，得斟酌雇主與被害人之經濟狀況，令雇主為全部或一部之損害賠償。

3 雇主賠償損害時，對於性騷擾行為人，有求償權。

4 被害人因遭受性騷擾致生法律訴訟，於受司法機關通知到庭期間，雇主應給予公假。

5 行為人因權勢性騷擾，應依第一項規定負損害賠償責任者，法院得因被害人之請求，依侵害情節，酌定損害額一倍至三倍之懲罰性賠償金。

6 前項行為人為最高負責人或僱用人，被害人得請求損害額三倍至五倍之懲罰性賠償金。

第 28 條

受僱者或求職者因雇主違反第十三條第二項之義務，受有損害者，雇主應負賠償責任。

第 29 條

前三條情形，受僱者或求職者雖非財產上之損害，亦得請求賠償相當之金額。其名譽被侵害者，並得請求回復名譽之適當處分。

第 30 條

第二十六條至第二十八條之損害賠償請求權，自請求權人知有損害及賠償義務人時起，二年間不行使而消滅。自有性騷擾行為或違反各該規定之行為時起，逾十年者，亦同。

第 31 條

受僱者或求職者於釋明差別待遇之事實後，雇主應就差別待遇之非性別、性傾向因素，或該受僱者或求職者所從事工作之特定性別因素，負舉證責任。

第 32 條

雇主為處理受僱者之申訴，得建立申訴制度協調處理。

第 32-1 條

1 受僱者或求職者遭受性騷擾，應向雇主提起申訴。但有下列情形之一者，得逕向地方主管機關提

起申訴：

一、被申訴人屬最高負責人或僱用人。

二、雇主未處理或不服被申訴人之雇主所為調查或懲戒結果。

2 受僱者或求職者依前項但書規定，向地方主管機關提起申訴之期限，應依下列規定辦理：

一、被申訴人非具權勢地位：自知悉性騷擾時起，逾二年提起者，不予受理；自該行為終了時起，逾五年者，亦同。

二、被申訴人具權勢地位：自知悉性騷擾時起，逾三年提起者，不予受理；自該行為終了時起，逾七年者，亦同。

3 有下列情形之一者，依各款規定辦理，不受前項規定之限制。但依前項規定有較長申訴期限者，從其規定：

一、性騷擾發生時，申訴人為未成年，得於成年之日起三年內申訴。

二、被申訴人為最高負責人或僱用人，申訴人得於離職之日起一年內申訴。但自該行為終了時起，逾十年者，不予受理。

4 申訴人依第一項但書規定向地方主管機關提起申訴後，得於處分作成前，撤回申訴。撤回申訴後，不得就同一案件再提起申訴。

第 32-2 條

1 地方主管機關為調查前條第一項但書之性騷擾申訴案件，得請專業人士或團體協助；必要時，得請求警察機關協助。

2 地方主管機關依本法規定進行調查時，被申訴人、申訴人及受邀協助調查之個人或單位應配合調查，並提供相關資料，不得規避、妨礙或拒絕。

3 地方主管機關依前條第一項第二款受理之申訴，經認定性騷擾行為成立或原懲戒結果不當者，得令行為人之雇主於一定期限內採取必要之處置。

4 前條及前三項有關地方主管機關受理工作場所性騷擾申訴之範圍、處理程序、調查方式、必要處置及其他相關事項之辦法，由中央主管機關定之。

5 性騷擾之被申訴人為最高負責人或僱用人時，於地方主管機關調查期間，申訴人得向雇主申請調整職務或工作型態至調查結果送達雇主之日起三十日內，雇主不得拒絕。

第 32-3 條

1 公務人員、教育人員或軍職人員遭受性騷擾，且行為人為第十二條第八項第一款所定最高負責人者，應向上級機關（構）、所屬主管機關或監督機關申訴。

2 第十二條第八項第一款所定最高負責人或機關（構）、公立學校、各級軍事機關（構）、部隊、行政法人及公營事業機構各級主管涉及性騷擾行為，且情節重大，於進行調查期間有先行停止或調整職務之必要時，得由其上級機關（構）、所屬主管機關、監督機關，或服務機關（構）、公立學校、各級軍事機關（構）、部隊、行政法人或公營事業機構停止或調整其職務。但其他法律別有規定者，從其規定。

3 私立學校校長或各級主管涉及性騷擾行為，且情節重大，於進行調查期間有先行停止或調整職務之必要時，得由學校所屬主管機關或服務學校停止或調整其職務。

4 依前二項規定停止或調整職務之人員，其案件調查結果未經認定為性騷擾，或經認定為性騷擾但未依公務人員、教育人員或其他相關法律予以停職、免職、解聘、停聘或不續聘者，得依各該法律規定申請復職，及補發停職期間之本俸（薪）、年功俸（薪）或相當之給與。

