

ACT ON PROHIBITION OF AGE DISCRIMINATION IN EMPLOYMENT AND ELDERLY EMPLOYMENT PROMOTION

Act No. 8962, Mar. 21, 2008

Amended by Act No. 9792, Oct. 9, 2009

Act No. 9997, Feb. 4, 2010

Act No. 10339, jun. 4, 2010

Act No. 11791, May 22, 2013

Act No. 13897, Jan. 27, 2016

Act No. 16411, Apr. 30, 2019

Act No. 17326, May 26, 2020

Act No. 18425, Aug. 17, 2021

Act No. 18921, jun. 10, 2022

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purposes of this Act are to contribute to the employment security of the aged and to the development of national economy, by preventing discrimination in hiring practices on the grounds of age without reasonable grounds and supporting and promoting the employment of the aged to ensure they have occupations suitable for their abilities.

Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on May 26, 2020>*

1. The term "aged" means any person whose age is equal to or above the age determined by Presidential Decree, by taking into account demographics and workers;
2. The term "middle-aged" means a person whose age is equal to or above the age prescribed by Presidential Decree, who is not aged;
3. The term "employer" means a person who carries on a business by employing workers;
4. The term "worker" means a worker as referred to in Article 2 (1) 1 of the Labor Standards Act;

5. The term "standard employment ratio" means the ratio of aged people that an employer is required to employ to promote the employment of the aged on the basis of regular workers at a place of business, which is the ratio prescribed by Presidential Decree by type of business in consideration of the current status, form of employment, etc. of the aged.

Article 3 (Responsibilities of the Government)

For the purposes of eliminating discriminatory practices against the aged in employment, the Government shall establish and implement policies to prohibit age discrimination, raise awareness of employers and the general public for the employment of the aged, and implement such policies as the formulation and implementation of countermeasures for promoting the employment of the aged and training for development of vocational skills in a comprehensive and effective manner in order to promote employment of the aged and improve their job security. *<Amended on May, 26, 2020>*

Article 4 (Responsibilities of Employer)

Employers shall endeavor to eliminate age discrimination in employment, provide the aged with employment opportunities suited to their abilities by developing and elevating their vocational skills and by improving operational facilities, jobs, etc., and expand the employment of the aged by means of extending their retirement age. *<Amended on May, 26, 2020>*

Article 4-2 Deleted. *<Mar. 21, 2008>*

Article 4-3 (Formulation of Basic Plans for Promoting Employment of the Aged)

(1) The Minister of Employment and Labor shall formulate a basic plan for promoting the employment of the aged (hereinafter referred to as "basic plan") every five years in consultation with the head of a relevant central agency. *<Amended on Jun. 4, 2010>*

(2) A basic plan shall include the following matters: *<Amended on Jan. 27, 2016>*

1. Evaluation of the previous basic plan;
2. Current status of and outlook for the aged;
3. Vocational skills development of the aged;
4. Schemes for improving the possibilities of employing the aged, such as vocational guidance, re-employment and assistance with changes in occupation;
5. Other major policies relating to the promotion of employment for the aged.

(3) When the Minister of Employment and Labor formulates a basic plan, he or she shall submit the plan for deliberation to the employment policy deliberative council under Article 10 of the Framework Act on Employment Policy (hereinafter referred to as the "Employment Policy Deliberative Council"). *<Amended on Oct. 9, 2009; Jun. 4, 2010>*

- (4) When the Minister of Employment and Labor has formulated a basic plan, he or she shall report it to the relevant standing committee of the National Assembly without delay. *<Newly Inserted on Jan. 27, 2016>*
- (5) When the Minister of Employment and Labor deems it necessary, he or she may request the head of relevant administrative agency or public agency to submit materials necessary for formulating a basic plan. *<Amended on Jun. 4, 2010; Jan. 27, 2016>*

CHAPTER I-2 PROHIBITION ON AGE DISCRIMINATION IN EMPLOYMENT

Article 4-4 (Prohibition on Age Discrimination in Recruitment or Employment)

(1) Employers shall not discriminate against any of their workers or any person who wishes to work for an employer, on the grounds of age without reasonable grounds in the following areas: *<Amended on May 26, 2020>*

1. Recruitment and employment;
2. Salary, provision of money and valuables other than salary, or other welfare benefits;
3. Education and training;
4. Placement, transfer, or promotion;
5. Retirement or dismissal.

(2) In applying paragraph (1), any markedly disadvantageous result caused to a certain age group as a result of applying standards other than age without reasonable grounds is deemed age discrimination.

Article 4-5 (Exceptions to Prohibition on Age Discrimination)

Cases falling under any of the following subparagraphs shall not be deemed age discrimination under Article 4-4:

1. Cases where a certain age limit is inevitably required in view of the nature of the relevant duties;
2. Cases where salary or money and valuables, other than salary, and welfare benefits are offered commensurate with length of service;
3. Cases where a retirement age is set under labor contracts, rules of employment, collective agreements, etc. pursuant to this Act or other Acts;
4. Cases where supportive measures are taken for maintaining and promoting the employment of a certain age group pursuant to this Act or other Acts.

Article 4-6 (Notification of Petition and Recommendations)

(1) Any person who has been discriminated against on the grounds of age due to the violation of any prohibition on age discrimination under Article 4-4 (hereinafter referred to as "victim") may file a petition to the National Human Rights Commission pursuant to Article 30 of the National Human Rights Commission Act.

(2) When the National Human Rights Commission determines that age discrimination has occurred after investigating a petition filed under paragraph (1), and thus recommends the relevant employer or the head of a related agency, organization, supervisory agency to take remedial measures, etc., it shall also notify the details of such recommendation to the Minister of Employment and Labor. *<Amended on Jun. 4, 2010>*

Article 4-7 (Corrective Orders)

(1) When an employer who has been recommended to take remedial measures, etc. by the National Human Rights Commission under Article 4-6 (2) fails to comply with such recommendation without justifiable grounds and is deemed to inflict substantial harm by falling under any of the following subparagraphs, the Minister of Employment and Labor may impose a corrective order upon receiving an application filed by the victim, or ex officio: *<Amended on Jun. 4, 2010>*

1. Failure to comply with recommendations for age discrimination involving many victims;
2. Failure to comply with recommendations for repetitive age discrimination;
3. Failure to comply with recommendations by intention, which is aimed at creating disadvantages to the victims;
4. Cases prescribed by Ordinance of the Ministry of Employment and Labor where a corrective order is required in view of the details and amount of the harm.

(2) A corrective order referred to in paragraph (1) shall include the followings: *<Amended on Jun. 4, 2010>*

1. Prohibition on age discrimination;
2. Restitution of harm;
3. Measures for preventing reoccurrence of age discrimination;
4. Other measures prescribed by Ministry of Employment and Labor as required for rectification of age discrimination.

(3) Where a corrective order under paragraph (1) is imposed pursuant to the application of a victim, such corrective order shall be made within three months from the date when the application is accepted.

(4) The Minister of Employment and Labor shall, when he or she imposes a corrective order under paragraph (1), issue a document specifying the following matters to the relevant employer and victims, respectively: *<Amended on Jun. 4, 2010>*

1. Reasons for the corrective order;
2. Details of the corrective order;
3. Time limit for correction;
4. Procedures for an appeal for the corrective order.

(5) Procedures for a corrective order under paragraph (1) and other necessary measures shall be prescribed by Presidential Decree.

Article 4-8 (Requests for Submission on Status of Compliance with Corrective Orders)

(1) The Minister of Employment and Labor may request an employer who has committed an act of age discrimination to report on the status of compliance with a corrective order under Article 4-7. <Amended on Jun. 4, 2010>

(2) A victim may file a report to the Minister of Employment and Labor if his or her employer who has committed an act of age discrimination fails to comply with a corrective order. <Amended on Jun. 4, 2010>

Article 4-9 (Prohibition on Dismissal or other Unfavorable Treatment)

No employer shall engage in any unfavorable treatment, such as dismissal, transfer, or disciplinary action, against a worker on the ground that the worker has filed a petition, lawsuit or report, or provided data, response or testimony regarding an act of age discrimination banned by this Act.

CHAPTER II GOVERNMENTAL SUPPORT FOR EMPLOYMENT OF THE AGED

Article 5 (Collection of Information on Job Offers and Job Seeking)

The Minister of Employment and Labor, the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors or the Special Self-Governing Province Governor (hereinafter referred to as the "Minister of Employment and Labor, etc.") shall collect information on job offers and job seeking related to the aged, in order to promote the employment of the aged, and endeavor to provide help to job offers and job seeking, and furnish the related information to the job seekers, employers, and related organizations, etc. <Amended on Feb. 4, 2010; Jun. 4, 2010>

Article 6 (Training for Developing Vocational Skills of the Aged)

(1) The Minister of Employment and Labor, etc. shall conduct training for developing vocational skills aiming at the aged as prescribed by Presidential Decree in order to promote the employment of the aged and to develop and improve their vocational skills. <Amended on Feb. 4, 2010; Jun. 4, 2010>

(2) When the Minister of Employment and Labor, etc. deems it necessary to enable the aged to easily adapt themselves to working environments, he or she shall take measures for implementing, before their employment, the adaptation training as prescribed by Ordinance of the Ministry of Employment and Labor, including training relating to safety and health. <Amended on Feb. 4, 2010; Jun. 4, 2010>

(3) The provisions of the National Lifelong Vocational Skills Development Act shall apply mutatis mutandis to training for developing vocational skills of the aged and to the protection of trainees undergoing such training, but special considerations shall be made taking account of the physical and mental conditions, etc. of the aged. <Amended on Aug. 17, 2021>

Article 7 (Employment Guidance for Employer)

(1) When the Minister of Employment and Labor deems it necessary for an employer who employs or intends to employ aged people, he or she shall provide the said employer with the consultation, counselling, and other support for technical matters for the employment management of the aged, such as the employment, placement, operational facilities, and working environments. *<Amended on Jun. 4, 2010>*

(2) The Minister of Employment and Labor shall provide an employer who employs or intends to employ aged people with the information and other data on the physical and mental conditions, vocational skills, etc. of the aged. *<Amended on Jun. 4, 2010>*

Article 8 (Support to Employers in Education, Training of the Aged, and Improvement of Working Environments)

(1) In cases where any employer provides the education or vocational training, etc. necessary for promoting the employment of the aged, the Minister of Employment and Labor may subsidize the whole or part of such expenses. *<Amended on Jun. 4, 2010>*

(2) In cases where any employer improves his or her facilities so as to make them suitable for the employment of the aged, the Minister of Employment and Labor may subsidize the whole or part of such expenses. *<Amended on Jun. 4, 2010>*

(3) Subsidies under paragraphs (1) and (2) shall be paid from the budget (including the employment insurance fund under the Employment Insurance Act; hereinafter the same shall apply), but matters for the payment standards thereof shall be determined by the Minister of Employment and Labor. *<Amended on Jun. 4, 2010>*

Article 9 (Strengthening Mediatory Functions for Employment of the Aged)

(1) The Government shall provide the adequate vocational guidance and employment mediation, such as vocational counselling and vocational aptitude tests, etc. for the aged, in order to help the aged obtain the occupation suited to their abilities.

(2) The Government shall endeavor to improve related administrative organizations and facilities, for the vocational guidance and employment mediation for the aged.

(3) The Minister of Employment and Labor, etc. shall nominate, from among his or her officials, a vocational guidance officer, in order to enable him/her to take charge of the vocational guidance and employment mediation for the aged. *<Amended on Feb. 4, 2010; Jun. 4, 2010>*

(4) Matters necessary for qualifications, etc. of vocational guidance officers shall be determined by the Minister of Employment and Labor. *<Amended on Jun. 4, 2010>*

Article 10 (Operation of Employment Information Center for the Aged)

(1) The Minister of Employment and Labor, etc. may operate the Employment Information Center for the Aged in the regions necessary for the efficient performance of the affairs of vocational guidance and employment mediation, etc. for the aged. *<Amended on Feb. 4, 2010; Jun. 4, 2010>*

(2) The Employment Information Center for the Aged shall perform the following affairs:

1. Registration of job offers and job seeking, vocational guidance, and employment mediation for the aged;
2. Training and education for occupational orientation for the aged;
3. Technical counselling, education, and guidance pertaining to the personnel and labor management for the extension of a retirement age and employment of the aged, improvement, etc. of the working environments;
4. Publicity to promote employment of the aged;
5. Other affairs necessary to promote employment of the aged.

Article 11 (Designation of Talent Bank of the Aged)

(1) The Minister of Employment and Labor may designate, as a Talent Bank of the Aged, a corporation, institution, or organization equipped with professional manpower and facilities required for vocational guidance, employment mediation, training for development of vocational skills, etc. for the aged, from among the following corporations, institutions, and organizations: *<Amended on Feb. 4, 2010; Jun. 4, 2010; Aug. 17, 2021>*

1. Nonprofit corporations or public organizations providing free job placement services under Article 18 of the Employment Security Act;
2. Institutions qualified to be entrusted with training for development of vocational skills under Article 16 of the National Lifelong Vocational Skills Development Act.

(2) The scope of business of a Talent Bank of the Aged that fulfills both paragraph (1) 1 and 2 shall include all of the following subparagraphs, the scope of business of a Talent Bank of the Aged that fulfills only paragraph (1) 1 shall be limited to subparagraph 1, 2, and 4, and the scope of business of a Talent Bank of the Aged that fulfills only paragraph (1) 2 shall be limited to subparagraphs 3 and 4: *<Amended on Feb. 4, 2010; Jun. 4, 2010>*

1. Registration of job offers and job seeking, vocational guidance, and employment mediation for the aged;
2. Occupational counselling for the aged seeking employment, and reemployment counselling for retired persons;
3. Training for developing vocational skills of the aged;
4. Other businesses determined by the Minister of Employment and Labor, where he or she deems it necessary for promotion of employment of the aged.

(3) The Minister of Employment and Labor may provide the Talent Bank of the Aged with the information on job offers and job seekers, the demand and supply of labor forces within the region, and other required data, which have been collected by the administrative agency in charge of employment security. *<Amended on Jun. 4, 2010>*

- (4) The Minister of Employment and Labor may fully or partially subsidize, within the limit of its budget, the expenses incurred by the Talent Bank of the Aged. <Amended on Jun. 4, 2010>
- (5) Matters necessary for the criteria, procedures, etc. for the designation of a Talent Bank of the Aged under paragraph (1) shall be prescribed by Presidential Decree.

Article 11-2 (Designation of Employment Support Center for Middle-Aged Professional Manpower)

- (1) The Minister of Employment and Labor may designate any Employment Support Center for Middle-Aged Professional Manpower (hereinafter referred to as "Employment Support Center for Middle-Aged Professional Manpower") which shall render professional assistance, such as vocational guidance and employment mediation, to aged persons who have retired from jobs and are prescribed by Ordinance of the Ministry of Employment and Labor in consideration of their career, etc. (hereinafter referred to as "middle-aged professional manpower"). <Amended on Jun. 4, 2010>
- (2) Each Employment Support Center for Middle-Aged Professional Manpower shall be designated, from among nonprofit corporations or public organizations which provide free job placement services under Article 18 of the Employment Security Act and are equipped with necessary professional manpower and facilities.
- (3) Each Employment Support Center for Middle-Aged Professional Manpower shall perform business falling under any of the following subparagraphs:
1. Registration of job offers or job seekers, employment counseling, and employment mediation for middle-aged professional manpower;
 2. Assistance to management consultation, volunteer activity, etc. for small and medium enterprises by middle-aged professional manpower;
 3. Other business necessary for the employment of middle-aged professional manpower prescribed by Presidential Decree.
- (4) The provisions of Article 11 (3) through (5) regarding a Talent Bank of the Aged shall apply mutatis mutandis to any Employment Support Center for Middle-Aged Professional Manpower. In such cases, the term "Talent Bank of the Aged" shall be deemed an "Employment Support Center for Middle-Aged Professional Manpower."

Article 11-3 (Revocation of Designation of Talent Bank of the Aged and Employment Support Center for Middle-Aged Professional Manpower)

- (1) Where a person who has been designated as a Talent Bank of the Aged or an Employment Support Center for Middle-Aged Professional Manpower falls under any of the following, the Minister of Employment and Labor may revoke the designation thereof as prescribed by Ordinance of the Ministry of Employment and Labor: <Amended on Feb. 4, 2010; Jun. 4, 2010; Aug. 17, 2021>
1. Where such person discontinues providing free job placement services;

2. Where such person has been subject to suspension of business operations pursuant to Article 36 of the Employment Security Act;
 3. Where such person has been subject to revocation of approval for training for development of vocational skills pursuant to Article 27 of the National Lifelong Vocational Skills Development Act, or subject to revocation of designation as vocational skills development training facility or to suspension of training for development of vocational skills pursuant to Article 31 of that Act;
 4. Where any designated vocational skills development training facility is permanently closed pursuant to Article 28 (3) of the National Lifelong Vocational Skills Development Act;
 5. Where such person has been subject to revocation of permission for incorporation as a vocational skills development training corporation pursuant to Article 32 of the National Lifelong Vocational Skills Development Act;
 6. Where it falls under such causes as poor business performance, etc. prescribed by the Minister of Employment and Labor.
- (2) Where the Minister of Employment and Labor intends to revoke designation pursuant to paragraph (1), he or she shall hold a hearing under the Administrative Procedures Act. <Newly Inserted on Jun. 10, 2022>
- (3) Where a person who has been designated as a Talent Bank of the Aged or an Employment Support Center for Middle-Aged Professional Manpower intends to discontinue or temporarily close his or her business, he or she shall file a report thereon with the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010; Jun. 10, 2022>

Article 11-4 (Business for Promoting Employment of the Aged)

- (1) The Minister of Employment and Labor may carry on business falling under any of the following subparagraphs for promoting employment of the aged: <Amended on Jun. 4, 2010>
1. Creation of social jobs suitable for the aged;
 2. Assistance to the start-up of self-employed business by the aged;
 3. Assistance to job fairs aimed at the aged;
 4. Surveys and studies necessary for the establishment of policies for promoting and stabilizing employment of the aged, and for improvement of relevant systems;
 5. Education of the employees of relevant institutions, such as Talent Banks of the Aged and Employment Support Centers for Middle-Aged Professional Manpower, and the fostering of necessary manpower;
 6. Determination and promotion of special periods emphasizing employment of the aged;
 7. Selection of and assistance to exemplary enterprises employing the aged;
 8. Other business for promoting employment of the aged.
- (2) Matters necessary for carrying on the business under each subparagraph of paragraph (1) shall be prescribed by Presidential Decree.

CHAPTER III EMPLOYMENT PROMOTION AND EMPLOYMENT STABILITY OF THE AGED

Article 12 (Employer's Obligations for Endeavoring to Employ Aged People)

Any employer who employs workers in excess of a specific number prescribed by Presidential Decree, shall endeavor to employ aged people in excess of the standard employment ratio.

Article 13 (Submission of Employment Status of the Aged by Employers)

(1) Each year each employer referred to in Article 12 shall submit details of the employment status of the aged to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*

(2) The Minister of Employment and Labor may recommend request any employer referred to in Article 12 and whose ratio of the aged in regular employ falls short of the standard employment ratio, to perform necessary measures for promotion of employment and stability of the aged. *<Amended on Feb. 4, 2010; Jun. 4, 2010>*

(3) The Minister of Employment and Labor may consult, advise, or provide other necessary cooperation and assistance to the employers that perform the measures pursuant to the recommendation referred to in paragraph (2). *<Amended on Feb. 4, 2010; Jun. 4, 2010>*

(4) Deleted. *<Feb. 4, 2010>*

Article 14 (Tax Credit for Employment Promotion of the Aged)

(1) In cases where any employer additionally employs aged people in excess of the standard employment ratio under Article 12, his or her taxes shall be reduced or exempted, as prescribed by the Act on Restriction on Special Cases concerning Taxation.

(2) The Minister of Employment and Labor may pay subsidies for employment according to the following classifications within budget limits: *<Amended on Jun. 4, 2010>*

1. An employment subsidy to be paid for a certain period of time to employers who newly employ aged people or employ a large number of aged people or who have taken measures necessary for employment stability of the aged;
2. In cases where employers implement a system in which wages are reduced based on a certain age, point of time of service, or amount of wages on condition that employment is guaranteed up to or beyond a certain age by obtaining the consent of the representative of workers, a subsidy paid for a certain period of time to workers subject to such system. In such cases, the term "representative of workers" means the representative of the labor union if such labor union consisting of a majority of workers exists, and, if no labor union consisting of a majority of workers exists, the person who represents a majority of workers;

3. A subsidy paid to employers who undergo a diagnosis by a professional institution with regard to the revamp of a wage system, job replanning (referring to developing jobs suitable for the aged or the middle-aged and planning therefor), etc. for the purpose of employment security, promotion of employment, etc. of the aged and the middle-aged.
- (3) Matters concerning the standards for payment, etc. of the subsidies for employment under paragraph (2), shall be determined by Presidential Decree.

