

Review and Prospect of Workers' Compensation Law: Focusing on the Legislation of Labor Occupational Accident Insurance and Protection Act

Wan-Ning Hsu *

Abstract

The Labor Occupational Accident Insurance and Protection Act came into effect on May 1, 2022, which will separate occupational accident insurance from the Labor Insurance Act, and consolidate the provisions of the Act for Protecting Worker of Occupational Accidents. In addition to workers' compensation, the Labor Occupational Accident Insurance and Protection Act integrates occupational accident prevention and occupational reconstruction systems. Since then, workers' compensation system has entered a new era in Taiwan.

This article reviews the evolution of the workers' compensation system, and focuses on the important contents of the Labor Occupational Accident Insurance and Protection Act, including the scope of insured persons and insurance coverage, the monthly insured salary, insurance benefits and the regulations about seeking the benefit of the insurance or other social insurance pension at the same time, occupational accident prevention and rehabilitation, as well as other worker protection, to make a review and analysis.

The Labor Occupational Accident Insurance and Protection Act has improved compensation system in Taiwan by expanding the coverage of insurance coverage, enhancing the overall insurance coverage, specifying other worker protection, and integrating occupational accident prevention and rehabilitation. The issues that employed workers are not fully insured, the monthly insured salary

* Professor of Law, College of Law, National Taiwan University.
E-mail: nadihsu@ntu.edu.tw

cap is difficult to adjust, payment guarantees are not easy to improve, and occupational disaster prevention and reconstruction are difficult to sustainably operate, have also been improved.

However, the Labor Occupational Accident Insurance and Protection Act still has many unresolved issues, such as the monthly insured salary may not be the same as the actual salary, whether commuting injuries are occupational injuries according to the Labor Standards Act is still a controversial issue, and the offsetting regulations are still doubtful, which deserve our continuous attention and exploration. Even so, this legislation should still be given a positive evaluation.

Keywords: Labor Occupational Accident Insurance and Protection Act, occupational accident insurance, Labor Insurance Act, occupational accident prevention and rehabilitation, workers' compensation system