

Ministry of Labor Unfair Labor Practice Decision Document
Year 115, Lao-Cai-Zi No. 6

Applicant: TaiDoc Technology Corporation Enterprise Union

No. 14, Lane 158, Sec. 1, Zhongshan Rd., Banqiao Dist., New Taipei City

Representative: Elizabeth Suyman Basas

Same as above

Agent: Attorney Xu-Tai Wu

1F., No. 1, Lane 883, Zhongzheng Rd., Xinzhuang Dist., New Taipei City

Respondent: TaiDoc Technology Corporation

6F., No. 127, Wugong 2nd Rd., Wugu Dist., New Taipei City

Representative: Chao-Wang Chen

Same as above

Agents: Ching-Mao Huang, Meng-Zhen He, Ru-An Li, Guo-Jie Huang

All same as above

The dispute over unfair labor practices between the aforementioned parties concluded its interrogation procedure before the Unfair Labor Practice Decision Committee of this Ministry (hereinafter referred to as "the Committee") on May 29, State Calendar Year 115 (2026), and the decision was made on the same day as follows:

Main Text

1. It is confirmed that the Respondent's actions of dismissing the Applicant's Union President Elizabeth Suyman Basas on February 6, Year 115, and dismissing Union officers Liezle Saludar Tenorio, Kemberley Arias Lucero, Joana Rose Bayangos Delos Santos, Nadine Leigh Tallada Almario, Roda Catudio, and Remy Asebuque Batuampo on February 10, Year 115, constitute unfair labor practices under Subparagraphs 1 and 5, Paragraph 1, Article 35 of the Labor Union Act.
2. It is confirmed that the Respondent's aforementioned dismissal actions on February 6, Year 115, and February 10, Year 115, are null and void.
3. The Respondent shall reinstate the 7 individuals mentioned in the first item to their original positions as operators from the day following the delivery of this Decision Document.
4. The Respondent shall pay each of the 7 individuals mentioned in the first item their respective wages as listed in the "Agreed Wages" column of the attached table on the scheduled payday of every month, starting from their respective dismissal dates shown in the "Date of Dismissal" column until the day before their actual reinstatement. Statutory interest shall be calculated at an annual rate of 5% from the day following each monthly payday until the date of full payment.
5. Within 30 days from the day following the delivery of this Decision Document, the Respondent shall replicate the full text of this Decision Document in its original size and post it in both Chinese and English parallel versions at the following locations for at least 30 consecutive days:
 - (1) The elevator bulletin boards inside the Respondent's headquarters (Address: 6F., No. 127, Wugong 2nd Rd., Wugu Dist., New Taipei City) and Wugu Plant (Address: 3F., No. 126, Wugong 2nd Rd., Wugu Dist., New Taipei City).
 - (2) The "News" section on the homepage of the Respondent's official website (URL: <https://www.taidoc.com/tw/>).
 - Evidence of the aforementioned public notices shall be submitted to the Ministry of Labor for record-keeping.
6. The remainder of the application is dismissed.

Facts and Reasons

I. Procedural Matters:

1. According to the Act for Settlement of Labor-Management Disputes and the Regulations for Unfair Labor Practice Decisions, there are no restrictions prohibiting an applicant from appending or modifying the requested relief, nor is an applicant barred from supplementing or correcting factual or legal statements without altering the subject matter of the dispute (referencing Article 256 of the Code of Civil Procedure). Therefore, this Committee holds discretionary power to permit such additions, modifications, or supplemental clarifications (referencing the Supreme Administrative Court Judgment 104-Pan-Zi No. 440 and the Committee's Decision 104-Lao-Cai-Zi No. 50). Furthermore, "A worker involved in a dispute arising from Paragraph 2, Article 35 of the Labor Union Act may apply to the central competent authority for a ruling. The application for a ruling in the preceding paragraph shall be filed within 90 days from the day following the date on which the applicant became aware of the reason or fact violating Paragraph 2, Article 35 of the Labor Union Act," and "Applications for rulings made pursuant to Paragraph 1, Article 35 of the Labor Union Act and Paragraph 1, Article 6 of the Collective Agreement Act shall apply mutatis mutandis the provisions of Articles 39, 40, Paragraph 1 of Article 41, and Articles 43 through 47." These procedures are explicitly stipulated in Paragraphs 1 and 2, Article 39, and Paragraph 1, Article 51 of the Act for Settlement of Labor-Management Disputes.
2. **When the Applicant initiated this request, the initial items sought were: " (1) Confirm that the Respondent's illegal dismissal of Union President Elizabeth Suyman Basas on February 6, Year 115, and the dismissal via public announcement of 6 Union officers—Liezle, Kemberley, Joana, Nadine Leigh, Catudio, and Remy—on February 10, Year 115, constitute unfair labor practices under Subparagraphs 1 and 5, Paragraph 1, Article 35 of the Labor Union Act, and are null and void under Paragraph 2 of the same Article.(2) The Respondent shall reinstate the 7 individuals to their original positions starting from the day following the delivery of the Decision Document.(3) The Respondent shall pay the 7 individuals full wages from their respective dismissal dates (February 6, Year 115 for the President; February 10, Year 115 for the other 6) until their actual reinstatement date, along with statutory interest at 5% per annum.(4) The Respondent shall replicate the full text of this Decision Document in its original size and post it on the bulletin boards, cafeteria, dormitory entrances, and internal website homepages of both the**