5 機關政務首長、軍職人員，其停止職務由上級機關或具任免權之機關為之。

第 33 條

1 受僱者發現雇主違反第十四條至第二十條之規定時，得向地方主管機關申訴。

2 其向中央主管機關提出者，中央主管機關應於收受申訴案件，或發現有上開違反情事之日起七日內，移送地方主管機關。

3 地方主管機關應於接獲申訴後七日內展開調查，並得依職權對雙方當事人進行協調。

4 前項申訴處理辦法，由地方主管機關定之。

第 34 條

1 受僱者或求職者發現雇主違反第七條至第十一條、第十三條第二項、第二十一條或第三十六條規定時，得向地方主管機關提起申訴。

2 前項申訴，地方主管機關應經性別平等工作會審議。雇主、受僱者或求職者對於地方主管機關審議後所為之處分有異議時，得於十日內向中央主管機關性別平等工作會申請審議或逕行提起訴願；如有不服中央主管機關性別平等工作會之審定，得逕行提起行政訴訟。

3 地方主管機關對於第三十二條之一第一項但書所定申訴案件，經依第三十二條之二第一項及第二項規定調查後，除情節重大或經媒體報導揭露之特殊案件外，得不經性別平等工作會審議，逕為處分。如有不服，得提起訴願及進行行政訴訟。

4 第一項及第二項申訴審議處理辦法，由中央主管機關定之。

第 35 條

法院及主管機關對差別待遇事實之認定，應審酌性別平等工作會所為之調查報告、評議或處分。

第 36 條

雇主不得因受僱者提出本法之申訴或協助他人申訴，而予以解僱、調職或其他不利之處分。

第 37 條

1 受僱者或求職者因雇主違反本法之規定，或遭受性騷擾，而向地方主管機關提起申訴，或向法院提出訴訟時，主管機關應提供必要之法律諮詢或扶助；其諮詢或扶助業務，得委託民間團體辦理。

2 前項法律扶助辦法，由中央主管機關定之。

3 地方主管機關提供第一項之法律諮詢或扶助，中央主管機關得視其實際財務狀況，予以補助。

4 受僱者或求職者為第一項訴訟而聲請保全處分時，法院得減少或免除供擔保之金額。

第 六 章 罰則

第 38 條

1 雇主違反第二十一條、第二十七條第四項或第三十六條規定者，處新臺幣二萬元以上三十萬元以下罰鍰。

2 有前項規定行為之一者，應公布其姓名或名稱、負責人姓名，並限期令其改善；屆期未改善者，應按次處罰。

第 38-1 條

1 雇主違反第七條至第十條、第十一條第一項、第二項規定者，處新臺幣三十萬元以上一百五十萬元以下罰鍰。

2 雇主違反第十三條第二項規定或地方主管機關依第三十二條之二第三項限期為必要處置之命令，處新臺幣二萬元以上一百萬元以下罰鍰。

3 雇主違反第十三條第一項第二款規定，處新臺幣二萬元以上三十萬元以下罰鍰。

4 雇主違反第十三條第一項第一款規定，經限期改善，屆期未改善者，處新臺幣一萬元以上十萬元以下罰鍰。

5 雇主違反第三十二條之二第五項規定，處新臺幣一萬元以上五萬元以下罰鍰。

6 有前條或前五項規定行為之一者，應公布其名稱、負責人姓名、處分期日、違反條文及罰鍰金額，並限期令其改善；屆期未改善者，應按次處罰。

第 38-2 條

1 最高負責人或僱用人經地方主管機關認定有性騷擾者，處新臺幣一萬元以上一百萬元以下罰鍰。

2 被申訴人違反第三十二條之二第二項規定，無正當理由而規避、妨礙、拒絕調查或提供資料者，處新臺幣一萬元以上五萬元以下罰鍰，並得按次處罰。

3 第一項裁處權時效，自地方主管機關收受申訴人依第三十二條之一第一項但書規定提起申訴之日起算。

第 38-3 條

1 第十二條第八項第一款之最高負責人經依第三十二條之三第一項規定認定有性騷擾者，由地方主管機關依前條第一項規定處罰。

2 前項裁處權時效，自第三十二條之三第一項所定受理申訴機關收受申訴人依該項規定提起申訴之日起算，因三年期間之經過而消滅；自該行為終了時起，逾十年者，亦同。

第 七 章 附則

第 38-4 條

性騷擾防治法第十條、第二十五條及第二十六條規定，於本法所定性騷擾事件，適用之。

第 39 條

本法施行細則，由中央主管機關定之。

第 39-1 條

本法中華民國一百十二年七月三十一日修正之本條文施行前，已受理之性騷擾申訴案件尚未終結者，及修正施行前已發生性騷擾事件而於修正施行後受理申訴者，均依修正施行後之規定終結之。但已進行之程序，其效力不受影響。

第 40 條

1 本法自中華民國九十一年三月八日施行。

2 本法修正條文，除中華民國九十七年一月十六日修正公布之第十六條及一百十一年一月十二日修正公布之條文施行日期由行政院定之；一百十二年七月三十一日修正之第五條第二項至第四項、第十二條第三項、第五項至第八項、第十三條、第十三條之一、第三十二條之一至第三十二條之三、第三十四條、第三十八條之一至第三十八條之三自一百十三年三月八日施行外，自公布日施行。

Article Content

Title：	Gender Equality in Employment Act CH
Amended Date：	2023-08-16
Category：	Ministry of Labor（勞動部）

Chapter Ⅰ General Provisions

Article 1 The Act is enacted to protect gender equality in the workplace, implement thoroughly the constitutional mandate of eliminating gender discrimination, and promote the spirit of substantial gender equality.
Incidents of workplace sexual harassment, except for campus sexual harassment cases regulated by the Gender Equity Education Act, shall be handled in accordance with the provisions of the Act.