Article 15 (Selection of Preferred Occupational Types)

- (1) The Minister of Employment and Labor shall select types of occupation suitable for employment of the aged and the middle-aged (hereinafter referred to as "preferred occupational types") by undergoing deliberation by the Employment Policy Deliberative Council, and publicly notify the selected types of occupation. *<Amended on Jun. 4, 2010>*
- (2) The Minister of Employment and Labor shall investigate and research matters necessary for promoting employment of the aged and the middle-aged, such as the development of preferred occupational types, etc., and organize and distribute relevant data. *<Amended on Jun. 4, 2010>*

Article 16 (Employment in Preferred Occupational Types)

- (1) The State, local governments, and the head of an institution designated as public institution under Article 4 of the Act on the Management of Public Institutions shall preferentially employ the aged and the middle-aged to the preferred occupational types in the pertinent institution, as prescribed by Presidential Decree. *<Amended on Feb. 4, 2010>*
- (2) Employers, other than persons stipulated in paragraph (1), shall endeavor to preferentially employ the aged and the middle-aged in the preferred occupational types.

Article 17 (Request for Expansion of Employment)

- (1) The Minister of Employment and Labor may require any person whose record of preferential employment of the aged and the middle-aged under Article 16 has been unsatisfactory to submit a reason therefor, and may request any person who is not justified in such reason (including any person who has failed to submit a reason) to increase the employment of the aged and the middle-aged. *<Amended on Jun. 4, 2010>*
- (2) The Minister of Employment and Labor may request any employer who fails to comply with the recommendation referred to in Article 13 (2), to submit a reason therefor, and may request any employer who is not justified in such reason (including any employer who has failed to submit a reason) to increase the employment of the aged. *<Amended on Feb. 4, 2010; Jun. 4, 2010>*

Article 18 (Public Announcement of Details and Suspension of Employment Mediation)

Against any person who has failed to comply with a request for an increase in employment under Article 17 without good cause, the Minister of Employment and Labor may announce the said details publicly, or suspend the services relating to employment, such as vocational guidance and employment mediation, etc. which are furnished by the administrative agency in charge of occupational stabilization. <Amended on Jun. 4, 2010>

CHAPTER IV RETIREMENT AGE

Article 19 (Retirement Age)

- (1) An employer shall set the retirement age of workers at 60 years of age or older.
- (2) In cases where any employer sets the retirement age of workers at below 60 years of age notwithstanding paragraph (1), the retirement age shall be deemed set at 60.

Article 19-2 (Restructuring of Wage Systems Following Extension of Retirement Age)

- (1) The employer of a business or a place of business that extends its retirement age pursuant to Article 19 (1) and its labor union consisting of the employer and a majority of workers (referring to the person who represents a majority of workers if there is no labor union consisting of a majority of workers) shall take necessary measures, including the restructuring of its wage system in consideration of the conditions at the relevant business or place of business.
- (2) The Minister of Employment and Labor may provide necessary support such as an employment subsidy, etc. to the employer or workers of a business or place of business that takes necessary measures pursuant to paragraph (1), as prescribed by Presidential Decree.
- (3) The Minister of Employment and Labor may provide necessary support such as consulting, etc. for matters such as restructuring of a wage system to the employer or workers of a business or place of business that extends its retirement age to 60 years of age or older, as prescribed by Presidential Decree.

Article 20 (Submission of Operation Status of Retirement Age System)

- (1) Each year each employer who employs at least the specific number of workers as prescribed by Presidential Decree shall submit to the Minister of Employment and Labor the management status of retirement age system, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>
- (2) The Minister of Employment and Labor may recommend any employer falling under paragraph (1) and who has set the retirement age remarkably low, to raise retirement age. <Amended on Feb. 4, 2010; Jun. 4, 2010>
- (3) Deleted. <Feb. 4, 2010>
- (4) The Minister of Labor may make the details thereof public if his or her recommendation under paragraph (2) is not honored without good cause. <Amended on Feb. 4, 2010>

Article 21 (Re-Employment of Retirees)

(1) When a person having reached the retirement age desires to be reemployed in the same place of business, the employer shall endeavor to re-employ such person in a type of occupation that suits to his or her ability to perform duties. *<Amended on May 26, 2020>*

(2) In re-employing any aged retiree, the employer may exclude previous service period in computing his or her continuous service period for calculation of the retirement allowance under Article 34 of the Labor Standards Act and the days of annual paid leaves under Article 60 of the same Act, and determine wages differently from the previous ones, under an agreement between the parties concerned.

Article 21-2 (Support for Re-Employment of Retirees)

The Minister of Employment and Labor may render the required support, such as payment of a bounty, etc. to employers who re-employ their retirees under Article 21, or take measures required for employment security of the retirees. *<Amended on Jun. 4, 2010>*

Article 21-3 (Re-Employment Support Services for Prospective Retirees)

(1) Employers shall endeavor to provide workers who are scheduled to leave due to reasons, such as regular retirement age, with services necessary for re-employment (hereinafter referred to as "re-employment support services"), such as career diagnosis, aptitude tests, career planning, job placement services, or education on re-employment or business start-up.

(2) Notwithstanding the provisions of paragraph (1), the employers employing not less than the number of workers that is prescribed by Presidential Decree shall provide re-employment support services to the aged or the middle-aged who are scheduled to leave due to non-voluntary reasons prescribed by Presidential Decree, such as retirement age.

(3) Employers may provide re-employment support services by entrusting such services to any of the following corporations, institutions, and organizations as prescribed by Presidential Decree: *<Amended on Aug. 17, 2021>*

1. Nonprofit corporations or public organizations providing free job placement services under Article 18 of the Employment Security Act;
2. Corporations providing fee-charging job placement services under Article 19 of the Employment Security Act;
3. Institutions qualified to be entrusted with training for development of vocational skills under Article 16 (1) of the National Lifelong Vocational Skills Development Act.
- (4) The Minister of Employment and Labor may provide necessary support within the budget where employers provide re-employment support services to their employees.
- (5) Matters relating to eligibility, details, methods, and others for re-employment support services under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 22 (Support for Raising of Retirement Age)

The Minister of Employment and Labor shall render advice, consultation, and other cooperation and support on the personnel affairs, wages, etc. for the business enterprises following the raising of a retirement age. *<Amended on Jun. 4, 2010>*

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 23 (Reports and Inspections)

(1) When the Minister of Employment and Labor deems it necessary for promoting employment of the aged, he or she may require any employer, Talent Bank of the Aged, or Employment Support Center for Middle-Aged Professional Manpower to file a report on matters necessary for the implementation of this Act. *<Amended on Jun. 4, 2010>*

(2) When the Minister of Employment and Labor deems it necessary, he or she may have relevant public officials gain access to a place of business, Talent Bank of the Aged, Employment Support Center for Middle-Aged Professional Manpower, and other facilities and inspect the business status thereof or books and other items. *<Amended on Jun. 4, 2010>*

(3) When the Minister of Employment and Labor intends to conduct an inspection under paragraph (2), he or she shall inform employers, etc. of necessary matters in advance, such as the date and scope of inspection: Provided, That where it is urgent or deemed that the purpose thereof may be defeated if prior notification is made, this shall not apply. *<Amended on Jun. 4, 2010>*

(4) Relevant public officials performing an inspection under paragraph (2) shall carry a certificate indicating their authority, and present it to the interested parties.

(5) When the Minister of Employment and Labor has inspected under paragraph (2), he or she shall inform the employers, etc. in writing about the results thereof. *<Amended on Jun. 4, 2010>*

Article 23-2 (Delegation of Authority)

The Minister of Employment and Labor may delegate part of his or her powers under this Act to the head of a regional employment and labor office or a local government, as prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*

Article 23-3 (Penalty Provisions)

(1) Any employer who has engaged in unfavorable treatment, such as dismissal, transference, or disciplinary action, against a worker in violation of Article 4-9 shall be punished by imprisonment with labor for up to two years, or by a fine not exceeding 10 million won.

(2) Any employer who has discriminated against workers on the grounds of age in recruitment or employment without good cause in violation of Article 4-4 (1) 1 shall be punished by a fine not exceeding

five million won.

Article 23-4 (Joint Penalty Provisions)

(1) If the representative, an agent or an employee of, or any other person employed by, a corporation has committed a violation falling under Article 23-3 in connection with duties of the said corporation, not only shall such violator be punished, but the corporation shall also be punished by the fine prescribed in the relevant Article: Provided, That the same shall not apply where the corporation has not neglected to exercise due diligence and supervision over the relevant duties in order to prevent such violation.

(2) If an agent or an employee of, or any other person employed by, an individual has committed a violation falling under Article 23-3 in connection with duties of the said individual, not only shall such violator be punished, but the individual shall also be punished by the fine prescribed in the relevant Article: Provided, That the same shall not apply where the individual has not neglected to exercise due diligence and supervision over the relevant duties in order to prevent such violation.

Article 24 (Administrative Fines)

(1) Any person who fails to comply with a corrective order prescribed in Article 4-7 without justifiable grounds shall be subject to an administrative fine not exceeding 30 million won.

(2) Any person who falls under any of the following subparagraphs shall be subject to an administrative fine not exceeding five million won: *<Amended on Feb. 4, 2010; Jun. 4, 2010>*

1. A person who has failed to comply with a request for submission of the compliance status by the Minister of Employment and Labor under Article 4-8 (1);
2. A person who has failed to submit details on employment status of the aged under Article 13 (1);
3. A person who has failed to submit details on management status of the retirement age system under Article 20 (1);
4. A person who has failed to file a report under Article 23 (1), or has filed a false report;
5. A person who has refused, obstructed, or evaded access or inspection under Article 23 (2).

(3) Administrative fines as referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Employment and Labor, as prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*

(4) Deleted. *<Feb. 4, 2010>*

(5) Deleted. *<Feb. 4, 2010>*

(6) Deleted. *<Feb. 4, 2010>*

ADDENDA *<Act No. 4487, Feb. 31, 1991.12>*

This Act shall enter into force on July 1, 1992.

ADDENDA <Act No. 4733, Jan. 7, 1994>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 1994.

Articles 2 through 8 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5474, Dec. 24, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1999.

Articles 2 through 9 Omitted.

ADDENDA <Act No. 5882, Feb. 8, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 6849, Dec. 30, 2002>

This Act shall enter into force three months after the date of its promulgation.

ADDENDUM <Act No. 8116, Dec. 28, 2006>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 8372, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 17 Omitted.

ADDENDUM <Act No. 8472, May 17, 2007>

This Act shall enter into force on January 1, 2008.

ADDENDA <Act No. 8962, Mar. 21, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Article 4-4 (1) 2 through 5 shall enter into force on January 1, 2010.

Article 2 (Applicability)

The amended provisions of Article 4-7 shall apply, starting with the cases where the first recommendation following a discriminatory act which has occurred after this Act enters into force is not performed.

Article 3 (Relations with other Statutes)

A citation of the former Employment Promotion for the Aged Act or a provision thereof by any other statute in force at the time when this Act enters into force shall be deemed to be a citation of this Act or the corresponding provision hereof in lieu of the former provision, if such corresponding provision exists herein.

ADDENDA <Act No. 9792, Oct. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2010. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDA <Act No. 9997, Feb. 4, 2010>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Transitional Measures) The application of an administrative fine to the act committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 10339, Jun. 4, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 11791, May 22, 2013>

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 19 and 19-2 (1) and (2) shall enter into force on the respective date prescribed in the following classifications:

1. Businesses or places of business using 300 or more workers at ordinary times, public institutions under Article 4 of the Act on the Management of Public Institutions, and local government-invested public corporations under Article 49 of the Local Public Enterprises Act, and local government public corporations under Article 76 of the same Act: January 1, 2016;
2. Businesses or places of business using less than 300 workers at ordinary times, and the State and local governments: January 1, 2017.

ADDENDUM <Act No. 13897, Jan. 27, 2016>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 16411, Apr. 30, 2019>

This Act shall enter into force one year after the date of its promulgation.

ADDENDUM <Act No. 17326, May 26, 2020>

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

ADDENDA <Act No. 18425, Aug. 17, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 18921, Jun. 10, 2022>

This Act shall enter into force on the date of promulgation.

Last updated : 2023-11-22

ACT ON PUBLIC HOLIDAYS

Act No. 18291, Jul. 7, 2021

Article 1 (Purpose)

The purpose of this Act is to designate national public holidays, thereby ensuring uniformity in the operation of public days across various sectors of society.

Article 2 (Public Holidays)

The public holidays shall be as follows:

1. Independence Movement Day, National Liberation Day, National Foundation Day, and Hangeul Proclamation Day, among national holidays prescribed in the Act on National Holidays;
2. January 1;
3. The day preceding Seollal (Korean New Year's Day), Seollal, and the day following Seollal (the last day of December and January 1 and 2 in the lunar calendar);
4. Buddha's Birthday (April 8 in the lunar calendar);
5. Children's Day (May 5);
6. Memorial Day (June 6);
7. The day preceding Chuseok (Korean Thanksgiving Day), Chuseok, and the day following Chuseok (August 14, 15, and 16 in the lunar calendar);
8. Christmas Day (December 25);
9. Election days for elections upon the termination of terms of office referred to in Article 34 of the Public Official Election Act;
10. Other days designated occasionally by the Government.

Article 3 (Substitute Public Holidays)

- (1) If a public holiday referred to in Article 2 overlaps with Saturday, Sunday, or another public holiday, a substitute public holiday may be designated and operated.
- (2) Matters relating to the designation and operation of substitute public holidays under paragraph (1) shall be prescribed by Presidential Decree.

Article 4 (Application of Public Holidays)

Application of public holidays under Article 2 and substitute public holidays under Articles 3 shall be governed by the relevant statutes and regulations, including the State Public Officials Act and the Labor Standards Act.

ADDENDA <Act No. 18291, Jul. 7, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2022: Provided, That Article 2 of the Addenda shall enter into force on the date of its promulgation.

Article 2 (Special Cases concerning Application of Substitute Public Holidays)

If the Liberation Day, National Foundation Day, and Hangeul Proclamation Day referred to in subparagraph 1 of Article 2, or Christmas Day referred to in subparagraph 8 of the same Article overlaps with Saturday or Sunday, Article 3 shall apply even before this Act enters into force. In such cases, the application of substitute public holiday shall be governed by relevant statutes and regulations, such as the State Public Officials Act and the Labor Standards Act.

Article 3 (Relationship to Other Statutes or Regulations)

Public holidays used in other statutes or regulations as at the time this Act enters into force shall be deemed to include public holidays under this Act and Sunday: Provided, That this shall not apply where it is obvious that Sunday is not included.

ACT ON THE EMPLOYMENT OF FOREIGN WORKERS

Act No. 6967, Aug. 16, 2003
Amended by Act No. 7327, Dec. 31, 2004
Act No. 7567, May 31, 2005
Act No. 7829, Dec. 30, 2005
Act No. 8218, Jan. 3, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9795, Oct. 9, 2009
Act No. 9798, Oct. 9, 2009
Act No. 10339, jun. 4, 2010
Act No. 11276, Feb. 1, 2012
Act No. 11690, Mar. 23, 2013
Act No. 12371, Jan. 28, 2014
Act No. 13908, Jan. 27, 2016
Act No. 14839, Jul. 26, 2017
Act No. 16274, Jan. 15, 2019
Act No. 17326, May 26, 2020
Act No. 18041, Apr. 13, 2021
Act No. 18929, jun. 10, 2022

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to smooth supply of and demand for human resources and the balanced development of the national economy through the systematic introduction and management of foreign workers.

Article 2 (Definition of Foreign Workers)

The term "foreign worker" in this Act means a person who does not have the nationality of the Republic of Korea and who provides or desires to provide his or her labor in return for wages in any business or place of business situated within the Republic of Korea: Provided, That persons prescribed by Presidential

Decree, taking into consideration the fields of employment, the period of stay, or any other relevant fact, among foreigners who have status of stay eligible for employment activities pursuant to Article 18 (1) of the Immigration Act shall be excluded herefrom.

Article 3 (Scope of Application)

(1) This Act shall apply to foreign workers and the businesses or places of business that employ or intend to employ foreign workers: Provided, That this Act shall not apply to any seafarer who works on a ship governed by the Seafarers' Act but who does not have the nationality of the Republic of Korea, or to any owner of a ship who employs or intends to employ such seafarer.

(2) Except as otherwise provided in this Act, the entry into, the stay in, and the departure from the Republic of Korea of foreign workers shall be governed by the Immigration Act.

Article 4 (Foreign Workforce Policy Committee)

(1) There is hereby established a Foreign Workforce Policy Committee is installed at the Prime Minister's Office (hereinafter referred to as the "Policy Committee") under the jurisdiction of the Prime Minister in order to deliberate, and adopt resolutions, on important matters pertaining to the management and protection of employment of foreign workers.

(2) The Policy Committee shall deliberate and resolve on the following: *<Amended on Apr. 13, 2021>*

1. Matters relating to the formulation of master plans for foreign workers;
2. Matters relating to the types and size of business eligible for the introduction of foreign workers;
3. Matters relating to the designation of countries eligible to send foreign workers (hereinafter referred to as "sending countries") and the revocation of such designation;
4. Matters relating to the extension of period of employment activities of foreign workers under Article 18-2 (2);
5. Other matters prescribed by Presidential Decree.

(3) The Policy Committee shall be comprised of no more than 20 members, including one chairperson.

(4) The Minister of the Office for Government Policy Coordination shall take the chair of the Policy Committee, and the Vice Minister of Economy and Finance, the Vice Minister of Foreign Affairs, the Vice Minister of Justice, the Vice Minister of Trade, Industry and Energy, the Vice Minister of Employment and Labor, the Vice Minister of the Small and Medium-sized Enterprises (SMEs) and Startups, and the Vice Ministers of the relevant central administrative agencies prescribed by Presidential Decree shall serve as committee members. *<Amended on Jun. 4, 2010; Mar. 23, 2013; Jul. 26, 2017>*

(5) There is hereby established a working committee for policy on foreign workforce (hereinafter referred to as the "working committee") in the Policy Committee to deliberate in advance on matters relating to the operation of the employment system for foreign workers, the protection of rights and interests of foreign workers, and others.

(6) Matters necessary for the organization, functions, and operation of the Policy Committee and the working committee and other relevant matters shall be prescribed by Presidential Decree.

Article 5 (Public Announcement of Plans for Introduction of Foreign Workers)

(1) The Minister of Employment and Labor shall establish a plan for the introduction of foreign workers, including matters specified in the provisions of Article 4 (2), subject to deliberation and resolution by the Policy Committee, and shall officially announce such plan by March 31 of each year in the manner prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*

(2) Notwithstanding the provision of paragraph (1), the Minister of Employment and Labor may revise the plan for the introduction of foreign workers established under paragraph (1), subject to deliberation and resolution by the Policy Committee, if it is necessary to revise the plan due to a sudden change in employment conditions, such as an increase in domestic unemployment. In such cases, paragraph (1) shall apply mutatis mutandis to the method of official announcement. *<Amended on Jun. 4, 2010>*

(3) The Minister of Employment and Labor may, if necessary, conduct a survey or research designed to support foreign workers-related business, and matters necessary therefor shall be prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*

CHAPTER II PROCEDURES FOR EMPLOYMENT OF FOREIGN WORKERS

Article 6 (Efforts to Employ Nationals)

(1) Any person who intends to employ a foreign worker shall file an application for recruiting nationals first with an employment security office prescribed in subparagraph 1 of Article 2-2 of the Employment Security Act (hereinafter referred to as "employment security office").

(2) The head of an employment security office shall, upon receipt of an application for recruiting nationals under paragraph (1), counsel and assist the employer in offering appropriate terms and conditions of employment and shall actively provide a job referral so that a national who meets the terms and conditions of employment can be hired preferentially.

Article 7 (Preparation of List of Foreign Job-Seekers)

(1) The Minister of Employment and Labor shall prepare a list of foreign job-seekers in consultation with the head of a governmental agency responsible for the administration of labor affairs of a sending country designated pursuant to Article 4 (2) 3, as prescribed by Presidential Decree: Provided, That if the sending country has no independent governmental agency responsible for the administration of labor affairs, the Minister of Employment and Labor shall designate a department that has the most similar function and shall have consultation with the head of the department after deliberation by the Policy Committee.

<Amended on Jun. 4, 2010>

(2) When the Minister of Employment and Labor prepares a list of foreign job-seekers under paragraph (1), he or she shall conduct a test for the evaluation of proficiency in the Korean language (hereinafter referred to as "test of proficiency in Korean") so that the outcomes of the test can be utilized as selection criteria for foreign job-seekers, and matters necessary for the selection of an agency responsible for conducting the test of proficiency in Korean and the revocation of such selection, the testing methods, and other necessary matters shall be prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*

(3) The agency responsible for conducting the test of proficiency in Korean may collect and use fees from applicants for the test, as prescribed by Presidential Decree. In such cases, the fees shall be used to cover the expenses required for selection, etc. of foreign workers. *<Newly Inserted on Jan. 28, 2014; May 26, 2020>*

(4) The Minister of Employment and Labor may evaluate the level of skills and other eligibility requirements to meet the demand for human resources, if necessary for use as the criteria, etc. for selecting foreign job-seekers under paragraph (1). *<Amended on Jun. 4, 2010>*

(5) The institution responsible for evaluating eligibility requirements under paragraph (4) shall be the Human Resources Development Service of Korea under the Human Resources Development Service of Korea Act (hereinafter referred to as the "Human Resources Development Service of Korea"), and the methods of evaluating eligibility requirements and other necessary matters shall be prescribed by Presidential Decree. *<Amended on Jan. 28, 2014>*

Article 8 (Permission to Employ Foreign Workers)

(1) Any employer who has filed an application for recruiting Korean nationals in accordance with Article 6 (1) shall, if he or she fails to hire new personnel despite efforts made for a job referral under paragraph (2) of that Article, apply for permission to employ foreign workers to the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*

(2) The effective term of an application for permission to employ under paragraph (1) shall be three months, but may be extended only once, as prescribed by Presidential Decree, if it is impossible to hire any new worker due to a temporary downturn in business conditions or any other reason.

