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EMPLOYMENT SECURITY ACT

[Enforcement Date 30. Apr, 2019.] [Act No.16413, 30. Apr, 2019., Amendment by Other Act]

고용노동부 (고용서비스정책과)044-202-7336



법제처 국가법령정보센터

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to secure the employment security of all workers, and to contribute to the balanced development of national economy, by providing workers with an opportunity to find a job with which they may develop and display their individual ability, and by supporting the smooth supply of and demand for the workforce required for each industry, based on cooperation between the State and the private sector.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 2 (Equal Treatment) No person shall be treated discriminately in job placement, vocational guidance, or decision on employment relations, on account of gender, age, religion, physical conditions, social status, marital status, or any other relevant factor.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 2-2 (Definitions) The terms used in this Act shall be defined as follows: <Amended by Act No. 10339, Jun. 4, 2010; Act No. 16413, Apr. 30, 2019>

1. The term "employment security office" means a local employment and labor administrative agency carrying out employment security services, such as job placement, vocational guidance, etc.;
2. The term "job placement" means referral services enabling a job offeror and job seeker to enter into an employment contract by searching job seekers and job offerors or recruiting job seekers, in receipt of an application for a job offer or job search;
3. The term "vocational guidance" means vocational aptitude testing, vocational information services, vocational counseling, practical exercise, recommendation, advice, or other guidance as to employment, which are provided to help job seekers easily select a job that is appropriate for his/her ability and aptitude;
4. The term "free job placement services" means job placement services provided free of charge, membership fee, or any money or valuables;

5. The term "fee-charging job placement services" means job placement services, other than free job placement services;
6. The term "recruitment" means where a person who intends to employ workers recommends a person who intends to find a job to become his/her employee, or requires another person to do so;
7. The term "labor supply business" means a business having an employee work for another person under a supply contract: Provided, That a temporary work agency business pursuant to subparagraph 2 of Article 2 of the Act on the Protection, etc. of Temporary Agency Workers is excluded;
8. The term "business providing vocational information" means business providing employment information, including job-offering/seeking information, etc. using newspapers, magazines, other periodicals, wire or wireless broadcasts, computer networks, etc;
9. The term "employment services" mean services to support employment, including provision of employment information, job placement, vocational guidance, development of vocational ability, etc. to job offerors or job seekers.

[\[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009\]](#)

Article 3 (Affairs of Government) (1) The Government shall carry out each of the following affairs in order to achieve the purposes of this Act:

1. Regulating the supply of and demand for the workforce appropriately;
2. Introducing domestic and overseas jobs to job offerors and job seekers;
3. Providing vocational guidance to job seekers;
4. Compiling and arranging or providing employment information;
5. Assisting job seekers with vocational training or reemployment;
6. Directing and supervising job placement services, business providing vocational information, and business recruiting or supplying workers;
7. Facilitating the employment of persons having particular difficulties in finding a job in the labor market;
8. Coordinating or cooperating with job security offices, local governments, and private institutions providing employment services, and fostering a market for employment services.

(2) The Government may carry out projects concerning the affairs under paragraph (1) 2 through 5 and 7, either jointly with a person falling under any of the following subparagraphs or by entrusting the same to the said person:

1. A person who provides free job placement services pursuant to Article 18;
2. A person who provides fee-charging job placement services pursuant to Article 19;
3. A person who runs business providing vocational information pursuant to Article 23;
4. Other specialized institutions prescribed by Presidential Decree, related to the affairs under paragraph (1) 2 through 5 and 7.

(3) Costs incurred in the projects under paragraph (2) may be subsidized from the general account or the Employment Insurance Fund under the Employment Insurance Act, according to a person eligible for subsidization and method of subsidization prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 4 Moved to Article 2-2. <by Act No. 9795, Oct. 9, 2009>

Article 4-2 (Domestic Job Placement Services, etc. by Local Government) (1) The head of each local government may, if necessary, provide domestic job placement services, vocational guidance services, or vocational information services to job offerors or job seekers.

(2) The head of each local government may assign experts necessary for providing the services under paragraph (1).

(3) The Minister of Employment and Labor may, if he/she deems it necessary for efficient performance of affairs under Article 3, provide domestic job placement services, vocational guidance services, or vocational information services to job offerors or job seekers, jointly with the head of each local government.<Amended by Act No. 10339, Jun. 4, 2010>

(4) Chapter II (excluding Articles 5 and 7) shall apply mutatis mutandis to cases where the head of each local government provides domestic job placement services, etc. to job offerors or job seekers pursuant to paragraph (1).

