Content

Title：	The Act of the Cooperative Education Implementation in Senior High Schools and the Protection of Student Participants' Right Ch
Date：	2013.01.02
Legislative：	1.Promulgated per January 2nd, 2013 Presidential Order Hua-Tsung (1)-Yi-Tzu No. 10100290761
Content：	Chapter I General Principles Article 1 This Act is enacted to overhaul the cooperative educational system, to protect student participants' right, and to enhance the quality of vocational education. Article 2 The competent authority in this Act refers to: the Ministry of Education for the central government; governments of special municipality for the special municipality; County (City) governments for the County (City). Matters in this Act that fall within the scope of each purposive authority shall be governed by referring to the legal purpose of respective purposive authority. Article 3 Special terms used in this Act are defined as follows: 1. Cooperative Education: a system that aims to develop students' vocational skills through cooperation between schools and partner institutions. 'Schools' henceforth refer to vocational schools, senior high schools with vocational or special programs and special education schools. 2. Student Participants: students who currently enroll in schools and participate in the cooperative education program, undergo vocational training in institutions that partner with schools in implementing vocational education in a fixed period of time and receive a certain amount of living allowance during that period. 3. Partner institutions: business that sign Cooperative Education contracts with schools and provide vocational skill training to student participants. 4. Cooperative Education contracts: contracts that are signed between schools and their partner institutions, schools will arrange their student participants to partner institutions for vocational skill training during a fixed period of time based on this contract. 5. Training contracts of student participants: contracts that are signed between student participants and partner institutions, participant students will undergo vocational skill training and instruction at partner institutions in a fixed period of time, and receive a certain amount of living allowance based on this contract. Article 4 The central competent authority shall conduct investigations on matters concerning the protection of participant students' rights set out in this Act together with the competent labor authority once every two years; and the report shall be made public. The investigations may be delegated to academic groups or professional organizations when necessary. The results of the investigations shall be taken into account by competent authorities of all levels when formulating policies for the cooperative education, and when selecting industrial categories of partner institutions. Chapter II System of the Cooperative Education Article 5 Schools shall establish cooperative education programs based on the following approaches: 1. Rotation: Schools and partner institutions shall rotate based on a two-

class unit; with one class stays in School while the other class receives training at partner institution.
2. Step-by-step: The first-year and second-year students receive basic and professional education at schools, while the third-year students receive vocational skill training at partner institutions.
3. Internship: To meet the demand for different levels of professional curriculum, the schools shall arrange training opportunities at partner institutions during summer/winter breaks or at mid-semester, without interferences with the schools' curriculum.
4. Other approaches approved by the central competent authority: Other approaches can be formulated by schools, and submit to the competent authority of the special municipality or the County (City), who in turn will submit to the central competent authority for final approval.

Article 6 To participate in the cooperative education, partner institutions shall meet the following requirements:
1. Legally established or registered.
2. Equipped with relevant vocational training capacity, instruction manpower, and qualified facilities.
3. Training venues meet the requirements of laws and regulations on labor safety and health.
4. With no malpractice listed in Paragraph 1 of Article 32, or Article 35 that excludes participations in the cooperative education.
5. No violation of labor laws and regulations over the past two years.
6. The number of labor contracts terminated over the past two years shall not exceed 10% of the total staff members based on Article 11 of the Labor Standards Act.
7. Not engaging in sending out its services on sites to their customers.
Concerning 3, 5, and 7 of Article 6, the required verification documents, their scopes, the confirmation process and other matters to be followed shall be formulated by the central competent authority jointly with the central labor administration competent authority.

Article 7 To conduct the cooperative education, schools shall meet the following requirements:
1. The latest school evaluation results shall be level 4 or above.
2. Evaluation results of the cooperative education shall be level 4 or above over the past three years, and the latest year's evaluation results shall be level 3 or above.
3. Every two cooperative education classes shall be assigned with five full-time teachers of that field.

