

Guidance on Salary Payment to Foreign Crew Members Employed Overseas

境外僱用非我國籍船員工資給付參考指引

(English version)

I. Purpose:

To provide for a scheme for operators to pay salaries, to ensure foreign crew employed overseas are duly paid, and to protect the rights and benefits of both sides, these Guidelines are hereby established.

訂定目的：為提供經營者給付工資機制，確認境外僱用非我國籍船員領取應得工資，俾維護雙方權益，特訂定本參考指引。

II. Applicability:

The term foreign crew members used in this Guidance refers to the foreign crew members employed in accordance with the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members (hereinafter the “Regulations”), which is enacted pursuant to Article 26 of the Act for Distant Water Fisheries.

適用範圍：本指引所稱非我國籍船員係指遠洋漁業條例第 26 條授權訂定境外僱用非我國籍船員許可及管理辦法(下稱管理辦法)規定受僱之非我國籍船員。

III. Operators may make salary payment to foreign crews through any of the following methods:

經營者得以下列方式給付非我國籍船員工資：

1. Direct payment from the operator to the foreign crew member:

經營者直接給付非我國籍船員工資：

- (1) The operator shall directly pay the full amount of salary as agreed in the employment contract to the foreign crew member and provide the foreign crew member with the “Payslip”. After signed by the foreign crew member, the pay slip shall be made in two originals and kept by both the operator and that foreign crew member for five (5) years.

經營者應依契約全額直接給付非我國籍船員工資，並提供「經營者給付非我國籍船員工資明細表(下稱工資明細表)」，交予非我國籍船員簽名後，由經營者與非我國籍船員各留存 1 份，並自行保存 5 年。

- (2) The Payslip provided by the operator shall include operator name, CT number assigned to the fishing vessel, foreign crew name, passport number, salary structure, prescribed salary, permissible deductions approved by laws and regulations and respective items, net salary, payment method, amount paid, crew member signature, and payment date.

經營者提供之工資明細表，應記載經營者名稱、漁船統一編號、非我國籍船員姓名、護照號碼、工資計算項目、工資總額、依其他法規得自工資扣除之項目及金額、應付金額、給付方式、實際給付金額、船員簽名欄、給付日期。

2. Operators may commission domestic recruitment agents to make salary payment to foreign crew members:

經營者得委託國內仲介機構轉交工資予非我國籍船員：

- (1) When commissioning a recruitment agent to make salary payment, the operator shall provide the recruitment agent with the following documents and a “Receipt of Salary to be Paid to Foreign Crew Members” (hereinafter the “Receipt of Salary to be Paid”), which shall be signed and kept by both the operator and the recruitment agent:

經營者委託國內仲介機構轉交工資，應轉交下列文件予國內仲介機構，經營者並應製作「經營者委託仲介機構轉交工資簽收紀錄(下稱委託紀錄)」，由經營者及仲介機構簽章後各留存 1 份：

- A. Payroll Register of Foreign Crew Members to be Paid via Domestic Recruitment Agent (hereinafter the “Payroll Register”).

經營者委託國內仲介機構轉交非我國籍船員工資清冊(下稱工資清冊)。

- B. The Payslip signed by the operator (shall be made in two originals).

經營者已簽名之工資明細表(正本 2 份)。

- (2) When making salary payment to the foreign crew member, the domestic recruitment agent shall provide the foreign crew member with the “Receipt of Salary Paid via Recruitment Agent,” which shall be signed by the crew member. The domestic recruitment agent shall also provide the foreign crew member with the Payslip, which shall be signed and kept by the

foreign crew member and domestic recruitment agent for the time being.

國內仲介機構轉交工資予非我國籍船員時，由仲介機構製作「仲介機構代經營者轉交工資領取紀錄」由船員簽名，國內仲介機構並應轉交工資明細表，雙方簽名後，1 份交予非我國籍船員保存，另 1 份暫由國內仲介機構保存。

- (3) The operator shall, prior to making salary payment of next pay period to foreign crew member, request the Payslip of current pay period from the domestic recruitment agent. The Payslip of current pay period, the Payroll Register, and the Receipt of Salary to be Paid shall be kept for five (5) years.

經營者應在交付船員下一期工資前，向國內仲介機構索取當期之工資明細表，併同工資清冊及委託紀錄妥善保存 5 年。

IV. Matters needing attention:

注意事項

1. Salary payment shall not be made via a foreign recruitment agent.
經營者或仲介機構給付非我國籍船員工資，不可透過國外仲介機構代轉。
2. All documents shall be written in both Chinese and the official language of the country origin of the foreign crew member.
文件均應同時具有中文及非我國籍船員母國文字。
3. If an operator or a domestic recruitment agent chose to remit the salary to an account designed by the foreign crew member, the salary payment shall be made in the agreed currency and the amount paid shall not be less than the agreed. The Payslip shall specify beneficiary account information, including beneficiary's name, relationship with foreign crew, contact number, account with bank, branch, and beneficiary's A/C number, and shall be confirmed and signed by the crew member. Any additional fee derived from remittance shall be borne by the operator.

