

## **Is It Prohibited to Go Abroad During The Pandemic?: The Basis and Limitation of Labor's Obligations of Off-the-job Conduct**

*I-Te Chang*\*

### **Abstract**

Although the main obligation of labor is to provide labor service, they still have other subsidiary obligations to achieve the purpose of the contract in general. However, during the pandemic, employers take precautionary measures such as requiring employees not to go abroad to avoid infections that could affect the operation of their business. But, these measures also increase Obligation of Off-the-job Conduct, and that are disadvantageous changes in working conditions.

However, what is the basis on which employers can take these measures? And what restriction should be placed on these measures? There is the necessity and urgency to look into these problems, but there is not much comprehensive and complete previous study in Taiwan. Therefore, this article plans to check every way of having labor obligations for off-the-job conduct in current Taiwan at first. They include the formulation and amendment of working rules, the agreement and addition of employment contracts, the right of command and order, and the basis and limitation that promise or steer through the content of collateral obligation. This article will analyze the content of labor obligations as a basic theory of labor contracts in Taiwan. The article will also focus on the legal basis of the study on the limitation of the employer's authority and the change of labor conditions.

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\* Associate Professor, School of Law, Soochow University; Ph.D., College of Law, National Chengchi University.  
E-mail: ite@scu.edu.tw

Secondly, since our labor law system is highly similar to the labor law system in Japan, this article also wants to analyze and review Japanese theories and practices about the ways and limitations that are mentioned above as a comparison to take as reference for the law of Taiwan. At last, this article tries to analyze the places where we should pay attention to when taking relevant measures and gives some suggestions. Hope that we can find the solutions to balance employers and employees in an outbreak of a pandemic.

**Keywords :** **Obligation of Off-the-job Conduct, Principle of Rationality of Changing Work Rule, The Right of Command and Order, Good Faith Principle, Subsidiary Obligation (Nebenpflicht), Duty of Honesty, Obligation to Maintain Workplace Rule, Disadvantageous Changes in Working Conditions**