Article 8 To conduct the cooperative education, schools shall submit the following documents to the competent authority for approval:
1. Cooperative education program proposal
2. Standards of credit calculation and performance evaluation
3. Vocational skill training plan for student participants
4. Counseling plan for student participants
5. Contract draft between schools and partner Institutions
6. Training contract draft for student participants
7. Partner institutions' evaluation report sheet
The counseling plan in Subparagraph 4 of Article 8 shall include life counseling and on site visits.

Article 9 To examine the proposal mentioned in the previous Article, the competent authority shall organize a cooperative education examination panel consisted of 15 to 25 people, panel members shall be selected from scholars and experts, community representatives, industry representatives, labor union representatives, teachers' organization representatives, teenagers' group representatives, school representatives, and parents' group representatives; if necessary, an expert team can be organized to conduct on-site evaluation at partner institutions.
The gender ratio for both sexes in the examination panel shall not fall below 1/3.
Regarding Paragraph 1, the composition and operation of the cooperative education examination panel and the expert team, the examination procedure,

evaluation criteria and standards, results, and other matters to be followed shall be formulated by the central competent authority.
The central competent authority shall routinely review partner institutions' industrial categories.

Article 10 Cooperative education curriculum shall be implemented according to the central competent authority's curriculum regulations.
Once student participants receive vocational skill training at partner institutions and are proved qualified in performance by schools, their training may be counted toward vocational skill training credits; those credits may not exceed one sixth of the required graduation credits. However, such credits can be extended up to 30 credits in special cases pending on the approval of the competent authority.
The benchmark, calculation method and other related regulations regarding the waiver of graduation credits through vocational training shall be formulated by the central competent authority.
Except for the vocational skill training credits in Paragraph 2 of this article, other cooperative education curriculum shall be implemented in Schools.

Article 11 Schools shall complete the following matters prior to the starting of vocational skill training at partner institutions:
1. Provide student participants with basic or pre-training to equip them with background knowledge that involves the basic skills, safety and health, work ethics, labor right and interests of the relevant vocational category.
2. Invite partner institutions to jointly hold orientations, to explain to student participants and their parents the training content, and the right and obligations of student participants during their training.
The minimum hours of basic or pre-training shall be declared by the central competent authority in accordance with the Cooperative Education processing procedures.
The central competent authority shall consult the central purposive authority on the compiling of labor right and interests manual and provide such manual to the schools for their basic or pre-training.

Article 12 Schools that engage in cooperative education may not conduct the following deeds:
1. Send student participants to partner institutions that are not approved by the competent authority for vocational skill training.
2. Recall student participants from partner institutions without any legitimate reason.
3. Send student participants to partner institutions for vocational skill training during schools' teaching instruction period.
4. Discriminate against student participants after they file a complaint or request for mediation based on this Act.

Article 13 Schools shall assign teachers to visit partner institutions without prior notice at least once every two weeks, in order to understand how student participants receive vocational skill training and whether partner institutions enforce training according to cooperative education contracts and the training contracts of student participants, to insure student participants are counseled toward receiving good training.
Teachers shall report to schools immediately once they discover that partner institutions fail to operate based on vocational skill training plan or fail to abide by cooperative education contracts or the training contracts of student participants.
After receiving teachers' report, schools shall request partner institutions to improve their practices immediately, and properly follow up and record the improvement in details and submit these reports to the competent authority for their reviews and evaluation.

Article 14 The total of students participants, apprentices, trainees, interns and other people that belong to the trainee and interns category, as defined in the Labor Standards Act, that are recruited by partner institutions, may not exceed 1/4 of the total labor force of the

institutions; for individual partner institution, the number of people in rotation for each period of time may not be less than two.
The calculation of the total number of the recruited labor may not include foreigners hired according to Subparagraph 10 and 11 of Paragraph 1 of Article 46 of the Employment Services Act.

Article 15 Schools and partner institutions shall not agree on any considerations such as paying rewards, payment, gifts, bonus, rebates or commissions to the other party in the name of any nominal transactions.