headquarters and Wugu Plant for at least 30 consecutive days, providing Chinese, English, and Tagalog versions.(5) The Respondent shall immediately cease all actions that utilize administrative resources to intervene in union recruitment, member activities, elections, decision-making, or otherwise interfere with union autonomy.Subsequently, during the preliminary meeting on March 18, Year 115, the first investigation meeting on April 17, Year 115, the second investigation meeting on April 27, Year 115, and the interrogation meeting on May 29, Year 115, the text was successively adjusted. "The final requested items for ruling were modified to:"1. Confirm that the Respondent's actions of dismissing the Applicant's Union President Elizabeth Suyman Basas on February 6, Year 115, and dismissing Union officers Liezle Saludar Tenorio, Kemberley Arias Lucero, Joana Rose Bayangos Delos Santos, Nadine Leigh Tallada Almario, Roda Catudio, and Remy Asebuque Batuampo on February 10, Year 115, constitute unfair labor practices under Subparagraphs 1 and 5, Paragraph 1, Article 35 of the Labor Union Act. 2. Confirm that the Respondent's aforementioned dismissal actions on February 6, Year 115, and February 10, Year 115, are null and void. 3. The Respondent shall reinstate the 7 individuals mentioned in the first item to their original positions as operators from the day following the delivery of this Decision Document. 4. The Respondent shall pay the 7 individuals their wages as shown in the attached table from their respective dismissal dates (February 6, Year 115 for the President; February 10, Year 115 for the other 6) until their actual reinstatement date, along with statutory interest at 5% per annum. 5. The Respondent shall replicate the full text of this Decision Document in its original size and post it on the bulletin boards of the headquarters (6F., No. 127, Wugong 2nd Rd., Wugu Dist., New Taipei City) and Wugu Plant (3F., No. 126, Wugong 2nd Rd., Wugu Dist., New Taipei City) and the company's official homepage (<https://www.taidoc.com/tw/>) for at least 30 consecutive days, concurrently providing Chinese, English, and Tagalog versions. 6. The Respondent shall immediately cease all actions utilizing administrative resources to intervene in union recruitment, member activities, elections, decision-making, or otherwise interfere with union autonomy." (See pages 1–2 of the interrogation meeting minutes dated May 29, Year 115).Since this was merely a textual adjustment of the original requested items and shared the identical factual context, the records and evidence can be cross-referenced without obstructing the Respondent's defense. Furthermore, the Respondent expressed no objection to these adjustments, so they are permitted.Additionally, the Applicant submitted this application on February

11, Year 115, which is well within the 90-day statutory period prescribed by the Act for Settlement of Labor-Management Disputes, and should therefore be allowed.

II. Substantive Matters:

1. Claims and Arguments of the Applicant:

(1) Regarding the First and Second Requested Items:

1. On February 6, Year 115, the Respondent issued an internal notice (Evidence Applicant-1), accusing Union President Elizabeth Suyman Basas of "colluding with external parties," "forging documents," and "using legal strikes to fabricate negative public opinion." The Respondent terminated her labor contract under Subparagraph 4, Paragraph 1, Article 12 of the Labor Standards Act and refused to pay severance pay. Following the dismissal, the Respondent created a poster titled "To protect the Group's reputation, dismissed foreign employee Basas is strictly prohibited from entering the plant area," featuring an enlarged personal photograph and surveillance screenshots, clearly indicating her name and employee ID number. These were prominently posted throughout the plant and simultaneously broadcast to affiliated enterprises. However, the Respondent failed to produce any objective, concrete evidence to support these accusations, bypassed comprehensive investigative procedures, and failed to grant the Union President an adequate opportunity to present her case or defend herself. The accusation of creating "adverse public opinion" was inherently the result of the President exercising her union authority legally to speak out and advocate for union members' rights.
2. Following the illegal dismissal of the President, members of the Applicant Union launched a legal protest at the Ministry of Labor on February 9, Year 115, calling on the Respondent to stop suppressing the union. However, the Respondent immediately issued an announcement "Tai-Zi No. 1150210001" on the very next day (February 10, Year 115) (Evidence Applicant-2), executing a bulk dismissal of six core union officers. Those dismissed were all core participants in union operations: current Union Supervisor Liezle, former Union Director and current member Kemberley, current Union Director Joana, current Union Director Nadine Leigh, current Union Director Catudio, and current Union Director Remy. All six are core executives who actively participate in the decision-making and operation of the union. The Respondent's clear objective was not merely to discipline individual behavior, but to deliberately paralyze the functional capacity of the entire union.

3. When the Respondent issued internal notices to dismiss the President on February 6, Year 115 (Evidence Applicant-1) and subsequently mass-dismissed the other six union officers on the 10th of the same month (Evidence Applicant-2), the explicitly stated grounds were restricted to false accusations such as "collusion with external parties," "forgery of documents," and "fabricating adverse public opinion through legal strikes." The word "bullying" was never mentioned. Only after the Applicant legally sought remedy through this unfair labor practice decision procedure did the Respondent shift its stance, fabricating supplementary grounds of "bullying other employees." Evidence Respondent-2 and Evidence Respondent-5, presented for the lawsuit, were produced nearly a month *after* the unlawful dismissal took place. The Respondent utilized its absolute authority as an employer, threatening the workers' livelihood to coerce foreign migrant workers throughout the plant into signing false statements (Evidence Respondent-5) in an attempt to evade liability.

(2) Regarding the Third and Fourth Requested Items:

The 7 individuals, including Union President Elizabeth Suyman Basas, are all core officers vital to the operation of the union. Following their collective removal, the union's decision-making, member communication, and external representation functions ground to a near-total halt. If reinstatement is not ordered, the right to organize protected by the Labor Union Act will be reduced to empty words. Therefore, to restore the infringed right to organize back to its original legal and factual state, we respectfully implore the Committee to rule that: the Respondent shall reinstate the 7 individuals, including Union President Elizabeth Suyman Basas, to their original positions from the day following the delivery of this Decision Document; and pay the 7 individuals full wages from their respective dismissal dates until their actual reinstatement date, alongside the statutory annual interest of 5%. This command constitutes a textbook example of a restorative remedy, which is both necessary and perfectly aligned with the principles of proportionality and equity.