(3) The head of an employment security office shall, upon receipt of an application under paragraph (1), recommend an eligible person, from among those registered on the list of foreign job-seekers under Article 7 (1) to an employer who meets the requirements prescribed by Presidential Decree in terms of the types and size of business, etc. eligible for the introduction of foreign workers.

(4) The head of an employment security office shall grant employment permission without delay to an employer who has selected an eligible person as recommended pursuant to paragraph (3) and issue an employment permit stating the name of such foreign worker and relevant matters.

(5) Matters necessary for the issuance and management of employment permits for foreign workers under paragraph (4) and other matters shall be prescribed by Presidential Decree.

(6) No person, other than an employment security office, shall intervene in the selection, referral, or any other employment of foreign workers.

Article 9 (Labor Contract)

- (1) An employer who intends to employ a foreign worker selected in accordance with Article 8 (4) shall enter into a labor contract in the standard labor contract form prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*
- (2) Any employer who intends to enter into a labor contract under paragraph (1) may authorize the Human Resources Development Service of Korea to enter into the contract on his or her behalf. *<Amended on Jan. 28, 2014>*
- (3) An employer who has obtained employment permission pursuant to Article 8 and a relevant foreign worker may enter into or renew a labor contract, by mutual agreement, for the period prescribed in Article 18. *<Amended on Feb. 1, 2012>*
- (4) A foreign worker whose period of employment activities is extended under Article 18-2 and the relevant employer may enter into a labor contract for a term not exceeding the extended period of employment activities.
- (5) Matters relating to the procedure for entering into labor contracts under paragraph (1), the timing when such labor contracts enter into force, and other relevant matters shall be prescribed by Presidential Decree.

Article 10 (Certificates for Conformation of Visa Issuance)

Any employer who has entered into a labor contract with a foreign worker in accordance with Article 9 (1) may file, on behalf of the foreign worker, an application for conformation of visa issuance with the Minister of Justice pursuant to Article 9 (2) of the Immigration Act.

Article 11 (Employment Training for Foreign Workers)

- (1) Every foreign worker shall receive training provided by the Human Resources Development Service of Korea or an employment training center for foreign workers designated under Article 11-3 for making him or her acquainted with matters necessary for employment activities in the Republic of Korea (hereinafter referred to as "employment training for foreign workers") within a period prescribed by Ordinance of the Ministry of Employment and Labor after his or her entry into the Republic of Korea. *<Amended on Jun. 4, 2010; Jun. 10, 2022>*
- (2) Every employer shall provide foreign workers with an opportunity to receive employment training for foreign workers.
- (3) The hours and content of employment training for foreign workers and other matters necessary therefor shall be prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*

Article 11-2 (Employer Training)

- (1) An employer who has obtained permission to employ foreign workers for the first time pursuant to Article 8 shall undergo training on labor-related statutes, human rights, etc. (hereinafter referred to as

"employer training").

(2) The details and hours of the employer education and other matters necessary therefor shall be prescribed by Ordinance of the Ministry of Employment and Labor.

Article 11-3 (Designation of Employment Training Centers for Foreign Workers)

(1) The Minister of Employment and Labor may designate an employment training center for foreign workers (hereinafter referred to as "employment training center for foreign workers") in order to provide professional and efficient employment training for foreign workers.

(2) An entity that seeks to be designated as an employment training center for foreign workers pursuant to paragraph (1) shall file an application with the Minister of Labor and Employment after satisfying the designation requirements prescribed by Presidential Decree for professional human resources, facilities, etc.

(3) Except as provided in paragraphs (1) and (2), procedures to designate employment training centers for foreign workers and other necessary matters shall be prescribed by Presidential Decree.

Article 11-4 (Revocation of Designation of Employment Training Centers for Foreign Workers)

(1) If an employment training center for foreign workers falls under any of the following cases, the Minister of Employment and Labor may revoke the designation of such center or issue an order to suspend business operations for up to six months or to take corrective measures, as prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That such designation shall be revoked in the case of subparagraph 1:

1. Where it has obtained the designation by fraud or other improper means;
2. Where it ceases to satisfy the designation requirements provided in Article 11-3 (2);
3. Where it fails to conduct business operations for one year or more without good cause;
4. Where any of its executive officers or employees has caused severe public criticism, such as being subject to criminal punishment related to training for the employment of foreigners;
5. Where it falls under the cases prescribed by Presidential Decree, such as unsatisfactory operational performance;
6. Other cases where it has violated this Act or any order issued under this Act.

(2) No employment training center for foreign workers, the designation of which is revoked under paragraph (1), shall apply for the designation as an employment training center for foreigners under Article 11-3 (2) unless one year elapses from the date the designation is revoked.

(3) Where the Minister of Employment and Labor revokes the designation of an employment training center for foreign workers pursuant to paragraph (1), he or she shall hold a hearing.

Article 12 (Special Cases for Employment of Foreign Workers)

(1) An employer who runs any of the following business or uses any of the following places of business may, upon receipt of the certificate of special cases concerning employment under paragraph (3), employ a foreigner who entered the Republic of Korea with a visa prescribed by Presidential Decree and who desires to work as an employee in the Republic of Korea. In such cases, the provisions of Article 9 shall apply mutatis mutandis to the conclusion of labor contracts: *<Amended on Apr. 13, 2021>*

1. A business or place of business in the construction industry as specified by the Policy Committee, considering the current status of the labor market for daily workers, limitations on domestic workers' opportunities for employment, the size of the place of business, and other relevant facts;

2. A business or place of business in the service, manufacturing, agricultural, fishery, or mining industry as specified by the Policy Committee, considering the characteristics of each industry.

(2) Any foreigner who falls under paragraph (1) and who desires to work as an employee in a business or place of business falling under any subparagraph of paragraph (1) shall file a job application with the head of an employment security office after receiving employment training for foreign workers, and the Minister of Employment and Labor shall prepare and manage a list of foreign job-seekers in relation to such applications. *<Amended on Jun. 4, 2010>*

(3) An employer who has filed an application for recruiting nationals in accordance with Article 6 (1) may, if he or she fails to hire new personnel despite efforts made by the head of an employment security office for a job referral under Article 6 (2), file for certification of special cases concerning employment with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor. In such cases, the head of an employment security office shall certify such special cases concerning employment to the employer if he or she meets the requirements prescribed by Presidential Decree with regard to the types and size of business eligible for the introduction of foreign workers. *<Amended on Jun. 4, 2010>*

(4) An employer who has received certification of special cases concerning employment under paragraph (3) shall hire a foreign worker from among those registered on the list of job-seekers under paragraph (2), and shall, when a foreign worker begins his or her employment, report to the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*

(5) The effective term of certification of special cases concerning employment shall be three years: Provided, That if the relevant business or place of business falls under paragraph (1) 1 and the construction period is less than three years, such period shall be the effective term.

(6) Where the head of an employment security office has certified special cases concerning employment under paragraph (3), he or she shall issue a certificate of special cases concerning employment to the relevant employer, as prescribed by Presidential Decree.

(7) The provisions of Article 21 of the Immigration Act shall not apply to foreign workers falling under paragraph (1).

(8) Where any foreigner who falls under paragraph (1) desires to work as an employee, the Minister of Employment and Labor may provide him or her with information on employment before he or she enters the Republic of Korea. *<Amended on Jun. 4, 2010>*

CHAPTER III MANAGEMENT OF EMPLOYMENT OF FOREIGN WORKERS

Article 13 (Insurance and Trust for Departure Guaranty)

(1) Any employer who runs a business or place of business hiring a foreign worker (hereinafter referred to as "employer") shall purchase an insurance policy or a trust deed with the foreign worker as the insured or beneficiary (hereinafter referred to as "insured person, etc.") in preparation for the payment of retirement benefits to the foreign worker when he or she leaves the Republic of Korea (hereinafter referred to as "insurance policy for departure guaranty, etc."). In such cases, insurance premiums or trust money shall be paid or deposited on a monthly basis. *<Amended on Jan. 28, 2014>*

(2) Where an employer has purchased an insurance policy for departure guaranty, etc., he or she shall be deemed to have established a retirement allowance system under Article 8 (1) of the Act on the Guarantee of Workers' Retirement Benefits.

(3) Matters necessary concerning employers who are obligated to purchase an insurance policy for departure guaranty, etc., the method of purchasing, the details and management of, and the payment under, such insurance policy for departure guaranty, etc., and other relevant matters shall be prescribed by Presidential Decree, and the period of payment shall be within 14 days from the departure of the insured person, etc. from the Republic of Korea (if the payment application is filed based on a change in his or her status of stay, his or her death, etc. or on/after his or her departure from the Republic of Korea, within 14 days from such application). *<Amended on Jan. 28, 2014>*

(4) For the right to claim the amount of money that an insured person, etc. is entitled to receive upon occurrence of an event triggering payment under an insurance policy for departure guaranty, etc. (hereinafter referred to as "insurance money, etc."), the statute of limitation shall expire unless it is exercised within three years from the occurrence of the triggering event, notwithstanding Article 662 of the Commercial Act. In such cases, the financial institution that deals with the insurance policy for departure guaranty, etc. shall transfer the insurance money, etc. for which the statute of limitation has expired to the Human Resources Development Service of Korea within one month. *<Newly Inserted on Jan. 28, 2014>*

Article 13-2 (Committee for Management of Dormant Insurance Money, Etc.)

(1) The Committee for Management of Dormant Insurance Money, Etc. shall be established under the Human Resources Development Service of Korea to deliberate on and decide matters necessary for the management and operation of insurance money, etc. transferred pursuant to Article 13 (4).

- (2) The insurance money, etc. transferred pursuant to Article 13 (4) shall be used, with priority, for the insured persons, etc.
- (3) The organization and operation of the Committee for Management of Dormant Insurance Money, Etc. and other necessary matters shall be prescribed by Presidential Decree.

Article 14 (Health Insurance)

For the purposes of applying the National Health Insurance Act to employers and foreign workers employed by them, such employers shall be deemed employers under Article 3 of the aforesaid Act, while foreign workers employed by such employers shall be deemed employment-provided policy holders under Article 6 (1) of the same Act, respectively.

Article 15 (Insurance and Trust for Expenses for Return to Home Country)

- (1) Any foreign worker shall purchase an insurance policy or a trust deed to cover expenses necessary for their return to home country.
- (2) Matters necessary for the method of purchasing and the substance of the insurance or trust under paragraph (1), the management of and payment under such insurance or trust, and other relevant matters shall be prescribed by Presidential Decree.
- (3) With respect to the statute of limitation for the right to claim the amount of money that a policy holder is entitled to receive upon occurrence of an event triggering payment under an insurance policy or a trust deed under paragraph (1), and the transfer, management, operation, etc. of the amount of money for which the statute of limitation has expired, Articles 13 (4) and 13-2 shall apply *mutatis mutandis*. *<Newly Inserted on Jan. 28, 2014>*

Article 16 (Measures Necessary for Return to Home Country)

Where a foreign worker returns to his or her home country upon termination of employment, expiration of the period of stay, or due to any other reason, the employer shall take such necessary measures as the settlement of payables and receivables, including wages, before the foreign worker leaves the Republic of Korea.

Article 17 (Management of Employment of Foreign Workers)

- (1) Every employer shall, if any event prescribed by Presidential Decree occurs, such as when he or she terminates a labor contract concluded with a foreign worker or modifies any important matter relevant to the employment, report to the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*
- (2) Where an employer filed a report under paragraph (1) and the reported matter falls under circumstances requiring reports under each subparagraph of Article 19 (1) of the Immigration Act, a report under the same paragraph shall be deemed filed. *<Newly Inserted on Jan. 27, 2016>*

(3) Where the reported matter falls under paragraph (2), the head of an employment security office who receives the report under paragraph (1) shall notify the head of a Regional Immigration Service with jurisdiction over the location of the employer of such fact without delay. *<Newly Inserted on Jan. 27, 2016>*

(4) Matters necessary for the appropriate management, etc. of employment of foreign workers shall be prescribed by Presidential Decree.

Article 18 (Limitation on Period of Employment Activities)

Any foreign worker may engage in employment activities for up to three years from the date of entry into the Republic of Korea.

Article 18-2 (Special Cases for Limitation on Period of Employment Activities)

(1) Notwithstanding the provisions of Article 18, any of the following foreign workers may be granted an extension of the period of employment activities only once within a term of less than two years: *<Amended on Jun. 4, 2010; Feb. 1, 2012; May 26, 2020>*

1. A foreign worker employed by an employer who has obtained employment permission under Article 8 (4) and of whom the employer has requested the Minister of Employment and Labor to permit re-employment before the foreign worker leaves the Republic of Korea after the expiration of the employment activities of three years specified in Article 18;

2. A foreign worker employed by an employer who has obtained certification of special cases concerning employment under Article 12 (3) and of whom the employer has requested the Minister of Employment and Labor to permit re-employment before the foreign worker leaves the Republic of Korea after the expiration of the employment eligibility period of three years specified in Article 18.

(2) Notwithstanding paragraph (1) and Article 18, if the Minister of Employment and Labor deems it impracticable for a foreign worker to enter and depart the Republic of Korea due to the spread of an infectious disease, natural disaster, etc., he or she may extend the period of employment activities by up to one year following deliberation and resolution thereon by the Policy Committee. *<Newly Inserted on Apr. 13, 2021>*

(3) Procedures for employers requesting permission for re-employment under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010; Feb. 1, 2012; Apr. 13, 2021>*

Article 18-3 (Limitation on Employment after Re-Entry)

No foreign worker (excluding any foreign worker referred to in Article 12 (1)) who departs from the Republic of Korea after working as an employee in the Republic of Korea shall work again as an employee under this Act before the lapse of six months from the date of his or her last departure from the Republic of Korea.

Article 18-4 (Special Cases for Limitation on Employment after Re-Entry)

(1) Notwithstanding the provisions of Article 18-3, where an employer applies for employment permission after re-entry before a foreign worker satisfying all of the following eligibility requirements leaves the Republic Korea due to the expiration of the employment activities extended under Article 18-2, the Minister of Labor may permit the re-employment of the foreign worker pursuant to this Act after the lapse of one month from the date of his or her last departure from the Republic of Korea: <Amended on Apr. 13, 2021>

1. The foreign worker shall satisfy any of the following requirements:

- (a) He or she has not transferred to another business or place of business during the work period under Articles 18 and 18-2;
- (b) Where he or she transfers to another business or place of business due to a reason falling under Article 25 (1) 1 or 3 (limited to where the period of his or her labor contract with the employer who applies for employment permission after re-entry is at least one year left until the end date of the period of employment activities), he or she shall satisfy the standards, such as the period of continuous service in the same type of business, which are determined and publicly notified by the Minister of Employment and Labor;
- (c) Where he or she transfers to another business or place of business due to a reason falling under Article 25 (1) 2, the period of his or her labor contract with the employer who applies for employment permission after re-entry shall be at least one year left until the end of the period of employment activities;
- (d) Where he or she transfers to another business or place of business due to a reason falling under Article 25 (1) 2, even though the period for his or her labor contract with the employer who applies for employment permission after re-entry is less than one year left until the end of the period of employment activities, and the head of the employment security office recognizes it appropriate to grant employment permission after re-entry after hearing the opinion of the Councils for Protection of Rights and Interests of Foreign Workers established under Article 24-2 (1);

2. The foreign worker should have been working in the business or place of business where the Policy Committee determines that it is impractical to employ nationals, considering the types or size of business for the introduction of foreign workers;

3. The foreign worker should have entered into a labor contract with the employer for more than one year in effect from the date of starting work after he or she re-enters the Republic of Korea.

(2) The provisions of Articles 6, 7 (2), and 11 shall not apply to applications for employment permission after re-entry under paragraph (1) and employment activities after re-entry.

(3) Employment after re-entry under paragraph (1) shall be permitted only once; the provisions of Article 9 shall apply mutatis mutandis to the conclusion of a labor contract for employment after re-entry; and the provisions of Articles 18, 18-2, and 25 shall apply mutatis mutandis to employment activities of foreign

workers who have re-entered the Republic of Korea. <Amended on May 26, 2020>

(4) Procedures for employers filing for employment permission under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

Article 19 (Revocation of Permission to Employ Foreign Workers or Certification of Special Cases concerning Employment thereof)

(1) The head of an employment security office may issue an order to revoke employment permission granted under Article 8 (4) or certification of special cases concerning employment granted under Article 12 (3) as prescribed by Presidential Decree to any of the following employers:

1. If an employer obtains the employment permission or the certification of special cases concerning employment by fraud or other improper means;
2. If an employer violates terms and conditions of wages or other employment conditions agreed upon before the foreign worker's entry into the Republic of Korea;
3. If a labor contract is found difficult to maintain because of the employer's delay in payment of wages or other violation of any labor-related statute.

(2) Where the permission for employment or the certification of special cases concerning employment of a foreign worker has been revoked pursuant to paragraph (1), the employer shall terminate the labor contract with the foreign worker within 15 days from the date of revocation of the relevant permission or certification.

Article 20 (Limitation on Employment of Foreign Workers)

(1) The head of an employment security office may place limitations on employment of foreign workers against any of the following employers, for three years from the occurrence of the relevant event: <Amended on Jan. 28, 2014; Jun. 10, 2022>

1. A person who employs a foreign worker without the employment permission under Article 8 (4) or the certification of special cases concerning employment under Article 12 (3);
2. A person whose employment permission or certification of special cases concerning employment of a foreign worker has been revoked pursuant to Article 19 (1);
3. A person who has been punished for a violation of this Act or the Immigration Act;
- 3-2. A person who has been punished for the death of a foreign worker pursuant to Article 167 (1) of the Occupational Safety and Health Act;
4. A person to whom any other ground prescribed by Presidential Decree is applicable.

(2) When the Minister of Employment and Labor places limitations on employment of foreign workers pursuant to paragraph (1), he or she shall notify it to the relevant employer, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

Article 21 (Projects Related to Foreign Workers)

The Minister of Employment and Labor shall undertake the following projects for the promotion of foreign workers' employment activities in the Republic of Korea and the efficient management of their employment: <Amended on Jun. 4, 2010>

1. Support for entry and departure of foreign workers;
2. Training for foreign workers and their employers;
3. Cooperation with public institutions of sending countries and non-governmental organizations related to foreign workers;
4. Providing convenience to foreign workers and their employers, including counseling;
5. Public relations for the employment system for foreign workers and similar matters;
6. Other projects prescribed by Presidential Decree for the management of employment of foreign workers.

CHAPTER IV PROTECTION OF FOREIGN WORKERS

Article 22 (Prohibition against Discrimination)

No employer shall unfairly give discriminatory treatment to a foreign worker on the ground that he or she is a foreign worker.

Article 22-2 (Provision of Dormitory)

(1) Where an employer provides a dormitory to foreign workers, he or she shall comply with the standards prescribed in Article 100 of the Labor Standards Act and make efforts to protect their health and safety.

(2) Where an employer provides a dormitory pursuant to paragraph (1), he or she shall provide the following information in advance to a foreign worker when entering into a labor contract with him or her. The same shall also apply to any change in the following information after entering into the labor contract:

1. The structure and facilities of the dormitory;
2. A location in which the dormitory is established;
3. The residential environment of the dormitory;
4. The size of the dormitory;
5. Other matters necessary for the establishment and operation of the dormitory.

(2) Matters necessary for the standards for providing dormitory information pursuant to paragraph (2) shall be prescribed by Presidential Decree.

Article 23 (Subscription for Guaranty Insurance)

(1) Every employer who runs a business or place of business prescribed by Presidential Decree, taking into consideration the size of business, the characteristics of each industry, and other relevant factors, shall purchase a guaranty insurance policy in preparation for delay in payment of wages to foreign workers

employed by him or her.

(2) Every foreign worker who works as an employee in any business or place of business prescribed by Presidential Decree, taking into consideration the characteristics of each industry and other relevant factors, shall purchase a personal injury insurance policy in preparation for illness, death, and other accidents.

(3) Matters necessary for the method of subscription and coverage of the guaranty insurance and the personal injury insurance under paragraphs (1) and (2) and the management and payment of such insurances, and other relevant matters shall be prescribed by Presidential Decree.

Article 24 (Subsidization to Organizations Related to Foreign Workers)

(1) The State may, within budgetary limits, partially subsidize expenses incurred by any institution or organization that provides foreign workers with counseling and training services or any other service prescribed by Presidential Decree in providing such services.

(2) Matters necessary for the eligibility requirements, criteria, and procedure for subsidization under paragraph (1) and other relevant matters shall be prescribed by Presidential Decree.

Article 24-2 (Councils for Protection of Rights and Interests of Foreign Workers)

(1) For the purpose of consulting on matters relating to the protection of the rights and interests of foreign workers, a council for the protection of the rights and interests of foreign workers may be established in an employment security office, wherein workers' organizations and employers' organizations in the relevant region participate.