Article 2 Arrangements made by employers and employees that are superior to those provided for by the Act shall be respected.
The Act is applicable to civil servants, educational personnel and military personnel, provided that. However, the provisions of Article 32-1, Article 32-2, Article 33, Article 34, Article 38, and Article 38-1 shall not apply.
Complaints, remedies and processing procedures for civil servants, educational personnel and military personnel shall be handled in accordance with respective statutes and regulations governing personnel matters.
The Act is applicable to those trainee-apprentices who are recruited by employers in accordance with the Labor Standard Act and those who are applicable to, mutatis mutandis, the trainee-apprentice provisions of that Act, except for those trainee-students who are protected by the related provisions in the Act of Implementing Cooperation Programs for Training and Education and Protecting Rights and Interests of the Trainee-Students in the Senior High Schools, provided that, Articles 16-17 of the Act shall not be applicable.
For those trainees who are sexually harassed during the duration of their training, the related provisions of the Act shall be applicable.

Article 3 The terms used in the Act shall be defined as follows:
1. Employee means a person who is hired by an employer to work for wages.
2. Applicant means a person who is applying a job from an

employer.
3. Employer means a person, a public or private entity or authority that hires an employee. A person who represents an employer to exercise managerial authority or who represents an employer in dealing with employee matters is deemed to be an employer. Dispatched entities utilizing dispatched workers are deemed as employers as provided in Articles 8, 9, 12, 13, 18, 19 and 36 of the Act.
4. Trainee means a student of a public or registered private senior high school or above who is participating in an extracurricular training program.
5. Dispatched entity means a unit that is actually ordering and supervising a dispatched workers doing the work in accordance with a dispatching contract.
6. Dispatched worker means a worker who is employed by a dispatching entity and actually works for the dispatched entity.
7. Dispatching entity means a business entity that engages in labor dispatching business.
8. Wage means the compensation which an employee receives for his/her services rendered, including wages, salaries and bonuses, allowances, and other regular payments regardless of the name which may be computed on an hourly, daily, monthly or piecework basis, whether payable in cash or in kind.
9. Reinstatement means reinstate to the previous job held by the employee who has applied for and used the unpaid parental leave referred to in the Act.

Article 4 The term “competent authority” referred to in the Act shall be the Ministry of Labor at the central level, the municipal government at the municipal level, and the county (city) government at the county (city) level.
Matters stipulated in the Act which are concerned with the competences of the competent authorities for other purposes shall be handled by those authorities for other purposes

Article 5 Competent authorities at all levels shall establish Gender Equality in Employment Committees to handle deliberation, consultation, and promotion of gender equality in employment matters.
The Gender Equality in Employment Committee mentioned in the preceding Paragraph shall consist of five to eleven members with a term of two years, appointed from individuals possessing relevant knowledge and expertise in labor affairs, gender issues, or legal professionals. Among these members, two shall be recommended by labor organizations, and two by gender organizations. The number of female members shall account for more than half of the total committee members, and government

agency representatives shall not exceed one-third of the total committee members.
The organization, meetings, and other related matters of the Gender Equality in Employment Committee as mentioned in the previous two Paragraphs shall be determined separately by competent authorities at various levels.
If local government agencies have established Employment Discrimination Review Committees, the Gender Equality in Employment Committee mentioned in Paragraph 1 may be combined with such committee, while still adhering to the composition requirements specified in Paragraph 2.

Article 6 For the purpose of promoting gender equality in employment, the competent authorities at the municipal, country (city) government level shall prepare and earmark necessary budgets to provide various occupational training, employment service and reemployment training programs for them. During these training and service periods, child care, elder care and other related welfare facilities shall be set up or provided for female employment.
The Central Competent Authority may subsidize the expenses for those competent authorities at the municipal, country (city) government level that have provided occupational training, employment service and reemployment training programs, and set up or provide child care, elder care and other related welfare facilities during those training and service periods mentioned in the preceding paragraph.

Article 6-1 The scope of labor inspection of the competent authorities shall include the items for prohibition of gender or sexual orientation discrimination, prevention and correction of sexual harassment, measures for promoting equality in employment of the Act.

Chapter II Prohibition of Gender Discrimination

Article 7 Employers shall not discriminate against applicants or employees because of their gender or sexual orientation in the course of recruitment, screening test, hiring, placement, assignment, evaluation and promotion. However, if the nature of work only suitable to a specific gender, the above-mentioned restriction shall not apply.

Article 8 Employers shall not discriminate against employees because of their gender or sexual orientation in the case of holding or providing education, training or other related activities.

Article 9 Employers shall not discriminate against employees because of their gender or sexual orientation in the case of holding or

providing various welfare measures.