(3) Regarding the Fifth and Sixth Requested Items:

1. In addition to the unlawful dismissals, the Respondent went as far as publicly displaying the President's photograph in the plant marked "Strictly Prohibited from Entering," essentially putting her on public display as a warning to others. Previously, the Respondent had also meddled in union operations through questionnaires and mandatory mobilization rallies. These acts have generated an intense intimidating effect in the hearts of all employees (including domestic and foreign migrant workers alike), instilling a reasonable fear that "joining the union risks dismissal and public humiliation." This chilling effect does not

merely target individual officers but actively suppresses the collective right to organize. If the Committee merely confirms the illegality of these acts without commanding active corrective and clarifying measures, the misinformation and negative labels will continue to spread across the plant, the employees' anxiety and fear regarding union participation will remain unresolved, and the organizational growth of the union will face long-term obstruction.

2. Therefore, to set the record straight, restore normal labor-management relations, and eliminate the negative stigma created by the public shaming, it is imperative to order the Respondent to publish the full text of this Decision Document and immediately halt all utilization of administrative resources to interfere with union recruitment, elections, membership activities, or union autonomy.

(4) For the remainder, please refer to the investigation procedure meeting minutes, along with the briefs and evidence submitted by the Applicant.

(5) Requested Items for Ruling:

1. Confirm that the Respondent's actions of dismissing Union President Elizabeth Suyman Basas on February 6, Year 115, and dismissing Union officers Liezle Saludar Tenorio, Kemberley Arias Lucero, Joana Rose Bayangos Delos Santos, Nadine Leigh Tallada Almario, Roda Catudio, and Remy Asebuque Batuampo on February 10, Year 115, constitute unfair labor practices under Subparagraphs 1 and 5, Paragraph 1, Article 35 of the Labor Union Act.
2. Confirm that the Respondent's aforementioned dismissal actions on February 6, Year 115, and February 10, Year 115, are null and void.
3. The Respondent shall reinstate the 7 individuals mentioned in the first item to their original positions as operators from the day following the delivery of this Decision Document.
4. The Respondent shall pay the 7 individuals their wages as shown in the attached table from their respective dismissal dates (February 6, Year 115 for the President; February 10, Year 115 for the other 6) until their actual reinstatement date, along with statutory interest at 5% per annum.
5. The Respondent shall replicate the full text of this Decision Document in its original size and post it on the bulletin boards of the headquarters (6F., No. 127, Wugong 2nd Rd., Wugu Dist., New Taipei City) and Wugu Plant (3F., No. 126, Wugong 2nd Rd., Wugu Dist., New Taipei City) and the company's official homepage (<https://www.taidoc.com/tw/>) for at least 30 consecutive days, concurrently providing Chinese, English, and Tagalog versions.

6. The Respondent shall immediately cease all actions utilizing administrative resources to intervene in union recruitment, member activities, elections, decision-making, or otherwise interfere with union autonomy.

2. Defenses and Claims of the Respondent:

(1) The Respondent's actions were driven by independent and legitimate management objectives:

1. The actions taken in this matter were prompted by independent instances of workplace bullying, harassment, intimidation, surveillance, and disruptions to workplace order perpetrated by the disciplined individuals, completely unrelated to their status within the labor union. The grounds for dismissal lie in the fact that these employees bullied colleagues internally and harmed the company externally. According to the painful complaints of numerous Filipino employees (Evidence Respondent-5) and official correspondence from the Department of Migrant Workers of the Republic of the Philippines (Evidence Respondent-2), the individuals in question were involved in severe workplace offenses, including fraud, coercion, unauthorized audio recording, and cultivating a reign of terror, causing profound physical and mental exhaustion among frontline staff.
2. Pursuant to Subparagraph 3, Paragraph 2, Article 6 of the Occupational Safety and Health Act, employers are legally obligated to formulate plans and deploy necessary safety and health measures to prevent employees from experiencing physical or mental unlawful violations triggered by the actions of others during the performance of duties, and must establish procedures for reporting, investigating, and addressing such matters. Consequently, when multiple employees repeatedly reported that their dormitories were broken into, and that they faced verbal threats, recorded surveillance, hostile treatment, and production line bullying, the Respondent would have violated its protective duty toward the workforce had it remained idle. Thus, the Respondent's disciplinary measures were based on independent, legitimate administrative objectives.

(2) The "right to work" and "wages" sought by the Applicant have already been satisfied through voluntary provisions made by the Respondent; this ruling procedure has lost its purpose and utility and should be dismissed:

1. The workers involved in this case independently filed a petition for an "injunction maintaining the temporary status quo" before the court, claiming they could not sustain their livelihoods without wages. Although the Respondent maintains that the dismissals were contractually and legally sound, it could not bear to see the workers fall into destitution out of humanitarian concern. Consequently, prior to any court ruling, the Respondent voluntarily notified these employees on February 26, Year 115, that their positions would be unconditionally and temporarily restored (Evidence Respondent-1).
2. The primary objective of the unfair labor practice ruling system is to "swiftly and effectively" eliminate infringements and restore rights. Given that the "right to work" and "wages" sought by the Applicant have already been met through the Respondent's proactive provisions, no rights remain in an infringed state awaiting restoration by this Decision Committee. Accordingly, this adjudication process has lost its underlying purpose and utility and should be dismissed.

