

# 外國專業人才延攬及僱用法 勞退新制

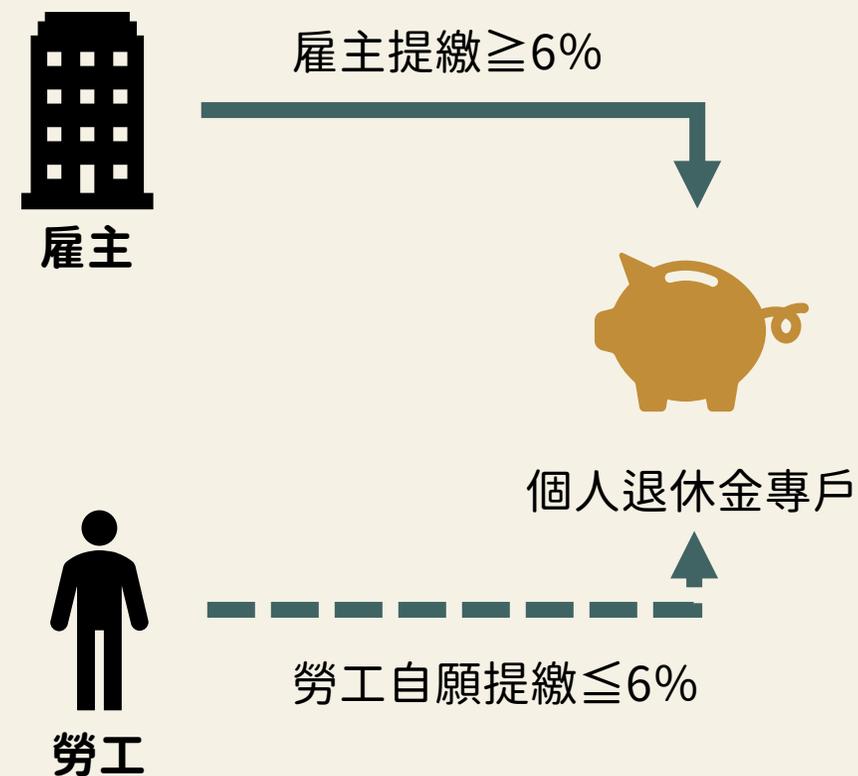


# 「新制」勞工退休金制度

我國的退休金保障，主要透過《勞工退休金條例》規範，俗稱「勞退新制」，是一個**可攜式、確定提撥制**的個人退休金帳戶，旨在保障勞工退休生活。

## 勞退新制核心概念

- **個人帳戶制**：雇主為勞工提繳退休金後，會儲存於勞工保險局所設立的勞工退休金個人專戶
- **雇主強制提繳**：適用勞動基準法之勞工，雇主每月必須為勞工提繳**不低於每月工資6%**的退休金至專戶
- **勞工自願提繳**：勞工可自行決定是否額外**自願提繳每月工資6%範圍內**的退休金，並享有稅賦優惠
- **所有權與可攜性**：專戶內的所有金額，屬**勞工個人所有**，不受轉換工作影響



# 外國專業人才適用勞退新制之時程



# 修法後之重大變革

- 過去，外國專業人才在尚未取得永久居留權前，僅能適用「勞退舊制」，須於取得「永久居留」後，方得參加「勞退新制」。
- 本次《外國專業人才延攬及僱用法》之修正，突破既有限制，明定外國專業人才**無須取得永久居留**即可適用「勞退新制」。此一調整使外國專業人才之退休金權益與本國勞工一致，有助其及早累積老年退休保障。



# 外國專業人才適用勞退新制說明（一）

自115年1月1日起，外國專業人才全面適用勞工退休金條例（勞退新制），在此之前已受僱且仍服務於同一事業單位者（現職勞工），可選擇繼續適用勞動基準法之退休金制度（勞退舊制）