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 4-3 Deleted. <by Act No. 8249, Jan. 19, 2007>

Article 4-4 (Civilian Employment Counselors) (1) The Minister of Employment and Labor may assign an employment counselor, other than a public official, (hereinafter referred to as "civilian employment counselor") to perform the affairs concerning job placement services,

vocational guidance services, and employment information services, and any other relevant affairs to an employment security office. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The standards for assigning a civilian employment counselor and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

<Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 4-5 (Certifications of Institutions Providing Outstanding Employment Services) (1) The

Minister of Employment and Labor may certify an institution falling under any of the subparagraphs of Article 3 (2), which has facilities and equipment that may be conveniently used by the job offerors and job seekers and contributes to the improvement of employment services for such job offerors and job seekers by means of job placement services, employment information services, etc., as an institution providing outstanding employment services. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The Minister of Employment and Labor may entrust the affairs of certifying institutions providing outstanding employment services under paragraph (1) to a specialized institution prescribed by Presidential Decree.<Amended by Act No. 10339, Jun. 4, 2010>

(3) The Minister of Employment and Labor may render necessary support, etc. to any institution certified as an institution providing outstanding employment services under paragraph (1), such as by conducting a joint project under Article 3 (2), or giving it priority to participate in the projects which can be entrusted.<Amended by Act No. 10339, Jun. 4, 2010>

(4) If any institution certified as an institution providing outstanding employment services under paragraph (1) falls under any of the following subparagraphs, the Minister of Employment and Labor may revoke the certification thereof:<Amended by Act No. 10339, Jun. 4, 2010>

1. When it is certified by false or other improper means;
2. When it has no business performance for one or more consecutive years without justifiable grounds;
3. When it fails to satisfy the certification standards under paragraph (7);
4. When it discontinues its business.

(5) The term of validity of certification as an institution providing outstanding employment services shall be three years from the date of certification.

(6) If an institution certified as an institution providing outstanding employment services intends to be re-certified before the effective period of certification under paragraph (5) expires, it shall apply for re-certification to the Minister of Employment and Labor, as prescribed by Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

(7) Necessary matters concerning the standards for and methods of certifying an institution providing outstanding employment services, and re-certification shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

CHAPTER II JOB PLACEMENT, VOCATIONAL GUIDANCE, ETC. BY HEAD OF EMPLOYMENT SECURITY AGENCY

SECTION 1 Common Provisions

Article 5 (Agency in Charge of Affairs) @Part of affairs under Article 3 shall be carried out by the head of a employment security office.

Article 6 (Securing, etc. Professionalism of Staff-In-Charge) (1) The Government shall endeavor to secure the professionalism of staff-in-charge by cultivating and assigning public officials having exclusive charge so that the head of each employment security office may professionally carry out his/her affairs, such as job placement, vocational guidance, etc.

(2) The Minister of Employment and Labor may nominate a vocational advisor, from among public officials under his/her jurisdiction to take charge of job placement, vocational guidance, etc. <Amended by Act No. 10339, Jun. 4, 2010>

(3) Matters concerning the qualifications, etc. of vocational advisors under paragraph (2) shall be prescribed by the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 7 (Cooperation of Head of Si/Gun and others) The Special Self-Governing Province Governor or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) shall cooperate in each of the following affairs, if so requested by the head of an employment security office:

1. Responding to inquiries about identification of a job offeror or job seeker or any other inquires;
2. Broadcasting or public reporting on job offering and job seeking.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

SECTION 2 Job Placement

Article 8 (Application for Workers) No head of any employment security office shall refuse to accept an application for workers: Provided, That the same shall not apply in any of the following cases: <Amended by Act No. 13049, Jan. 20, 2015>

1. Where the details of an application for workers violate any statutes;
2. Where wages, working hours, and other working conditions described in the application for workers are deemed significantly inappropriate when compared to normal working conditions;
3. Where a job offeror refuses to specify the conditions under which he/she is to offer the job;
4. Where a job offeror is a business owner, who delayed paying wages and whose name is listed and disclosed pursuant to Article 43-2 of the Labor Standards Act, as at the time when he/she applies for workers.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 9 (Application for Job) (1) No head of any employment security office shall refuse to accept an application for a job: Provided, That the same shall not apply if the details of the application violate any statutes.

(2) The head of an employment security office may conduct vocational counseling or a vocational aptitude test, upon request of a job seeker or upon obtaining consent from a job seeker when he/she deems it necessary.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 10 (Specification, etc. of Working Conditions) Upon filing an application for workers with the head of an employment security office, a job offeror shall specify the job descriptions and working conditions, and the head of the employment security office shall inform job seekers of the details thereof.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 11 (Principles of Job Placement) (1) The head of an employment security office shall endeavor to help a job seeker find a job appropriate for his/her ability, and help a job offeror find a job seeker appropriate for the conditions of the job offer.