(2) Matters necessary for the organization and operation of councils for the protection of rights and interests of foreign workers and other relevant matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*

Article 25 (Permission for Change of Business or Place of Business)

(1) Where any of the following events occur, a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for transfer to another business or place of business with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor: *<Amended on Jun. 4, 2010; Feb. 1, 2012; Jan. 15, 2019>*

1. If his or her employer intends to terminate the labor contract during the contract period, or intends to refuse renewal of the labor contract after its expiration, on a justifiable ground;
2. Where the Minister of Employment and Labor gives public notice, as he or she deems, under a social norm, that the foreign worker is unable to continue to work in the business or place of business on a ground not attributable to him or her, such as temporary shutdown, closure of business, revocation of employment permission under Article 19 (1), limitation on the employment under Article 20 (1), provision of a dormitory in violation of Article 22-2, or the employer's violation of terms and conditions

of employment or unfair treatment;

3. Where any other cause or event prescribed by Presidential Decree occurs.

(2) Where an employer hires a foreign worker seeking re-employment after applying for transfer to another business or place of business under paragraph (1), Articles 6, 8, and 9 shall apply mutatis mutandis to the procedure and method for such employment.

(3) A foreign worker who fails to obtain permission for transfer to another workplace under Article 21 of the Immigration Act within three months from the date of the application for transfer to another business or place of business under paragraph (1) or who fails to file an application for transfer to another business or place of business within one month after the expiration of the labor contract with the employer shall leave the Republic of Korea: Provided, That for a foreign worker who cannot obtain permission for transfer to workplace or file an application for transfer to workplace due to causes, such as an accident on duty, illnesses, pregnancy, or childbirth, such period shall be calculated from the date on which such cause ceases to exist.

(4) Foreign worker's change of business or place of business under paragraph (1) shall not, in principle, exceed three times during the period under Article 18 or two times during the extended period under Article 18-2 (1): Provided, That the foregoing shall not include cases of change of business or place of business on any ground prescribed in paragraph (1) 2. *<Amended on Jan. 28, 2014>*

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 26 (Reports and Investigations)

(1) The Minister of Employment and Labor may, if deemed necessary, order any employer, foreign worker, or foreigners-related organization subsidized pursuant to Article 24 (1) to submit a report or relevant documents, or issue any other order as may be necessary, and may also assign public officials under his or her supervision to make inquiries to relevant persons or conduct an investigation or inspection on relevant account books and documents. *<Amended on Jun. 4, 2010>*

(2) Any public official who conducts an investigation or inspection pursuant to paragraph (1) shall carry an identification certifying his or her authority with him or her and produce it to relevant persons.

Article 26-2 (Cooperation of Related Institutions)

(1) The Minister of Employment and Labor may request the heads of related institutions such as central administrative agencies, local governments, and public institutions to provide the following materials for enforcement of this Act:

1. Materials concerning demand for and supply of human resources by industry and region;
2. Materials concerning projects to support foreign workers.

(2) Any institution that receives the request for provision of materials under paragraph (1) shall comply with such request unless there is good cause.

Article 27 (Collection of Fees)

(1) A person who concludes a labor contract between an employer and a foreign worker on their behalf pursuant to Article 9 (2) (including where the conclusion of a labor contract is applied mutatis mutandis in the latter part, with the exception of the subparagraphs, of Article 12 (1) , Article 18-4 (3), and Article 25 (2): hereafter the same shall apply in this Article) may collect fees and expenses incurred therein from such employer, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010; Feb. 1, 2012>

(2) The Minister of Employment and Labor may, if necessary to carry out projects related to foreign workers under Article 21, collect fees and expenses to be incurred from employers, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

(3) A person who conducts business related to the employment of foreign workers on behalf of an employer or a foreign worker under Article 27-2 (1) may collect fees and expenses to be incurred from the employer, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

(4) No person, other than the following persons, shall receive any amount of money or valuables in return for conclusion of a labor contract on other's behalf, execution of affairs related to the employment of foreign workers on other's behalf, or execution of affairs related to foreign workers: <Amended on Jun. 4, 2010; May 26, 2020>

1. A person who concludes a labor contract between an employer and a foreign worker on their behalf pursuant to Article 9 (2);
2. A person who conducts affairs related to the employment of foreign workers on other's behalf pursuant to Article 27-2 (1);
3. A person delegated or entrusted to exercise the authority of the Minister of Employment and Labor set forth in Article 21, pursuant to Article 28.

Article 27-2 (Filing Various Applications as Agents)

(1) An employer or foreign worker may assign a person designated by the Minister of Employment and Labor (hereinafter referred to as "assigned agent") to conduct affairs related to the employment of foreign workers, such as filing applications or accepting documents, as listed in the following, on his or her behalf: <Amended on Jun. 4, 2010; Feb. 1, 2012>

1. Applications for recruitment of nationals under Article 6 (1) (including cases where Article 25 (2) applies mutatis mutandis);
2. Requests for permission for re-employment by employers under Article 18-2;
3. Applications for employment permission after re-entry under Article 18-4 (1);
4. Applications for change of business or place of business under Article 25 (1);

5. Other affairs relating to the employment of foreign workers and similar affairs as prescribed by Ordinance of the Ministry of Employment and Labor.
- (2) Requirements for the designation of assigned agents under paragraph (1), scope of business activities, procedures for the designation thereof, and other matters necessary for acting on behalf of employers or foreign workers shall be prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*

Article 27-3 (Revocation of Designation of Assigned Agents)

- (1) Where an assigned agent falls under any of the following cases, the Minister of Employment and Labor may revoke the designation of the agent, or may issue an order to suspend business operations for no more than six months or an order to take corrective measures, as prescribed by Ordinance of the Ministry of Employment and Labor: *<Amended on Jun. 4, 2010>*
1. Where it has been designated by fraud or other improper means;
 2. Where it fails to meet the designation requirements;
 3. Where it conducts any business activity beyond the designated scope of business;
 4. Where it fails to perform its duties with due care as a good manager or fails to comply with the procedures for handling business.
- (2) Where the Minister of Employment and Labor intends to revoke the designation of an assigned agent under paragraph (1), he or she shall hold a hearing. *<Amended on Jun. 4, 2010>*

Article 28 (Delegation or Entrustment of Authority)

The Minister of Employment and Labor may delegate to the head of a regional employment and labor office, or entrust to the Human Resources Development Service of Korea or any person specified by Presidential Decree, part of his or her authority under this Act, as prescribed by Presidential Decree: Provided, That the project prescribed in subparagraph 1 of Article 21 shall be entrusted to the Human Resources Development Service of Korea. *<Amended on Jun. 4, 2010; Jan. 28, 2014>*

CHAPTER VI PENALTY PROVISIONS

Article 29 (Penalty Provisions)

- The following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won: *<Amended on Jan. 28, 2014>*
1. A person who intervenes in the selection, referral, or hiring of a foreign worker, in violation of Article 8 (6);
 2. An employer who fails to take measures necessary for return to home country, in violation of Article 16;

3. An employer who fails to terminate a labor contract, in violation of Article 19 (2);
4. A person who interferes with a foreign worker's change of business or place of business under Article 25;
5. A person who receives money or valuables, in violation of Article 27 (4).

Article 30 (Penalty Provisions)

The following persons shall be punished by a fine not exceeding five million won:

1. An employer who fails to purchase an insurance policy for departure guaranty, etc., in violation of the former part of Article 13 (1);
2. A person who fails to purchase a guaranty insurance policy or a personal injury insurance policy under Article 23.

Article 31 (Joint Penalty Provisions)

If a representative of a corporation, or an agent, or employee of, or any other person employed by, a corporation or an individual commits a violation under Article 29 or 30 in connection with the business affairs of the corporation or individual, not only shall such violator be punished, but the corporation or individual shall also be punished by a fine prescribed in the relevant Article: Provided, That the same shall not apply where the corporation or individual has not been negligent in giving due attention and supervision with regard to the relevant business affairs in order to prevent such violation.

Article 32 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding five million won:

<Amended on Apr. 13, 2021>

1. A person who fails to use the standard labor contract form, in violation of Article 9 (1) when entering into a labor contract;
2. An employer who fails to provide foreign workers with an opportunity to receive employment training for foreign workers, in violation of Article 11 (2);
- 2-2. A person who fails to undergo the employer training, in violation of Article 11-2 (1);
3. An employer who employs a foreign worker who has a visa referred to in Article 12 (1), without obtaining certification of special cases concerning employment under Article 12 (3);
4. An employer who fails to hire a foreign worker, from among those registered on the list of job-seekers, or who fails to submit a report or submits a false report to the head of an employment security office when a foreign worker begins his or her employment, in violation of Article 12 (4);
5. An employer who delays payments of monthly insurance premiums or trust money for an insurance for departure guaranty, etc. on three or more occasions, in violation of the latter part of Article 13 (1);
6. A foreign worker who fails to purchase an insurance policy or a trust deed, in violation of Article 15 (1);

7. An employer who fails to file a report, or files a false report, in violation of Article 17 (1);
 8. An employer against whom limitation on employment of foreign workers have been placed pursuant to Article 20 (1) but employs a foreign worker who has been obtained a visa referred to in Article 12 (1);
 9. A person who fails to file a report, files a false report, fails to submit relevant documents, or submits false documents, in defiance to an order issued under Article 26 (1), or a person who refuses, interferes with, or evades inquiries or an investigation or inspection conducted pursuant to the same paragraph;
 10. A person who receives money or valuables, other than fees and expenses to be incurred prescribed in Article 27 (1), (2) or (3).
- (2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Employment and Labor, as prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*

ADDENDA *<Act No. 6967, Aug. 16, 2003>*

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That Articles 4, 5 and 7 (1) and Article 2 of the Addenda shall enter into force on the date of its promulgation, and Article 7 (2) and (3) shall enter into force two years after the date of its promulgation.

Article 2 (Special Cases for Illegal Foreign Workers)

(1) From among foreigners who stay in the Republic of Korea in violation of Article 17 (1) or 18 (1) of the Immigration Act, the following persons shall be permitted to find employment in the relevant business or place of business for up to two years to the extent that the total duration of sojourn shall not exceed five years; and the Minister of Justice shall grant him or her status of sojourn to permit him or her to work as an employee pursuant to Article 18 (1) of the Immigration Act:

1. A person whose duration of sojourn in the Republic of Korea is less than three years as of March 31, 2003;
2. A person who finds employment in any type of business specified and publicly announced by the Minister of Labor and who holds an employment certificate issued by an employment security office;
3. A person who files a report on his or her sojourn in the Republic of Korea in accordance with the procedure prescribed by the Minister of Justice.

(2) Subparagraph 5 of Article 94 and Article 102 of the Immigration Act shall not apply to the following persons, from among foreigners who stay in the Republic of Korea in violation of Article 17 (1) or 18 (1) of the Immigration Act, if he or she voluntarily leaves the Republic of Korea by the deadline prescribed by the Minister of Justice, and such foreigner shall be permitted to re-enter the Republic of Korea to work as an employee in the business or place of business for which he or she had worked as an employee before his or her departure on condition that the total duration of sojourn, including the duration of sojourn before his or her departure, shall not exceed five year; and the Minister of Justice shall grant him or her a status of sojourn enabling him to work as an employee

pursuant to Article 18 (1) of the Immigration Act:

1. A person whose duration of sojourn in the Republic of Korea is not at least three years but not exceeding four years as of March 31, 2003;

2. A person who finds employment in any type of business specified and publicly announced by the Minister of Labor and who holds an employment certificate issued by an employment security office;

3. A person who files a report on his or her sojourn in the Republic of Korea in accordance with the procedure prescribed by the Minister of Justice.

(3) Articles 6 through 13, 15, 18 (1), and 23 shall not apply to any person who finds employment in the Republic of Korea in accordance with paragraph (1) or (2).

(4) Any person who violated Article 17 (1) or 18 (1) of the Immigration Act and who does not fall under paragraph (1) or (2) shall voluntarily depart from the Republic of Korea by the deadline prescribed by the Minister of Justice, and subparagraph 5 of Article 94 and Article 102 of the Immigration Act shall not apply to any person who voluntarily departs from the Republic of Korea in such cases.

Article 3 Omitted.

ADDENDUM <Act No. 7327, Dec. 31, 2004>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 7567, May 31, 2005>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 18-2 shall enter into force six months after the date of its promulgation.

(2) (Application for Reduction of Period of Restriction on Re-Employment) The amended provisions of Article 18 (2) shall apply to any foreign worker who received the issuance of an employment permit for a foreign worker pursuant to Article 8 (3), or who was permitted to find employment in a business or a place of business pursuant to Article 2 (1) or (2) of the Addenda to the Act on the Employment, etc. of Foreign Workers (Act No. 6967), before this Act enters into force.

ADDENDUM <Act No. 7829, Dec. 30, 2005>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 5 and 12 shall enter into force on the date of its promulgation.

ADDENDA <Act No. 8218, Jan. 3, 2007>

(1) (Enforcement Date) This Act shall enter into force two months after the date of its promulgation.

(2) (Transitional Measures concerning Issuance of Certificates of Exceptionally Permissible Employment)

Any employer who filed for an employment permit for a foreign worker, or who obtained an employment permit for a foreign worker, pursuant to the previous provisions of Article 12 (3) as at the time this Act enters into force, is deemed to have filed for the issuance of a certificate of exceptionally permissible employment or to have obtained such certificate pursuant to the amended provisions of Article 12 (4), respectively, within the extent prescribed by the policy committee.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That ... <omitted> ... the amendments to the Acts to be amended pursuant to Article 6 of the Addenda, which were promulgated before this Act enters into force but the enforcement dates of which have yet to arrive, shall enter into force on the enforcement date of the relevant Act.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9795, Oct. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 9798, Oct. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 18-2 and 25 shall enter into force two months after the date of its promulgation.

Article 2 (Applicability to Evaluation of Qualifications)

The amended provisions of Article 7 (2) shall apply to a list of foreign job-seekers prepared on or after the date this Act enters into force pursuant to the amended provisions of Article 7 (1).

Article 3 (Applicability to Special Cases for Limitation on Period of Service)

The amended provisions of Article 18-2 shall apply to an employer who files a request for a permit for re-employment of a person who is working as an employee within the period set in Article 18 (1) as at the time this Act enters into force and for whom three years have passed since he or she started working as an employee on or after the date this Act enters into force.

Article 4 (Applicability to Permission for Change of Business or Place of Business and Causes for Grace Period for Applications for Change)

The amended provisions of Article 25 (3) shall apply beginning with a person in whose case the period for permission or application for change under the former Article 25 (3) has not expired as at the time this Act enters into force.

Article 5 (Transitional Measures concerning Maximum Contract Period)

Where an employer who has entered into an employment contract under the former Article 9 (3) as at the time this Act enters into force intends to enter into a new employment contract or renew the employment contract under the amended provisions of Article 9 (3) on or after the date this Act enters into force, he or she may do so for a period remaining after deducting total period of employment contracts under the former Article 9 (3) from three years.

Article 6 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

Any application of penalty provisions to and imposition of administrative fines on acts committed before this Act enters into force shall be governed by the former provisions.

ADDENDA <Act No. 10339, Jun. 4, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 11276, Feb. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force five months after the date of its promulgation.

Article 2 (Applicability to Special Cases for Limitation on Employment after Re-Entry)

(1) The amended provisions of Article 18-4 shall also apply to a foreign worker whose expiry date of period of service extended under Article 18-2 before this Act enters into force comes after this Act enters into force.

(2) The amended provisions of Article 18-4 shall also apply to foreign workers engaging in employment activities after re-entering into the Republic of Korea pursuant to Article 18-2 of the former Act on the Employment, etc. of Foreign Workers (referring to the one before amended by the partially amended Act on the Employment, etc. of Foreign Workers (Act No. 9798)).

Article 3 (Applicability to Permission for Change of Business or Place of Business)

The amended provisions of Article 25 (1) shall apply where a reason for transfer to another business or place of business occurs after this Act enters into force.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

- (1) This Act shall enter into force on the date of its promulgation.
- (2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 12371, Jan. 28, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 29 shall enter into force on the date of its promulgation.

Article 2 (Applicability to Period of Payment of Insurance Money, etc.)

The amended provisions of Article 13 (3) shall apply beginning with the first application for payment of insurance money, etc. filed after this Act enters into force.

Article 3 (Applicability to Statute of Limitation for Insurance Money, etc.)

The statute of limitation for insurance money, etc. under the amended provisions of the former part of Article 13 (4) (including cases where those provisions apply mutatis mutandis under the amended provisions of Article 15 (3)) shall also apply to insurance money, etc. that is reserved before this Act enters into force and for which the statute of limitation has not expired until the date immediately preceding the date on which this Act enters into force.

Article 4 (Applicability to Transfer of Insurance Money, etc. for which Statute of Limitation has been Expired)

The transfer of insurance money, etc. for which statute of limitation has expired, under the amended provisions of the latter part of Article 13 (4) (including cases where those provisions apply mutatis mutandis under the amended provisions of Article 15 (3)), shall also apply to insurance money, etc. that is reserved before this Act enters into force and for which the statute of limitation expires after this Act enters into force.

ADDENDA <Act No. 13908, Jan. 27, 2016>

Article 1 (Enforcement Date)

The Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Reports)

The amended provisions of Article 17 shall apply starting with the first report filed after this Act enters into force.

ADDENDA <Act No. 14839, Jul. 26, 2017>

Article 1 (Enforcement Date)

(1) This Act shall enter into force on the date of its promulgation: Provided, That the amended part of an Act which was promulgated before the enforcement of this Act, but the date on which it enters into force has not yet arrived, among the Acts amended by Article 5 of the Addenda, shall enter into force on the enforcement date of the relevant Act, respectively.

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 16274, Jan. 15, 2019>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 17326, May 26, 2020>

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

ADDENDA <Act No. 18041, Dec. 13, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 18-2 (2) shall enter into force on the date of its promulgation.

Article 2 (Applicability to Special Cases for Limitation on Period of Service)

The amended provisions of Article 18-2 (2) shall also apply to the spread of infectious diseases or natural disasters that occurred before this Act enters into force.

Article 3 (Applicability to Special Cases for Limitation on Employment after Re-Entry)

The amended provisions of Article 18-4 (1) shall also apply where an employer has applied for an employment permit after re-entry under the previous provisions before this Act enters into force and the employment permit is under way as at the time this Act enters into force.

ADDENDA <Act No. 18929, Jun. 10, 2022>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Limitation on Employment of Foreign Workers)

The amended provisions of Article 20 (1) 3-2 shall begin to apply to where an employer is punished pursuant to Article 167 (1) of the Occupational Safety and Health Act on or after the date this Act enters into force.

Last updated : 2023-04-25



EMPLOYMENT INSURANCE ACT

Wholly Amended by Act No. 8429, May 11, 2007

Amended by Act No. 8781, Dec. 21, 2007

Act No. 8959, Mar. 21, 2008

Act No. 9315, Dec. 31, 2008

Act No. 9792, Oct. 9, 2009

Act No. 9990, Jan. 27, 2010

Act No. 9999, Feb. 4, 2010

Act No. 10337, May 31, 2010

Act No. 10338, May 31, 2010

Act No. 10339, jun. 4, 2010

Act No. 10719, May 24, 2011

Act No. 10789, jun. 7, 2011

Act No. 10895, Jul. 21, 2011

Act No. 11274, Feb. 1, 2012

Act No. 11628, Jan. 23, 2013

Act No. 11662, Mar. 22, 2013

Act No. 11864, jun. 4, 2013

Act No. 12323, Jan. 21, 2014

Act No. 13041, Jan. 20, 2015

Act No. 13805, Jan. 19, 2016

Act No. 14233, May 29, 2016

Act No. 14496, Dec. 27, 2016

Act No. 16269, Jan. 15, 2019

Act No. 16413, Apr. 30, 2019

Act No. 16415, Apr. 30, 2019

Act No. 16557, Aug. 27, 2019

Act No. 17326, May 26, 2020

Act No. 17429, jun. 9, 2020

Act No. 17859, Jan. 5, 2021

Act No. 18425, Aug. 17, 2021

Act No. 18920, jun. 10, 2022

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to ensure that the employment insurance system operates effectively to prevent unemployment, to promote employment, to develop and improve the vocational skills of employees, etc. to enhance the State's vocational guidance and job placement services, to promote the livelihood security of employees, etc. and job seeking by providing unemployment benefits if employees, etc. become unemployed, thereby contributing to sustained economic and social development. *<Amended on Jan. 5, 2021>*

Article 2 (Definitions)

The definitions of the terms used in this Act are as follows: *<Amended on Dec. 31, 2008; Jan. 27, 2010; Jun. 4, 2010; Jul. 21, 2011; May 26, 2020; Jan. 5, 2021>*

1. The term "insured" means any of the following persons:

(a) Employees, artists or workers, who are insured or deemed insured under Articles 5 (1) and (2), 6 (1), 8 (1) and (2), 48-2 (1), and 48-3 (1) of the Act on the Collection of Insurance Premiums, etc., for Employment Insurance and Industrial Accident Compensation Insurance (hereinafter referred to as "Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance");

(b) A self-employed person who is insured or deemed to be insured pursuant to Article 49-2 (1) and (2) of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance (hereinafter referred to as "insured self-employed person");

2. The term "job-leaving" means the termination of employment relationship between the insured and the employer (referring to the termination of a contract related to culture and arts services or a labor contract in the case of an artist under Article 77-2 (1) and a worker under Article 77-6 (1));

3. The term "unemployment" means the state of being unemployed despite being able and willing to work;

4. The term "recognition of unemployment" means confirmation by the head of an employment security office that an unemployed person who qualifies as an eligible recipient under Article 43 is actively seeking employment;

5. The term "remuneration" means the amount calculated by subtracting money and valuables prescribed by Presidential Decree from the earned income prescribed in Article 20 of the Income Tax

Act: Provided, That money and valuables prescribed and publicly notified by the Minister of Employment and Labor shall be deemed to be remuneration, among those accepted from persons other than a business owner during the period of layoff or under similar conditions;

6. The term "daily hire employee" means a person who is employed for less than one month.

Article 3 (Administration of Insurance)

The Minister of Employment and Labor is responsible for the administration of employment insurance (hereinafter referred to as "insurance"). *<Amended on Jun. 4, 2010>*

Article 4 (Insurance Programs)

(1) To achieve the purposes prescribed in Article 1, employment insurance programs (hereinafter referred to as "insurance programs") shall be carried out for employment security and vocational skills development programs, unemployment benefits, child care leave benefits, maternity leave benefits, etc.