115年1月1日

## 新法規生效日

- 所有新到職的外國專業人才自動適用勞退新制
- 現職勞工可以開始選擇

115年6月30日

## 選擇期限截止日

- 現職勞工選擇繼續適用勞退舊制的最後期限
- 超過期限未選擇者，將自動轉換為勞退新制

115年7月15日

## 雇主申報截止日

雇主為自動適用新制的現職勞工，辦理提繳申報的最後期限



在新法生效前（115年1月1日以前），已受僱且仍服務於同一事業單位之外國專業人才，才可選擇繼續適用勞退舊制，**且此為一次性選擇，不得反悔**

# 外國專業人才適用勞退新制說明（二）



## 現職勞工的選擇

115年1月1日前已在職，且服務在同一事業單位之現職勞工，有一次選擇機會

### 轉換至「勞退新制」

### 繼續適用「勞退舊制」

#### 條件

1. 向雇主表明選擇適用者
2. 屆期未選擇，自動適用者

必須在**115年6月30日前**，以書面向雇主表明繼續適用勞退舊制

#### 制度

勞工退休金條例

勞動基準法



#### 關鍵提醒：選擇後無法撤回

一旦選擇繼續適用勞退舊制，不得再變更為勞退新制



## 雇主的責任

### 對於適用勞退新制的勞工

#### 對象

- 1) 115/1/1以後新到職勞工
- 2) 選擇轉換新制的現職勞工
- 3) 未於期限內表態的現職勞工

#### 責任

應向勞工保險局辦理提繳手續

### 對於屆期未表態的現職勞工

#### 責任

視同選擇勞退新制，最晚應於**115/7/15**前完成申報

### 對於選擇繼續適用勞退舊制的現職勞工

#### 責任

收到勞工聲明後，繼續依勞基法退休金制度規定辦理，並妥善保管員工聲明書