Article 10 Employers shall not discriminate against employees because of their gender or sexual orientation in the case of paying wages. Employees shall receive equal pay for equal work or equal value. However, if such differentials are the result of seniority systems, award and discipline systems, merit systems or other justifiable reasons of non-sexual or non-sexual-orientation factors, the above-mentioned restriction shall not apply.
Employers may not adopt methods of reducing the wages of other employees in order to evade the stipulation of the preceding paragraph.

Article 11 Employers shall not discriminate against employees because of their gender or sexual orientation in the case of retirement, discharge, severance and termination.
Work rules, labor contracts and collective bargaining agreements shall not stipulate or arrange in advance that when employees marry, become pregnant, engages in childbirth or child care activities, they have to sever or leave of absence without payment. Employers also shall not use the above-mentioned factors as excuses for termination.
Any prescription or arrangement that contravenes the stipulations of the two preceding paragraphs shall be deemed as null and void. The termination of the labor contract shall also be deemed as null and void.

Chapter III Prevention and Correction of Sexual Harassment

Article 12 Sexual harassment referred to in the Act shall mean one of the following two circumstances:
1. In the course of an employee executing his or her duties, any one makes a sexual request, uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination, causes him or her a hostile, intimidating and offensive working environment leading to infringe on or interfere with his or her personal dignity, physical liberty or affects his or her job performance.
2. An employer explicitly or implicitly makes a sexual request toward an employee or an applicant, uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination as an exchange for the establishment, continuance, modification of a labor contract or as a condition to his or her placement, assignment, compensation, evaluation, promotion, demotion, award and discipline.
Abuse of power sexual harassment referred to in the Act is the use of one's authority or opportunities to engage in sexual harassment toward individuals under one's command, supervision,

or in a professional relationship arising from employment, job seeking, or job execution.
The provisions of the Act shall apply under any of the following circumstances:
1. An employee experiences persistent sexual harassment from the same individual within their employing entity during non-working hours.
2. An employee experiences persistent sexual harassment during non-working hours from the same individual within a different employing entity with which they share collaborative work or business relations.
3. An employee experiences sexual harassment during non-working hours from the highest-ranking official or employer.
The determination of sexual harassment in the preceding three Paragraphs shall be based on the background of the incident, work environment, relationship between the parties, the actor’s testimony and conduct, and the counterpart’s perception, taking into account specific facts in each case.
The central competent authority shall establish a gender equality talent database, compile data on various aspects of sexual harassment prevention, and conduct statistical analysis and management.
The provisions of Article 13, Article 13-1, Article 27 to Article 30, and Article 36 to Article 38-1 shall also apply to sexual assault crimes.
In Subparagraph 1 of Paragraph 1, which pertains to acts committed by unidentified individuals in public places or places accessible to the public, the investigations, mediations, and penalties related to sexual harassment incidents shall apply provisions of the Sexual Harassment Prevention Act.
Highest-ranking official referred to in the Act refers to the following individuals:
1. The head of a government agency or institution, school principal, top-ranking officers such as Colonel and above in military organizations and units, chairperson of administrative juristic persons, chairperson of state-owned enterprise organizations, or individuals holding equivalent positions.
2. The legal representative of a legal person, partnership, non-legal person group, and other organizations with representatives or managers, or individuals holding equivalent positions.

Article 13 Employers shall take appropriate measures to prevent sexual harassment and shall proceed in accordance with the following provisions:
1. Employers with ten or more but fewer than thirty employees shall establish a complaint channel and publicly display it in the workplace.

2. Employers hiring over thirty employees, measures for preventing, correcting sexual harassment, related complaint procedures and disciplinary policy shall be established.
When an employer becomes aware of a situation involving sexual harassment, they shall take immediate and effective corrective and remedial measures as follows. If the victim and the actor belong to different employing entities but have collaborative work or business relations, the actor's employer shall also follow these measures:
1. When an employer becomes aware of sexual harassment due to a complaint from the victim:
(1) Take measures to prevent the recurrence of harassment against the complainant.
(2) Provide or refer the complainant to counseling, medical or psychological counseling, social welfare resources, and other necessary services.
(3) Investigate the sexual harassment incident.
(4) Administer appropriate disciplinary action or disposition.
2. When an employer becomes aware of a sexual harassment incident not resulting from the circumstances in the preceding Subparagraph:
(1) Clarify the relevant facts as necessary.
(2) Assist the victim in filing a complaint according to their wishes.
(3) Make reasonable adjustments to work content or the workplace.
(4) Provide or refer the victim, as desired, to counseling, medical or psychological counseling, social welfare resources, and other necessary services.
Employers, when verifying sexual harassment incidents, shall uphold the principles of objectivity, fairness, and professionalism. They shall provide the involved parties with the opportunity for a full statement and a chance to defend themselves. When necessary to interview the parties, repetitive questioning shall be avoided. If there is an internal complaint-handling unit established in accordance with regulations, the personnel within that unit shall include professionals with gender awareness.
When an employer receives a complaint from the victim, they shall notify the local competent authority. In cases where, after investigation, it is determined to be a sexual harassment case, the results of the handling shall also be communicated to the local competent authority.
Local competent authorities shall plan and integrate relevant resources for victims to utilize, and assist employers in implementing the measures specified in each Subparagraph of Paragraph 2. The central competent authority may provide

financial support based on the actual financial conditions of local competent authorities.
The preventive measures taken by employers according to Paragraph 1 shall include information on patterns of sexual harassment, preventive principles, education and training, complaint channels, complaint investigation procedures, criteria and composition for establishing a complaint-handling unit, disciplinary measures, and other relevant measures. The criteria shall be determined by the central competent authority.

