

Amendments to the Labor Standards Act				
Time of Passage		~2015	2016.12.6	2018.1.10
Work Hours		84 hrs / 2 wks ↓ 40 hrs / 1 wk (passed in 2015)	8 hrs/day, 40 hrs/wk with "1 mandatory day off and 1 rest day" every 7 days	8 hrs/day, 40 hrs/wk with "1 mandatory day off and 1 rest day" every 7 days
		Agreement may be reached between employer and employee to allow 7-12 straight work days (since 1986, MOL interpretation)	6 work days should be bookended by 2 mandatory days off (2016.08 – interpretation allowing 7-12 straight work days annulled)	Which day of the seven days should be mandatory day off up for employee-employer negotiation (meaning 7-12 straight work days possible)
National Holiday Cut		19 ↓ 12 (proposed in 2015 to accommodate 40-hour workweek*)	19 ↓ 12 (passed)	19 ↓ 12 (unchanged)
Overtime Cap		46 hours / month	46 hours / month	54 hours / month allowed under certain conditions and following employee-employer negotiation, but the 3-month total not to exceed 138 hours**
Overtime on Rest Days		Not specified	≤ 4 hrs = 4 hrs 4 ~ 8 hrs = 8 hrs 8 ~ 12 hrs = 12 hrs	Actual working hours
Overtime Pay	Work Days	first 2 hrs → regular pay x 1.33/hr 3 rd hr on → regular pay x 1.66/hr	Unchanged	Unchanged from 2016, but overtime work can now be, upon agreement, remunerated in compensatory leave***
	Rest Days	regular pay x 2/day	first 2 hrs → regular pay x 2.33/hr 3 rd hr on → regular pay x 2.66/hr	
Annual Leave Use		Not specified	Unused annual leave should be compensated	Unused annual leave may be carried over to the next year once or be compensated***
Annual Leave		1 yr of service → 7 days 3 yrs of service → 10 days 5 yrs of service → 14 days 10 yrs of service → 15 days 25 yrs of service → 1 additional day for every additional year of service until reaching 30-day cap	6 mos of service → 3 days 1 yr of service → 7 days 2 yrs of service → 10 days 3 yrs of service → 14 days 5 yrs of service → 15 days 10 yrs of service → 1 additional day for every additional year of service until reaching 30-day cap	Unchanged from 2016
Hours of Rest Between Shifts		Not specified	11 hours of rest minimum between shifts	11-hour rest as the general rule while exception of 8-hour rest may be negotiated between employer and employee**

*Before the 2015 40-hour workweek amendment, many were already enjoying two-day weekends because the MOL had made an interpretation of the law in 1998 allowing employers and employees to reach an agreement on swapping “not working the 4 additional work hours every two weeks under the ‘84 hours for every two-week period’ model” for not having days off on the following seven holidays: January 2 (an extension of the New Year’s Day holiday), March 29 (Youth Day), September 28 (Teachers’ Day), October 25 (Taiwan Retrocession Day), October 31 (Chiang Kai-shek’s Birthday), November 12 (Sun Yat-sen’s Birthday), and December 25 (Constitution Day). But not all employers adopted the swapping measure.

**Government approval required

*** When the compensatory/annual leaves are not used up, employers are still required to pay accordingly.