(3) Severe doubts exist regarding the legitimacy of the Applicant Union's formation, the source of its representative authority, and its standing as a proper party to this matter:

1. If the membership roster, initiation signatures, inaugural meeting minutes, list of directors/supervisors, or representation data upon which the Applicant Union's formation rests involve forgery, alteration, causing a public servant to make false entries, or any other severe inaccuracies, it would not only undermine the foundational legitimacy of the union's establishment but also completely invalidate its standing to bring this application.
2. Even if the Applicant Union possesses the formal outward appearance of a union, its substantive representativeness among the Respondent's total workforce of approximately 1,000 employees remains highly deficient. Under Article 11 of the Labor Union Act, the statutory minimum threshold to form a union requires a joint signature of only 30 individuals. This represents merely the bare baseline for formation and does not automatically translate to a substantive support base capable of representing the collective will of the entire workforce in a specific case. The Applicant has failed to produce its total valid membership count, the number of actual dues-paying members, or the number of voting members relative to the overall company workforce up to the time of the contested action, making it difficult to recognize that it naturally represents the will of all workers.

3. Furthermore, multiple Filipino employees filed petitions with the competent authorities and the Manila Economic and Cultural Office (MECO) in Taiwan, stating their deep fear regarding union conflicts and the conduct of the officers in question. Subsequently, on March 15, Year 115, a crowd of workers gathered at MECO to protest and block the premises. While this occurred after the original dismissals were enacted, it serves as corroborating posterior evidence that the fear driving non-union employees to seek external help was entirely genuine, and reflects a continuing pattern of external pressure applied by the disputing group.

(4) The Respondent requests that the Applicant be ordered to present and amend the following documents for procedural review and substantive evaluation:(I) Union Registration Certificate;(II) Initiation signature roster of 30+ individuals and original signing data;(III) Notice of inaugural meeting, attendance sign-in sheets, meeting minutes, and records of constitution approval;(IV) Original membership roster, membership applications, proof of actual employment in the industry, and records of initiation fees and regular dues payments;(V) Roster of directors and supervisors along with documentation verifying their election basis. **(VI) The Respondent requests that the Applicant produce the selection and authorization documents for its current legal representative or agent.** If the Applicant fails to produce the aforementioned files, or if the produced documents fail to dispel suspicions of forgery, false entries, or major procedural flaws, it should at least be determined that the evidentiary weight is substantially diminished. If it is deemed uncorrectable, a judgment unfavorable to the Applicant regarding its standing and procedural legality should be rendered.

(5) For the remainder, please refer to the investigation procedure meeting minutes, along with the briefs and evidence submitted by the Respondent.

(6) Statement of Defense:

The Applicant's claims should be dismissed.

3. Uncontested Facts between Both Parties:

(1) The Applicant was officially established and registered on August 15, Year 114.

(2) On February 6, Year 115, the Respondent notified the then-Union President Elizabeth Suyman Basas of the termination of her labor contract pursuant to Subparagraph 4, Paragraph 1, Article 12 of the Labor Standards Act (see Evidence Applicant-1 attached to the Applicant's application).

(3) On February 10, Year 115, the Respondent terminated the labor contracts of then-Union officers Liezle Saludar Tenorio, Joana Rose Bayangos Delos Santos, Nadine Leigh Tallada Almario, Roda Catudio, Remy Asebuque Batuampo, and then-Union member Kemberley Arias Lucero pursuant to Subparagraph 4, Paragraph 1, Article 12 of the Labor Standards Act (see Evidence Applicant-2 attached to the Applicant's application).

(4) On February 26, Year 115, the Respondent notified the 7 individuals, including Elizabeth Suyman Basas, of a temporary reinstatement to work (see Evidence Respondent-1); the 7 individuals, including Elizabeth Suyman Basas, are currently working for the Respondent and receiving wages normally in accordance with the terms of the temporary reinstatement notice (see pages 8 – 9 of the Committee's interrogation meeting minutes dated May 29, Year 115).

(5) The original positions of the 7 individuals, including Elizabeth Suyman Basas, prior to their dismissal were operators, and their respective wage amounts are as listed in the attached table (see Evidence Applicant-4, and lines 17 – 22, page 5 of the Committee's first investigation meeting minutes dated April 17, Year 115).

4. Core Dispute of the Case:

Did the Respondent's actions of terminating the labor contracts of then-Union President Elizabeth Suyman Basas on February 6, Year 115, and Union officers Liezle Saludar Tenorio, Joana Rose Bayangos Delos Santos, Nadine Leigh Tallada Almario, Roda Catudio, Remy Asebuque Batuampo, and Union member Kemberley Arias Lucero on February 10, Year 115, pursuant to Subparagraph 4, Paragraph 1, Article 12 of the Labor Standards Act, constitute unfair labor practices under Subparagraphs 1 and 5, Paragraph 1, Article 35 of the Labor Union Act?

5. Grounds for Decision:

(1) The legislative intent behind establishing the unfair labor practice adjudication system is to prevent employers from utilizing their superior economic leverage to execute anti-union measures or obstruct related activities when workers exercise their rights to organize, engage in collective bargaining, and initiate labor disputes, while ensuring rapid relief for workers whose rights have been infringed. Consequently, compared to judicial remedies, administrative relief for unfair labor practices focuses heavily on preventing unlawful employer encroachment stemming from economic dominance and prioritizing swift restoration of workers' rights.

Based on this principle, when determining whether an employer's actions violate Subparagraph 1, Paragraph 1, Article 35 of the Labor Union Act—which forbids "refusing to employ, dismissing, demoting, reducing wages, or giving other unfavorable treatment to

a worker due to organizing a labor union, joining a labor union, participating in labor union activities, or holding a union office"—the Committee must examine the broader context of labor-management relations and all objective circumstances to ascertain whether the employer's conduct inappropriately influenced, obstructed, or restricted the formation, organization, or activities of the union. As for the subjective element required to constitute an unfair labor practice, it is not limited to deliberate intent; it is sufficient if the actor possessed an awareness of the unfair labor practice (referencing the Committee's Decision 104-Lao-Cai-Zi No. 27 and Supreme Administrative Court Judgment 107-Pan-Zi No. 204).