<Amended on Feb. 1, 2012>

(2) The insurance year for insurance programs coincides with the Government's fiscal year.

Article 5 (Fiscal Assistance)

(1) The State shall appropriate funds from its general account to cover part of the annual costs of insurance programs. *<Amended on Jan. 20, 2015>*

(2) The State may pay for the administrative and operating expenses incurred in operating insurance programs within the budget on an annual basis.

Article 6 (Insurance Premiums)

(1) The Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance shall govern the collection of insurance premiums and other revenues to cover the costs of insurance programs incurred under this Act. *<Amended on Jan. 5, 2021>*

(2) Revenues from insurance premiums for programs covering employment security, vocational skills development, and unemployment benefits collected pursuant to Article 13 (1) 1 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance shall be allocated to the respective programs: Provided, That the insurance premiums for programs covering unemployment benefits may be allocated to the expenses incurred to support the national pension premiums under Article 55-2 (1), to pay the child care leave benefits under Article 70 (1), to pay the benefits for reduced working hours during the period of child care under Article 73-2 (1), to pay the maternity leave benefits, etc. under Articles 75 and 76-2, or to cover expenses incurred in the payment of maternity benefits, etc. under Articles 77-4 and 77-9. *<Amended on Feb. 1, 2012; Jan. 15, 2019; Jan. 5, 2021>*

(3) Notwithstanding paragraph (2), insurance premiums for programs covering employment security, vocational skills development, and unemployment benefits collected from insured self-employed persons pursuant to Article 49-2 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance shall be allocated to pay expenses incurred to operate programs for the insured self-employed persons: Provided, That the insurance premiums for programs covering unemployment benefits may be allocated to the expenses incurred to support the national pension premiums under Article 55-2 (1) for the insured self-employed persons. <Newly Inserted on Jul. 21, 2011; Jan. 15, 2019; Jan. 5, 2021>

Article 7 (The Employment Insurance Committee)

(1) In order to deliberate on important matters concerning implementation of this Act and the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance (limited to matters related with insurance), the Employment Insurance Committee shall be established under the Ministry of Employment and Labor (hereafter referred to as the "Committee" in this Article). <Amended on Jun. 4, 2010; Jan. 5, 2021>

(2) The Committee shall deliberate on the following matters: <Amended on Jan. 5, 2021>

1. Matters concerning improvement of an insurance system and insurance programs;
2. Matters concerning the determination of insurance premium rates under the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance;
3. Matters concerning evaluation of insurance programs under Article 11-2;
4. Matters concerning establishment of plans for operating funds and the results thereof under Article 81;
5. Other matters the Chairperson deems it necessary to deliberate upon by the Committee in relation to an insurance system and insurance programs.

(3) The Committee shall be comprised of not more than 20 members, including one Chairperson.

(4) The Vice Minister of Employment and Labor shall be the Chairperson of the Committee, and its members shall be appointed or commissioned by the Minister of Employment and Labor from among the following persons in the same number, respectively: <Amended on Jun. 4, 2010>

1. Any representative of employees;
2. Any representative of employers;
3. Any representative of the public interest;
4. Any representative of the Government.

(5) The Committee may establish a specialized committee under the Committee in order to review and coordinate matters to be deliberated upon in advance.

(6) Composition and operation of the Committee and other necessary matters shall be prescribed by Presidential Decree.

Article 8 (Scope of Application)

(1) This Act shall apply to every business or workplace employing employees (hereinafter referred to as "employing unit"): Provided, That this Act shall not apply to types of employing units prescribed by Presidential Decree, in view of specific industry characteristics, size, or other factors. *<Amended on Jan. 5, 2021>*

(2) This Act shall apply to employing units provided with labor from artists pursuant to Article 77-2 (1) or workers pursuant to Article 77-6 (1), limited to the matters prescribed in Chapter V-2 or V-3, respectively. *<Newly Inserted on Jan. 5, 2021>*

Article 9 (Establishment or Termination of Insurance Relationship)

The Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance shall govern the commencement and termination of insurance relationship prescribed in this Act. *<Amended on Jan. 5, 2021>*

Article 10 (Exclusion from Application)

(1) This Act shall not apply to any of the following persons: *<Amended on Mar. 21, 2008; Dec. 11, 2012; Jun. 4, 2013; Jan. 15, 2019; May 26, 2020>*

1. Deleted; *<Jan. 15, 2019>*
2. A person whose contractual working hours are less than the minimum number of hours prescribed by Presidential Decree;
3. A public official prescribed in the State Public Officials Act or the Local Public Officials Act: Provided, That public officials in extraordinary civil service and public officials in a fixed term position prescribed in Article 26-5 of the State Public Officials Act and Article 25-5 of the Local Public Officials Act may purchase employment insurance (limited to Chapter IV) at their own will, as prescribed by Presidential Decree;
4. A person subject to the Pension for Private School Teachers and Staff Act;
5. Any other person prescribed by Presidential Decree.

(2) Chapters IV and V shall not apply to a person who is employed at or over the age of 65 (excluding where a person who has maintained his or her insured status before the age of 65 continues to be employed at or over the age of 65), or commences a business as a self-employed person at or over the age of 65. *<Newly Inserted on Jan. 15, 2019>*

Article 10-2 (Application to Foreign Workers)

(1) This Act shall apply to foreign workers to whom the Act on the Employment of Foreign Workers applies: Provided, That Chapters IV and V shall apply only where a request is made as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) All or part of this Act shall apply to foreign workers with exception to those falling under paragraph (1), as prescribed by Presidential Decree.

Article 11 (Insurance-Related Survey and Research)

(1) The Minister of Employment and Labor may conduct surveys and research projects to assist research on the labor market, occupations, and vocational skills development and insurance-related operations.

<Amended on Jun. 4, 2010>

(2) If deemed necessary, the Minister of Employment and Labor may authorize a person specified by Presidential Decree to conduct some of the activities prescribed in paragraph (1) on his or her behalf.

<Amended on Jun. 4, 2010>

Article 11-2 (Assessment of Insurance Programs)

(1) The Minister of Employment and Labor shall perform a regular and systematic assessment of insurance programs. *<Amended on Jun. 4, 2010>*

(2) In order to ensure professionalism in assessment prescribed in paragraph (1), the Minister of Employment and Labor may request institutions prescribed by Presidential Decree to perform assessment prescribed in paragraph (1). *<Amended on Jun. 4, 2010>*

(3) The Minister of Employment and Labor shall adjust insurance programs by reflecting the results of assessments conducted under paragraphs (1) and (2) or establish plans for operating the Fund in accordance with Article 81. *<Amended on Jun. 4, 2010>*

Article 12 (International Exchange and Cooperation)

The Minister of Employment and Labor may operate exchange and cooperation programs in relation to insurance programs with international organizations and foreign governments or institutions. *<Amended on Jun. 4, 2010>*

CHAPTER II ADMINISTRATION OF INSURED EMPLOYEES

Article 13 (Date of Acquisition of Insured Status)

(1) An insured employee shall acquire insured status as of the first day of employment with an employing unit subject to this Act: Provided, That he or she shall be deemed to acquire such status on each relevant date in either of the following cases: *<Amended on Jul. 21, 2011; Jan. 15, 2019; May 26, 2020; Jan. 5, 2021>*

1. Where this Act becomes applicable to an employee who has been excluded from application under Article 10 or 10-2, the date this Act becomes applicable to such employee;

2. An employee who was employed before commencement of insurance under Article 7 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance acquires insured status as of the effective date of commencement of insurance.

(2) An insured self-employed person shall acquire his or her insured status on the date the insurance becomes effective pursuant to subparagraph 3 of Article 7 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance, which is applied mutatis mutandis pursuant to Article 49-2 (1) and (12) of the same Act. <Newly Inserted on Jul. 21, 2011; Jan. 5, 2021>

Article 14 (Date of Loss of Insured Status)

(1) An insured employee shall lose his or her insured status on any of the following dates: <Amended on Jul. 21, 2011; Jan. 15, 2019; Jan. 5, 2021>

1. The date he or she becomes excluded from application under Article 10 or 10-2;
2. Where an insurance relationship ceases, the date the insurance relationship ceases under Article 10 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance;
3. Where he or she leaves a job, the date following the date of job-leaving;
4. Where he or she dies, the date following the date of death.

(2) Notwithstanding paragraph (1), an insured self-employed person shall lose his or her insured status on the date the insurance relationship ceases pursuant to subparagraphs 1 through 3 of Article 10 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance, which are applied mutatis mutandis pursuant to Article 49-2 (10) and (12) of the same Act. <Newly Inserted on Jul. 21, 2011; Jan. 5, 2021>

Article 15 (Reporting on Insured Status)

(1) Business owners shall report to the Minister of Employment and Labor any change in their employees' insured status, such as attainment or loss thereof, as prescribed by Presidential Decree. <Amended on Jun. 4, 2010>

(2) With respect to an employee who works for a subcontractor, but whose business owner is a primary contractor, as prescribed in Article 9 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance, any of the following subcontractors shall file a report pursuant to paragraph (1). In such case, the primary contractor shall submit to the Minister of Employment and Labor data on the subcontractor, as prescribed by Ordinance of the Ministry of Employment and Labor: <Amended on Feb. 4, 2010; Jun. 4, 2010; May 24, 2011; Jan. 19, 2016; Apr. 30, 2019; Jan. 5, 2021>

1. A constructor prescribed in subparagraph 7 of Article 2 of the Framework Act on the Construction Industry;
2. A housing construction business operator prescribed in Article 4 of the Housing Act;
3. A constructor prescribed in subparagraph 3 of Article 2 of the Electrical Construction Business Act;

4. An information and communications construction business operator prescribed in subparagraph 4 of Article 2 of the Information and Communications Construction Business Act;
 5. A firefighting system business operator prescribed in Article 2 (1) 2 of the Firefighting System Installation Business Act;
 6. A cultural heritage repair business operator prescribed in Article 14 of the Act on Cultural Heritage Maintenance.
- (3) If a business owner fails to report the insured status prescribed in paragraph (1), any employee may report, as prescribed by Presidential Decree.
- (4) Upon receipt of a report filed under paragraphs (1) through (3), the Minister of Employment and Labor shall notify the interested persons, including the insured employee and the primary contractor, of reported information, such as attainment or loss of insured status, as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*
- (5) Any business owner, primary contractor, or subcontractor referred to in paragraph (1) or (2) may file a report prescribed in paragraph (1) or (2) by electronic means prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*
- (6) The Minister of Employment and Labor may provide a business owner, primary contractor, or subcontractor who wishes to report electronically pursuant to paragraph (5) with necessary equipment, etc., as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*
- (7) Notwithstanding paragraph (1), no insured self-employed person may file any report on the acquisition and loss of his or her insured status. *<Newly Inserted on Jul. 21, 2011>*

Article 16 Deleted. *<Aug. 27, 2019>*

Article 17 (Verification of Insured Status)

- (1) Any person who is or was insured is entitled to request the Minister of Employment and Labor to verify the loss or attainment of insured status at any time. *<Amended on Jun. 4, 2010; May 26, 2020>*
- (2) The Minister of Employment and Labor shall verify the loss or attainment of insured status upon receipt of such request under paragraph (1) or ex officio. *<Amended on Jun. 4, 2010>*
- (3) The Minister of Employment and Labor shall notify the interested persons, including the person who has filed the request for verification and the business owner, of the results of verification conducted under paragraph (2), as prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*

Article 18 (Limitation on Double Insurance)

An employee who is concurrently employed by at least two covered employing units shall attain insured status with only one of those units, as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*

CHAPTER III EMPLOYMENT SECURITY AND VOCATIONAL SKILLS DEVELOPMENT PROGRAMS

Article 19 (Implementation of Employment Security and Vocational Skills Development Programs)

(1) The Minister of Employment and Labor shall implement programs for employment security and vocational skills development to prevent unemployment, promote employment, increase employment opportunities, provide opportunities to develop and improve vocational skills and assistance therefor, and otherwise improve employment security for the benefit of employees who are or were insured or persons who have intention to find jobs (hereinafter referred to as "insured employees, etc.") and to provide assistance for securing workforce for the benefit of business owners. *<Amended on Jun. 4, 2010; May 26, 2020>*

(2) In implementing such programs for employment security and vocational skills development prescribed in paragraph (1), the Minister of Employment and Labor shall give priority to enterprises (hereinafter referred to as "enterprise eligible for priority support") that satisfy the standards prescribed by Presidential Decree, such as requirements for the number of employees and actions taken and outcomes achieved for employment security and vocational skills development. *<Amended on Jun. 4, 2010; Aug. 27, 2019>*

Article 20 (Assistance for Job Creation)

The Minister of Employment and Labor may, as prescribed by Presidential Decree, provide necessary assistance to a business owner who expands employment opportunities by improving the working environment, changing work patterns, or making other efforts to create jobs. *<Amended on Jun. 4, 2010>*

Article 21 (Assistance for Employment Adjustment)

(1) The Minister of Employment and Labor may, as prescribed by Presidential Decree, provide necessary assistance to a business owner who finds it inevitable to adjust employment due to downsizing, closing, or conversion of his or her business following changes in business conditions or industrial structures or other similar circumstances, when he or she makes efforts to improve employment security, such as business suspension, layoff, manpower relocation, and vocational skills development training for career changes. In such case, where the wage (referring to the wage defined in Article 2 (1) 5 of the Labor Standards Act; hereinafter the same shall apply) of an employee decreases to the level prescribed by Presidential Decree following measures to improve employment security including business suspension and layoff, the Minister of Employment and Labor may provide necessary assistance to the employee, as prescribed by Presidential Decree. *<Amended on Jun. 4, 2010; Jan. 23, 2013; Aug. 27, 2019>*

(2) The Minister of Employment and Labor may, as prescribed by Presidential Decree, provide necessary assistance to a business owner who employs an employee who has left his or her job due to the employment adjustment made under paragraph (1) or otherwise improves employment security for

employees whose employment has become precarious. *<Amended on Jun. 4, 2010>*

(3) In providing assistance, as prescribed in paragraph (1), the Minister of Employment and Labor may give priority to business owners or employees operating or working in an industry or area described in Article 32 of the Framework Act on Employment Policy. *<Amended on Oct. 9, 2009; Jun. 4, 2010; Jan. 23, 2013>*

Article 22 (Promotion of Local Employment)

The Minister of Employment and Labor may, as prescribed by Presidential Decree, provide necessary assistance to business owners who have contributed to preventing unemployment, promoting reemployment, or otherwise increasing employment opportunities by commencing their business in areas where the employment situation is significantly worse or rapidly deteriorating because of changes in industrial structures or other factors or expanding or relocating their business thereto. *<Amended on Jun. 4, 2010>*

Article 23 (Assistance for Employment of Senior Citizens)

The Minister of Employment and Labor may, as prescribed by Presidential Decree, provide necessary assistance to business owners who hire senior citizens and other people who usually have particular difficulty in finding employment in the labor market (hereinafter referred to as "senior citizens, etc.") or take other actions to improve their employment security or to employees involved in such business owners' actions. *<Amended on Jun. 4, 2010; May 26, 2020>*

Article 24 (Assistance for Employment Security of Construction Workers)

(1) The Minister of Employment and Labor may, as prescribed by Presidential Decree, provide necessary assistance to business owners who operate any of the following programs for construction workers and others in precarious employment: *<Amended on Jun. 4, 2010>*

1. Programs to improve employment conditions;
2. Programs for employment security, such as continued employment opportunities;
3. Other programs for employment security prescribed by Presidential Decree.

(2) The Minister of Employment and Labor may, as prescribed by Presidential Decree, provide assistance to a business owners' association to operate a program falling under subparagraphs of paragraph (1) if it is impractical for a single business owner to operate such program. *<Amended on Jun. 4, 2010>*

Article 25 (Employment Security and Promotion of Employment)

(1) The Minister of Employment and Labor may directly operate, or provide grants or loans to those who operate, the following programs for employment security and promotion of employment for insured employees, etc.: *<Amended on Jun. 4, 2010>*

1. Programs to improve employment, such as employment management consulting;
 2. Programs to help insured employees, etc. start a business;
 3. Other programs prescribed by Presidential Decree, to ensure employment security and to promote employment of insured employees, etc.
- (2) Matters necessary for the operation of, and grants or loans for, the programs prescribed in paragraph (1) shall be prescribed by Presidential Decree.

Article 26 (Assistance for Facilities Contributing to Promoting Employment)

To promote and stabilize employment of insured employees, etc. and to assist business owners in securing their workforce, the Minister of Employment and Labor may, as prescribed by Presidential Decree, provide assistance to those who establish and operate consulting offices, child care centers, or other facilities for promotion of employment prescribed by Presidential Decree. *<Amended on Jun. 4, 2010; Jun. 7, 2011>*

Article 26-2 (Limitation on Assistance)

Where a business owner has received money such as subsidies or incentives referred to in other statutes or regulations or other cases prescribed by Presidential Decree, the Minister of Employment and Labor may provide grants after deducting the aforementioned money therefrom when he or she provides assistance pursuant to Articles 20 through 26.

Article 27 (Assistance to Business Owners in Vocational Skills Development Training)

(1) To develop and improve the vocational skills of insured employees, etc., the Minister of Employment and Labor may, as prescribed by Presidential Decree, provide funds to business owners who provide vocational skills development training prescribed by Presidential Decree to cover expenses necessary for such training. *<Amended on Jun. 4, 2010; Dec. 27, 2016>*

(2) The Minister of Employment and Labor may provide preferential support to business owners who provide vocational skills development training to any of the following persons pursuant to paragraph (1), as prescribed by Presidential Decree: *<Newly Inserted on Dec. 27, 2016; Apr. 30, 2019; Jan. 5, 2021>*

1. Fixed-term employees defined in subparagraph 1 of Article 2 of the Act on the Protection of Fixed-Term and Part-Time Employees;
2. Part-time employees defined in Article 2 (1) 9 of the Labor Standards Act;
3. Temporary agency workers defined in subparagraph 5 of Article 2 of the Act on the Protection of Temporary Agency Workers;
4. Daily hire employees;
5. Aged or semi-aged employees defined in subparagraph 1 or 2 of Article 2 of the Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion;

6. Other persons prescribed by Presidential Decree.

Article 28 (Subsidization Criteria)

The amount of funds awarded by the Minister of Employment and Labor to a business owner, as prescribed in Article 27 shall be determined by multiplying the sum of monthly premiums for due for employment security and vocational skills development programs specified in the relevant year's employment insurance premium prescribed in Article 16-3 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance or the relevant year's estimated employment insurance premium prescribed in Article 17 of the same Act by a rate determined by Presidential Decree, which also sets forth fund limits. *<Amended on Jan. 27, 2010; Jun. 4, 2010; Jan. 5, 2021>*

Article 29 (Assistance for Vocational Skills Development of Insured Employees)

- (1) The Minister of Employment and Labor may provide funds to insured employees, etc. who participate in vocational skills development training or otherwise endeavor to develop and improve their vocational skills, to cover necessary expenses, as prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*
- (2) The Minister of Employment and Labor may, if deemed necessary, conduct vocational skills development training to promote the employment of insured employees, etc., as prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*
- (3) Where low-income insured employees, etc. prescribed by Presidential Decree receive training for vocational skills development, the Minister of Employment and Labor may extend loans to help them cover living expenses, as prescribed by Presidential Decree. *<Newly Inserted on Dec. 31, 2008; Jun. 4, 2010>*

Article 30 (Assistance for Vocational Skills Development Training Facilities)

Insofar as the Minister of Employment and Labor determines that any assistance is necessary to develop and improve the vocational skills of insured employees, etc., the Minister of Employment and Labor may extend loans to help them cover expenses necessary for establishing and equipping vocational skills development training facilities, as prescribed by Presidential Decree and provide grants to help them cover expenses necessary for establishing, equipping, and operating such vocational skills development training facilities as the Minister determines to be eligible. *<Amended on Jun. 4, 2010>*

Article 31 (Promotion of Vocational Skills Development)

- (1) To encourage insured employees, etc. to develop and improve their vocational skills, the Minister of Employment and Labor may operate any of the following programs, or provide grants to persons who operate such programs to help them cover the expenses incurred in carrying out such programs: *<Amended on May 31, 2010; Jun. 4, 2010>*

1. Programs to provide technical assistance and evaluation for vocational skills development programs;
2. Programs for certification of technical skills and programs to promote skilled crafts, as prescribed in the Act on Encouragement of Skilled Crafts;
3. Other programs prescribed by Presidential Decree.

