

The new amendments to the Act of Gender Equality in Employment in the wave of the "MeToo" movement

Employment and Compensation | Taipei

In response to the "MeToo" movement, Taiwan's Government amended the Act of Gender Equality in Employment ("**AGEE**") on July 31, 2023. The new AGEE amendments will take effect on March 8, 2024. The following are the highlights of the AGEE amendments:



1. **Sexual harassment that occurs during non-working hours will also be covered by the AGEE.**

In the past, AGEE did not apply to sexual harassment of employees during "non-working hours" or sexual harassment by "business associates of different business units". The new amendments will cover both situations.



2. **Define "sexual harassment by a position of power," "person in charge," and related liability:**

The amendments to the AGEE have defined "sexual harassment by a position of power" and "person in charge". In particular, to curb harassment in a position of power, the court may impose punitive damages ranging from one to three times the amount of damages, which may be increased to three to five times the amount of damages if the perpetrator is the person in charge and the employer.



3. **Strengthen employers' responsibility to prevent and deal with sexual harassment:**

a. Preventive measures:

The new amendments specify employers' responsibility for preventing sexual harassment as well as the ways to prevent it, such as employee education and training.

b. Notification obligation:

Employers are obliged to notify the local authorities of the receipt of complaints and the outcome of sexual harassment investigations. If the employer fails to notify as required by law and the subsequent complainant files a complaint with the local authority against the result of the investigation, the investigation of sexual harassment conducted by the employer may be considered to be invalid due to failing to comply with the legal procedures.

c. Complaints mechanism:

Before the amendment, only employers with 30 or more employees were obligated to provide for sexual harassment prevention measures, complaints, and sanctions, and the AGEE now requires employers with more than 10 and less than 30 employees to also establish and publicize a mechanism for complaints of sexual harassment.

d. Complaints handling:

The new AGEE requires employers to investigate, make job adjustments, and provide medical or counseling assistance even after they become aware of sexual harassment "other than through complaints".

Moreover, the new AGEE specifies the contents of the employer's effective corrective and remedial measures, including segregating the complainant from the accused and providing necessary medical or psychological counseling to protect the complainant.

e. Disposition and disciplinary action against the accused:

The new amendments stipulate that the accused may be suspended or transferred to another position. If, after investigation, the accused is found not to have substantiated sexual harassment, he or she should be given back pay for the period of suspension.

The employer may also terminate the perpetrator of the sexual harassment within 30 days upon being aware of the "investigation result" if the employer or the local authority finds that there is sexual harassment and the circumstances are severe.



4. Establishment of an external complaint mechanism for the intervention of the authorities:

- a. The sexual harassment victim may file a complaint directly with the local authorities in cases where the person accused of sexual harassment is the person in charge or the employer, or if the victim is not satisfied with the results of an investigation or disciplinary action for sexual harassment by the employer.
- b. There is also a special statute of limitations for complaints filed by minors and those who have resigned from their jobs. In particular, victims who have been sexually harassed by their employers may file a complaint within one year of their resignation or 10 years of the conclusion of the sexual harassment.

If a more detailed explanation or further assistance is required, please feel free to contact us.

For more information:



Seraphim Ma
Managing Partner
+886 2 2715 7252
seraphim.ma@bakermckenzie.com



Howard Shiu
Partner
+886 2 2715 7208
howard.shiu@bakermckenzie.com



Terrence Wang
Associate
+886 2 2715 7337
terrence.wang@bakermckenzie.com

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