Furthermore, when an employer issues disciplinary actions against a worker based on a labor contract or work rules, concurrent dual motives—an unfair labor practice motive and a legitimate exercise of administrative authority—may coexist. In such scenarios, the criteria for determining an unfair labor practice must comprehensively weigh collective labor relation factors, such as the disciplined worker's status within the union, the nature of their participation in activities, and the employer's general attitude toward the union, alongside the severity, timing, and justification of the disadvantageous treatment. Crucially, whether the employer's penalty deviates from past handling of identical cases serves as a vital benchmark. Therefore, even if an employer holds discretionary power over disciplinary actions under a contract or work rules, if the penalty exceeds a reasonable degree according to general societal standards, and an intent to commit an unfair labor practice is found upon balancing the aforementioned criteria, it remains entirely possible to constitute an unfair labor practice (referencing the intent of the Committee's Decision 101-Lao-Cai-Zi No. 1).

Moreover, according to the intent of Supreme Administrative Court Judgment 106-Pan-Zi No. 222: "...when judging whether the actions of an employer or a person exercising management rights on behalf of the employer constitute an unfair labor practice, it should be based on the context of labor relations, taking into account objective factors such as the worker's status in the union, the content of their activities, the employer's usual attitude toward the union, and the reasonableness of the timing and grounds of the disadvantageous treatment, particularly whether it differs from past handling of identical cases. This comprehensive assessment aims to determine if the behavior unjustifiably impacts, hinders, or restricts union operations, forming what academic doctrine terms the 'mass observation method'..." Accordingly, this Committee must meticulously review all objective conditions, including the labor-management context, the employer's disposition toward the union, and past instances of interference, to evaluate the presence of an unfair labor practice motive and awareness (referencing the Committee's Decision 109-Lao-Cai-Zi No. 13).

(2) The Respondent's dismissal of Applicant Union President Elizabeth Suyman Basas on February 6, Year 115, constitutes an unfair labor practice under Subparagraph 1, Paragraph 1, Article 35 of the Labor Union Act.

1. Records show that the Respondent dismissed Elizabeth Suyman Basas via the written notice shown in Evidence Applicant-1 on February 6, Year 115. At that time, Elizabeth Suyman Basas held the position of President of the Applicant Union, a fact fully known to the Respondent. This is substantiated by the union documentation requesting official leave for union duties (Evidence Applicant-3 attached to the Applicant's submission brief dated March 30, Year 115) and is undisputed by the Respondent (see statement by the Respondent's agent on page 5 of the preliminary meeting minutes dated March 18, Year 115: *"The Respondent knew at the time of the contested dismissals that the 7 employees were members or officers of the Applicant Union."*). Furthermore, the written notice of Evidence Applicant-1 recorded: *"Employee Basas colluded with external parties, forged documents falsely claiming statutory meetings were held, and used legal strikes to generate negative public opinion against the company, damaging corporate reputation and affecting operations. This behavior is suspected of the crime of forgery under the Criminal Code and workplace bullying, constituting a material breach of the labor contract and company discipline, and destroying the employer-employee trust relationship. Pursuant to Subparagraph 4, Paragraph 1, Article 12 of the Labor Standards Act, the labor contract is terminated effective immediately (punitive dismissal) without advance notice or severance pay, and the case will be referred to judicial authorities for investigation."* Given that the Respondent executed a punitive dismissal against Union President Elizabeth Suyman Basas based on Subparagraph 4, Paragraph 1, Article 12 of the Labor Standards Act, the burden of proof rests on the Respondent to demonstrate the legality of the dismissal and that it was executed free of anti-union factors (referencing the intent of Supreme Court Judgment 95-Tai-Shang-Zi No. 1910).
2. When this Committee asked the Respondent to clarify the specific grounds for dismissal, the Respondent asserted: *"The grounds for dismissing the 7 employees are that all 7 individuals bullied other employees, as evidenced by the letter dated March 10, Year 115, from the Migrant Workers Office in Taipei, Department of Migrant Workers of the Republic of the Philippines (Evidence Respondent-2), which was received by the Respondent on March 10, Year 115. Additional arguments will be provided in writing."* (see lines 6 – 9, page 4 of the preliminary meeting minutes dated March 18, Year 115) and *"The grounds for dismissing the 7 employees are that they bullied the employees indicated in the letter of Evidence Respondent-5. The evidence consists of points 2, 3, 4, 8, 10, and 11 of the letter from the Migrant*

Workers Office in Taipei, Department of Migrant Workers of the Republic of the Philippines dated March 10, Year 115 (Evidence Respondent-2), and the employee letter of Evidence Respondent-5. There is no other evidence." (see lines 1 – 4, page 4 of the first investigation meeting minutes dated April 17, Year 115). This Committee proceeded to investigate and deliberate based on these cited grounds and evidence.

