

Q 在事業單位工作之移工 於例假日可以加班嗎？



因為地震導致需要緊急搶修，老闆要求所有休假的員工都要回到公司上班，但當天剛好是我的例假日。聽說例假日不管如何都不能加班，是真的嗎？



A

依據勞動基準法規定，例假日僅在遇到天災、事變或突發事件時，才得以使勞工出勤，除此之外皆屬於違法加班。

提醒您，若於例假日加班，除加班費加倍發給之外，雇主也應於事後提供補休。

Q

แรงงานต่างชาติในสถานประกอบการสามารถทำโอทีในวันหยุดประจำสัปดาห์ได้หรือไม่?



เนื่องจากเกิดแผ่นดินไหวทำให้ต้องรีบทำการซ่อมแซมอย่างเร่งด่วน ถ้าแก่สั่งให้พนักงานที่หยุดพักทุกคนกลับมาทำงานแต่นั้นเป็นวันหยุดประจำสัปดาห์ของผม ได้ยินว่าในวันหยุดประจำสัปดาห์ห้ามทำโอที จริงหรือเปล่า?



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กฎหมายมาตรฐานแรงงาน กำหนด วันหยุดประจำสัปดาห์ห้ามทำงานล่วงเวลาหรือทำโอที ยกเว้นมีเหตุฉุกเฉินหรือภัยธรรมชาติ มิฉะนั้นจะถือว่าเป็นการทำงานล่วงเวลาที่ผิดกฎหมาย

ขอแจ้งให้ท่านทราบว่า ทำโอทีในวันหยุดประจำสัปดาห์นอกจากได้รับค่าจ้างเพิ่มขึ้นอีก 1 เท่าของค่าจ้างแล้ว นายจ้างยังต้องให้วันหยุดชดเชยด้วย

Q Can foreign workers employed in Taiwan work overtime on a day off?



Emergency repairs were required after an earthquake and my boss asked everyone on leave to come into work, but that day just happened to be my fixed day off and I heard you are not allowed to work on your day off is that true?



A Based on the Labor Standards Act, workers only have to work on their day off when there is a natural disaster, an incident or emergency situation. Any other reason constitutes illegal overtime.

Remember, if you work overtime on your day off you should be paid at a higher overtime rate and the employer is also required to provide a compensatory day off.

Q

Người lao động nhập cư làm việc tại tổ chức công có được làm thêm vào ngày nghỉ bắt buộc không?



Vì cần phải sửa chữa khẩn cấp do động đất, nên sếp tôi yêu cầu tất cả nhân viên đang nghỉ phép phải đến công ty làm việc, nhưng hôm đó lại là ngày nghỉ bắt buộc của tôi. Tôi nghe nói, không được làm thêm giờ trong ngày nghỉ bắt buộc, điều này có đúng không?



A

Theo Luật Tiêu chuẩn Lao động, trong ngày nghỉ bắt buộc, chỉ có thể yêu cầu người lao động làm việc khi có thiên tai, tai nạn hoặc tình huống khẩn cấp xảy ra, nếu không, việc làm thêm giờ là bất hợp pháp.

Nhắc nhở bạn, nếu làm thêm giờ vào ngày nghỉ bắt buộc, ngoài việc được trả lương làm thêm giờ gấp đôi, người sử dụng lao động còn phải cho bạn thời gian nghỉ bù sau đó.

Q Apakah pekerja migran boleh lembur pada hari libur yang telah ditetapkan pihak pemberi kerja?



Dikarenakan keperluan perbaikan darurat akibat gempa, maka majikan meminta karyawan yang tengah beristirahat untuk kembali bekerja, akan tetapi pada hari tersebut kebetulan adalah hari libur saya. Dengar-dengar, ada ketentuan bahwa karyawan sama sekali tidak boleh lembur pada hari liburnya, apakah ini benar?



A Menurut UU Standar Perburuhan mengatur, apabila hari libur terjadi bencana alam, kejadian atau keadaan darurat, pihak pemberi kerja baru boleh meminta pekerja bekerja, di luar kondisi tersebut dianggap pelanggaran dalam kerja lembur.

Pesan Peningat: Apabila lembur pada hari libur, selain perhitungan upah pada hari tersebut 2 kali lipat, majikan juga harus memberikan hari istirahat pengganti setelahnya.