

捌、作業與技能訓練相關事項

V. Works and Skill Training

問 8-1、收容人在矯正機關內是否需要作業？作業項目有哪些？

Q8-1: Are inmates required to work while in the correctional facility? What are the work programs?

答：

- 一、受刑人除罹患疾病、入監調查期間、戒護安全或法規別有規定者外，均應參加作業；被告得依其志願選擇參加作業與否。至於收容少年、學生、受觀察勒戒人及受戒治人等，則依其處遇需要，從事適當之教化活動、習藝或技能訓練等。
- 二、作業方式包含自營作業、委託加工作業、指定監外作業、視同作業等：
 - (一)自營作業：指由矯正機關依其特性發展具技術性及效益之作業項目，從自購原料、機具設備，到從事生產製造及行銷，均以自給自足、永續發展之理念營運。
 - (二)委託加工作業：指外界廠商委託矯正機關承製或代工產品，由於必須在矯正目的、機關安全及外界廠商需求間取得平衡，因此多為無戒護安全顧慮之作業項目為主。
 - (三)指定監外作業：指受刑人在非監獄管理之其他特定場所工作，其包含戒護監外作業及自主監外作業。
 - (四)視同作業：指受刑人協助機關內炊事、打掃、營繕、看護及其他由監獄指定之維持機關日常清潔及運作等作業。

A:

1. Prisoners should participate in work unless they suffer from a disease, are within the period of admission investigations, are placed under enhanced security, or where it is specified in other laws. Defendants in detention participate in work if they are so willing. As for juvenile inmates, students, delinquents under rehab and observation and individuals receiving rehabilitation (detoxification) treatment, they may participate in edification activities, learn crafts or receive skill training based on rehabilitation needs.
2. The types of work include work run by the correctional facility, processing work consigned by others, designated work outside prison, and comparable work.
 - (1) Work run by the correctional facility: These are work programs that are technical and cost effective, and developed by the correctional facility based on its characteristics. The program stresses self-sufficiency from the purchase of raw materials, machines and equipment to production, marketing and sales, and is guided by the concept of sustainable development.

- (2) Processing work commissioned by others: These works refer to manufacturing or processing of products commissioned by outside businesses. As this type of work must seek a balance between correction purpose, security of the facility and demand of the outside business, it is mostly works without security concern.
- (3) Designated work outside prison: It means prisoners working in specific places that are not under prison control, including guarded external work and autonomous external work.
- (4) Comparable work: Prisoners engaging in cooking, cleaning, repair and maintenance, caretaking, and other tasks assigned by the prison to maintain the daily cleaning and operations of the prison shall be regarded as work.

問 8-2、作業有領薪水嗎？勞作金（薪水）是否可以自由動支？

Q8-2: Do inmates get paid for their work? Can inmates draw on their labor income (salary) at will?

答：

- 一、凡參加作業之收容人均應給與勞作金，並依其實際作業時間及勞動能率合併計算給與之。
- 二、第四級、第三級、第二級、第一級受刑人得准其於每月所得作業勞作金五分之一、四分之一、三分之一、二分之一範圍內自由使用。惟收容人如有動用非自由使用勞作金之需求時，應敘明用途、品項、使用額度或其他事由，經機關長官核准後始得動支。
- 三、非自由使用部分則由矯正機關予協助儲蓄，於出監(所)時發還，做為日後更生之用。

A:

1. Inmates who work will receive labor income. The payment amount is calculated based on inmate's actual work time and labor productivity.
2. Level 4, Level 3, Level 2 and Level 1 prisoners may use freely 1/5, 1/4, 1/3 and 1/2 of their labor income generated every month respectively. However, when inmates need to draw on labor income that is not at their direct disposal, they should provide the prison with use purpose, items to purchase, amount needed or other information and may draw on their income after a senior prison official has given approval.
3. The portion of labor income which prisoners may not use freely will be saved by the prison on their behalf and returned to them upon release.

問 8-3、收容人可以參加職業訓練嗎？能否取得證照？

Q8-3; Can inmates attend vocational training? Can they receive license or certificate?

答：

- 一、矯正機關對於收容人之職業訓練非常重視，其目的是使收容人學得一技之長，俾利離開矯正機關後易於謀職。因此，收容人可以依其志趣報名參加職業訓練。

- 二、各矯正機關對於參加各職類技能訓練之收容人，除其他法令另有規定外，其遴選應符合下列條件：
- (一)最近半年內無妨害監獄秩序或安全之行為而受懲罰。
 - (二)結訓後五年內合於報請假釋（免訓、停止執行）要件或期滿出矯正機關者。但有特殊情形經法務部矯正署核准者，不在此限。
 - (三)非隔離犯者。
- 三、矯正機關收容人之職業訓練分為考取證照技訓班及短期技訓班，如收容人參加考取證照技訓班，結訓後經參加勞動部勞動力發展署或其他專業機構舉辦之技能檢定合格，即可取得證照。

A:

1. Correctional facilities place high importance on the vocational training of inmates. The purpose is to enable them to learn a skill that will help them find a job more easily after they leave the facility. Thus inmates are allowed to enroll in vocational training programs based on their interests.
2. Unless it is otherwise provided by laws, correctional facilities will select inmates who meet the following criteria to attend training programs:
 - (1) Having not been punished for any act that disrupts the order or security of prison in the past six months;
 - (2) Will be eligible for parole (exemption from training or suspension of enforcement of sentence) or release from the correctional institution within five years after the completion of training, unless it is otherwise approved by the Agency of Corrections due to some special circumstances; and
 - (3) Not held in isolation.
3. Vocational training for inmates may be skill training courses for license/certification and short-term skill training course. Inmates who attend skill training courses for license/certification may receive a license/certificate after they have completed the course and passed the skill test offered by the Workforce Development Agency under the Ministry of Labor or other professional institutions.

問 8-4、機關是否有辦理就業宣導或職業介紹？

Q8-4: Do correctional facilities offer employment guidance or employment services?

答：

- 一、各矯正機關每月邀請勞動部勞動力發展署各分署或縣市政府就業服務機構或更生保護會各分會人員，蒞監辦理促進就業課程，提供即將出監之收容人就業資訊、職業介紹宣導及就業輔導，以熟悉就業與職訓相關資訊，並配合勞動部「一案到底」就

業服務，依出監收容人意願轉介公私立就業服務機構，俾利出獄後，謀職就業能無縫接軌。

- 二、收容人離開矯正機關後，可攜帶出監(所、校)證明，至戶籍所在地之更生保護會尋求協助，或親臨各地就業服務中心(站)櫃台或勞動部勞動力發展署網站，申請就業媒合、查詢職業技能訓練班別等，對於有意創業者，亦可向戶籍所在地之更生保護會尋求資源協助。

A:

1. Correctional facilities invite Workforce Development Agency, the employment service units of city or county governments, or personnel of the Taiwan After-Care Association every month to supervise the employability enhancement courses, provide inmates who will soon be released job information and guidance to help them get familiar with employment and vocational training information. Correctional facilities also coordinate with the “One Case by One Steward” employment service of the Ministry of Labor by referring released inmates to public or private employment service agencies based on their wishes. The aim is to help inmates find jobs immediately after release.
2. Inmates who are released can go to a local after-care association to seek assistance (they need to present their certificate of release) or visit a local employment service center (station) or the website of Workforce Development Agency to apply for job matching or inquire the availability of vocational training classes. Inmates who wish to start their own business can also seek resource assistance from the after-care association at the place of their household registration.