

# 移工不得非法打工

## 案例

廠工阿多看到常去的小吃店在徵人，想說利用工作之餘賺些外快，就應徵到小吃店打工，小吃店老闆覺得阿多是在附近工廠工作的合法移工，應該沒問題，就開始讓阿多來店裡幫忙備料及清潔等工作，幾天後遭到檢舉，老闆與阿多才知道已經違法了！

## 解析



小吃店老闆違反就業服務法規定，聘僱未經許可、許可失效或他人所申請聘僱的外國人從事工作，將處罰鍰15萬至75萬元

移工阿多也違反規定，為申請許可以外的雇主工作，將被廢止聘僱許可並限令出國

● 本項措施符合就業安定基金用途

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# It is illegal for foreign workers to engage in part-time work

## Example

Factory worker, **A-tuo**, notices that an eatery he often visits is hiring and thinking it would be good to make some extra money during his spare time, applies for the position. The **owner** believes **A-tuo** is a legal foreign worker employed at a nearby factory, so there should be no problem. He starts by letting **A-tuo** prepare ingredients and clean up. Only when a complaint is filed with the authorities a few days later, do the **owner** and **A-tuo** learn that they have broken the law.

## Analysis

**The owner** of the eatery violated the provisions of the Employment Service Act by employing a foreign national without permission, whose permit has expired or who another person applied to hire, and will be fined NT\$150,000 to NT\$750,000.

Foreign worker **A-tuo** also broke the law by working for an employer who did not apply to hire him and as a result his employment permit will be revoked and he will be ordered to leave Taiwan within a fixed period of time.

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# Pekerja Migran Dilarang Bekerja Secara Ilegal

## Contoh Kasus

Aduo, seorang pekerja pabrik, melihat rumah makan yang sering dia kunjungi tengah mencari karyawan. Dia berpikir bisa mendapatkan penghasilan tambahan di waktu luangnya, jadi dia melamar kerja di rumah makan tersebut. **Pemilik** merasa **Aduo** adalah pekerja migran legal yang bekerja di pabrik terdekat, jadi seharusnya tidak ada masalah, dan mulai membiarkan **Aduo** membantu menyiapkan bahan dan bersih-bersih. Beberapa hari kemudian setelah ada yang melaporkan, barulah **pemilik** dan **Aduo** menyadari bahwa mereka telah melanggar hukum!

## Penjelasan



**Pemilik rumah makan** melanggar Undang-Undang Layanan

Ketenagakerjaan karena mempekerjakan orang asing yang tidak memiliki izin kerja, masa izin kerja kedaluwarsa atau izin kerja dari majikan lain, maka akan dikenakan sanksi sebesar NT\$150.000 hingga NT\$750.000.

Pekerja migran **Aduo** juga melanggar peraturan, karena bekerja di luar izin perekrutan dengan pemberi kerja lain, maka izin kerja akan dicabut dan diperintahkan untuk meninggalkan Taiwan.

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# Người lao động nhập cư không được làm thêm bên ngoài

## Trường hợp

Công nhân nhà máy **anh A** thấy quán ăn mà anh thường ghé ăn đang tìm người, anh nghĩ rằng mình có thể kiếm thêm tiền sau khi tan ca nên đã xin làm việc tại quán ăn đó. **Chủ quán ăn** nghĩ rằng **anh A** là lao động nhập cư hợp pháp đang làm việc tại một nhà máy gần đó nên chắc sẽ không có vấn đề gì, thế nên đã đồng ý nhận **anh A** đến quán để giúp chuẩn bị nguyên liệu và làm tạp vụ. Vài ngày sau thì bị tố giác, lúc này **chủ quán** và **anh A** mới biết rằng mình đã vi phạm pháp luật.

## Phân tích



**Chủ quán ăn** đã vi phạm Luật Dịch vụ Việc làm khi thuê người nước ngoài không có giấy phép, giấy phép đã hết hạn hoặc hợp pháp được người khác tuyển dụng. Chủ quán sẽ bị phạt từ 150.000 - 750.000 Đài tệ

Người lao động nhập cư **anh A** cũng vi phạm quy định khi làm việc cho một chủ lao động khác ngoài chủ thuê hợp pháp của mình. Giấy phép lao động của anh sẽ bị thu hồi và anh sẽ bị buộc xuất cảnh.

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# ห้ามแรงงานต่างชาติทำงานเสริมหลังเลิกงาน

## กรณีตัวอย่าง

โตมรเป็นพนักงานโรงงาน เห็นร้านอาหารที่ไปบ่อยๆ กำลังรับสมัครพนักงาน เลยคิดว่าจะใช้เวลาว่างหลังเลิกงานมาหาลำไพ่พิเศษ จึงสมัครเข้าทำงานที่ร้านอาหารแห่งนั้น เจ้าของร้านคิดว่าโตมรเป็นแรงงานต่างชาติที่ทำงานอย่างถูกกฎหมายในโรงงานใกล้เคียง ไม่น่ามีปัญหาจึงให้เขามาช่วยเตรียมวัตถุดิบและทำความสะอาดในร้าน แต่หลังจากทำงานไปได้ไม่กี่วันกลับถูกแจ้งความ ทั้งเจ้าของร้านอาหารและโตมรจึงได้รู้ว่าทำผิดกฎหมายแล้ว!

## คำอธิบาย



**เจ้าของร้านอาหาร**ฝ่าฝืนกฎหมายการจ้างงาน การว่าจ้างชาวต่างชาติโดยไม่ได้รับอนุญาต หรือใบอนุญาตทำงานหมดอายุ หรือเป็นผู้ที่ได้รับการว่าจ้างโดยนายจ้างรายอื่น มีโทษปรับ 150,000 - 750,000 เหยียญได้ห้วน

**โตมร** ก็ถือว่าฝ่าฝืนกฎหมาย เพราะไปทำงานกับนายจ้างอื่นนอกเหนือจากที่ได้รับอนุญาต จะถูกเพิกถอนใบอนุญาตทำงานและต้องเดินทางออกนอกประเทศภายในเวลาที่กำหนด

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# Ang mga Migranteng Manggagawa ay Bawal Mag Part Time

## Kaso

Si **Ado**, isang manggagawa sa factory, nakita ang isang paborito niyang kainan ay naghahanap ng empleyado. Naisip niyang gamitin ang libreng oras niya upang kumita ng additional na pera, kaya nag-apply siya at nagsimulang magtrabaho doon.

Inakala ng **may-ari ng kainan** na si **Ado** ay isang legal na migranteng manggagawa mula sa kalapit na factory, kaya wala siyang nakitang problema at hinayaan siyang tumulong sa paghahanda ng mga sangkap at paglilinis.

Ngunit makalipas ang ilang araw, may nag-ulat sa mga awtoridad. Noon lang nila napagtanto—pareho si **Ado** at ang **may-ari ng kainan**—na lumabag na sila sa batas!

## Pagsusuri

Ang **may-ari ng kainan** ay lumabag sa Employment Services Act sa pamamagitan ng pag-hire ng isang banyagang manggagawa nang walang pahintulot, o ng isang banyagang manggagawa na ang permit ay expired o hindi wasto, upang magtrabaho. Ang parusa para dito ay mula 150,000 hanggang 750,000 NTD.

Si **Ado**, isang migranteng manggagawa, ay lumabag din sa regulasyon sa pamamagitan ng pagtatrabaho sa isang employer na hindi nakalista sa kanyang permit. Dahil dito, marerevoke ang kanyang permit at papaguhin siyang umalis ng bansa.

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