3. However, as noted previously, the Respondent notified the Union President of her dismissal on February 6, Year 115, whereas the letter from the Philippine Migrant Workers Office (Evidence Respondent-2) and the employee complaints (Evidence Respondent-5) were produced and materialized *after* the dismissal notification had already been delivered. The Respondent's claim that these subsequent documents served as the causal grounds and evidence at the time of dismissal is highly contradictory and suspect. Furthermore, since the Philippine Migrant Workers Office letter (Evidence Respondent-2) was received on March 10, Year 115—well after the February 6 dismissal—it cannot logically be retroactively claimed as factual evidence supporting the exercise of dismissal rights on February 6. Additionally, points 4, 8, 10, and 11 of Evidence Respondent-2 discuss union leadership actions and internal union matters; under the principle of union autonomy, neither the Philippine Migrant Workers Office nor the Respondent holds the authority to unilaterally judge union actions or adopt them as grounds for punitive dismissal.
4. Regarding the employee complaints in Evidence Respondent-5, although the Applicant contested their authenticity, the Committee ordered the Respondent to present the original documents during the second investigation meeting on April 27, Year 115. Upon verification, the original matched the copy of Evidence Respondent-5 except for sections obscured by pen (see lines 7 – 13, page 3 of the second investigation meeting minutes dated April 27, Year 115). While the Respondent asserted that Evidence Respondent-5 proved workplace bullying by Elizabeth Suyman Basas and others, when the Committee inquired about the specific investigative records compiled regarding these bullying claims, the Respondent admitted: *"As stated on page 2 of our supplementary brief, the then-HR specialist Pei-Ying Xie had conducted an investigation into the incident prior to receiving the letter of Evidence Respondent-5, but no written records were kept at that time, and Pei-Ying Xie subsequently resigned on April 10, Year 115. Because no written records were preserved, the Respondent is unable to produce documentation, but the facts mentioned were verified just a week before this meeting by questioning 5 currently employed HR staff members."* (see pages 3 – 4 of the second investigation meeting minutes dated April 27, Year 115). The Respondent explicitly conceded that it possesses no written records or verifiable proof. Consequently, the Respondent cannot substantiate whether Union President Elizabeth Suyman Basas engaged in

bullying behavior or committed a material breach of the labor contract or work rules. The dismissal cannot be recognized as lawful, and judging by general societal consensus, this punitive dismissal clearly exceeded reasonable boundaries.

5. Furthermore, the Respondent admitted that it was fully aware of Elizabeth Suyman Basas's status as Union President at the time of her dismissal. The dismissal notice explicitly charged that she "used legal strikes to generate negative public opinion against the company, damaging corporate reputation and affecting operations," which directly links the dismissal to her status as a union executive and her engagement in union activities. At the same time, considering the highly adversarial relationship between the Respondent and the Applicant Union—including a previous unfair labor practice determination against the Respondent by this Committee (see Decision 114-Lao-Cai-Zi No. 49) and multiple public protests and petitions organized by the Applicant before labor authorities (Evidence Applicant-3)—it is clear that collective labor relations were characterized by a severe degree of tension. Under these circumstances, the punitive dismissal enacted against Union President Elizabeth Suyman Basas was completely devoid of proof and disproportionate under ordinary societal standards. It constitutes disadvantageous treatment penalizing her union office and activities, satisfying the elements of an unfair labor practice under Subparagraph 1, Paragraph 1, Article 35 of the Labor Union Act.

(3) The Respondent's dismissal of Union officers Liezle Saludar Tenorio, Joana Rose Bayangos Delos Santos, Nadine Leigh Tallada Almario, Roda Catudio, Remy Asebuque Batuampo, and Union member Kemberley Arias Lucero on February 10, Year 115, constitutes an unfair labor practice under Subparagraph 1, Paragraph 1, Article 35 of the Labor Union Act.

1. Records show that the Respondent dismissed Liezle Saludar Tenorio, Joana Rose Bayangos Delos Santos, Nadine Leigh Tallada Almario, Roda Catudio, Remy Asebuque Batuampo, and Kemberley Arias Lucero via the announcement shown in Evidence Applicant-2 on February 10, Year 115. At that time, Liezle Saludar Tenorio, Joana Rose Bayangos Delos Santos, Nadine Leigh Tallada Almario, Roda Catudio, and Remy Asebuque Batuampo held active status as officers of the Applicant Union, while Kemberley Arias Lucero was a former officer and active member. This was fully known to the Respondent, as confirmed by official union correspondence requesting leave for union duties (Evidence Applicant-3 attached to the Applicant's brief dated March 30, Year 115) and uncontested by the Respondent (see agent statement on page 5 of the March 18, Year 115 minutes: "The Respondent knew at the time of the contested dismissals that the 7 employees were members or officers of the Applicant Union"). The dismissal notice of Evidence Applicant-2 read: "Employee Liezle, in her capacity as former Union

Supervisor, failed to properly fulfill her duty of overseeing union affairs, and employee Kemberley, as a former union officer, both arbitrarily disseminated illegal strike information to create adverse public opinion, severely damaging company reputation and affecting operations, for which they bear undeniable responsibility. This constitutes a breach of the labor contract and destroys the employer-employee trust relationship. Pursuant to Subparagraph 4, Paragraph 1, Article 12 of the Labor Standards Act, the labor contract is terminated effective immediately (punitive dismissal) without advance notice or severance pay." and "Employees Joana, Nadine, Catudio, Remy, and others colluded with external parties, acted inconsistently, and disrupted company discipline and the employer-employee trust relationship. Pursuant to Subparagraph 4, Paragraph 1, Article 12 of the Labor Standards Act, the labor contract is terminated effective immediately (punitive dismissal) without advance notice or severance pay." Because the Respondent enacted punitive dismissals against these 6 individuals under Subparagraph 4, Paragraph 1, Article 12 of the Labor Standards Act, the Respondent bears the burden of proving that the terminations were lawful and untainted by anti-union bias (referencing Supreme Court Judgment 95-Tai-Shang-Zi No. 1910).