Chapter III Cooperative Education Contracts and the Training Contracts of Student Participants
Article 16 After the competent authority approves schools' establishment of the cooperative education, schools shall sign cooperative education contracts with partner institutions, and submit the contracts to the competent authority for further references; the contracts shall include the following terms and components:
1. Name of the cooperative education program
2. Budget and agenda of the cooperative education program
3. The vocational skill training plan for student participants
4. The skill, life and career counseling to student participants provided by the partner institutions
5. The establishment and operation of cooperative education coordination committee
6. The number of students and the period of time assigned by schools for training at partner institutions
7. Standards of credit calculation and performance evaluation
8. Origin of incidents and procedures for schools to recall student participants
9. Partner institutions shall accept the procedure and approach as requested by schools and visiting teachers for their improvement.
10. Appropriate arrangement of accommodations, transportation, living allowance and its adjustment, payment method, and calculation standards.
Regarding Subparagraph 3 in the previous Paragraph, vocational skill training plan of student participants shall include training courses, content, approaches, periods, daily schedule, break time, and legal holidays.

Article 17 Based on Paragraph 1 of the previous Article on the content of cooperative education contracts, partner institutions shall sign the training contracts of student participants in written forms, and submit the contracts to the competent authority for further references; the contracts shall include the following terms:
1. The vocational skill training plan of student participants
2. Labor insurance and group insurance
3. The issuing of training certificates
4. Origin of incidents and procedures of contract termination
5. Arrangement of accommodations, transportation, living allowance and its adjustment, payment method, and calculation standards.
6. Handling of appeals and mediation that are related to the right and interests of student participants
Schools shall assist its student participants in signing their training contracts with partner institutions.
If student participants are minor, the signing of training contract shall be granted with permission from his/her guardians.
Regarding the format and content of student participants' training contracts in Paragraph 1, the central competent authority shall formulate a contract template along with terms that shall and shall not be recorded.

Article 18 Partner institutions shall not engage in the following behaviors:
1. Require student participants to pay any training expenses.
2. Require student participants to pay deposit.
3. Formulate regulations of accommodations, transportation, living allowance and its adjustment, payment method, and standards of calculation that are not in accordance with Subparagraph 10 of Paragraph 1 of Article

16.
4. Deprive student participants of their right in requesting damage compensation, or restrict the amount of damage compensation.
5. Give extra hours of training or promote products to student participants.
6. Require student participants to pay penalty for breach of contracts when they terminate contracts earlier than specified.
7. Deduct the living allowance of student participants when they violate working regulations.
8. Restrict the employment freedom of student participants after the termination of contracts.
9. Other relevant behaviors that deprive student participants of their right and interests.
The contract shall be void if any of the aforementioned terms is contained.

Article 19 If student participants cause any incident that contributes to the termination of contracts during the training period at partner institutions, the partner institutions shall coordinate with schools to counsel their student participants within three days from the date the institutions become aware of the incident; partner institutions that do not follow this process within time limit may not use the incident as an excuse to terminate the training contracts of student participants.
If partner institutions follow the regulations in the previous Paragraph to coordinate with schools to counsel the student participants, and no improvement is seen in two weeks, partner institutions may terminate the training contracts of student participants, and report to the competent authority for further references.

Article 20 Student participants that encounter controversies due to cooperative education matters may request for schools' mediation, or file complaints to schools' competent authority.
To conduct a mediation meeting regarding the previous Paragraph, schools shall invite representatives from partner institutions, the students and their parents, experts and scholars to participate, and shall have the competent authority representatives in attendance; during the meeting one person shall be elected as the chair of the meeting; minutes of the mediation meeting shall be recorded and submitted by schools to the competent authority for further references. Partner institutions shall implement the resolution reached in the mediation meeting.
Mediation in Paragraph 1 does not affect other right and remedies of student participants or partner institutions.
To review the complaint regarding Paragraph 1, schools' competent authority shall select 7 to 15 scholars and experts who have expertise in education, psychological counseling, law, labor affairs, etc. to form a Complaint Review Committee; the gender of both sexes shall exceed 1/3 in this committee; regulations of its organization, operation, and other relevant matters shall be formulated by the corresponding competent authorities.
Chapter IV Right of Student Participants and its Protection