Article 13-1 When the accused party of sexual harassment holds a position of authority, and the circumstances are severe, and it is necessary to temporarily suspend or adjust the duties of the accused party during the investigation, the employer may temporarily suspend or adjust the duties of the accused party. If, after the investigation, it is determined that the accusation was not sexual harassment, the salary for the period of suspension shall be retroactively paid.
In cases where, following an investigation by the employer or the local competent authority, the incident is determined to be sexual harassment and the circumstances are severe, the employer may terminate the employment contract without prior notice within thirty days from the date they become aware of the investigation results.

Chapter IV Measures for Promoting Equality in Employment

Article 14 Female employee having difficulties in performing her work during menstruation period may request one day menstrual leave each month. If the cumulative menstrual leaves do not exceed three days in a year, said leaves shall not be counted toward days off for sick leave. All additional menstrual leaves shall be counted toward days off for sick leave.
Wages for menstrual leaves, whether said leaves are sick leaves or non-sick leaves as prescribed in the preceding Paragraph, shall be half the regular wage.

Article 15 Employers shall stop female employees from working and grant them a maternity leave before and after childbirth for a combined period of eight weeks. In the case of a miscarriage after being pregnant for more than three months, the female employee shall be permitted to discontinue work and shall be granted a maternity leave for four weeks. In the case of a miscarriage after being pregnant for over two months and less than three months, the female employee shall be permitted to discontinue work and shall be granted a maternity leave for one week. In the case of a miscarriage after being pregnant for less than two months, the female employee shall be permitted to

discontinue work and shall be granted a maternity leave for five days.
The computation of wage during maternity period shall be in accordance with related laws and regulations.
When pregnant employees are diagnosed by a physician as needing to recuperate, their leave-taking and wage during the period of medical treatment, care, or recuperation, shall be in accordance with related laws and regulations.
During an employee’s term of pregnancy, their employer shall grant seven days of leave for pregnancy checkups.
When an employee accompanies their spouse for pregnancy checkups or such spouse is in labor, their employer shall grant the employee seven days off as pregnancy checkup accompaniment and paternity leaves.
Regular wages shall be paid for pregnancy checkups, pregnancy checkup accompaniment and paternity leaves.
For the payment of wages for the periods of pregnancy checkups, pregnancy checkup accompaniment and paternity leaves in accordance with the provisions of the preceding Paragraph, employers may apply to the central competent authority for subsidies for the payment of wages for the parts of periods exceeding a five-day period of leave, excluding the situations in which a period of pregnancy checkups, pregnancy checkup accompaniment and paternity leaves of over five days and the regular wages are required to be granted in accordance with other laws or regulations.
The distribution of the subsidies stated in the preceding Paragraph shall be handled by the Bureau of Labor Insurance of the Ministry of Labor under the appointment by the central competent authority.

Article 16 After being in service for six months, employees may apply for parental leave without pay before any of their children reach the age of three years old. The period of this leave is until their children reach the age of three years old but may not exceed two years. When employees are raising over two children at the same time, the period of their parental leave shall be computed aggregately and the maximum period shall be limited to two years received by the youngest child.
During the period of parental leave without pay, employees may continue to participate in their original social insurance program. Premiums originally paid by the employers shall be exempted and premiums originally borne by the employees shall be deferred for three years.
Pursuant to the Family Proceedings Act and the Protection of Children and Youths Welfare and Rights Act, employees having lived with adopted children prior to the adoption may apply for

parental leave without pay for the period they have lived together in accordance with the first Paragraph.
Allowance during parental leave without pay shall be prescribed by other laws.
Measures for implementing matters concerning parental leave without pay shall be prescribed by the central competent authority.

Article 17 After the expiration of non-pay parental leave referred to in the preceding article, employees may apply for reinstatement. Unless one of the following conditions exists and after receiving permission from a competent authority, employers may not reject such application:
1. Where the employers' businesses are suspended, or there are operating losses, or business contractions.
2. Where the employers change the organization of their businesses, disband or transfer their ownership to others pursuant to other statutes.
3. Where force majeure necessitates the suspension of business for more than one month.
4. Where the change of the nature of business necessitates the reduction of workforce and the terminated employees cannot be reassigned to other suitable positions.
In the case of employers cannot reinstate employees due to the causes referred to in the preceding subparagraph, they shall give notice to the affected employees thirty days in advance and offer severance or retirement payments in accordance with legal standards.

Article 18 For employees who need to personally feed their babies who are less than two years old or need to collect breast milk, their employers shall provide them with the time for feeding or breast milk collection sixty minutes a day. This is in addition to the regular rest period(s).
For employees who work overtime in excess of 1 hour of daily normal work hours, their employers shall provide them an additional thirty minutes for feeding or breast milk collection.
The time for feeding or breast milk collection referred to in the preceding paragraphs shall be deemed as working time.