# 退休金專戶運作與請領規定

個人退休金專戶內的退休金，由政府進行**投資運用及盈虧分配**，在請領時並提供保證收益，確保領取退休金的權利。



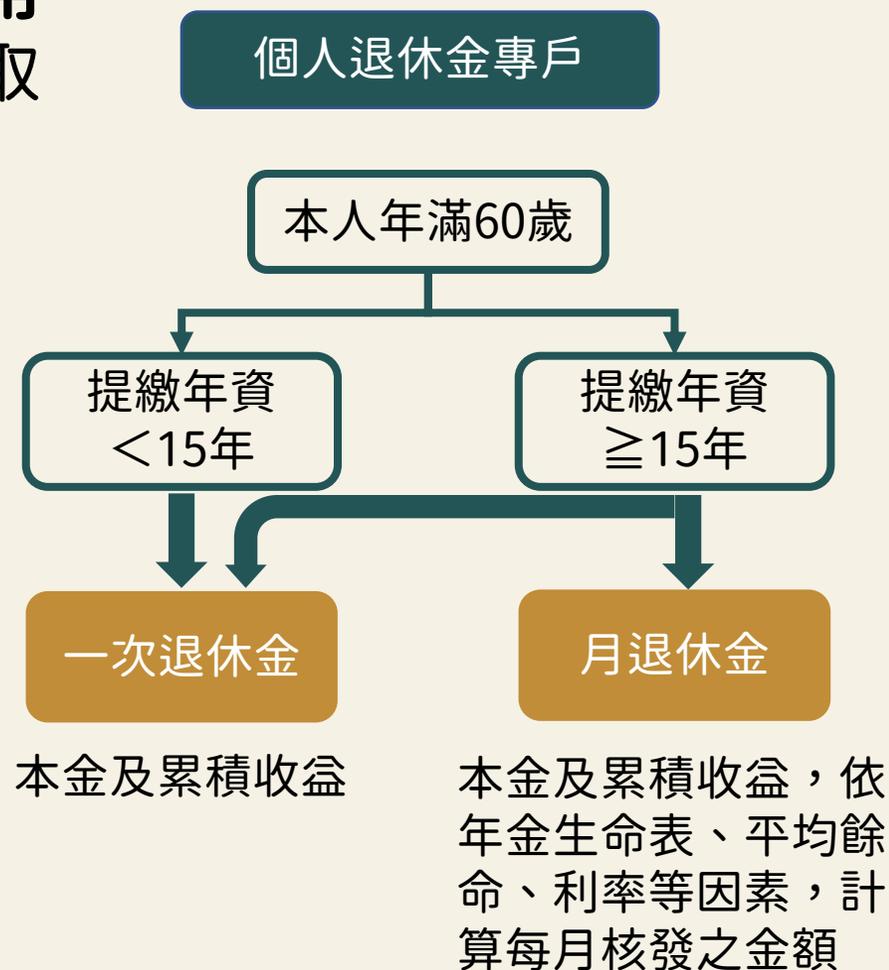
## 保證收益

退休金的運用收益，不得低於當地銀行**二年定期存款利率**計算的收益。如有不足，由國庫補足。



## 請領條件

- 年齡：年滿**60歲**
- 本人請領方式
  - ◎ 提繳年資**滿15年**：可選擇「月退休金」或「一次退休金」
  - ◎ 提繳年資**未滿15年**：請領「一次退休金」
- 請領前死亡：由**遺屬或指定請領人**請領「一次退休金」



# **Act for the Recruitment and Employment of Foreign Professionals New Labor Pension System**

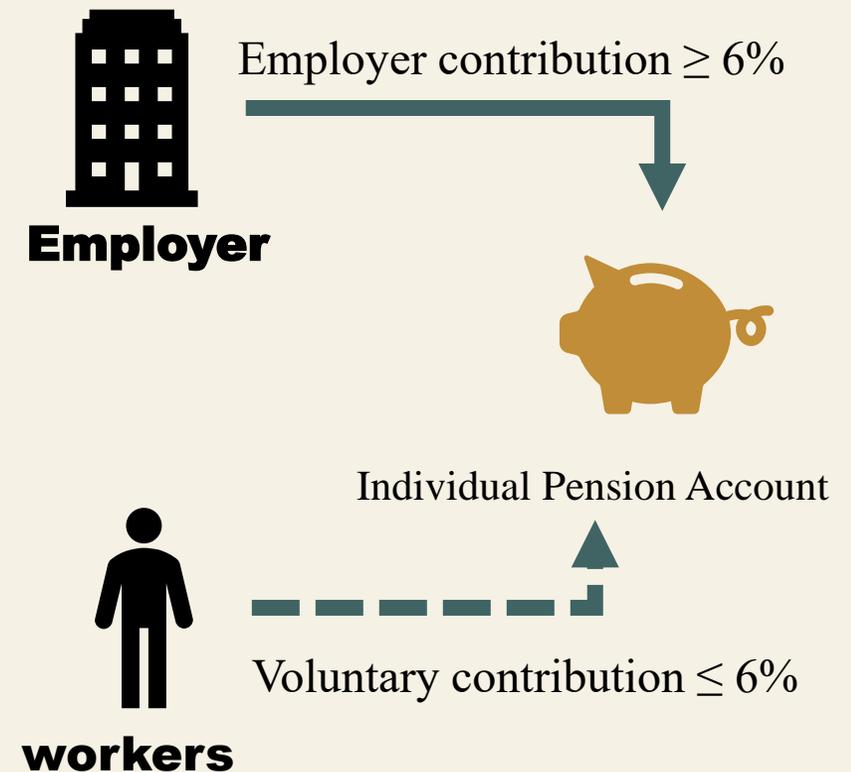


# New Labor Pension System

In Taiwan, retirement protection is mainly governed by the “Labor Pension Act”, known as the New Labor Pension System. It is a portable, defined-contribution individual pension account designed to secure workers’ retirement lives.