Article 21 To protect the right of student participants, partner institutions shall fulfill the following obligations:
1. Abiding by the training contract; partner institutions shall provide student participants with a decent training environment, where students participants are placed to receive training and to develop positive work attitudes, safety awareness and code of ethics.
2. The aforementioned training shall be tailored to students' vocational category where they belong. Social care must be given to student participants' physical and mental conditions during the course of training.
3. During the course of training, partner institutions shall assign instructors to supervise the vocational training of student participants and to provide them with counseling.
4. When scheduling training sessions for student participants, partner institutions shall not violate students' rights to attend classes in schools or to learn and receive training in other organizations.

5. Partner institutions shall increase the amount of living allowance to student participants annually based on their learning performance and seniority.
6. Articles of the Labor Insurance Act shall apply mutatis mutandis to student participants when partner institutions apply for labor insurance for the students.
7. Partner institutions shall have attendance records or attendance cards prepared for student participants, which keep track of students' training. These records or cards shall be kept for one year.
Partner institutions shall provide labor insurance for student participants, and the labor insurance shall specify starting date and expiration date, monthly covered salary and its adjustment, premiums, payment of premium, grace period for payment of premium, collection and handling of delinquency charges, insurance benefit calculation and payment, and other matters concerning insurance shall apply mutatis mutandis to Articles of the Labor Insurance Act and other relevant regulations.
If student participants unlawfully violate the rights of others while engaging in vocational training, partner institutions shall be liable for the damage compensation. However, damage caused by the intentional misconduct or gross negligence on the part of student participants shall not be subject to the provisions of this paragraph.

Article 22 Partner institutions shall provide living allowance and an itemized list of the allowance in accordance with students' training contracts.
The aforementioned living allowance shall be no less than the basic wage as stipulated in the Labor Standards Act and shall be paid in legal tender.
Living allowance shall be paid each month directly to student participants in full amount, unless stipulated otherwise by law that relevant expenses may be deducted.
Partner institutions shall not deduct living allowance in advance as penalty fees or compensation.

Article 23 Prior to the signing of training contracts with student participants, partner institutions shall deposit a certain amount of funds with schools, who shall then deposit the funds to their special accounts. When students' requests for living allowance are denied by partner institutions, the requests shall then be granted through the funds. Schools shall return the rest of the funds to partner institutions following the terminations of students' training contracts.
The amount of the fund to be deposited shall be formulated by the central competent authority.

Article 24 Student participants' training hours shall not exceed eight hours a day. The total number of training hours every other week shall be less than eighty hours, and training shall not take place between eight o'clock in the evening and six o'clock in the next morning.
When student participants are trained for four consecutive hours, they shall have a break of no less than thirty minutes.
During the course of the training, student participants shall have a day off within seven days as a legal holiday.
During the course of the training, student participants shall take the holidays off as stipulated in the Labor Standards Act.
Female students may apply for a one-day menstrual leave each month if they have difficulties receiving training due to their menstrual period.
Partner institutions may apply for the competent authority's approval of setting different starting and ending time for students' training and breaks, if the institutions have special needs because of their business nature, job characteristics, seasons, locations, or industrial categories and meet the following requirements:
1. The student participants shall be sixteen years of age or above.
2. The partner institutions shall provide necessary secure sanitation utilities.
3. The partner institutions shall provide transportation vehicles or arrange accommodation for students if no public transportation is available for them.

Regarding the previous Paragraph, partner institutions and student participants that have both agreed to different training time shall not have training sessions between ten o' clock in the evening and six o' clock in the next morning.
The starting and ending time of the training, including the training time and the breaks in between shall not exceed twelve hours in total each day.

Article 25 When student participants create hazards and disasters, which in turn, cause death, disability, injury or illness, partner institutions shall apply mutatis mutandis the regulations of compensation for occupational accidents stipulated in Chapter 7 of the Labor Standards Act to make compensations.
The standards of calculating compensation shall be based on wage that is no lower than the basic wage stipulated in the Labor Standards Act.
Student participants that are not insured by the Labor Insurance shall apply mutatis mutandis the relevant regulations concerning workers not insured by the Labor Insurance as stipulated in the Act for Protecting Worker of Occupational Accidents.
Schools shall take the initiative to assist student participants in their request for compensation or application for assistances according to the first or the aforementioned Paragraph.