Article 19 For the purpose of raising children of less than three years of age, employees hired by employers with more than thirty employees may request one of the following subparagraphs from their employers:
1. To reduce working hours one hour per day; and for the reduced working time, no compensation shall be paid.
2. To reschedule working hours.
Employees hired by employers with less than thirty employees may

request to apply the above provisions by discussing with their employers to reach mutual consent.

Article 20 For the purpose of taking personal care for family members who need inoculation, who suffer serious illness or who must handle other major events, employees may request family care leaves. The number of this leave shall be incorporated into leave with personal cause and not exceed seven days in one year.
The computation of wage during family care leave period shall be made pursuant to the related statutes and administrative regulations governing leave with personal cause.

Article 21 When employees make a request pursuant to the stipulations of the preceding seven articles, employers may not reject.
When employees enjoy the benefit pursuant to the preceding paragraph, employers may not treat it as a non-attendance and affect adversely the employees' full-attendance bonus payments, evaluation or take any disciplinary action that is adverse to the employees.

Article 22 (delete)

Article 23 Employers having one hundred employees or more shall provide the following facilities and measures:
1. Breastfeeding (breast milk collection) rooms.
2. Childcare facilities or suitable childcare measures.
Competent authorities shall provide subsidies to employers who have set up breastfeeding (breast milk collection) rooms and childcare facilities or those who provide suitable childcare measures for their employees.
The regulations governing the standards for setting up breastfeeding (breast milk collection) rooms and childcare facilities or providing childcare measures and the regulations governing the relevant subsidies shall be prescribed by the central competent authority after consultation with other relevant authorities.

Article 24 For the purpose of assisting those employees who have left their jobs due to the reasons of marriage, pregnancy, childbirth, child care or taking personal care of their families, competent authorities at each government level shall adopt employment service, occupational training and other necessary measures for them.

Article 25 For those employers who hire the employees who have left their jobs due to the reasons of marriage, pregnancy, childbirth, child care or taking personal care of their families and with

outstanding results, competent authorities at each government level may provide suitable rewarding measures for them.

Chapter Ⅴ Complaint Procedures and Remedies

Article 26 When employees or applicants are damaged by the employment practices referred to in Articles 7 to 11 or Article 21 of the Act, the employers shall be liable for any damage arising therefrom.

Article 27 When employees or applicants suffer financial or non-financial damages as a result of sexual harassment, the employer and the harasser shall be jointly and severally liable for damage. However, the employer shall not be liable for damages if they can demonstrate full compliance with the provisions of the Act, implementation of all required preventive measures, and diligent efforts to prevent the occurrence of such damages.
If compensations cannot be obtained by the injured parties pursuant to the stipulations of the preceding paragraph, the court may, on their application, take into consideration the financial conditions of the employers and the injured parties and order the employers to pay for a portion of or for the entire damage.
The employers who have made compensations can seek claims against the harassers.
When a victim is involved in a legal proceeding as a result of the sexual harassment and is summoned by the judicial authority to appear in court, the employer shall grant them an official leave of absence.
In cases where the harasser is found liable for damages subject to Paragraph 1 as a result of abuse of power sexual harassment, the court may, upon the victim's request, impose punitive damages ranging from one to three times the amount of actual damages, depending on the severity of the infringement.
In cases where the actor in the preceding Paragraph is the highest-ranking official or the employer, the victim may request punitive damages ranging from three to five times the actual damages.

Article 28 When employees or applicants are damaged because employers contravene the obligations referred to in Paragraph 2 of Article 13 of the Act, the employers shall be liable for any damage arising therefrom.

Article 29 In the circumstances referred to in the preceding three articles, employees or applicants may claim reasonable amounts of compensation even for such damage that are not pecuniary losses. If their reputations have been damaged, the injured

parties may also claim the taking of proper measures for the restoration of reputations.

Article 30 The statues of limitation for damage arising from wrongful acts referred to in Articles 26 to 28 of the Act shall be two years running from the claimants' knowledge of both the damage and the obligees liable for compensation. The statues of limitation shall be ten years since the harassing conduct or other wrongful acts were committed.

Article 31 After employees or applicants make prima facie statements of the discriminatory treatment, the employers shall shoulder the burden to prove the non-sexual or non-sexual-orientation factor of the discriminatory treatment, or the specific sexual factor necessary for the employees or the applicants to perform the job.

Article 32 Employers may establish grievance procedures to conciliate and handle the complaint filed by employees.

Article 32-1 Employees or job applicants who experience sexual harassment shall file a complaint with their employer. However, they may directly file a complaint with the local competent authority in the following situations:
1. The accused party is the highest-ranking official or the employer.
2. The employer has not addressed the complaint or the complainant is dissatisfied with the results of the investigation or disciplinary actions taken by the accused person's employer.
The statute of limitation for employees or job applicants to file a complaint with the local competent authority according to the preceding Paragraph shall be as follows:
1. When the accused party does not hold a position of authority: If the complaint is filed more than two years after becoming aware of the sexual harassment or more than five years after the harassment occurred, it shall not be accepted.
2. When the accused party holds a position of authority: If the complaint is filed more than three years after becoming aware of the sexual harassment or more than seven years after the harassment occurred, it shall not be accepted.
There are exceptions to the above statute of limitation in accordance with the respective provisions listed below. But if the preceding Paragraph stipulates a longer complaint period, it shall apply:
1. When the victim was a minor at the time of the sexual harassment, they may file a complaint within three years from the date of reaching legal adulthood.