(2) The Minister of Employment and Labor may, as prescribed by Presidential Decree, entrust appropriate persons with operation of programs for vocational skills development training for occupational categories specified by the Minister of Employment and Labor if deemed necessary to develop and improve the vocational skills of the workforce and to achieve a better balance between manpower supply and demand.

<Amended on Jun. 4, 2010>

Article 32 (Assistance for Vocational Skills Development of Construction Workers)

(1) The Minister of Employment and Labor may provide grants to business owners who operate programs to develop and improve the vocational skills of construction workers and others in precarious employment, as prescribed by Presidential Decree to cover necessary expenses incurred in operating such programs.

<Amended on Jun. 4, 2010>

(2) The Minister of Employment and Labor may, as prescribed by Presidential Decree, provide assistance to a business owners' association to operate a vocational skills development program prescribed in paragraph (1) if it is impractical for a single business owner to operate such program. *<Amended on Jun. 4, 2010>*

Article 33 (Establishment of Resources for Information and Assistance Services)

(1) The Minister of Employment and Labor may operate programs for provision of employment information about hiring, job search, training, etc. to business owners and insured employees, etc., vocational guidance such as consultation on jobs and training, job placement, establishment of resources for employment security and vocational skills development and employment of service personnel necessary therefor, and other relevant services. *<Amended on Jun. 4, 2010>*

(2) The Minister of Employment and Labor may, if necessary, assign some of the services prescribed in paragraph (1) to private employment consultants, as provided for in Article 4-4 of the Employment Security Act. *<Amended on Jun. 4, 2010>*

Article 34 (Assistance to Local Governments)

The Minister of Employment and Labor may provide necessary assistance to a local government or a non-profit corporation or organization prescribed by Presidential Decree for operating employment security and employment promotion programs or vocational skills development programs for insured employees, etc. in the region, as prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*

Article 35 (Restriction on Assistance due to Improper Acts)

(1) With respect to a person who attempts to obtain, or has already obtained assistance provided in relation to any program for employment security and vocational skills development prescribed in this Chapter by fraud or other improper means, the Minister of Employment and Labor shall not provide the subsidies sought nor the remainder of subsidies yet to be offered, and shall restrict further assistance, as prescribed by Presidential Decree, within one year, and issue an order to return the subsidies already provided by fraud or other improper means. *<Amended on Dec. 31, 2008; Jun. 4, 2010; Jan. 20, 2015>*

(2) In issuing an order for return pursuant to paragraph (1), the Minister of Employment and Labor may charge an additional amount based on the criteria set forth by Ordinance of the Ministry of Employment and Labor, which may not exceed five times the full amount subject to return that the person has obtained by fraud or other improper means. *<Amended on Dec. 31, 2008; Jun. 4, 2010>*

(3) Where a person who obtained assistance provided in relation to a program for employment security and vocational skills development has received an erroneously paid subsidy, the Minister of Employment and Labor may order him or her to return the subsidy. *<Newly Inserted on Aug. 27, 2019>*

(4) Notwithstanding paragraphs (1) and (2), Articles 55 and 56 of the Act on the Development of Lifelong Vocational Skills of Citizens shall apply mutatis mutandis to restriction on assistance, return and additional collection for those who have received or intend to receive assistance for vocational skills development programs by fraud or other improper means. *<Newly Inserted on Dec. 31, 2008; May 31, 2010; Aug. 27, 2019; Jan. 5, 2021; Aug. 17, 2021>*

(5) The Minister of Employment and Labor may refuse to provide assistance for employment security and vocational skills development programs prescribed in this Chapter to those who are in arrears on premiums, as determined by Ordinance of the Ministry of Employment and Labor. *<Amended on Dec. 31, 2008; Jun. 4, 2010; Jul. 21, 2011; Aug. 27, 2019>*

Article 36 (Vicarious Execution of Affairs)

The Minister of Employment and Labor may, if deemed necessary, authorize any person prescribed by Presidential Decree to conduct some of the affairs prescribed in Articles 19 and 27 through 31 on his or her behalf. *<Amended on Jun. 4, 2010>*

CHAPTER IV UNEMPLOYMENT BENEFITS

SECTION 1 General Provisions

Article 37 (Types of Unemployment Benefits)

(1) Unemployment benefits shall be classified into job-seeking benefits and employment promotion allowances.

(2) Types of employment promotion allowances are as follows:

1. Early re-employment allowance;
2. Vocational skills development allowance;
3. Long-distance job search allowance;
4. Relocation allowance.

Article 37-2 (Unemployment Benefit Receipt Accounts)

(1) The head of an employment security office shall, upon receipt of an application from an eligible recipient, as prescribed in Article 43, transfer the unemployment benefits to a designated account opened in the name of the eligible recipient (hereinafter referred to as “unemployment benefit receipt account”): Provided, That when it is impracticable to transfer the unemployment benefits to the unemployment benefit receipt account due to any failure in the information and communication system or other unavoidable reasons prescribed by Presidential Decree, he or she may pay the unemployment benefits in cash or in any other manner prescribed by Presidential Decree.

(2) The financial institution with which an unemployment benefit receipt account is opened shall ensure that only unemployment benefits prescribed in this Act are transferred to the unemployment benefit receipt account.

(3) Matters necessary for the methods and procedures for application referred to in paragraph (1) and for the management of the unemployment benefit receipt accounts referred to in paragraph (2) shall be prescribed by Presidential Decree.

Article 38 (Protection of Rights to Receive Benefits)

(1) No right to receive unemployment benefits may be transferred, seized, or pledged. *<Amended on Jan. 20, 2015>*

(2) No right to claim deposits in the unemployment benefit receipt account designated under Article 37-2 (1), which is not more than the amount prescribed by Presidential Decree, may be seized. *<Newly Inserted on Jan. 20, 2015>*

Article 38-2 (Exemption from Public Charges)

The State or local governments shall not impose public charges (referring to public charges prescribed in subparagraph 8 of Article 2 of the Framework Act on National Taxes or Article 2 (1) 26 of the Framework Act on Local Taxes) on money and valuables that are provided as unemployment benefits.

Article 39 Deleted. *<Jun. 4, 2013>*

SECTION 2 Job-Seeking Benefits

Article 40 (Eligibility Requirements for Job-Seeking Benefits)

(1) Where an insured employee who has left his or her job satisfies all of the following requirements, job-seeking benefits shall be paid to him or her: Provided, That subparagraphs 5 and 6 shall apply only to a person who has been a daily hire employee at the time of most recent job-leaving: *<Amended on Jan. 15, 2019; Aug. 27, 2019; May 26, 2020; Jan. 5, 2021>*

1. The number of qualifying days in covered employment (referring to the qualifying days in covered employment prescribed in Article 41; hereinafter the same shall apply) during the base period prescribed in paragraph (2) (hereinafter referred to as "base period") shall amount to at least 180 days;
2. The insured employee is able and willing to work but is still yet to secure employment (including self-employment in a for-profit business; hereafter the same shall apply in this Chapter and Chapter V);
3. The reasons for job-leaving shall not fall under any of the disqualifying conditions set forth in Article 58;

4. The insured employee shall be actively seeking reemployment;

5. Any of the following shall be applicable to the insured employee:

(a) The number of days that such insured employee has worked during the one-month period before the date of applying for recognition of eligibility for benefits under Article 43 shall be less than 10 days;

(b) An insured employee shall be a daily hire employee working in the construction industry (referring to a person who is a daily hire employee and has worked, at the time of job-leaving, in the construction industry under the section classification on the Korean Standard Industrial Classification publicly notified by the Commissioner of the Statistics Korea as prescribed in Article 22 (1) of the Statistics Act; hereinafter the same shall apply) and have no record of work performed during the 14 continuous days before the date such insured employee applies for recognition of eligibility for benefits;

6. Where the insured employee has been severed from another employment due to a reason falling under the grounds for disqualification under Article 58 during the qualifying days in covered employment during the base period at the time of most recent job-leaving, the insured employee shall have worked as a daily hire employee for at least 90 days during the qualifying days in covered employment.

(2) The base period shall be 18 months before the date of job-leaving, but if an insured employee falls under any of the following cases, the base period shall be the period classified as follows: *<Amended on Aug. 27, 2019; Jan. 5, 2021>*

1. Where an insured employee has earned no remuneration due to illness, injury, or other grounds prescribed by Presidential Decree for 30 days during the 18 months before the date of job-leaving: A period (if the period exceeds three years, it shall be deemed three years) obtained by aggregating 18 months and the number of days in which such insured employee has not been paid remuneration due to

such reason;

2. Where all of the following requirements are satisfied: 24 months before the date of job-leaving:

(a) An insured employee shall have worked as a worker whose contractual working hours per week are less than 15 hours and contractual working days per week are two days or less at the time of job-leaving;

(b) An insured employee shall have worked as a worker to whom item (a) is applicable for at least 90 days during the qualifying days in covered employment in the 24 months before the date of job-leaving.

Article 41 (Qualifying Days in Covered Employment)

(1) The number of qualifying days for employees in covered employment shall be calculated as the sum of the number of days in covered employment for which remuneration is paid: Provided, That the number of qualifying days in covered employment applicable to insured self-employed persons shall be deemed the number of qualifying days in covered employment under the proviso to Article 50 (3) and Article 50 (4).

<Amended on Jan. 27, 2010; Jul. 21, 2011; Jan. 5, 2021>

(2) In calculating the number of qualifying days in covered employment, as prescribed in paragraph (1), if a person already received job-seeking benefits before the date insured status was lastly attained, the qualifying days in covered employment occurred before the date of forfeiture of the insured status related to the job-seeking benefits shall be excluded from the calculation. *<Amended on Dec. 31, 2008; Jan. 27, 2010; Jul. 21, 2011>*

(3) Where an insured employee has worked as a person falling under at least two of the categories from among employees, artists under Article 77-2 (1), and workers under Article 77-6 (1) during the base period referred to in Article 40 (2), the qualifying days in covered employment shall be prescribed by Presidential Decree. *<Newly Inserted on Jan. 5, 2021>*

Article 42 (Reporting of Unemployment)

(1) Those who intend to apply for job-seeking benefits shall, upon job-leaving, report his or her unemployment, without delay, to an employment security office. *<Amended on May 26, 2020>*

(2) Reporting of unemployment done under paragraph (1) shall include application for job-seeking and recognition of eligibility for benefits prescribed in Article 43.

(3) A person who intends to report his or her unemployment to be paid job-seeking benefits pursuant to paragraph (1) may request the owner of a business in which such person was employed before job-leaving to issue data by which qualifying days in covered employment, contractual working hours per day before job-leaving, etc. are verifiable (hereinafter referred to as "job-leaving certificate"). In such case, the business owner in receipt of such request shall issue a job-leaving certificate as prescribed by Ordinance of the Ministry of Employment and Labor. *<Newly Inserted on Aug. 27, 2019>*

Article 43 (Recognition of Eligibility for Benefits)

(1) A person who intends to receive job-seeking benefits shall file an application for recognition that he or she is eligible for benefits under Article 40 (1) 1 through 3, 5, and 6 (hereinafter referred to as "eligibility for benefits") with the head of a relevant employment security office. *<Amended on Jan. 15, 2019; May 26, 2020>*

(2) Upon receipt of an application for recognition of eligibility for benefits under paragraph (1), the head of an employment security office shall determine whether to recognize or deny the eligibility for benefits of the applicant and give notice of the results to the applicant, as prescribed by Presidential Decree.

(3) In making a decision, as prescribed in paragraph (2), if an applicant satisfies all requirements described in the following subparagraphs, the eligibility for benefits of the applicant shall be determined with respect to the most recent employment of the applicant: Provided, That where an applicant whose most recent job-leaving was as a daily hire employee and whose number of qualifying days in covered employment is less than one month fails to satisfy those requirements for eligibility for benefits, then the applicant's eligibility for benefits shall be determined with respect to the applicant's most recent employment in which the applicant was not a daily hire employee: *<Amended on Dec. 31, 2008; May 26, 2020>*

1. The most recent covered employment of the applicant shall not be the only time the applicant has been in covered employment;

2. The applicant shall never have received job-seeking benefits with respect to any job-leaving, other than the most recent instance.

(4) If necessary to determine whether to recognize an applicant's eligibility for benefits pursuant to paragraphs (2) and (3), the head of an employment security office may request the owner of a business to which the applicant has belonged before job-leaving to submit a job-leaving certificate as prescribed by Ordinance of the Ministry of Employment and Labor. In such case, the business owner in receipt of such request shall submit a job-leaving certificate as prescribed by Ordinance of the Ministry of Employment and Labor. *<Newly Inserted on Aug. 27, 2019>*

(5) If a person who has obtained recognition of eligibility for benefits, as prescribed in paragraph (2) (hereinafter referred to as "eligible recipient"), newly obtains recognition of eligibility for benefits during the period under Article 48 or 54 (1), job-seeking benefits shall be paid on the basis of the newly recognized eligibility for benefits. *<Amended on Aug. 27, 2019; May 26, 2020>*

Article 44 (Recognition of Unemployment)

(1) Job-seeking benefits shall be paid for days of unemployment with respect to which an eligible recipient has obtained recognition from the head of an employment security office.

(2) To apply for recognition of unemployment, eligible recipients shall appear at an employment security office on the date the head of such office designates between the first and fourth week from the date of reporting of unemployment done under Article 42 (hereinafter referred to as "date of unemployment

recognition") and report that they have been actively seeking reemployment, and the head of the employment security office shall recognize unemployment for each day between the day after the most recent unemployment recognition and the date of unemployment recognition, inclusive: Provided, That for any of the following persons, the methods for recognition of unemployment shall be governed by the standards prescribed by Ordinance of the Ministry of Employment and Labor: *<Amended on Jun. 4, 2010; May 26, 2020>*

1. An eligible recipient participating in vocational skills development training, etc.;
2. An eligible recipient who has grounds prescribed by Presidential Decree, such as the occurrence of a natural disaster or mass unemployment;
3. Other eligible recipients prescribed by Presidential Decree.

(3) Notwithstanding paragraph (2), an eligible recipient in any of the following cases may obtain recognition of unemployment by submitting a certificate explaining the reason for failing to appear at an employment security office:

1. Where he or she fails to appear at the employment security office for less than seven consecutive days due to personal illness or injury;
2. Where he or she fails to appear at the employment security office due to a job interview arranged by the employment security office;
3. Where he or she fails to appear at the employment security office to participate in vocational skills development training, etc. as directed by the head of the employment security office;
4. Where he or she fails to appear at the employment security office due to a natural disaster or any other inevitable cause.

(4) During the process of recognition of unemployment prescribed in paragraph (1), the head of an employment security office shall take steps to facilitate reemployment of eligible recipients, such as assistance in reemployment planning and job referral, as prescribed by Presidential Decree. In such cases, eligible recipients shall comply with such steps without good cause.

Article 45 (Daily Wage as Basis for Computation of Benefits)

(1) The daily wage to be used as basis for computation of job-seeking benefits (hereinafter referred to as "daily wage") shall be the average wage computed as provided for in Article 2 (1) 6 of the Labor Standards Act at the time of the most recent job-leaving related to recognition of eligibility for benefits prescribed in Article 43 (1): Provided, That with respect to an employee who had attained insured status on at least two occasions in the three-month period immediately preceding the date of the most recent job-leaving, the daily wage shall be computed by dividing the total amount of wages paid to the employee during the three-month period immediately preceding the date of such most recent job-leaving (for daily hire employees, the first three months out of the last four months immediately preceding the date of the most recent job-leaving) by the total number of calendar days in that three-month period.

(2) If the amount of an employee's daily wage computed as provided for in paragraph (1) is less than the amount of the standard wage applicable to the employee, as prescribed by the Labor Standards Act, then the amount of such standard wage shall be deemed the employee's daily wage: Provided, That the same shall not apply to those whose most recent job-leaving was as a daily hire employee. <Amended on May 26, 2020>

(3) If it is impracticable to compute an employee's daily wage in accordance with paragraphs (1) and (2) or if the amount of an employee's insurance premium has been determined on the basis of the standard remuneration under Article 3 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance (hereinafter referred to as "standard remuneration"), then the standard wage shall be deemed the employee's daily wage: Provided, That the same shall not apply if the standard remuneration of an employee, the amount of whose insurance premium has been determined on the basis of that standard remuneration is less than the daily wage computed as provided for in paragraphs (1) and (2). <Amended on Jan. 27, 2010; Jan. 5, 2021>

(4) Notwithstanding paragraphs (1) through (3), if an eligible recipient's daily wage computed in accordance with such provisions is less than the amount obtained by multiplying the number of hours worked per day prior to job-leaving by the minimum hourly wage under the Minimum Wage Act effective at the time of job-leaving (hereinafter referred to as "minimum daily wage"), then the minimum daily wage shall be deemed the eligible recipient's daily wage. In such cases, the number of hours worked per day prior to job-leaving shall be calculated in the manner prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jan. 20, 2015>

(5) Notwithstanding paragraphs (1) through (3), if an eligible recipient's daily wage computed in accordance with such provisions exceeds the amount set by Presidential Decree in view of the purposes of the insurance, prevailing wage levels, and other considerations, then the amount set by Presidential Decree shall be deemed the eligible recipient's daily wage.

Article 46 (Daily Amount of Job-Seeking Benefits)

(1) The daily amount of job-seeking benefits shall be determined according to the following classification:
<Amended on Aug. 27, 2019>

1. In cases falling under Article 45 (1) through (3), and (5), 60/100 of the eligible recipient's daily wage;
2. In cases falling under Article 45 (4), 80/100 of the eligible recipient's daily wage (hereinafter referred to as "minimum daily amount of job-seeking benefits").

(2) If an eligible recipient's daily amount of job-seeking benefits computed under paragraph (1) 1 is less than the minimum daily amount of job-seeking benefits, then the minimum daily amount of job-seeking benefits shall be the daily amount of job-seeking benefits payable to the eligible recipient.

Article 47 (Reporting on Employment during Period subject to Recognition of Unemployment)

(1) Where an eligible recipient secures employment satisfying the criteria prescribed by Ordinance of the Ministry of Employment and Labor during the period in which he or she seeks recognition as being unemployed (hereinafter referred to as "period subject to recognition of unemployment"), he or she shall report such fact to the head of an employment security office. *<Amended on Jul. 21, 2011; Jan. 15, 2019>*

(2) Where the head of an employment security office deems necessary, he or she may investigate an eligible recipient's employment history during the period subject to recognition of unemployment. *<Amended on Jul. 21, 2011; Jan. 15, 2019>*

Article 48 (Benefit Period and Number of Days to Receive Benefit)

(1) Except as otherwise provided in this Act, job-seeking benefits shall be payable for up to the specified number of days for which benefits are payable under Article 50 (1) during a 12-month period following the date of job-leaving to which the current eligibility for job-seeking benefits relates.

(2) Those who report their unavailability for work due to pregnancy, childbirth, child care, or for other reasons prescribed by Presidential Decree to the employment security office within the 12-month period prescribed in paragraph (1) are entitled to be paid job-seeking benefits for up to the number of days of benefits payable under Article 50 (1) during a benefit period determined by adding the period during which such person is unavailable for work to the 12-month period (if the benefit period exceeds four years, it shall be four years). *<Amended on May 26, 2020>*

(3) In any of the following cases, the report prescribed in paragraph (2) shall be deemed to have been filed on the relevant first day of medical care: *<Amended on Dec. 31, 2008; May 26, 2020>*

1. Where medical care benefits prescribed in Article 40 of the Industrial Accident Compensation Insurance Act are paid;
2. Where a need to receive medical care for a period longer than three months due to any disease or injury resulted in job-leaving, and the act of seeking employment was impractical during which the job-leaving occurred, as confirmed by the opinion of the physician in charge clearly stating the period of medical care and the state of being sick or injured and the business owner's opinion that the job-leaving occurred for the sake of receiving medical care.

Article 49 (Waiting Period)

Notwithstanding Article 44, job-seeking benefits shall not be payable for seven days regarded as waiting period beginning from the date an applicant reports on his or her unemployment pursuant to Article 42: Provided, That as for a person who is a daily hire worker in the construction industry at the time of his or her most recent severance from employment, job-seeking benefits shall be paid to him or her by calculating from the date he or she reports his or her unemployment pursuant to Article 42. *<Amended on Jan. 15, 2019>*

Article 50 (Days of Benefits Payable and Period of Covered Employment)

(1) The days for which job-seeking benefits are payable per eligibility for benefits (hereinafter referred to as "days of benefits payable") shall begin on the first day following the waiting period and end upon passage of the specified number of days during which benefits are payable as determined by age and period of covered employment and as set forth in attached Table 1. *<Amended on Jul. 21, 2011>*

(2) With respect to an eligible recipient whose benefit period has been extended due to pregnancy, childbirth, child care, or any other cause set forth by Presidential Decree as provided for in Article 48 (2) within the days of benefits payable, payment of job-seeking benefits for the remaining number of days during which benefits are payable shall be deferred until the period when such recipient is unavailable for work has passed.