Article 26 During the course of the training, partner institutions shall not discriminate against any student participant on the basis of race, class, language, thought, religion, political party, place of origin, place of birth, age, marital status, appearance, facial features, or physical or mental disabilities.
Partner institutions shall not discriminate against student participants when they file complaints or request for mediation according to this Act.
The legal doctrine of discrimination shall be based mutatis mutandis on Employment Services Act and the relevant regulations.

Article 27 During the course of the training, partner institutions shall not discriminate against student participants on the basis of their gender or sexual orientation, and shall prevent the occurrence of any sexual harassment. Upon becoming aware of any incident of sexual harassment, the partner institutions shall take effective corrective action and remedial measures immediately.
During the course of the training, if the students suffer sexual harassment or discrimination due to their gender identity or sexual orientation, the filing of complaints, its legal requirements, and the partner institutions' liability to pay compensation for damage shall be based mutatis mutandis on the Act of Gender Equality in Employment and relevant regulations.

Article 28 When training contracts of student participants are expired or terminated due to other reasons, the partner institutions shall issue training certificates according to the Subparagraph 3 of Paragraph 1 of Article 17.
The training certificates mentioned in the previous Paragraph shall include the vocational category, training period and training hours.
Partner institutions may give hiring priority to those who obtain a training certificate and demonstrate excellent performance during the course of the training.
Chapter V Supervision over the Cooperative Education

Article 29 Competent authorities at all levels shall join the local purposive authority to review and examine the cooperative education between schools and partner institutions. Prior to its review and supervision, the central competent authority shall formulate the content, approaches, standards, rewards and penalties, and directions for other matters to be followed.

Article 30 During the review and supervision according to the previous Article, if any violation of laws governing construction, fire protection, labor safety and health, sanitation or any other matters come to the notice

of competent authorities at all levels, the competent authorities shall inform the purposive authority to address these issues according to relevant regulations.
Partner institutions that give priority hiring to excellent students according to Paragraph 3 of Article 28 may be listed for future references by the competent authority in following academic years.

Chapter VI Penalties
Article 31 Schools that violate Paragraph 1, 3 or 4 of Article 12 shall be assessed a fine no less than NT$50,000 but no more than NT$ 250,000 for each violation. A serious violation may result in the reduction of the number of students enrolled in the cooperative education program in the next academic year, the termination of some cooperative education classes, or the suspension of cooperative education program for two years.

Article 32 If partner institutions commit any of the following violations, the institutions shall be assessed a fine no less than NT$50,000 but no more than NT$ 250,000 for each violation. If the partner institutions fail to redress previous violations after two consecutive punishments, they shall not participate in the cooperative education program in the next three years, and names of the institutions and persons who are in charge of the institutions shall be revealed to the public.
1. Violation of Article 14 by over-recruiting students or failing to reach the minimum number of people in rotation in each period.
2. Commitment of the violation of Paragraph 1 of Article 18.
3. Failure to fulfill the obligation to protect the right and interests of student participants stipulated in Subparagraph 1 to 3, 5 or 7 of Paragraph 1 of Article 21.
4. Violation of Article 22 by failing to provide student participants with living allowance and an itemized list of the allowance as stipulated in students' training contracts, failing to provide living allowance no less than the basic wage as stipulated in the Labor Standards Act, failing to provide living allowance in the legal tender, failing to provide the full amount of living allowance each month, or deducting living allowance in advance.
5. Failure to deposit funds according to Article 23.
6. Failure to schedule students' training time and breaks according to Article 24.
7. Failure to make compensation payment to student participants according to Paragraph 1 and 2 of Article 25.
8. Violation of Paragraph 1 and 2 of Article 26 by discriminating against student participants.
9. Violation of Paragraph 1 of Article 27 by discriminating against student participants, failing to prevent the occurrence of any sexual harassment, or failing to take effective corrective action and remedial measures immediately.
Partner institutions that violate Subparagraph 6 of Paragraph 1 or Paragraph 2 of Article 21 shall be punished by the labor insurance competent authority according to the Labor Insurance Act. Nonetheless, partner institutions that violate Subparagraph 6 of Paragraph 1 of Article 21 by failing to provide labor insurance to student participants, and thus committing the violation stipulated in Paragraph 3 of Article 25, shall be punished by the central labor administration competent authority according to the Act for Protecting Worker of Occupational Accidents.