## Core Features of the New Labor Pension System

- **Individual Account System** : After the employer contributes labor pension funds for the worker, the contributions are deposited into an individual labor pension account established at the Bureau of Labor Insurance.
- **Mandatory Employer Contributions** : For workers covered by the Labor Standards Act, employers must contribute no less than 6% of the worker’s monthly wages to the individual pension account.
- **Voluntary Employee Contributions** : Workers may choose to make additional voluntary contributions of up to 6% of their monthly wages and enjoy corresponding tax incentives.
- **Ownership and Portability** : All amounts in the individual pension account belong solely to the worker and are not affected by changes in employment.



# Timeline for Foreign Professionals' Eligibility for the New Pension System

**2018.02.08**

**“Act for the Recruitment and Employment of Foreign Professionals” (攬才專法)**

Foreign professionals who are hired to engage in professional work, and who have been approved for permanent residence by the National Immigration Agency, Ministry of the Interior

**2021.07.07**

**”Act for the Recruitment and Employment of Foreign Professionals” amended and promulgated**

Foreign professionals who engage in professional work, and who have been approved for permanent residence **“in accordance with the provisions of this law”** by the National Immigration Agency, Ministry of the Interior

**2019.05.15**

**“Labor Pension Act” amended and promulgated**

Foreign citizens who are permitted to reside permanently in accordance with the relevant provisions of the Immigration Act (Including foreign professionals )

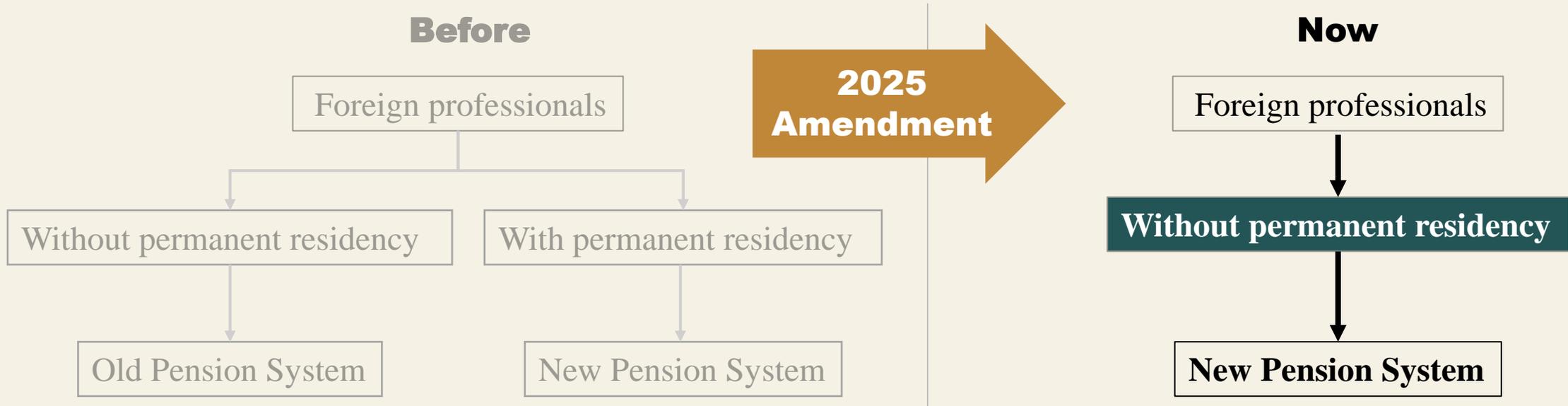
**2025.09.24**

**”Act for the Recruitment and Employment of Foreign Professionals” amended and promulgated**

Foreign professionals who engage in professional work, **“Without permanent residency”**

# Major Regulatory Changes

- Previously, foreign professionals who had not yet obtained permanent residency were only eligible for the “Old Labor Pension System” and could participate in the “ New Labor Pension System ” only after acquiring permanent residency.
- The recent amendment to the *Act for the Recruitment and Employment of Foreign Professionals* removes this restriction, explicitly allowing foreign professionals to participate in the New Labor Pension System without obtaining permanent residency. This change aligns their pension rights with those of domestic workers and helps them accumulate retirement protection earlier.