(2) The head of an employment security office shall endeavor to help a job seeker find a job within a commutable area to the greatest extent possible.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 12 (Job Placement over Wide Area) Where it is impossible to help a job seeker find a job appropriate to his/her wish and ability within a commutable area, or where it is impossible to provide a job offeror with the desired job seekers or the desired number of job seekers, the head of the employment security office may provide job placement services over a wide area.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 13 (Arrangement of Training Institution) Where it is deemed necessary for a job seeker to take a workplace skill development training for his/her employment, the head of an employment security office may arrange with the job seeker to take a workplace skill development training at a workplace skill development training establishment, etc. under the Act on the Development of Workplace Skills of Workers.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

SECTION 3 Vocational Guidance

Article 14 (Vocational Guidance) (1) The head of an employment security office shall provide vocational guidance to a person falling under any of the following subparagraphs:

1. A person who intends to find a new job;
2. A person with a physical or mental disability;
3. Other persons who need special guidance in finding a job.

(2) Matters necessary for the method, procedures, etc. of the vocational guidance under paragraph (1) shall be prescribed by the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 15 (Cooperation among Head of Employment Security Office, Principal of School, etc.)

The head of an employment security office shall, if deemed necessary, cooperate in free job placement services conducted by principals at each school level under the Elementary and Secondary Education Act and the Higher Education Act and by the heads of public workplace skill training establishments under the Act on the Development of Workplace Skills of Workers and may, upon their request, provide vocational guidance to students or vocational trainees.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

SECTION 4 Provision of Employment Information

Article 16 (Collection, Provision, etc. of Employment Information) (1) The head of each employment security office shall collect and arrange various employment information in the area under his/her jurisdiction on a frequent or regular basis and actively provide such information to job offerors, job seekers, and other persons who require such employment information.

(2) The head of each employment security office shall establish and implement appropriate measures, if the outcome of analysis on the collected employment information shows a rapid change or significant imbalance in the supply of and demand for workforce within the area under his/her jurisdiction.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 17 (Development of Job-Offering and Job-Seeking) The head of an employment security office shall endeavor to develop the job-offering and job-seeking, for the purpose of expanding the opportunity for job seekers to find a job, and supporting the supply of workforce lacking in each industry.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

CHAPTER III JOB PLACEMENT SERVICES, BUSINESS PROVIDING EMPLOYMENT INFORMATION, RECRUITING OR LABOR SUPPLY BUSINESS CONDUCTED BY THOSE OTHER THAN HEADS OF EMPLOYMENT SECURITY AGENCIES

SECTION 1 Placement Services and Business Providing Employment Information

- Article 18 (Free Job Placement Services)** (1) Free job placement services shall be classified into domestic and overseas free job placement services, based on the location where a worker who is subject to a job placement intends to find a job. A person who intends to conduct domestic free job placement services shall file a report with the Special Self-Governing Province Governor or the head of a Si/Gun/Gu having jurisdiction over the location of the main place of his/her business, and a person who intends to conduct overseas free job placement services shall file a report with the Minister of Employment and Labor. The same shall also apply where he/she intends to change the reported matters. [<Amended by Act No. 10339, Jun. 4, 2010>](#)
- (2) A person who intends to conduct free job placement services under paragraph (1) shall be a non-profit corporation or public organization prescribed by Presidential Decree.
- (3) Matters to be reported, reporting procedures under paragraph (1), and other matters necessary for reporting shall be prescribed by Presidential Decree.
- (4) Notwithstanding paragraph (1), free job placement services may be conducted without filing a report in any of the following cases:
1. Job placement services conducted by the Human Resources Development Service of Korea pursuant to the Human Resources Development Service of Korea Act;
 2. Job placement services for the disabled conducted by the Korea Employment Agency for the Disabled pursuant to the Employment Promotion and Vocational Rehabilitation of Disabled Persons Act;
 3. Job placement services for enrolled students or graduates conducted by principals at each school level pursuant to education-related Acts, or for trainees or vocational graduates conducted by the heads of a public workplace skill training establishment under the Act on the Development of Workplace Skills of Workers;
 4. Job placement services for workers suffering an accident on duty conducted by the Korea Labor Welfare Corporation pursuant to the Industrial Accident Compensation Insurance.
- (5) Any person who conducts, or those who are engaged, in free job placement services under paragraphs (1) and (4) shall not provide a job offeror with job placement services in case where the job offerer is a business owner, who delayed paying wages and whose name is listed and disclosed under Article 43-2 of the Labor Standards Act, as at the time

when he/she applies for workers. <Newly Inserted by Act No. 13049, Jan. 20, 2015>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

