

# Taiwan: Amendments Of “Three Gender Equality Laws” Passed In Wake Of #Metoo Cases

Monday 21 August 2023, by [HIOE Brian](#), [YO-LING Daniel](#) (Date first published: 2 August 2023).

**Two months after the wave of #MeToo cases that began in late May, amendments were proposed and passed during the month of July to Taiwan’s “Three Gender Equality Laws” (三法): more specifically, amendments to the Gender Equity Education Act (性別平等教育法) were passed on July 28<sup>th</sup>, and amendments to the Act of Gender Equality in Employment (性別平等就業法) and the Sexual Harassment Prevention Act (性騷擾防治法) were passed on July 31<sup>st</sup>.**

The [Gender Equity Education Act’s scope was expanded](#) to cover military schools, police academies, prep schools, and juvenile correction schools. Amendments also specified that teacher-student romances with minors are now prohibited (at the beginning of this year, the legal age of adulthood in Taiwan was adjusted from 20 to 18 years old); it was further clarified that teacher-student romances with adult students are not explicitly prohibited, though such relationships should not make undue use of power differentials and should be grounded in mutual consent. Amendments also stipulated that sexual harassment cases in schools and campuses, or any involving educational staff/personelle, must hire an independent outside committee to handle investigations.

Amendments also strengthened fine amounts for sexual harassment cases to account for the steepness of abuses of power. If the perpetrator is educational staff, subsequent fines can be leveraged with a multiplier of x1 to x3 the original amount; if the perpetrator is a principal, subsequent fines can be leveraged with a multiplier of x3 to x5 the original amount. The Ministry of Education stated that, even with these amendments, the Gender Equity Education Act still has seven articles that must be revised within the next six months, the most important of which being the Regulations on the Prevention of Sexual Assault, Sexual Harassment, and Sexual Bullying on Campus (性騷擾及性侵害事件處理辦法), as amendments to this article might change investigation procedures.

[Amendments to the Act of Gender Equality in Employment](#) added a definition of “power-laden sexual harassment” (權力性騷擾), which can be fined up to \$1,000,000 NTD and sentenced up to three years imprisonment. “Power-laden sexual harassment” is further divided into “general power” (一般權力) and “special power” (特殊權力) relationships, with the former specifically referring to supervisors and the latter referring to employers and management personnel. Originally, only workplaces with over 30 employees were required to establish sexual harassment reporting channels; now, workplaces with 10 to 29 employees must also establish reporting channels. Furthermore, employers are now required by law to report harassment cases upon becoming aware of them; if the employer is the perpetrator, local labor department authorities can be contacted to take over investigations. These [amendments also account for steepness of abuses of power](#). If the offender is in a position of power, workplace harassment victims can receive 2-3 times the amount of assessed damages; if the offender is the company’s boss or owner, the assessed damages multiplier raises to x3 to x5.

Finally, [amendments to the Sexual Harassment Prevention Act](#) extended time limits on reporting and

opening investigations. In the case of power-laden sexual harassment, investigations can be opened up to three years after a case is known, or seven years since the time of incident. Sexual harassment cases involving minors can be opened up to three years past adulthood (so before the victim's 21<sup>st</sup> birthday). Sexual harassment cases where the offender is an employer must be opened within one year of the victim leaving the job where the incident took place. Amendments also [established a \\$60,000 to \\$600,000 fine](#) for exposing personal or identifying information of sexual harassment victims. Other major amendments involve simplifying and increasing public knowledge of reporting mechanisms.

The changes to these laws are in response to public outcry after numerous high-profile #MeToo cases came to light in late May. These cases began in pan-Green political circles before spreading to Chinese dissident circles, the pan-Blue camp, and finally, academic, cultural, and entertainment circles. Nevertheless, the root causes of sexual harassment and assault cases in Taiwan are social, and may not be able to be changed simply by strengthening punitive measures. To this end, it is to be seen whether strengthening the "Three Gender Equality Laws" is merely for the sake of elections, or represents any genuine commitment to changing structural issues around cultures of harassment.

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