Article 33 Schools and partner institutions that violate Article 15 by engaging in any agreement on consideration such as rewards or commissions to the other party in the name of any nominal transaction shall be assessed a fine no less than NT$50,000 but no more than NT$ 250,000 for each violation.
When representatives, managers or any other agents that represent the schools or the partner institutions execute their duties and result in the imposition of penalties on the schools and the institutions pursuant to the previous Paragraph, these people shall be fined the same amount.

Article 34 If schools commit any of the following violations, schools

shall be given a designated period of time to redress the violation. If no improvement is made, schools shall be assessed a fine no less than NT$10,000 but no more than NT$ 50,000 for each violation. A serious violation may result in the reduction of the number of students enrolled in the cooperative education program in the next academic year, the cancellation of some cooperative education classes, or the suspension of the cooperative education program for one to two years.
1. Failure to count students' training toward their vocational skill training credits according to Paragraph 2 of Article 10.
2. Failure to provide student participants with basic or pre-training before the starting of student training at partner institutions according to the provisions in Subparagraph 1 or the stipulated hours in Subparagraph 2 of Paragraph 1 of Article 11.
3. Failure to invite partner institutions to jointly hold orientations before the start of student training at partner institutions according to Subparagraph 2 of Paragraph 1 of Article 11.
4. Violation of Paragraph 2 of Article 12 by recalling student participants from partner institutions without any legitimate reason.
5. Failure to assign teachers to visit partner institutions, to request partner institutions to improve their practices immediately, or to properly follow up and record the improvement in details
6. Failure to conduct a mediation meeting, to record minutes of the mediation meeting, and to submit them to the competent authority for further references according to Paragraph 2 of Article 20.
7. Failure to take the initiative to assist student participants in their request for compensation or application for assistances according to Paragraph 4 of Article 25.

Article 35 If partner institutions commit any of the following violations, they shall be assessed a fine no less than NT$10,000 but no more than NT$ 50,000 for each violation. If partner institutions fail to redress previous violations after two consecutive punishments, they shall not participate in the cooperative education program within the next three years, and names of the institutions and persons who are in charge of the institutions shall be revealed to the public.
1. Failure to submit the training contracts of student participants to the competent authority for further references according to Paragraph 1 of Article 17.
2. Failure to coordinate with schools to counsel student participants within three days from the date the partner institutions become aware of any incident that is accountable for the termination of contracts and use instead the incident as an excuse to terminate students' training contracts according to Paragraph 1 of Article 19.
3. Failure to implement the resolution reached in the mediation meeting according to Paragraph 2 of Article 20.
4. Violation of Paragraph 1 or Paragraph 2 of Article 28 by failing to issue training certificates or failing to include the vocational category of the training, training period and training hours.

Article 36 Partner institutions that violate Subparagraph 4 of Paragraph 1 of Article 21 shall be assessed a fine no less than NT$10,000 but no more than NT$ 50,000 for each violation.
Chapter VII Supplementary Provisions

Article 37 Since the enforcement of this Act, relevant regulations that stipulated in Chapter 8 of the Labor Standards Act that are applicable mutatis mutandis to apprentices shall no longer be applicable to student participants.

Article 38 Cooperative education programs approved before the enforcement of this Act shall be handled in accordance with the original regulations, except for those applicable to Act 23.
Article 39 This Act will be enforced on the date of promulgation.

Attachments： 總統明令公佈1020102高級中等學校建教合作 (定稿譯文,原文7387字)102.03.19.doc