2. When the Committee requested the Respondent to verify the grounds for these dismissals, the Respondent repeatedly declared that the dismissals were due to workplace bullying, pointing to the Philippine Migrant Workers Office letter received on March 10, Year 115 (Evidence Respondent-2) and the employee complaints (Evidence Respondent-5) as its singular pool of evidence (see preliminary meeting minutes dated March 18, Year 115, page 4, and first investigation meeting minutes dated April 17, Year 115, page 4). However, as established prior, both Evidence Respondent-2 and Evidence Respondent-5 were compiled and materialized *after* the terminations were finalized on February 10, Year 115. It is logically untenable for the Respondent to argue that documents received on March 10 could serve as the foundational evidence guiding a dismissal executed on February 10. The Respondent provided no alternative investigative records or supplementary proof to substantiate claims of workplace bullying or material contractual breaches by Liezle Saludar Tenorio and the other 5 individuals. Thus, the bulk dismissal on February 10, Year 115, cannot be deemed lawful, and under standard societal consensus, it plainly exceeded reasonable boundaries.
3. Furthermore, the explicit phrasing within the dismissal notice (Evidence Applicant-2)—penalizing Liezle for "*failing to fulfill her duty of overseeing union affairs*" and Kemberley for "*disseminating strike information*"—makes it

irrefutably evident that the punitive dismissals were directly intertwined with union factors. The measures taken against the 6 individuals were adverse actions targeting their union membership, officer status, and collective activities, thereby constituting an unfair labor practice under Subparagraph 1, Paragraph 1, Article 35 of the Labor Union Act.

(4) The Respondent's dismissals of the 7 individuals, including Elizabeth Suyman Basas, constitute an unfair labor practice under Subparagraph 5, Paragraph 1, Article 35 of the Labor Union Act.

1. Under Subparagraph 5, Paragraph 1, Article 35 of the Labor Union Act, employers or those exercising management rights on their behalf are prohibited from *"improperly influencing, hindering, or restricting the formation, organization, or activities of a labor union."* Legal precedent dictates that prohibitions against dominant interference inherently contain an adverse evaluation of unfair labor practices; the employer's subjective intent is embedded within the act of interference itself. Once the existence of an employer's dominant interference is objectively proven, it can be directly designated an unfair labor practice, bypassing the need to independently demonstrate active anti-union intent. This is evident because Subparagraph 5 relies strictly on objective factual conditions as its elements, unlike Subparagraphs 1, 3, and 4, which require a specific subjective intent to impose disadvantageous treatment (referencing Supreme Administrative Court Judgment 102-Pan-Zi No. 563).
2. At the time of their dismissal, the 7 individuals held positions as Union President, directors, and supervisors, or were key active members. The Respondent, possessing full knowledge of their roles, subjected them to the most severe discipline available—immediate punitive dismissal—and widely publicized the action across the workforce. Executing a sweeping termination of an entire slate of vital union executives and core members within a highly compressed timeframe serves to aggressively weaken the union's operational capability and injects a profound chilling effect across the wider membership and workforce. This severely compromises the normalization of collective labor relations. Consequently, the Respondent's sweeping dismissal of the union leadership structure constitutes dominant interference that improperly impacted, hindered, and restricted the organization and activities of the Applicant Union, in direct violation of Subparagraph 5, Paragraph 1, Article 35 of the Labor Union Act.

(5) The Respondent's dismissals of the 7 individuals, including Elizabeth Suyman Basas, are null and void pursuant to Paragraph 2, Article 35 of the Labor Union Act: As

determined above, this Committee has ruled that the Respondent's punitive dismissals of the 7 individuals on February 6 and 10, Year 115, constitute unfair labor practices under Subparagraphs 1 and 5, Paragraph 1, Article 35 of the Labor Union Act. Consequently, pursuant to Paragraph 2, Article 35 of the Labor Union Act, the punitive dismissals executed by the Respondent on February 6 and 10, Year 115, are legally null and void.

(6) Regarding the Respondent's defense that the 7 individuals have been temporarily reinstated and therefore lack the necessity for legal protection: The Respondent contends that because it issued a notice (Evidence Respondent-1) temporarily restoring the 7 individuals to their duties, their rights are no longer in jeopardy. However, the text of that notice explicitly states: *"This company maintains that the termination remains lawful and valid, and reserves all legal claims and defense rights,"* and *"The job content, salary, and other labor conditions during the restoration period shall, in principle, follow the standards prior to termination. The final legal relationship shall remain subject to a final and binding court judgment."* This reveals that the Respondent continues to view the February 6 and 10 dismissals as legally active, treating the reinstatement as a strictly conditional, temporary measure. Thus, the 7 individuals face an ongoing impairment of their permanent rights and retain a clear necessity for legal protection. Furthermore, the Respondent asserted that the union's leadership was usurped by migrant workers or external entities, casting severe doubt on its representativeness, and alleged that the union had elected a new supervisor and president, Shao-Jie Huang, thereby stripping the Applicant Union of its lawful status. Records show that the Applicant was formally established on August 15, Year 114, supported by a valid Certificate of Registration for Citizen Organizations issued by the New Taipei City Government. As a legally formed corporate union, its chosen operational direction and external advisors fall under the scope of union autonomy and are not subject to employer dictates. Internal leadership disputes, such as those concerning Shao-Jie Huang raised by the Respondent, must be pursued through separate legal channels; they fall outside the investigative scope of this case and cannot serve as valid grounds for the Respondent's dismissals. Regarding the Respondent's procedural challenge to the union's registration, initiation rosters, and inaugural minutes, the Committee consulted the Labor Affairs Bureau of the New Taipei City Government. The Bureau confirmed via official letter (May 26, Year 115, Xin-Bei-Lao-Zu-Zi No. 1150994136) that the registered representative of the Applicant Union has remained unchanged since its inception, and Elizabeth Suyman Basas remains the lawful representative. Under administrative law, an active administrative act (such as the approval of union registration) binds the issuing agency, the counterparty, and third parties alike under the principle of separation of powers. Unless revoked or annulled by a competent authority, it enjoys a presumption of validity that courts and other agencies must respect as an established fact (referencing Taipei High Administrative Court Judgment 99-Su-Zi No. 1595). Therefore, because the

Applicant's union registration remains valid and unrevoked, its legal standing is intact, and the Respondent's request for an exhaustive procedural document audit is denied as unnecessary.