# Explanation on the Application of the New Labor Pension System to Foreign Professionals (1)

Starting from January 1, 2026, all foreign professionals will be covered by the Labor Pension Act (the New Labor Pension System). Those who were already employed before this date and continue to work for the same employer (current employees) may choose to remain under the retirement pension system of the Labor Standards Act (the Old Labor Pension System).

**2026.01.01**

## Effective Date of the New Regulations

- All newly hired foreign professionals will automatically be covered by the New Labor Pension System.
- Current employees may begin making their selection.

**2026.06.30**

## Deadline for Selection

- This is the final date for current employees to choose to remain under the Old Labor Pension System.
- Those who do not make a selection by the deadline will be automatically transferred to the New Labor Pension System.

**2026.07.15**

## Employer Reporting Deadline

This is the final date for employers to complete contribution reporting for current employees who automatically fall under the New Labor Pension System.



Only foreign professionals who were already employed and remained with the same employer before the effective date (i.e., before January 1, 2026) may choose to remain under the Old Labor Pension System, and **this is a one-time, irrevocable choice.**

# Explanation on the Application of the New Labor Pension System to Foreign Professionals (2)



## Selection for Current Employees

Current employees who were already employed before **January 1, 2026**, and continue to work for the same employer are granted a one-time opportunity to make their selection.



### Transition to the New Labor Pension System

- Conditions**
1. Those who indicate to their employer that they opt to be covered by the New Labor Pension System.
  2. Those who do not make a selection by the deadline and are automatically covered by the New Labor Pension System.

**System**

Labor Pension Act

### Continuing under the Old Labor Pension System

A written declaration must be submitted to the employer by **June 30, 2026**, indicating the choice to remain under the Old Labor Pension System.

Labor Standards Act



### Key Reminder: The Choice Is Irrevocable

Once the option to remain under the Old Labor Pension System is selected, it may not be changed to the New Labor Pension System.



## Employer Responsibilities

### For employees covered by the New Labor Pension System

**Applicable**

- 1) Employees newly hired on or after January 1, 2026
- 2) Current employees who choose to switch to the New Labor Pension System
- 3) Current employees who do not make a declaration within the selection period

**Responsibility**

The employer must complete the contribution registration procedures with the Bureau of Labor Insurance.

### For current employees who do not make a declaration within the deadline

**Responsibility**

They are deemed to have opted for the New Labor Pension System, and the employer must complete the required reporting no later than **July 15, 2026**.

### For current employees who choose to remain under the Old Labor Pension System

**Responsibility**

Upon receiving the employee's written declaration, the employer shall continue to follow the retirement pension rules under the Labor Standards Act and properly retain the employee's declaration form.

# Operation of Pension Accounts and Benefit Claim Rules

The funds in an individual labor pension account are invested and managed by the government, with gains and losses allocated accordingly. A guaranteed minimum return is provided at the time of withdrawal to ensure the worker's entitlement to receive pension benefits.

## Guaranteed Rate



The return rate generated from the utilization of workers' pension shall not be less than the interest rate of a **two-year fixed term deposit by local banks**. In the event of any deficiency, the Treasury shall make up the shortfall.

## Eligibility for Benefit Claims



- Age: **60** years or older
- **Methods of Claiming Benefits**
  - With at **least 15 years** of contributions: May choose to receive either monthly pension payments or a lump-sum payment.
  - With **less than 15 years** of contributions: Eligible to claim a lump-sum payment.
- If a worker dies before claiming pension, his/her **survivors or designated person** shall claim for the lump-sum payment which would have been claimed upon the worker's retirement.

## Individual Pension Account

Workers aged 60 years and older

seniority < 15 years

seniority  $\geq$  15 years

a lump-sum payment

monthly payments

The principal and accrued dividends from a worker's individual labor pension account are claimed in a lump sum at one time

The amount of each installment shall be calculated based upon the life chart of annuity, average life expectancy, interest rate and other factors.