- Article 19 (Fee-Charging Job Placement Services)** (1) Fee-charging job placement services shall be classified into domestic and overseas fee-charging job placement services, based on the place where a worker who is subject to job placement services intends to find a job. A person who intends to conduct domestic fee-charging job placement services shall register with the Special Self-Governing Province Governor or the head of a Si/Gun/Gu having jurisdiction over the location of the main place of his/her business, and a person who intends to conduct overseas fee-charging job placement services shall register with the Minister of Employment and Labor. The same shall also apply to cases where he/she intends to change the registered matters. <Amended by Act No. 10339, Jun. 4, 2010>
- (2) A person who intends to conduct fee-charging job placement services after completing registration under paragraph (1) shall open only one place of business: Provided, That the same shall not apply to cases where he/she hires no less than one person prescribed by Presidential Decree, such as a person, etc, who is deemed to have experience, qualifications, or knowledge concerning job placement or job counseling at each place of business.
- (3) No person who conducts fee-charging job placement services after completing registration under paragraph (1) shall receive any money or valuables, other than fees determined and publicly announced by the Minister of Employment and Labor: Provided, That he/she may receive fees agreed between the relevant parties from a job offeror when conducting job placement services for high-quality or professional human resources prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>
- (4) Where the Minister of Employment and Labor intends to determine fees under paragraph (3), he/she shall undergo deliberation by the Employment Policy Deliberative Council under the Framework Act on Employment Policy (hereinafter referred to as the "Employment Policy Council"). <Amended by Act No. 10339, Jun. 4, 2010>
- (5) Personnel and physical requirements that are standards for registering fee-charging job placement services under paragraph (1) and other necessary matters concerning fee-charging job placement services shall be prescribed by Presidential Decree.

(6) Any person who conducts, and those who are engaged in, fee-charging job placement services upon completing registration under paragraph (1), shall observe the following matters:<Amended by Act No. 13049, Jan. 20, 2015>

1. Where a job offeror is a business owner, who delayed paying wages and whose name is listed and disclosed pursuant to Article 43-2 of the Labor Standards Act, as at the time he/she applies for workers, such fact shall be notified to a job seeker;
2. Where a business of a job offeror requires approval of a competent administrative agency or report or registration thereto, the actual approval, report, or registration of such business shall be checked;
3. Other matters prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 20 Deleted. <by Act No. 9795, Oct. 9, 2009>

Article 21 (Prohibition of Lending Name) No person who has completed registration of free job placement services under Article 19 (1) shall allow another person to conduct placement services using his/her name or trade name, or lend the certificate of registration.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 21-2 (Prohibition of Receiving Advanced Payment) A person who conducts fee-charging job placement services after completing registration under Article 19 (1) and a person who is engaged in such services shall not receive an advanced payment from job offerors to provide it to job seekers.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 21-3 (Restrictions on Job Placement for Minors) (1) A person who conducts free job placement services or fee-charging job placement services under Articles 18 and 19 and a person who is engaged in such services (hereafter referred to as "job placement services operator, etc." in this Article) shall check the age of a job seeker, and shall obtain written consent on employment from the person with parental authority or guardian of the job seeker, if he/she recommends a job seeker under the age of 18.

(2) No job placement services operator, etc. shall place a job seeker under the age of 18 to any business prohibited from hiring a person under the age of 18 pursuant to Article 65 of the Labor Standards Act.

(3) No job placement services operator, etc. shall place a job seeker who is a juvenile under subparagraph 1 of Article 2 of the Juvenile Protection Act to an establishment harmful to juveniles under subparagraph 5 of the same Article. <Amended by Act No. 11048, Sept. 15, 2011>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 22 (Person, etc. Engaged in Fee-Charging Job Placement Services) (1) A person who conducts fee-charging job placement services upon completing registration under Article 19 (1) shall not employ a person falling under subparagraph 1, 2, 4 or 6 of Article 38.

(2) A person who conducts fee-charging job placement services upon completing registration under Article 19 (1) shall hire one or more vocational counsellors having qualifications prescribed by Ordinance of the Ministry of Employment and Labor at each place of business: Provided, That where a family member who lives together with a person who conducts fee-charging job placement services works at a specific place of business on a full-time basis having qualifications as a vocational counsellor under the main sentence, a vocational counsellor is deemed to be hired at the relevant place of business, and if a person who conducts fee-charging job placement services works at a specific place of business on a full-time basis having qualifications as a vocational counsellor, it is allowed not to hire a vocational counsellor at the relevant place of business. <Amended by Act No. 10339, Jun. 4, 2010>

(3) No person, other than a vocational counsellor under paragraph (2), from among those engaged in fee-charging job placement services, shall take charge of clerical affairs concerning job placement.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 23 (Reporting on Business Providing Employment Information) (1) A person who intends to run business providing employment information (excluding a person who conducts free job placement services and a person who conducts fee-charging placement services under Article 18 and 19, respectively) shall file a report with the Minister of Employment and Labor. The same shall also apply to cases where he/she intends to change the reported matters. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Matters to be reported, reporting procedures, and other matters necessary for report under paragraph (1) shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 24 Deleted. <by Act No. 5478, Dec. 24, 1997>