經營者或國內仲介機構如以匯款給付至非我國籍船員指定之國外帳戶，給付時實際給付幣別及金額不得小於約定應付金額，並應於工資明細表中記載匯入帳戶資料，包括戶名、與船員關係、聯絡電話、匯入銀行、分行、帳號等資訊，並由船員確認簽名，另經營者應負擔匯款所需費用。

4. Service fee and fees under false pretences are not allowed. If it is found to be the case, i.e., charging fees that is not considered standard, the domestic recruitment agent is subject to, pursuant to paragraph 2 of Article 42 of the Act for Distant Water Fisheries, a fine between one (1) million and five (5) million New Taiwan Dollars. The qualification for such agent may also be revoked and the guarantee bond may also be confiscated.

國內仲介不得向船員收取服務費，亦不得巧立名目收取費用，如經查獲屬實，即為超收標準以外費用，得依遠洋漁業條例第42條第2項規定，處新臺幣100萬元以上500萬元以下罰鍰，並得廢止仲介機構仲介非我國籍船員之資格及沒入保證金。

5. Operators or recruitment agents shall not make deposits for foreign crew members, keep foreign crew members' identification documents and objects on their behalf, including passport (except for the reasonable period required for entry and departure application procedures), name seal, and bank book. When any operator or recruitment agent keep foreign crew members' personal identification documents and objects for any reason other than processing entry and departure application procedures, refuse to return the said documents and objects after completing all necessary procedures for entry and departure applications, or misappropriate the said document and objects, if involved criminal liability, the concerning parties shall be dealt with in accordance with the relevant laws.

經營者或仲介機構不得為非我國籍船員儲蓄，且不得代非我國籍船員保管其護照（為申辦入出國必要手續所需合理期間除外）、印章、存摺等個人證件之物品。如非申辦入出國必要手續而保管其個人證件之物品，或已完成申辦入出國必要手續拒絕返還，或易持有為所有之行為，如有涉及刑事責任，將依法函送偵辦。

6. When operators choose to directly make the salary payment to foreign crew members or commission domestic recruitment agents to do so, any additional fees derived shall be borne by operators.

經營者自行或委託國內仲介機構給付非我國籍船員工資之方式，如有衍生其他相關費用應由經營者負擔。

7. Any operator who fails to make full salary payment to the foreign crew member as agreed in the employment contract, or any foreign crew member is paid less than the minimum amount specified in the Regulations, the operator is considered violating sub-paragraph (1)

and (4), paragraph 1 of Article 28 of the Regulations, and is subject to a fine between 50 thousand and 250 thousand New Taiwan Dollars. The fishing license of such operator may also be suspended for one (1) year and under.

經營者未依契約約定工資全額給付，或非我國籍船員每月實領工資低於境外僱用非我國籍船員許可及管理辦法所定之每月最低工資，即違反管理辦法第 28 條第 1 項第 1 款及第 4 款規定，得依遠洋漁業條例第 42 條第 3 項規定處新臺幣 5 萬元至 25 萬元以下罰鍰，並得收回經營者之漁業證照 1 年以下。

*經營者、船員各保存 1 份

*This document is held by the operator and the crew member respectively.

經營者給付非我國籍船員工資明細表

Payslip

編號 No.: _____

經營者名稱 Operator name: _____ (漁船統一編號 CT number: CT ____ - _____)

非我國籍船員姓名 Crew name: _____ 護照號碼 Passport No.: _____

給付幣別 Paid in: ☐ USD ☐ Other currency (Please specify: _____)

項目 Item	工資計算項目 Salary Structure			扣款金額 Deductions	應付 金額 Net Salary	給付方式 Payment Method	實際 給付 金額 Amount Paid	船員 確認 簽名 Crew Signature	工資 給付 日 Payme nt Date (YY/ MM/D D)
	工資 總額 Prescri bed Salary	其他 Others (請註明 Please specify _____)	共計 Gross Salary	依其他法規得 自工資扣除之 Permissible Deduction Approved by Laws and Regulations 項目 Item: _____ 金額 Amount: _____					
__年 Y __月 M						<input type="checkbox"/> 現金：____ 元 Cash: _____ <input type="checkbox"/> 匯款：____ 元 Remittance: _____ 共計 ____ 元 Total _____			
__年 Y __月 M						<input type="checkbox"/> 現金：____ 元 Cash: _____ <input type="checkbox"/> 匯款：____ 元 Remittance: _____ 共計 ____ 元 Total _____			
__年 Y __月 M						<input type="checkbox"/> 現金：____ 元 Cash: _____ <input type="checkbox"/> 匯款：____ 元 Remittance: _____ 共計 ____ 元 Total _____			
合計 Total						<input type="checkbox"/> 現金：____ 元 Cash: _____ <input type="checkbox"/> 匯款：____ 元 Remittance: _____ 共計 ____ 元 Total _____			

匯入帳戶資料 Beneficiary Account:

(給付時實際給付幣別及金額不得小於約定應付金額；全部以現金給付免填)

(The salary payment shall be made in the agreed currency and the amount paid shall not be less than the agreed. Operators/domestic recruitment agents that make full salary payment by cash is exempted from filling in the following form.)