2. When the accused party is the highest-ranking official or the employer, the victim may file a complaint within one year from the date of leaving their job. However, if more than ten years have passed since the harassment occurred, the complaint shall not be accepted.

After filing a complaint with the local competent authority in accordance with Paragraph 1, the complainant may withdraw the complaint before a decision is made. After withdrawing the complaint, they may not file a complaint on the same matter again.

Article 32-2 The local competent authority, in the course of investigating sexual harassment complaints filed under Paragraph 1 of the preceding Article, may seek assistance from professionals or organizations, and when necessary, request the assistance of the police.

When the local competent authority conducts an investigation in accordance with the Act, the accused party, complainant, and individuals or entities invited to assist in the investigation shall cooperate with the investigation and provide relevant information. They shall not evade, obstruct, or refuse to cooperate.

In cases where the local competent authority accepts complaints in accordance with Subparagraph 2 of Paragraph 1 of the preceding Article, and determines that sexual harassment has occurred or that the original disciplinary result was improper, it may require the accused person's employer to take necessary actions within a specified period.

The central competent authority shall establish the scope, processing procedures, investigation methods, necessary actions, and other related matters regarding the acceptance of workplace sexual harassment complaints by the local competent authority, in accordance with the preceding three Paragraphs and Article 32-1.

When the person accused of sexual harassment is the highest-ranking official or the employer, during the investigation by the local competent authority, the complainant may apply to the employer for an adjustment of job duties or work arrangements til thirty days after the investigation results are delivered to the employer. The employer shall not refuse the request.

Article 32-3 Public servants, educators, or military personnel who experience sexual harassment, and when the highest-ranking official as defined in Subparagraph 1 of Paragraph 8 of Article 12 is the actor, shall file a complaint with their superior authority, the competent authority of their affiliated institution, or the supervisory authority.

When the highest-ranking official or managers of the entity referred to in Subparagraph 1 of Paragraph 8 of Article 12, public schools, various levels of military organizations, units, administrative agencies, and state-owned enterprise organizations at all levels are involved in sexual harassment cases, and the circumstances are serious, during the investigation period, if there is a necessity to temporarily suspend or reassign their duties, it may be done by their superior authority, their respective competent authority, or supervisory authority, or by the service organization, public schools, various levels of military organizations, units, administrative legal persons, or state-owned enterprise organizations to which they belong. However, if there are other laws, those laws shall apply.
In cases where the principal of a private school or other level of supervisors is involved in sexual harassment cases, and the circumstances are serious, during the investigation period, if there is a necessity to temporarily suspend or reassign their duties, it may be done by the school's competent authority or the service school.
Individuals whose duties have been temporarily suspended or reassigned in accordance with the preceding two Paragraphs, and whose investigation results do not confirm sexual harassment or who have been determined to have committed sexual harassment but have not been suspended, dismissed, terminated, suspended from work, or not renewed in accordance with relevant laws for public servants, education personnel, or other relevant personnel, may apply for reinstatement in accordance with the regulations of the respective laws and shall receive the corresponding salary, seniority-based salary, or equivalent remuneration for the period of suspension.
For government political leaders and military personnel, the suspension of duties shall be decided by the higher-level authority or the authority with appointment and removal powers.

Article 33 When employees find out that employer contravene the stipulations of Articles 14 to 20 of the Act, they may file complaints to the local competent authorities.
When they file complaints to the Central Competent Authority, the Authority shall refer the complaints to the local competent authorities after it receives the complaint or within seven days after the date it has found out the above-mentioned contraventions.
Within seven days after the local competent authorities have received the complaints, they shall proceed to investigate and may mediate the matters for the both parties in accordance with their competences and authorities.

The measures for handling the complaints referred to in the preceding paragraph shall be prescribed by the local competent authorities.

Article 34 When an employee or job applicant discovers that the employer has violated the provisions of Articles 7 to 11, Paragraph 2 of Article 13, Article 21, or Article 36, they may file a complaint with the local competent authority.
In the case of complaints filed under the preceding Paragraph, the local competent authority shall review them through the Gender Equality in Employment Committee. If the employer, employee, or job applicant disagrees with the disposition made by the local competent authority after the review, they may apply for a review or appeal directly to the central competent authority's Gender Equality in Employment Committee within ten days. If they are dissatisfied with the decision of the central competent authority's Gender Equality in Employment Committee, they may proceed to file an administrative lawsuit.
For complaints filed under Subparagraph 1 of Article 32-1, after conducting an investigation in accordance with the provisions of Subparagraphs 1 and 2 of Article 32-2, the local competent authority may, except for cases of significant circumstances or special cases disclosed by media reports, make dispositions without going through the review process of the Gender Equality in Employment Committee. If there are objections, an appeal may be filed, and administrative litigation may be conducted.
The procedures for handling the review and disposition of complaints under Paragraphs 1 and 2 shall be determined by the central competent authority.