Article 25 (Matters to be Observed by Person Running Business Providing Employment

Information) A person who runs business providing employment information while conducting free job placement services under Article 18 or fee-charging job placement services under Article 19, or a person who runs business providing employment information under Article 23 shall abide by the following matters: <Amended by Act No. 13049, Jan. 20, 2015>

1. Where a job offeror is a business owner, who delayed paying wages and whose name is listed and disclosed pursuant to Article 43-2 of the Labor Standards Act, as at the time he/she applies for workers, such fact shall be notified so that a job seeker can be informed thereof;
2. Information on job placement which fails to meet the minimum wage determined and publicly notified pursuant to Article 10 of the Minimum Wage Act shall not be provided;
3. Other matters prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 26 (Prohibition of Concurrent Engagement) No person who runs any of the following business shall provide job placement services nor become an executive officer of a corporation providing job placement services:

1. Marriage brokerage business prescribed in subparagraph 2 of Article 2 of the Marriage Brokers Business Management Act;
2. Lodging business prescribed in Article 2 (1) 2 of the Public Health Control Act;
3. Business prescribed by Presidential Decree among the food service business prescribed in Article 36 (1) 3 of the Food Sanitation Act.

[This Article Wholly Amended by Act No. 15589, Apr. 17, 2018]

Article 27 (Application Mutatis Mutandis) @Articles 8 through 12 shall apply mutatis mutandis to free or fee-charging job placement services under Article 18 or 19.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

SECTION 2 Recruitment of Workers

Article 28 (Recruitment of Workers) A person who intends to employ workers may recruit them using various media, such as an advertisement, document, information and communications network, and any other medium.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 29 Deleted. <by Act No. 5884, Feb. 8, 1999>

Article 30 (Recruitment of Persons to Work Overseas) (1) Anyone who has recruited workers to work overseas shall file a report with the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Matters necessary for reporting under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 31 (Recommendations on Improvement of Recruitment Method, etc.) (1) The Minister of Employment and Labor may, if deemed necessary for establishing a sound order for recruitment, recommend the improvement of the method, etc. of recruiting workers under Article 28 or 30. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The Minister of Employment and Labor shall, if he/she intends to make a recommendation under paragraph (1), undergo deliberation by the Employment Policy Council. <Amended by Act No. 10339, Jun. 4, 2010>

(3) Matters necessary for recommendations under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 32 (Prohibition of Receiving Money and Valuables, etc.) No person who intends to recruit workers nor any person engaged in such recruitment work shall receive any money and valuables or other gains from applicants in connection with such recruitment, regardless of any pretext thereof: Provided, That the same shall not apply to cases where a person who conducts fee-charging job placement services under Article 19 conducts job placement by recruiting a person who meets the conditions presented by a job offeror,

upon request of the job offeror.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

SECTION 3 Labor Supply Business

Article 33 (Labor Supply Business) (1) No person shall engage in a labor supply business without obtaining permission of the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The effective period of permission for labor supply business shall be three years, and a person who intends to continue operating the labor supply business after the expiration of the effective period shall renew the permission thereof, as prescribed by Ordinance of the Ministry of Employment and Labor. In such cases, the effective period of the renewed permission shall be three years from the date on which the effective period of permission before renewal expires.<Amended by Act No. 10339, Jun. 4, 2010>

(3) Labor supply business shall be classified into domestic labor supply business and overseas labor supply business, based on the place where a worker to be supplied intends to find a job, and the scope of persons eligible to obtain permission for each business is detailed as follows:

1. In cases of domestic labor supply business: A trade union under the Trade Union and Labor Relations Adjustment Act;
2. In cases of overseas labor supply business: A person who operates manufacturing business, construction business, service business, and other services: Provided, That a person eligible to obtain permission for overseas labor supply business, the objects of which are entertainers, shall be a non-profit corporation pursuant to Article 32 of the Civil Act.

(4) The Minister of Employment and Labor shall, in granting permission for labor supply business under paragraph (3), comprehensively consider the scope of work by a trade union, supply and demand status of human resources for each relevant region or occupation, stability in employment relations, etc, in respect of domestic labor supply business, and supply and demand status of human resources for each relevant occupation, stability in employment relations, order for employment of workers, etc., in respect of overseas labor supply business.<Amended by Act No. 10339, Jun. 4, 2010>

(5) A person, who falls under paragraph (3) 2 and intends to engage in overseas labor supply business, shall have assets and facilities prescribed by Presidential Decree.