6. Remedial Orders:

(1) The Act does not impose rigid restrictions on the types of remedial orders this Committee may issue upon finding an unfair labor practice. The Committee maintains broad discretionary authority and is not bound by the specific phrasing of the applicant's requests, provided the remedy does not violate mandatory laws or public morals, and its terms are concrete and feasible. In determining the specific terms of a remedy, the Committee must look to the core legislative purpose: safeguarding workers' rights to organize, bargain collectively, and engage in dispute actions to foster equitable collective labor relations. Specifically, for violations of Paragraph 1, Article 35 of the Labor Union Act, orders issued pursuant to Paragraph 2, Article 51 of the Act for Settlement of Labor-Management Disputes mandating certain actions or forbearance should be guided by what is necessary and appropriate to re-establish a fair labor-management balance.

(2) Having determined that the Respondent's punitive dismissals of the 7 individuals on February 6 and 10, Year 115, constitute unfair labor practices and are null and void, the employment relationship between the 7 individuals and the Respondent has continuously existed without interruption. The Applicant's request for reinstatement is legally well-founded. Given that all 7 employees are currently performing duties at the Respondent's facility under the temporary notice, and their employment permits in Taiwan remain unaffected, the Committee hereby orders their formal reinstatement to their original operator positions, as set forth in Item 3 of the Main Text. While the Respondent pointed to its temporary reinstatement notice of February 26, Year 115, to argue compliance, the conditional phrasing of that notice confirms it was a provisional arrangement rather than a final, status-restoring reinstatement. Furthermore, the monthly wages of the 7 individuals prior to dismissal are documented in the attached payroll slips and undisputed by the Respondent. The Committee finds it necessary and appropriate to order the Respondent to pay back wages and interest as set forth in Item 4 of the Main Text. Any wages already paid during the temporary work period naturally do not need to be paid duplicatively.

(3) Regarding the Applicant's request for a mandatory public notice of this Decision Document: considering that the Respondent mass-dismissed the entire active leadership structure of the union within a brief period, the violation of Subparagraphs 1 and 5,

Paragraph 1, Article 35 of the Labor Union Act is exceptionally severe. To neutralize the resulting chilling effect and rebuild a fair labor environment, a mandatory public notice is a necessary and proportionate remedy.

The Respondent argued during the investigation meeting on April 17, Year 115, that its workplace communication with migrant workers relies exclusively on Chinese and English, not Tagalog. This statement aligns with the language formatting observed in the submitted labor contracts, work rules, payroll books, internal notices, and the contested dismissal documents. Finding this claim credible, the Committee mandates the posting in Chinese and English parallel versions as detailed in Item 5 of the Main Text, denying the request for Tagalog as excessive.

Finally, regarding the Applicant's request that *"the Respondent immediately cease all actions utilizing administrative resources to intervene in union recruitment, member activities, elections, decision-making, or otherwise interfere with union autonomy,"* the Applicant failed to specify a concrete link between this broad request and the specific dismissals adjudicated here. Any separate future violations of union autonomy remain prohibited by law and subject to independent legal remedies. Therefore, this portion of the request is denied as unnecessary.

7. The facts of this case have been fully clarified. Other claims, defenses, or evidentiary arguments raised by both parties have been evaluated and determined to have no bearing on the outcome of this decision; hence, they are not addressed individually.

8. In conclusion, the application for a ruling is partially grounded and partially groundless. Pursuant to Paragraph 1, Article 46, and Paragraphs 1 and 2, Article 51 of the Act for Settlement of Labor-Management Disputes, the decision is rendered as stated in the Main Text.

Unfair Labor Practice Decision Committee, Ministry of Labor

- **Chief Adjudicator:** Cheng-Kuan Huang
- **Adjudication Members:**
 - Yong-Shan Zhang
 - Rui-Min Li
 - Yi-De Zhang
 - Zhi-Yang Cai
 - Yue-Hong Hou
 - Jia-Qi Wang
 - Wan-Ning Xu
 - Jun-Hong Lin
 - Yu-Fan Qiu
 - Hou-Jun Lin
 - Bo-Yi Li

Date: May 29, State Calendar Year 115 (2026)

Note on Appeal Rights: Anyone who dissatisfies with the portion of this decision concerning the provisions of the subparagraphs of Paragraph 1, Article 35 of the Labor Union Act may name the Ministry of Labor as the defendant and file an administrative lawsuit with the High Administrative Litigation Court of the Taipei High Administrative Court (No. 101, Fuguo Rd., Shilin Dist., Taipei City) within 2 months from the day following the delivery of the official copy of this Decision Document.

Anyone who dissatisfies with the portion of this decision concerning civil disputes arising from the provisions of Paragraph 2, Article 35 of the Labor Union Act may name the opposing party as the defendant and file a civil lawsuit with an ordinary court within 30 days of the delivery of the official copy of this Decision Document. Failure to file within the time limit or withdrawal of the lawsuit shall be deemed as a mutual agreement reached by both parties in accordance with the Decision Document.

Attached Table

No.	Name	Position Held in Applicant Union	Agreed Wage	Date of Dismissal
1	Elizabeth Suyman Basas	President	NT\$ 29,500	February 6, Year 115
2	Liezle Saludar Tenorio	Union Supervisor	NT\$ 29,500	February 10, Year 115
3	Kemberley Arias Lucero	Former Union Director, Current Member	NT\$ 30,500	February 10, Year 115
4	Joana Rose Bayangos Delos Santos	Union Director	NT\$ 29,500	February 10, Year 115
5	Nadine Leigh Tallada Almario	Union Director	NT\$ 29,500	February 10, Year 115
6	Roda Catudio	Union Director	NT\$ 29,500	February 10, Year 115
7	Remy Asebuque Batuampo	Union Director	NT\$ 29,500	February 10, Year 115