Article 35 The court and competent authorities shall take into account the investigation reports, deliberations, or dispositions made by the Gender Equality in Employment Committee when determining the facts of discriminations.

Article 36 Employers may not terminate, transfer or take any disciplinary action that is adverse to employees who personally file complaints or assist other persons to file complaints pursuant to the Act.

Article 37 When an employee or job applicant files a complaint with the competent authority or files a lawsuit due to the employer's violation of the provisions of the Act or experiences sexual harassment, the competent authority shall provide necessary legal advice or assistance; such advisory or assistance services may be entrusted to private organizations.
The measures for providing legal aid referred to in the preceding paragraph shall be prescribed by the Central Competent

Authority.
The central competent authority may provide subsidies to the competent authorities at the local level for the provision of legal advice or assistance under Paragraph 1, taking into consideration their actual financial condition.
When employees or applicants file lawsuits referred to in the preceding paragraph and apply for precautionary proceedings, the courts may reduce or exempt the amounts for surety.

Chapter VI Penal Provisions

Article 38 Employers who violate Article 21, Paragraph 4 of Article 27, or Article 36 of the Act shall be fined no less than N.T.$20,000 but not exceeding N.T.$300,000.
For those who commit any of the conducts referred to in the preceding paragraph, their names or titles and the persons-in-charge shall be put on public notice, and they shall be ordered to improve within a specified period. For those who have not improved within the specified period, they shall be fined and punished consecutively for each violation after the aforementioned period expires.

Article 38-1 Employers who violate Articles 7 to 10, Paragraphs 1 and 2 of Article 11 shall be fined no less than NT$300,000 but not exceeding NT$1,500,000.
Employers who violate the provisions of Paragraph 2 of Article 13 or where the competent authority at the local level, in accordance with the provisions of Paragraph 3 of Article 32-2, issues an order for necessary disposition within a specified period, shall be subject to a fine ranging from NT$20,000 to NT$1,000,000.
Employers who violate the provisions of Subparagraph 2 of Paragraph 1 of Article 13 shall be subject to a fine ranging from NT$20,000 to NT$300,000.
Employers who violate the provisions of Subparagraph 1 of Paragraph 1 of Article 13, and fail to make improvements within the specified period, shall be subject to a fine ranging from NT$10,000 to NT$100,000.
Employers who violate the provisions of Paragraph 5 of Article 32-2 shall be subject to a fine ranging from NT$10,000 to NT$50,000.
For those who engage in actions as described in the preceding Article or any of the preceding five Paragraphs, their names, the names of their representatives, the date of the penalty imposed, the violated Articles, and the amount of the fine shall be publicly disclosed, and they shall be given a deadline to make improvements; if improvements are not made by the specified deadline, they shall be penalized on each occasion.

Article 38-2 The highest-ranking official or employer who is determined by the competent authority at the local level to have engaged in sexual harassment shall be subject to a fine ranging from NT$10,000 to NT$1,000,000.
The accused party who violates the provisions of Paragraph 2 of Article 32-2 that avoids, obstructs, or refuses to cooperate with an investigation or provide information and without justifiable reasons, shall be subject to a fine NT$10,000 to NT$50,000.
The statute of limitations for exercising the power of adjudication under Paragraph 1 shall commence from the date when the competent authority at the local level receives the complaint filed by the complainant pursuant to the provisions of Paragraph 1 of Article 32-1.

Article 38-3 The highest-ranking official referred to in Subparagraph 1 of Paragraph 8 of Article 12, who is determined by the competent authority pursuant to the provisions of Paragraph 1 of Article 32-3 to have engaged in sexual harassment, shall be subject to the penalties prescribed in the preceding Article.

The statute of limitations for exercising the power of adjudication under the preceding paragraph shall commence from the date when the agency that accepts the complaint pursuant to the provisions of Paragraph 1 of Article 32-3 receives the complaint filed by the complainant under the said provisions, and it shall expire after the lapse of three years. However, if ten years have passed since the completion of the act, the statute of limitations shall apply as well.

Chapter VII Supplementary Provisions

Article 38-4 The provisions of Article 10, Article 25, and Article 26 of the Sexual Harassment Prevention Act shall apply to sexual harassment incidents as defined in the Act.

Article 39 The enforcement rules of the Act shall be prescribed by the Central Competent Authority.

Article 39-1 For cases of sexual harassment complaints that were already pending but not concluded prior to the amendment of the Act on July 31, 2023, and for cases of sexual harassment incidents that occurred before the amendment and have had complaints filed after the amendment, they shall all be concluded in accordance with the provisions after the amendment. However, procedures that have already been initiated shall not be affected by this change.

Article 40 The Act shall become effective on March 8, 2002.
Except for Article 16 as revised and promulgated on January 16, 2008, and the Articles amended and promulgated on January 12, 2022, for which the enforcement date shall be determined by the Executive Yuan; Paragraphs 2 to 4 of Article 5, Paragraphs 3, 5 to 8 of Article 12, Article 13, Article 13-1, Articles 32-1 to 32-3, Article 34, Articles 38-1 to 38-3 amended on July 31, 2023 shall be enforced on March 8, 2024. The amendments to the Act shall be enforced on the promulgation date.