(6) The standards for permission for labor supply business, applications for permission, protection of workers supplied overseas, management of overseas labor supply business, screening and selection of entertainers to be supplied overseas, and other necessary matters for the procedures for permission of labor supply business shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 34 (Prohibition of False Job Offer Advertisement, etc.) (1) No person who conducts job placement services, business recruiting workers, or labor supply business under Article 18, 19, 28, 30, or 33 nor a person engaged in such business shall place a false job offer advertisement, or suggest false job offer conditions.

(2) Matters concerning the scope of any false job offer advertisement under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 34-2 (Guaranteeing Liability for Damages) (1) A person who operates fee-charging job placement services upon completing registration under Article 19 (1) or labor supply business after obtaining permission under Article 33 (1) (hereafter referred to as "operator of fee-charging job placement services, etc.") is liable to compensate for damages, if he/she inflicts damages on a worker or a person to whom a worker is introduced or supplied intentionally or by negligence while conducting job placement services or supplying a worker.

(2) An operator of fee-charging job placement services, etc. shall buy guarantee insurance, join a mutual-aid under paragraph (3), or deposit money in a financial institution, as prescribed by Presidential Decree, for the purpose of guaranteeing the liability for compensation for damages under paragraph (1).

(3) The business operators' association under Article 45-2 may carry out mutual-aid business, as prescribed by Presidential Decree, for the purpose of guaranteeing the liability for compensation for damages under paragraph (1). <Amended by Act No. 10339, Jun. 4, 2010>

(4) Where the business operators' association under Article 45-2 intends to carry out mutual-aid business under paragraph (3), it shall establish mutual-aid regulations and obtain approval thereof from the Minister of Employment and Labor. The same shall also apply where it intends to amend the mutual-aid regulations. <Amended by Act No. 10339, Jun. 4, 2010>

(5) The mutual-aid regulations under paragraph (5) shall contain each of the following:

1. Scope of mutual-aid business;
2. Terms of mutual-aid contract;
3. Amount of mutual-aid;
4. Premium of mutual-aid;
5. Liability reserve to earmark for the amount of mutual-aid;
6. Other matters necessary for the operation of mutual-aid business.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 35 (Reporting on Discontinuation of Permitted, Registered, or Reported Services or Business) Where a person who provides services or operates business after filing a report, completing registration, or obtaining permission under Articles 18, 19, 23 or 33 discontinues the relevant services or business, he/she shall report to the Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu, within seven days from the date of such discontinuation. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 36 (Cancellation, etc. of Registration, Permission, etc.) (1) Where a person who provides services or operates a business after filing a report, completing registration, or obtaining permission under Articles 18, 19, 23 or 33 is feared to undermine the public interest and falls under any of the following subparagraph, the Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may suspend the services or business for a fixed period not exceeding six months or revoke the registration or permission thereof: Provided, That if he/she falls under subparagraph 2, permission thereof shall be revoked: <Amended by Act No. 10339, Jun. 4, 2010>

1. Where he/she files a report, registers, or obtains permission by false or other improper means;

2. Where he/she falls under any subparagraph of Article 38;
 3. Where he/she violates this Act or any order issued pursuant to this Act.
- (2) The Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall, when he/she intends to revoke the registration or permission due to a ground falling under subparagraph 7 of Article 38, give not less than one month to replace the relevant executive, in advance. <Amended by Act No. 10339, Jun. 4, 2010>
- (3) Criteria for suspension or revocation under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>
 [This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 36-2 (Succession, etc. to Status of Business Operators) (1) Where a person who has reported the discontinuation of his/her services or business pursuant to Article 35 (including discontinuation without filing a report; hereinafter the same shall apply) reports, registers, or obtains permission anew pursuant to Articles 18, 19, 23, or 33 (hereafter referred to as "re-report, etc." in this Article), he/she shall succeed to the status as the business operator before a report on discontinuation is filed.

(2) In cases of paragraph (1), the Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may take an administrative measure under Article 36 (1) against a business operator who has filed a re-report, etc. on account of a violation committed before a report on discontinuation is filed: Provided, That the same shall not apply in any of the following cases: <Amended by Act No. 10339, Jun. 4, 2010>

1. Where a violation forms the basis of a disposition of business suspension and the period from the date of filing a report on discontinuation to the date of re-report, etc. exceeds one year;
2. Where a violation forms the basis of a disposition of revocation of registration or permission and the period from the date of filing a report on discontinuation to the date of re-report, etc. exceeds five years.