(3) The period of covered employment shall be the period of employment with the employing unit covered at the time of job-leaving to which the current eligibility for benefits relates (excluding the period of employment as an employee excluded from application under Articles 10 and 10-2; hereafter the same shall apply in this Article): Provided, That as for insured self-employed persons, the period of covered employment shall be the period during which the employment insurance premium is actually paid during the insured period for the covered business at the time of closure of business to which the eligibility for benefits relates. *<Amended on Jul. 21, 2011; Jan. 15, 2019>*

(4) Notwithstanding paragraph (3), in any of the following cases, a period of covered employment shall be separately computed in accordance with each applicable subparagraph: *<Amended on Jul. 21, 2011>*

1. Where an insured status was forfeited in the previous covered business and a new insured status is acquired in the currently covered business within three years from the date of such forfeiture: The period of covered employment in the previous covered business shall be added up: Provided, That in cases of having received job-seeking benefits due to the forfeiture of insured status in the previous covered business, the period of covered employment in the previous covered business shall be excluded;

2. Where an insured status of an insured self-employed person was forfeited in the previous covered employment and a new insured status is acquired as a self-employed person within three years from the date of such forfeiture: The period of covered employment in the previous covered business shall not be added up unless the person wants the period of covered employment to be combined: Provided, That in cases of having received job-seeking benefits due to the forfeiture of insured status in the previous covered business, the period of covered employment in the previous covered business shall be excluded.

(5) With respect to any insured employee whose attainment of insured status was not reported, if the actual date of attaining the insured status in a single period of covered employment precedes the first day of January of the third year retroactively from the date described in any of the following subparagraphs, the first day of the insurance year whereto the first day of January of the third year retroactively from the date described in the relevant subparagraph belongs shall be deemed the date the insured status has been acquired, applicable to computation of the period of covered employment, notwithstanding paragraph (3): Provided, That when it is proved that the business owner has continued to pay the employment insurance

premiums for the insured employee before the first day of January of the third year retroactively from the date described in any of the following subparagraphs, the period of covered employment shall be calculated based on the period for which the employment insurance premiums have been paid: *<Amended on Jan. 20, 2015>*

1. The date the attainment of insured status is reported under Article 15;
2. The date the attainment of insured status is verified under Article 17.

Article 51 (Extended Training Benefits)

(1) The head of an employment security office may require an eligible recipient to participate in vocational skills development training, etc., if he or she considers it necessary for the eligible recipient's reemployment in view of age, work experience, and other considerations.

(2) The head of an employment security office may pay extra job-seeking benefits to eligible recipients whom the head has required to participate in vocational skills development training etc. under paragraph (1), in addition to their specified number of days for which benefits are payable, for the period of days during which they have participated in the vocational skills development training, etc., and for which they have obtained recognition of unemployment. In such cases, the period during which the additional job-seeking benefits (hereinafter referred to as "extended training benefits") are payable shall not exceed the period prescribed by Presidential Decree.

(3) Eligible trainees, training courses prescribed in paragraph (1), and other relevant matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010>*

Article 52 (Individual Extended Benefits)

(1) The head of an employment security office may allow a person prescribed by Presidential Decree who is an eligible recipient, having particular difficulty in finding employment and living in financial hardship, to be paid extra job-seeking benefits, in addition to the specified number of days for which benefits are payable, for the period of days for which they have obtained recognition of unemployment. *<Amended on May 26, 2020>*

(2) The additional job-seeking benefits, as prescribed in paragraph (1) (hereinafter referred to as "individual extended benefits") shall be payable for a period specified by Presidential Decree not exceeding 60 days.

Article 53 (Special Extended Benefits)

(1) Under circumstances prescribed by Presidential Decree such as a rapid rise in unemployment, the Minister of Employment and Labor may pay extra job-seeking benefits to eligible recipients, in addition to the specified number of days for which benefits are payable, for a period not exceeding 60 days for which they obtain recognition of unemployment: Provided, That the same shall not apply to a person whose income is determined to be adequate to ensure security of livelihood after job-leaving under the criteria set

forth by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

(2) Before making any additional benefits available, the Minister of Employment and Labor shall set the period during which additional job-seeking benefits under the main clause of paragraph (1) (hereinafter referred to as "special extended benefits") are payable. <Amended on Jun. 4, 2010>

Article 54 (Extended Benefit Period and Daily Amount of Job-Seeking Benefits)

(1) Where any extended benefits described in Articles 51 through 53 are payable, the benefit period of an eligible recipient shall be computed by adding the number of days of additional benefits payable to the regular benefit period of the eligible recipient prescribed in Article 48.

(2) Where extended training benefits are paid under Article 51, the daily amount of such benefits shall be 100/100 of the relevant eligible recipient's job-seeking benefits, and where individual extended benefits or special extended benefits are paid under Article 52 or 53, the daily amount of such benefits shall be 70/100 of the relevant eligible recipient's daily amount of job-seeking benefits. <Amended on Mar. 21, 2008>

(3) If an eligible recipient's daily amount of job-seeking benefits as computed under paragraph (2) is less than the minimum daily amount of job-seeking benefits prescribed in Article 46 (2), then the minimum daily amount of job-seeking benefits shall be the daily amount of job-seeking benefits payable to the eligible recipient.

Article 55 (Coordination of Extended Benefit Payment)

(1) Any extended benefits prescribed in Articles 51 through 53 shall be payable after regular job-seeking benefits to which an eligible recipient is entitled under Article 48 have been fully paid.

(2) No individual extended benefits or special extended benefits may be payable to an eligible recipient currently receiving extended training benefits until such extended training benefits have been fully paid.

(3) When extended training benefits become payable to an eligible recipient currently receiving individual extended benefits or special extended benefits, such individual extended benefits or special extended benefits shall cease to be paid to the eligible recipient.

(4) No individual extended benefits shall be payable to an eligible recipient currently receiving special extended benefits until such special extended benefits have been fully paid, and no special extended benefits are payable to an eligible recipient currently receiving individual extended benefits until such individual extended benefits have been fully paid.

(5) Other matters necessary to coordinate payment of extended benefits shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

Article 55-2 (Support for Pension Premiums of National Pension)

(1) The Minister of Employment and Labor may provide support for part of pension premiums of national pension to a person who intends to include the period during which the job seeker's allowance is received pursuant to Article 19-2 (1) of the National Pension Act in the insured period of cover.

(2) The amount of support pursuant to paragraph (1) shall be within the scope of 25/100 of the pension premiums pursuant to Article 19-2 (3) of the National Pension Act.

(3) The methods of and procedures for support pursuant to paragraph (1) and the amount of support pursuant to paragraph (2), and other necessary matters shall be prescribed by Presidential Decree.

Article 56 (Date and Method of Payment)

(1) Job-seeking benefits shall be payable for the number of days for which recognition of unemployment has been obtained, as prescribed by Presidential Decree.

(2) The head of an employment security office shall set the date for payment of job-seeking benefits for each eligible recipient and give notice of the date to him or her.

Article 57 (Job-Seeking Benefits Not Yet Paid)

(1) Any remaining job-seeking benefits payable to a deceased eligible recipient shall be paid upon a claim duly filed by the surviving spouse (including a de facto spouse) or any dependent child, parent, grandchild, grandparent, or sibling sharing the same livelihood with the deceased eligible recipient. *<Amended on May 26, 2020>*

(2) With respect to any period of days for which a deceased eligible recipient could not obtain recognition of unemployment, the person who files a claim for the remaining benefits, as prescribed in paragraph (1) shall obtain recognition of unemployment therefor, as prescribed by Presidential Decree. In such cases, the claimant for the remaining benefits shall also report to the head of an employment security office pursuant to Article 47 (1) if the deceased eligible recipient falls under Article 47 (1). *<Amended on May 26, 2020>*

(3) Eligible claimants for the remaining benefits, as prescribed in paragraph (1) shall be given priority in the order in which they are named in that paragraph. In such cases, if two or more eligible claimants exist in the same order of priority, a claim by one of the claimants shall be considered to have been made on behalf of all of them, and payment to that claimant shall be considered to have been made for all of them. *<Amended on May 26, 2020>*

Article 58 (Restriction on Qualifying Conditions depending on Reasons for Job-Leaving)

Notwithstanding Article 40, an insured employee shall be disqualified for benefits if the head of an employment security office determines that any of the following subparagraphs applies to the insured employee: *<Amended on Jun. 4, 2010; May 26, 2020>*

1. An insured employee who has been dismissed for any of the following serious causes attributable to him or her:

(a) Any violation of the Criminal Act or any duty-related Act that resulted in a sentence of imprisonment without labor or greater punishment;

(b) Gross misconduct that caused serious damage to the employing unit's business or property as satisfying the criteria set forth by Ordinance of the Ministry of Employment and Labor;

- (c) Prolonged unauthorized absence without good cause in breach of the employment contract or work rules;
- 2. An insured employee whose job-leaving was due to his or her own circumstances falling under any of the following cases:
 - (a) A resignation to take up a new job or to start one's own business;
 - (b) A resignation following the business owner's recommendation to resign rather than face dismissal for gross misconduct prescribed in subparagraph 1;
 - (c) A resignation for any reason other than good cause, as prescribed by Ordinance of the Ministry of Employment and Labor.

Article 59 Deleted. <Jan. 20, 2015>

Article 60 (Suspension of Benefits for Refusing Training)

(1) Payment of job-seeking benefits shall be suspended, as prescribed by Presidential Decree if an eligible recipient refuses to accept a job offered by the head of an employment security office or to participate in vocational skills development training, etc. required by the head: Provided, That the same shall not apply in any of the following cases: <Amended on Jun. 4, 2010>

1. The job offered or the occupational category to which the required vocational skills development training, etc. relates is not suitable in view of the capabilities of the eligible recipient;
2. The eligible recipient is required to, but cannot afford to, move to where the job offered is or where the vocational skills development training, etc. takes place;
3. The wage level for the job offered is at least 20/100 lower than the prevailing wage level for comparable jobs in the same occupational category or jobs requiring a similar level of skills in the area of intended employment, or the job offered is otherwise unacceptable as it fails to satisfy the criteria determined by the Minister of Employment and Labor;
4. Any other good cause exists.

(2) Payment of job-seeking benefits shall be suspended, as prescribed by Presidential Decree if an eligible recipient refuses, without any good cause, to comply with the steps taken by the head of an employment security office to facilitate reemployment in accordance with the vocational guidance criteria set by the Minister of Employment and Labor. <Amended on Jun. 4, 2010>

(3) The head of an employment security office shall determine whether there exists any good cause prescribed in the proviso to paragraph (1) and paragraph (2) in accordance with the criteria set by the Minister of Employment and Labor. <Amended on Jun. 4, 2010>

(4) The Minister of Employment and Labor shall determine and publicly notify the period of suspension of job-seeking benefits, as prescribed in paragraphs (1) and (2), not exceeding one month. <Amended on Jun. 4, 2010>

Article 61 (Denial of Benefits Due to Improper Acts)

(1) Any person who has received, or attempted to receive, unemployment benefits by fraud or other improper means shall be denied job-seeking benefits from the date when such person received, or attempted to receive, unemployment benefits: Provided, That the same shall not apply to subsequent eligibility for job-seeking benefits that may be approved after the job-leaving related to the denied benefits. *<Amended on May 26, 2020>*

(2) Notwithstanding the main clause of paragraph (1), if fraud or other improper means constitute grounds prescribed by Presidential Decree, such as filing a false report or failing to file a report pursuant to Article 47 (1), job-seeking benefits shall be denied only for the relevant period subject to recognition of unemployment: Provided, That if such violations are committed on two or more occasions, the main clause of paragraph (1) shall apply. *<Amended on May 26, 2020>*

(3) Where a person has received, or attempted to receive, unemployment benefits by fraud or other improper means are denied job-seeking benefits, as prescribed in paragraph (1) or (2), such person shall be considered to have received such job-seeking benefits for the purposes of applying Article 50 (3) and (4) thereto. *<Amended on May 26, 2020>*

(4) Where a person has received, or attempted to receive, unemployment benefits by fraud or other improper means are denied job-seeking benefits, as prescribed in paragraph (1) or (2), such person shall be considered to have received job-seeking benefits, including for the days for which benefits have been denied for the purposes of applying Article 63 (2) thereto. *<Amended on May 26, 2020>*

(5) Notwithstanding the proviso of paragraph (1), where a person who has received or attempted to receive job-seeking benefits by fraud or other improper means had failed to receive job-seeking benefits three or more times pursuant to the main clause of paragraph (1) during 10 years calculated retroactively from the date such person received the job-seeking benefits or from the date he or she filed a report on the recognition of unemployment under Article 44, job-seeking benefits based on the new eligibility shall not be paid to him or her for up to three years from the date he or she received job-seeking benefits or from the date he or she filed a report on the recognition of unemployment by fraud or other improper means, as prescribed by Presidential Decree. *<Newly Inserted on Aug. 27, 2019>*

Article 62 (Order to Return Job-Seeking Benefits)

(1) The head of an employment security office may order a person who has received job-seeking benefits by fraud or other improper means to return all or part of the benefits as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) Where the head of an employment security office orders a person to return job-seeking benefits pursuant to paragraph (1), the head may, as prescribed by Ordinance of the Ministry of Employment and Labor, collect from the person an additional amount not exceeding two times the job-seeking benefits that the person has received by fraud or other improper means: Provided, That where the person has received

the job-seeking benefits by fraud or other improper means by conspiring (referring to where a reason imputable to the business owner, such as a wrong declaration, report, certification, etc. by the business owner, is included by fraud or other improper means; hereinafter the same shall apply) with the business owner (including a representative or employee of the business owner and a person who performs an act for the business owner; hereafter the same shall apply in this Article and Article 116 (1)), the head of the employment security office may collect from the person an additional amount not exceeding five times the job-seeking benefits that the person has received by fraud or other improper means.

(3) Where a person who has received job-seeking benefits by fraud or other improper means conspired with the business owner, the business owner shall be jointly and severally liable with the person who has received the job-seeking benefits for the matters under paragraphs (1) and (2).

(4) If a person who is or was eligible for job-seeking benefits has been erroneously paid job-seeking benefits, the head of an employment security office may order the person to return the job-seeking benefits.

(5) Where a person who is to return job-seeking benefits or to pay an additional amount to be collected pursuant to paragraph (1), (2), or (4) is eligible for other job-seeking benefits under this Act, the head of an employment security office may allocate such job-seeking benefits to the amount to be returned or the additional amount to be collected pursuant to paragraph (1), (2), or (4), as prescribed by Presidential Decree.

Article 63 (Special Cases for Sickness Benefits)

(1) Notwithstanding Article 44 (1), with respect to any days for which recognition of unemployment could not be obtained by an eligible recipient who has become temporarily unemployable due to illness, injury, or childbirth after reporting unemployment under Article 42, an amount equivalent to the eligible recipient's daily amount of job-seeking benefits prescribed in Article 46 (hereinafter referred to as "sickness benefits") may be paid upon request from the eligible recipient in lieu of job-seeking benefits: Provided, That no sickness benefits shall be paid for the period during which payment of job-seeking benefits is suspended under Article 60 (1) and (2). *<Amended on May 26, 2020>*

(2) The maximum number of days of sickness benefits payable to an eligible recipient shall be the eligible recipient's specified number of days of job-seeking benefits payable, less the number of days for which job-seeking benefits, in relation to the benefits for which the recipient is currently eligible, have already been paid. In such case, when applying the provisions of this Act (excluding Articles 61 and 62) to a recipient of sickness benefits paid, the amount of sickness benefits paid shall count toward the amount of job-seeking benefits paid. *<Amended on May 26, 2020>*

(3) Sickness benefits prescribed in paragraph (1) shall be paid on the date when job-seeking benefits are to be paid for the first time after the recipient has become employable (in the absence of such date, a date determined by the head of an employment security office): Provided, That if deemed necessary, such sickness benefits may be payable, as separately determined by the Minister of Employment and Labor.

<Amended on Jun. 4, 2010>

(4) Notwithstanding paragraph (1), no sickness benefits shall be paid to an eligible recipient who is entitled to compensation for suspension of work prescribed in Article 79 of the Labor Standards Act, temporary disability compensation benefits prescribed in Articles 52 through 56 of the Industrial Accident Compensation Insurance Act, or other compensation or benefits prescribed by Presidential Decree equivalent to these compensation or benefits. *<Amended on Jan. 15, 2019>*

(5) Articles 47, 49, 57, 61 (excluding paragraph (4)), and 62 shall apply mutatis mutandis to the payment of sickness benefits. In such case, "period subject to recognition of unemployment" shall be construed as "days for which recognition of unemployment is not obtained", and "job-seeking benefits" as "sickness benefits". *<Amended on Aug. 27, 2019>*

SECTION 3 Employment Promotion Allowances

Article 64 (Early Re-Employment Allowances)

(1) Early re-employment allowances shall be payable to an eligible recipient (excluding foreign employees defined in Article 2 of the Act on the Employment, etc. of Foreign Workers) who secures a stable job or commences one's own for-profit business and meets the standards prescribed by Presidential Decree.

(2) Notwithstanding paragraph (1), early re-employment allowances shall not be payable to an eligible recipient who received early re-employment allowances for a period prescribed by Presidential Decree preceding the date he or she secures a stable job or commences his or her own for-profit business.

(3) The amount of early re-employment allowances shall be computed in proportion to the remaining number of days of job-seeking benefits payable in accordance with the criteria prescribed by Presidential Decree.

(4) When applying the provisions of this Act (excluding Articles 61 and 62) to a recipient of early re-employment allowances, job-seeking benefits for the number of days calculated by dividing the amount of the early re-employment allowances paid by the daily amount of job-seeking benefits prescribed in Article 46 are deemed to have been paid. *<Amended on May 26, 2020>*

(5) Anyone who hires an eligible recipient shall be qualified for incentives, as prescribed by Presidential Decree, for contributing to early reemployment and thus reducing the payment period of job-seeking benefits. *<Amended on May 26, 2020>*

Article 65 (Vocational Skill Development Allowances)

(1) Vocational skill development allowances shall be payable to an eligible recipient who participates in vocational skills development training, etc. required by the head of an employment security office for the period of such training, etc.

(2) Notwithstanding paragraph (1), vocational skill development allowances shall not be payable during a period of suspension of job-seeking benefits, as prescribed in Article 60 (1) and (2).

(3) Matters necessary for the requirements for and amount of vocational skill development allowances shall be prescribed by Presidential Decree. In such cases, the Minister of Employment and Labor may otherwise provide, by public notice, the amount of allowances for vocational skills development pertaining to a specific occupational category, as determined necessary in light of current skills needs.
<Amended on Jun. 4, 2010>

Article 66 (Long-Distance Job Search Allowances)

(1) Long-distance job search allowances shall be payable, as deemed necessary by the head of an employment security office under the criteria set by Presidential Decree, to an eligible recipient who conducts a long-distance job search in accordance with guidance by the employment security office.
(2) Long-distance job search allowances shall be for reimbursing an eligible recipient for expenses reasonably incurred in conducting such job search under paragraph (1), and the amount shall be computed as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

Article 67 (Relocation Allowances)

(1) Relocation allowances may be paid, if deemed necessary by the head of an employment security office under the criteria set by Presidential Decree, to an eligible recipient who is required to relocate to take up a job or participate in vocational skills development training, etc. required by the head of the employment security office.
(2) Relocation allowances shall be for reimbursing reasonable relocation expenses for an eligible recipient and his or her dependent relatives living together to relocate, and the amount shall be computed, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

Article 68 (Restriction on Payment of Employment Promotion Allowances)

(1) Those who have received, or attempted to receive, unemployment benefits by fraud or other improper means shall be denied employment promotion allowances from the date when they received, or attempted to receive, such unemployment benefits: Provided, That the same shall not apply to any subsequent eligibility for benefits that may be approved after the job-leaving relevant to such improper claim.
<Amended on May 26, 2020>
(2) Notwithstanding the main clause of paragraph (1), if fraud or other improper means constitute grounds prescribed by Presidential Decree, such as filing a false report or failing to file a report pursuant to Article 47 (1), employment promotion allowances shall not be denied: Provided, That if such violations are committed on at least two occasions, the main clause of paragraph (1) shall govern.
(3) Even if those who have received, or attempted to receive, unemployment benefits by fraud or other improper means are denied employment promotion allowances, as prescribed in paragraph (1) or (2) and thus denied early re-employment allowances, they shall be considered to have received the denied early re-employment allowances for the purposes of applying Article 64 (4) thereto. <Amended on May 26, 2020>

Article 69 (Application Mutatis Mutandis)

@Articles 57 (1) and (3) and 62 shall apply mutatis mutandis to employment promotion allowances. In such case, "eligible recipients" shall be construed as "persons qualifying for employment promotion allowances", and "job-seeking benefits" as "employment promotion allowances". *<Amended on Aug. 27, 2019; May 26, 2020>*

SECTION 4 Special Cases concerning Application of Unemployment Benefits for Insured Self-Employed Persons

Article 69-2 (Types of Unemployment Benefits for Insured Self-Employed Persons)

Types of unemployment benefits for insured self-employed persons shall be as provided for in Article 37: Provided, That the extended benefits prescribed in Articles 51 through 55 and the early re-employment allowances prescribed in Article 64 shall be excluded therefrom.