匯入戶名 Beneficiary's name		與船員關係 Relationship w/ Crew		連絡電話 Contact Number	
匯入銀行 Account with Bank			分行 Branch		
匯入帳號 Beneficiary's A/C No.			船員確認簽名 Crew Signature		

以上資料經確認無誤 I certify the above information is correct:

經營者簽名： Operator Signature	國內仲介轉交簽名： (經營者直接給付非我國籍船員本欄免簽) Commissioned Domestic Recruitment Agent Signature (No need to sign if the crew is directly paid by the operator)	船員簽名： Crew Signature
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*經營者、國內仲介各保存 1 份
*This document is held by the operator and the domestic recruitment agent respectively.

經營者委託國內仲介機構轉交工資紀錄
Receipt of Salary to be Paid to Foreign Crew Members

經營者（名稱）_____將應給付非我國籍船員_____名
（含經營者給付非我國籍船員工資明細表_____份）之_____年_____月
之工資共計 ☐ 美金：_____元 ☐ 其他（幣別：_____）
_____元（轉交方式：☐現金☐匯款）及工資清冊 1 份，委由仲介
機構（名稱）_____代為轉交。

I _____ (operator name) hereby provide the recruitment
agent _____ (name) with the salary payment to be paid to
_____ (number) foreign crew members, of _____ (month) _____
(year), total ☐ USD: _____ (amount) ☐ Other currency (Currency:
_____) _____ (amount) (☐by cash ☐ vis remittance), and
_____ (number) payslips to be given to foreign crew members, and
authorize the recruitment agent to make salary payment of and provide the
payslips to the foreign crew members on my behalf.

立書人（即委託人）Principal：_____

經營者名稱 Signature：_____

統一編號 Identity Card No.：_____

受託人 Trustee：_____

仲介機構名稱 Signature：_____

負責人 Responsible Persons：_____

經手人 Handling Officer：_____

中華民國 _____ 年 (The year of ROC) _____ 月 (Month) _____ 日 (Day)

經營者委託國內仲介機構轉交非我國籍船員工資清冊

Payroll Register of Foreign Crew Members to be Paid via
Domestic Recruitment Agent

編號 No.	姓名 Name	國籍 Nationality	護照號碼 Passport No.	給付期間 Duration	實際給付 工資金額 Amount Paid
1				__年 Y__月 M~__年 Y__月 M	
2				__年 Y__月 M~__年 Y__月 M	
3				__年 Y__月 M~__年 Y__月 M	
4				__年 Y__月 M~__年 Y__月 M	
5				__年 Y__月 M~__年 Y__月 M	
6				__年 Y__月 M~__年 Y__月 M	
7				__年 Y__月 M~__年 Y__月 M	
8				__年 Y__月 M~__年 Y__月 M	
9				__年 Y__月 M~__年 Y__月 M	
10				__年 Y__月 M~__年 Y__月 M	
11				__年 Y__月 M~__年 Y__月 M	
12				__年 Y__月 M~__年 Y__月 M	
合計 Total	幣別 Currency: <input type="checkbox"/> 美金 USD <input type="checkbox"/> Other currency: _____ 元 (amount)				

*仲介機構保存 1 份

*This document is held by the domestic recruitment agent.

國內仲介機構代經營者轉交工資領取紀錄
Receipt of Salary Paid via Recruitment Agent

本人(姓名) _____ 茲領取仲介機構 _____
代經營者 _____ 轉交之 _____ 年 _____ 月之工資共計 ☐ 美金：
_____ 元 ☐ 其他(幣別： _____) _____ 元及工資明細表 1 份。

I _____ (name) acknowledge receipt of salary
payment of _____ (month) _____ (year), ☐ USD: _____
(amount) ☐ Other currency (Currency: _____)
(amount) and the payslip from my employer _____
(name) via the recruitment agent _____ (name).

受託人 Principal

仲介機構名稱 Recruitment Agent : _____

負責人 Responsible Persons : _____

經手人 Handling Officer : _____

領取人(船員) Recipient

姓名 Name : _____

護照號碼 Passport No. : _____

中華民國 _____ 年(Year of ROC) _____ 月(Month) _____ 日(Day)