(3) The Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall consider the period of discontinuation, reason for discontinuation, where the violation forming the basis of an administrative disposition persists, and other factors in taking the administrative disposition under paragraph (2).
 <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 36-3 (Hearings) Where the Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu intends to revoke the registration or permission under Article 36, he/she shall hold a hearing. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 37 (Measures for Closure) (1) Where a person provides any service or operates a business without filing a report, completing registration, or obtaining permission under Article 18, 19, 23, or 33, or continues providing any service or operating a business even after receiving an order for suspension or revocation under Article 36 (1), the Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may require a relevant public official to take any of the following measures:
<Amended by Act No. 10339, Jun. 4, 2010>

1. Removing or eliminating signboards or other business marks of the relevant place of service or business;
2. Posting a bulletin to inform the public of the illegality of the service or business;
3. Sealing to make equipment or facilities indispensable for the operation of service or business unavailable.

(2) A relevant public official who takes a measure under paragraph (1) shall carry a certificate indicating his/her authority, and produce it to persons concerned.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 38 (Disqualification) No person who falls under any of the following subparagraphs may report or register placement services or obtain permission of labor supply business:

<Amended by Act No. 11048, Sept. 15, 2011; Act No. 13049, Jan. 20, 2015>

1. A minor, incompetent person under the adult guardianship, or quasi-incompetent person under the limited guardianship;
2. A person who has yet to be reinstated after having been declared bankrupt;
3. A person in whose case two years have not elapsed since the completion of, or exemption from, a sentence of imprisonment without prison labor or heavier punishment, as so declared by a court;

4. A person falling under any of the following items, who violates this Act, the Act on the Punishment of Acts of Arranging Sexual Traffic, the Act on the Regulation of Amusement Businesses Affecting Public Morals, or the Juvenile Protection Act, or the Seafarers Act, due to any acts concerning job placement services:
 - (a) A person in whose case three years have not elapsed since the completion of, or exemption from, a sentence of imprisonment without labor or heavier punishment, as so declared by a court;
 - (b) A person in whose case three years have not elapsed since the expiry of the period of suspension of execution of his/her imprisonment without labor or heavier punishment, as so declared by a court;
 - (c) A person in whose case two years have not elapsed since the confirmation of punishment of a fine;
5. A person who is under the suspension of the execution of imprisonment without labor or heavier punishment, as so declared by court;
6. A person in whose case five years have not elapsed since the registration or permission of the relevant service or business is revoked under Article 36;
7. A juristic person, the executive of which falls under any of the subparagraphs 1 through 6.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 39 (Preparation and Keeping of Books, etc.) A person registered under Article 19 or permitted under Article 33 shall prepare and keep books, ledgers, and other necessary documents, as prescribed by Ordinance of the Ministry of Employment and Labor. In such cases, the books and ledgers may be prepared and managed in electronic form. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 40 Deleted. <by Act No. 5884, Feb. 8, 1999>

Article 40-2 (Education and Training for Persons, etc. Providing Job Placement Services) (1)
The Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall conduct education and training for a person who provides job placement services, and those engaged therein, so as to improve professional knowledge and professional ethics required to conduct job placement, job counseling, etc.

<Amended by Act No. 10339, Jun. 4, 2010>

(2) The curricula and method of, and other necessary matters for the education and training under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor.<Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 41 (Reporting and Inspection) (1) The Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may, if it is deemed necessary, request a person who provides services or operates business after filing a report, completing registration, or obtaining permission pursuant to Article 18, 19, 23, or 33 to submit necessary data for the implementation of this Act, or to report necessary matters. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Where it is deemed necessary to verify any violation of this Act, the Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may require public officials under his/her control to inspect documents, books, or other articles and make inquiries to related persons by entering the places of business or other facilities of the business subject to this Act.<Amended by Act No. 10339, Jun. 4, 2010>

(3) The Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu shall, when he/she intends to conduct an inspection under paragraph (2), notify in advance the person to be inspected of an inspection plan, including the date and time of inspection, grounds for inspection, details thereof, etc: Provided, That the same shall not apply to cases where urgency is needed, or prior notice may defeat the objectives of the inspection due to destruction, etc. of evidence.<Amended by Act No. 10339, Jun. 4, 2010>

(4) A public official who enters or conducts an inspection under paragraph (2) shall carry certificates indicating his/her authority and produce it to persons concerned.

(5) If deemed necessary for achieving the purpose of this Act, the Minister of Employment and Labor may instruct and supervise a person who operates business after filing a report, completing registration, or obtaining permission under Articles 18, 19, 23, or 33, jointly with the heads of relevant administrative agencies, such as the Special Self-Governing Province Governor and the head of a Si/Gun/Gu.<Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 41-2 (Request for Cooperation on Documents) The Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may, if deemed necessary, request the heads of relevant administrative agencies to cooperate in providing documents necessary for the implementation of this Act. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 42 (Duty of Confidentiality) No person who has participated or is participating in job placement services, business providing vocational information, business recruiting workers, or labor supply business shall divulge any confidential information concerning workers or employers which comes to his/her knowledge in the course of conducting his/her duties.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 43 (Fees) A person who intends to register fee-charging job placement services under Article 19, shall pay fees, as prescribed by Ordinance of the Ministry of Employment and Labor. The same shall also apply to cases where he/she changes any registered matter.

<Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 44 (Delegation of Authority) Some authority of the Minister of Employment and Labor under this Act may be delegated to the head of the employment security office, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 45 (Subsidy of National Treasury) The Minister of Employment and Labor may subsidize all or some of the expenses incurred in providing free job placement services under Article 18. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 45-2 (Establishment, etc. of Business Operators' Association) (1) A person who carries out business after filing a report, completing registration, or obtaining permission under Article 18, 19, 23, or 33 may establish a business operators' association for the sound development, etc. of the job placement services, business providing vocational information, or labor supply business, as prescribed by Presidential Decree.

(2) The business operators' association under paragraph (1) shall be a corporation.

(3) Except as otherwise provided for in this Act, the provisions concerning incorporated associations in the Civil Act shall apply mutatis mutandis to the business operators' association under paragraph (1).

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 45-3 (Rewards) (1) The Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may pay rewards to a person who reports or denounces those who violates Article 34 or those falling under Article 46 (1) 1 and 2 to investigation agencies, within budgetary limits. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Necessary matters concerning rewards under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

CHAPTER V PENALTY PROVISIONS

Article 46 (Penalty Provisions) (1) A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than seven years, or by a fine not exceeding seventy million won: <Amended by Act No. 12631, May 20, 2014>

1. A person who conducts job placement of, recruits or supplies workers, by means of assault, threat, detention, or unlawful restraint upon mental or physical freedom;
2. A person who conducts job placement of, recruits or supplies workers for the purposes of having them be hired in a job accompanying sexual trafficking under Article 2 (1) 1 of the Act on the Punishment of Acts of Arranging Sexual Traffic or other lewd acts.

(2) A person attempts a crime under paragraph (1) shall be punished.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 47 (Penalty Provisions) A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding fifty million won: <Amended by Act No. 12631, May 20, 2014>

1. A person who conducts fee-charging job placement services or labor supply business without filing for registration or obtaining permission under Article 19 (1) or 33 (1);

2. A person who files a registration under Article 19 (1) or obtains permission under Article 33 (1) by false or other unlawful means;
3. A person who lends his/her name, in violation of Article 21, and the other party;
4. A person who violates Article 21-3 (2) and (3);
5. A person who receives money, valuables, or other gains, in violation of Article 32;
6. A person who makes a false job offer advertisement or presents false job offer conditions, in violation of Article 34.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 48 (Penalty Provisions) A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than one year, or by a fine not exceeding ten million won: <Amended by Act No. 12631, May 20, 2014>

1. A person who conducts free job placement services or business providing employment information without filing a report under Article 18 (1) or 23 (1);
2. A person who files a report under Article 18 (1) or 23 (1) by false or other unlawful means;
3. A person who operates business during a suspension period under Article 36;
4. A person who divulges any confidential information, in violation of Article 42.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 48-2 Deleted. <by Act No. 9795, Oct. 9, 2009>

Article 49 (Joint Penalty Provisions) Where the representative of a corporation, or an agent, servant, or other employees of a corporation or individual commits an offense prescribed in Articles 46 through 48 in connection with the business of the said corporation or individual, not only shall such offender be punished accordingly, but the corporation or individual shall also be punished by a fine under the relevant Articles: Provided, That the same shall not apply to cases where the corporation or individual has paid due attention to and diligently supervised the relevant business in order to prevent such offence.

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]

Article 50 (Administrative Fines) (1) A person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 10339, Jun. 4, 2010>

1. A person who receives any money and valuable, other than the fees publicly notified by the Minister of Employment and Labor, in violation of Article 19 (3);
2. A person who receives advance payment, in violation of Article 21-2;
3. A person who fails to obtain written consent from the person with parental authority or guardian of the job seeker when recommending a job seeker under the age of 18, in violation of Article 21-3 (1);
4. A person who takes charge of clerical affairs concerning job placement, in violation of Article 22 (3).

(2) A person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding one million won:

1. A person who fails to file a report on the recruitment of persons working overseas, to file a report on discontinuation of permitted, registered, or reported services or business, in violation of Article 30 (1) or 35;
2. A person who fails to prepare or keep the books and other documents, in violation of Article 39;
3. A person who fails to file a report under Article 41 (1) or files a false report;
4. A person who refuses, interferes with, or evades the entry and inspection of a public official concerned under Article 41 (2).

(3) Administrative fines under paragraphs (1) and (2) shall be imposed and collected by the Minister of Employment and Labor, the Special Self-Governing Province Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

[This Article Wholly Amended by Act No. 9795, Oct. 9, 2009]