Article 69-3 (Eligibility Requirements for Job-Seeking Benefits)

Job-seeking benefits shall be payable where an insured self-employed person who has closed his or her business satisfies all the following requirements: *<Amended on May 26, 2020>*

1. That the qualifying days in covered employment as an insured self-employed person shall be at least one year in total during the 24-month period up to the date of his or her business closure, pursuant to the proviso to paragraph (1) of Article 41;
2. That an insured self-employed person shall remain unemployed despite his or her intention to work and capability;
3. That the reasons for business closure shall not fall under any of the disqualifying conditions set forth in Article 69-7;
4. That an insured self-employed person shall be actively engaged in seeking re-employment.

Article 69-4 (Daily Wage)

(1) The daily wage applicable to an eligible recipient who was an insured self-employed person shall be computed by dividing the aggregated amount of remuneration, which is publicly notified under Article 49-2 (3) of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance and which forms the basis for computing the insurance premium paid by the eligible recipient during the period pursuant to the classification made under each of the following subparagraphs, by the total number of calendar days in such applicable period: *<Amended on Jan. 15, 2021>*

1. Where the insured period related to the eligibility for benefits is not less than three years: The insured period of three years before the last date of business closure;

2. Where the insured period related to the eligibility for benefits is less than three years: The insured period related to the eligibility for benefits.

(2) Notwithstanding paragraph (1), where the specified number of days for which benefits are payable under Article 69-6 is increased as a result of the insured period under Article 50 (4) added up by an eligible recipient who used to be an insured self-employed person, the daily wage for the increased specified number of days shall be the daily wage computed pursuant to paragraph (1), and if the daily wage falls under any of the following subparagraphs it shall be the amount prescribed in each of the following applicable subparagraphs:

1. Where the daily wage fails to reach the minimum daily wage, the minimum daily wage;
2. Where the daily wage exceeds the amount prescribed by Presidential Decree pursuant to Article 45 (5), the amount prescribed by Presidential Decree.

Article 69-5 (Daily Amount of Job-Seeking Benefits)

The daily amount of job-seeking benefits for an eligible recipient who has closed his or her business as an insured self-employed person shall be the amount computed by multiplying the eligible recipient's daily wage by 60/100. <Amended on Aug. 27, 2019>

Article 69-6 (Specified Number of Days for which Benefits Are Payable)

The specified number of days for which benefits are payable for an eligible recipient who has closed his or her business as an insured self-employed person shall be the number of days counting from the day immediately following the day when the waiting period prescribed in Article 49 is finished until the day satisfying the number of days prescribed in attached Table 2 in accordance with the insured period.

Article 69-7 (Limitation on Eligibility for Benefits Depending on Reasons for Business Closure)

Notwithstanding Article 69-3, where the head of an employment security office deems that an insured self-employed person who has closed his or her business falls under any of the following subparagraphs, the insured self-employed person shall be deemed lacking the eligibility for benefits:

1. Where the insured self-employed person has closed his or her business after his or her business permit is canceled or suspended in violation of statutes or regulations;
2. Where the insured self-employed person has closed his or her business due to any of his or her gross misconducts prescribed by Ordinance of the Ministry of Employment and Labor, such as arson;
3. Where the insured self-employed person has closed his or her business in order to change his or her job or to start another self-employed business, not for the grounds prescribed by Ordinance of the Ministry of Employment and Labor, such as a sharp drop in the amount of sales;
4. Where the insured self-employed person has closed his or her business for a reason that does not constitute the good causes prescribed by Ordinance of the Ministry of Employment and Labor.

Article 69-8 (Limitation on Payment of Unemployment Benefits for Insured Self-Employed Persons)

With respect to the person who has defaulted on the insurance premium, the Minister of Employment and Labor may refuse to pay the unemployment benefits referred to in this Chapter, as prescribed by Ordinance of the Ministry of Employment and Labor.

Article 69-9 (Application Mutatis Mutandis)

(1) Articles 37-2, 38, 38-2, 42 through 44, 47 through 49, 56, 57, 60 through 63, and 65 through 68 shall apply mutatis mutandis to unemployment benefits for an insured self-employed person. In such cases, "job-leaving" prescribed in Articles 42 (1) and 43 (3) shall be construed as "business closure", "Article 40 (1) 1 through 3, 5 and 6" prescribed in Article 43 (1) as "Article 69-3", "Article 46" prescribed in Article 63 (1) as "Article 69-5", and "Article 50 (1)" prescribed in Article 48 (1) as "Article 69-6". *<Amended on Jun. 4, 2013; Jan. 5, 2021>*

(2) Articles 57 (1) and (3) and 62 shall apply mutatis mutandis to employment promotion allowances for an insured self-employed person (excluding early re-employment allowances). In such cases, "eligible recipient" prescribed in Article 57 (1) shall be construed as "a person entitled to receive the employment promotion allowances". *<Amended on May 26, 2020>*

CHAPTER V CHILD CARE LEAVE BENEFITS

SECTION 1 Child Care Leave Benefits and Benefits for Reduced Working Hours during Period of Child Care

Article 70 (Child Care Leave Benefits)

(1) The Minister of Employment and Labor shall pay child care leave benefits to an insured employee whose qualifying days in covered employment under Article 41 before the date child care leave begins amount to at least 180 days from among such insured employees who have been granted child care leave under Article 19 of the Equal Employment Opportunity and Work-Family Balance Assistance Act for at least 30 days (excluding the period overlapping with the period of maternity leave prescribed in Article 74 of the Labor Standards Act): *<Amended on Dec. 21, 2007; Jun. 4, 2010; Jul. 21, 2011; Feb. 1, 2012; Jan. 21, 2014; Aug. 27, 2019; May 26, 2020>*

1. Deleted; *<Aug. 27, 2019>*

2. Deleted; *<Aug. 27, 2019>*

3. Deleted. *<Jul. 21, 2011>*

(2) A person who intends to receive child care leave benefits pursuant to paragraph (1) shall apply for child care leave benefits between one month from the date such child care leave begins and 12 months after the date such leave ends: Provided, That those who fail to apply for child care leave benefits during

the aforementioned period due to any of the grounds prescribed by Presidential Decree shall file an application therefor within 30 days after the relevant ground ceases to exist. <Newly Inserted on Jul. 21, 2011>

(3) Where an insured person applies for child care leave benefits pursuant to paragraph (2) and such person has been severed from employment or has secured employment satisfying the criteria prescribed by Ordinance of the Ministry of Employment and Labor during the period of child care leave, such fact shall be specified in the application. <Newly Inserted on Jan. 15, 2019>

(4) The amount of child care leave benefits referred to in paragraph (1) shall be prescribed by Presidential Decree. <Amended on Jul. 21, 2011; Jan. 15, 2019>

(5) Matters necessary for the application for and payment of child care leave benefits shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010; Jul. 21, 2011; Jan. 15, 2019>

Article 71 (Verification of Child Care Leave)

Where an insured employee applies for child care leave benefits prescribed in Article 70, the business owner shall fully cooperate in verification of facts and any other procedures, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

Article 72 Deleted. <Jan. 15, 2019>

Article 73 (Limitations on Payment of Child Care Leave Benefits)

(1) Where an insured employee is severed from employment during the period of child care leave, no child care leave benefits shall be paid to him or her from the time of job-leaving. <Amended on Jan. 15, 2019>

(2) Where an insured person secures employment under Article 70 (3) during the period of child care leave, no child care leave benefits shall be paid to him or her during the period of such employment. <Newly Inserted on Jan. 15, 2019>

(3) Where an insured employee receives any money and valuables for child care leave from the business owner, the amount of child care leave benefits may be reduced, as prescribed by Presidential Decree. <Amended on Jan. 15, 2019>

(4) Where an insured employee has received, or attempted to receive, child care leave benefits by fraud or other improper means shall be denied child care leave benefits from the date such insured employee has received, or attempted to receive, such benefits: Provided, That the same shall not apply to subsequent eligibility for child care leave benefits that may be approved after the child care leave relevant to such improper claim. <Amended on Jan. 15, 2019>

(5) Notwithstanding the main clause of paragraph (4), where a person has received or attempted to receive child care leave benefits by not specifying the fact that he or she has secured employment during the period of child care leave or by fraudulently specifying such fact in violation of Article 70 (3), the scope

of child care leave benefits may be set differently in consideration of the number of violations, etc., of which payment is limited as prescribed by Ordinance of the Ministry of Employment and Labor. <Newly Inserted on Jan. 15, 2019>

Article 73-2 (Benefits for Reduced Working Hours during Child Care Period)

(1) The Minister of Employment and Labor shall pay benefits for reduced working hours during the period of child care to an insured employee whose qualifying days in covered employment under Article 41 before the date on which the reduction of working hours during the period of child care begins amount to at least 180 days from among the insured employees who have implemented reduction of working hours during the period of child care under Article 19-2 of the Equal Employment Opportunity and Work-Family Balance Assistance Act (hereinafter referred to as "reduction of working hours during the period of child care") for at least 30 days (excluding the period overlapping with the period of maternity leave under Article 74 of the Labor Standards Act): <Amended on Feb. 1, 2012; Jan. 21, 2014; Aug. 27, 2019; May 26, 2020>

1. Deleted; <Aug. 27, 2019>

2. Deleted. <Aug. 27, 2019>

(2) A person who intends to receive the payment of benefits for reduced working hours during the period of child care prescribed in paragraph (1) shall apply for such benefits between one month after the beginning date of the reduction of working hours and 12 months after the end date of such reduction: Provided, That those who fail to apply for the benefits for reduced working hours during the aforementioned application period due to any of the grounds prescribed by Presidential Decree shall file an application within 30 days after the relevant ground ceases to exist.

(3) The amount of benefits for reduced working hours during the period of child care referred to in paragraph (1) shall be prescribed by Presidential Decree.

(4) Matters necessary for the application for and payment of the benefits for reduced working hours during the period of child care shall be prescribed by Ordinance of the Ministry of Employment and Labor.

Article 74 (Application Mutatis Mutandis)

(1) Article 62 shall apply mutatis mutandis to child care leave benefits. In such cases, "job-seeking benefits" shall be construed as "child care leave benefits". <Amended on Jul. 21, 2011>

(2) Articles 62, 71, and 73 shall apply mutatis mutandis to benefits for reduced working hours during the period of child care. In such cases, "job-seeking benefits" prescribed in Article 62 shall be construed as "benefits for reduction of working hours during the period of child care", and "child care leave" prescribed in Articles 71 and 73 as "reduction of working hours during the period of child care". <Newly Inserted on Jul. 21, 2011; Jan. 5, 2021>

SECTION 2 Maternity Leave Benefits

Article 75 (Maternity Leave Benefits)

Where an insured employee is granted a maternity leave, or a miscarriage or stillbirth leave under Article 74 of the Labor Standards Act, or a paternity leave under Article 18-2 of the Equal Employment Opportunity and Work-Family Balance Assistance Act, and satisfies all of the following requirements, the Minister of Employment and Labor shall pay him or her maternity leave benefits, etc. (hereinafter referred to as "maternity leave benefits, etc.") pursuant to Article 18 of the Equal Employment Opportunity and Work-Family Balance Assistance Act: <Amended on Dec. 21, 2007; Jun. 4, 2010; Feb. 1, 2012; Jan. 21, 2014; Aug. 27, 2019; May 26, 2020>

1. The insured employee's qualifying days in covered employment prescribed in Article 41 as at the end date of such leave shall amount to at least 180 days;
2. The insured employee shall apply for maternity leave benefits, etc. between one month after the beginning date *[where the workplace to which the insured employee who is granted a maternity leave, or a miscarriage or stillbirth leave belongs is not eligible for priority support, the date on which 60 days (75 days for a woman pregnant with two or more babies at the same time) lapse after the actual beginning date of the leave shall be deemed the beginning date of such leave]* of such leave and 12 months after the ending date of such leave: *Provided, That those who fail to apply for maternity leave benefits, etc. during that period due to any of the grounds prescribed by Presidential Decree shall file an application within 30 days after the relevant ground ceases to exist.*

Article 75-2 (Subrogation of Rights to Maternity Leave Benefits)

Where a business owner has paid an employee money and valuables corresponding to maternity leave benefits, etc. in advance for the same reasons as the payment of such benefits and such money and valuables are deemed to have been paid in lieu of maternity leave benefits, etc., the business owner shall subrogate the employee's right to maternity leave benefits, etc. with respect to the amount paid (not exceeding the limit under Article 76 (2)). <Amended on Feb. 1, 2012>

Article 76 (Payment Period)

(1) Maternity leave benefits, etc. prescribed in Article 75 shall be paid in an amount equal to the ordinary wage of the insured employee prescribed in the Labor Standards Act (to be computed as of the beginning date of the leave) for the following periods of leaves: <Amended on Feb. 1, 2012; Jan. 21, 2014; Aug. 27, 2019>

1. The period of a maternity leave, or a miscarriage or stillbirth leave prescribed in Article 74 of the Labor Standards Act: *Provided, That where the enterprise is not eligible for priority support, such period shall be limited to the number of days (the period shall be limited to 30 days; but for a woman pregnant with two or more babies at the same time, such period shall be limited to 45 days) exceeding*

60 days (75 days for a woman pregnant with two or more babies at the same time) during the period of such leave;

2. Initial five days during the paternity leave prescribed in Article 18-2 of the Equal Employment Opportunity and Work-Family Balance Assistance Act: Provided, That it shall be limited to cases where the workplace to which the insured employee belongs is an enterprise eligible for priority support.

(2) A minimum and maximum amount of maternity leave benefits, etc. payable under paragraph (1) may be set, as prescribed by Presidential Decree. *<Amended on Feb. 1, 2012>*

(3) Matters necessary for the application for, and payment of, maternity leave benefits, etc. referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 4, 2010; Feb. 1, 2012>*

Article 76-2 (Application to Fixed-Term Employees or Temporary Agency Workers)

(1) Notwithstanding Article 76 (1) 1, where the term of an employment contract of a fixed-term employee under Article 2 of the Act on the Protection, etc. of Fixed-Term and Part-Time Workers or a temporary agency worker under Article 2 of the Act on the Protection, etc. of Temporary Agency Workers ends during the period of his or her maternity leave under Article 74 of the Labor Standards Act, an amount equivalent to the maternity leave benefits, etc. for the period from the termination date of the employment contract to the expiration date of the maternity leave shall be paid in its entirety to the fixed-term employee or temporary agency worker.

(2) Matters necessary for the application for and payment of an amount equivalent to maternity leave benefits, etc., pursuant to paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

Article 77 (Application Mutatis Mutandis)

@Articles 62, 71, and 73 shall apply mutatis mutandis to maternity leave benefits, etc. "Job-seeking benefits" in Article 62 shall be construed as "maternity leave benefits, etc.", and "child-care leave" in Articles 71 and 73 as "maternity, miscarriage, stillbirth leave, or paternity leave", respectively.

CHAPTER V-2 SPECIAL CASES CONCERNING EMPLOYMENT INSURANCE FOR INSURED ARTISTS

Article 77-2 (Application to Insured Artists)

(1) Pursuant to Article 8 (2), this Chapter shall apply to a person, not an employee, who provides labor in person without using a third party (hereinafter referred to as "artist") under a contract related to culture and arts services under Article 4-4 of the Artist Welfare Act (hereinafter referred to as "contract related to culture and arts services"), from among persons prescribed by Presidential Decree such as artists under

subparagraph 2 of Article 2 of the Artist Welfare Act, as well as to an employing unit that enters into a contract related to culture and art services with such person. *<Amended on Jan. 5, 2021>*

(2) Notwithstanding paragraph (1), this Act shall not apply to any of the following artists: *<Amended on Jan. 5, 2021>*

1. Where a person enters into an employment contract, a contract related to culture and arts services, or a labor contract under Article 77-6 (1) (excluding cases where a person who has maintained his or her insured status before the age of 65 continues to enter an employment contract, labor contract, or contract related to culture and arts services after the age of 65) or commences self-employment;
2. Where an artist fails to meet income standards prescribed by Presidential Decree: Provided, That any artist whose contract period is less than one month (hereinafter referred to as "short-term artist") shall be excluded.

(3) Notwithstanding Article 15, where a project prescribed by Presidential Decree falls under any of the following subparagraphs based on such considerations as the characteristics and scale of the project, the project owner or the primary contractor shall file a report on the artist used by the subcontractor pursuant to Article 15, as prescribed by Presidential Decree:

1. Where there are several primary contractors since multiple contract have been awarded a contract for a project;
2. Where a project is divided into several tiers of contracts, resulting in multiple subcontractors.

(4) Where a project owner or artist requests relevant data, information, etc. prescribed by Presidential Decree to file a report on the attainment, etc. of insured status, the business owner who is a subcontractor, an artist, etc. shall provide such data, information, etc.

(5) Notwithstanding Article 18, where an artist has entered into an employment contract, contract related to culture and arts services, or labor contract under Article 77-6 (1) with at least two covered employing units, he or she shall acquire insured status, as prescribed by Presidential Decree. *<Amended on Jan. 5, 2021>*

(6) A business owner (in cases falling under paragraph (3), referring to a project owner or a primary contractor) of an employing unit that has entered into a contract related to culture and arts services with an artist subject to this Chapter pursuant to paragraph (1) shall bear insurance premiums pursuant to the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance; and matters necessary for the establishment, termination, and alteration of such insurance relationship, and the calculation, payment, and collection of insurance premiums shall be prescribed by the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance. *<Amended on Jan. 5, 2021>*

Article 77-3 (Job-Seeking Benefits for Insured Artists)

(1) An artist shall be eligible for job-seeking benefits only when he or she satisfies all of the following requirements: Provided, That subparagraph 6 shall apply only to a person who has been a short-term artist

at the time of the most recent job-leaving: *<Amended on Jan. 15, 2021>*

1. The number of qualifying days in covered employment during the 24-month period prior to the date of job-leaving shall be not less than nine months;
 2. He or she shall be able and willing to work but unable to secure job (including being engaged in a for-profit business; hereafter the same shall apply in this Chapter);
 3. The reasons for job-leaving shall not fall under any of the disqualifying conditions set forth in Article 58 that are applied mutatis mutandis in Article 77-5 (2): Provided, That where the head of an employment security office deems that an artist left a job due to a decrease in income as prescribed by Presidential Decree at the time of job-leaving, such case shall not be deemed to constitute a disqualifying condition set forth in Article 58, notwithstanding subparagraph 2 (a) of Article 58 which applies mutatis mutandis under Article 77-5 (2);
 4. The artist shall have maintained the insured status as an insured artist for at least three months in the 24 months prior to the date of job-leaving;
 5. The artist shall be actively seeking reemployment;
 6. The artist shall meet all of the following requirements:
 - (a) The number of days of labor provision in one month prior to the date of applying for recognition of eligibility for benefits is less than 10 days, or there is no record of labor provision for 14 consecutive days prior to the date of applying for recognition of eligibility for benefits;
 - (b) Where an artist has left another job due to a reason constituting a disqualification condition under Article 58 which is applied mutatis mutandis in Article 77-5 (2) during the qualifying days in covered employment over the 24 months prior to the date of most recent job-leaving, he or she shall have worked as a short-term artist for at least 90 days during the qualifying days in covered employment.
- (2) The qualifying days in covered employment referred to in paragraph (1) 1 shall be calculated from the date of acquiring insured status in the business related to the eligibility for benefits to the date of job-leaving, and where a person has worked as a person falling under at least two categories from among employees, artists, and workers provided for in Article 77-6 (1), the qualifying days in covered employment shall be prescribed by Presidential Decree. *<Amended on Jan. 5, 2021>*
- (3) The daily wage of an artist shall be the amount obtained by dividing the total remuneration reported pursuant to Article 16-10 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance for the year preceding the last job-leaving date related to the recognition of eligibility for benefits by the total number of days of the period based on which the calculation is made: Provided, That where the amount of money calculated is less than the lowest amount among the daily standard remuneration of artists under Article 3 of the Act on the Collection of Insurance Premiums for Employment at the time of job-leaving, the daily amount of the standard remuneration shall be the daily wage. *<Amended on Jan. 5, 2021>*
- (4) The daily amount of job-seeking benefits of an artist shall be the amount obtained by multiplying the daily wage under paragraph (3) by 60/100.

(5) The maximum amount of job-seeking benefits under paragraph (4) shall be the amount prescribed by Presidential Decree in consideration of the maximum amount of job-seeking benefits, etc. of the insured employee.

(6) The artist shall not be paid job-seeking benefits for 7 days beginning from the date of the report on unemployment under Article 42, which is considered a waiting period: Provided, That if a person has left a job for a reason prescribed in the proviso of paragraph (1) 3, no job-seeking benefits shall be paid, considering the period prescribed by Presidential Decree within the limit of four weeks as a waiting period.

(7) The insured period for calculating the specified number of days for which benefits are payable to an artist shall be the qualifying days in covered employment referred to in paragraph (2): Provided, That a period calculated as prescribed by Presidential Decree in consideration of the number of days of labor provision, etc. during the relevant contract period shall apply to short-term artists.

(8) Notwithstanding Article 47, the head of an employment security office shall, if job-seeking benefits are paid to an insured artist, reduce all or part of the relevant income accruing from employment, etc. during the period subject to recognition of unemployment and then pay it, as prescribed by Presidential Decree.

Article 77-4 (Maternity Benefits of Artists)

(1) Where a currently or formerly insured artist is unable to provide labor for reasons of childbirth, miscarriage, or stillbirth, the Minister of Employment and Labor shall pay maternity benefits, etc. (hereinafter referred to as "maternity benefits, etc."): Provided, That where the requirements for the payment of maternity leave benefits, etc. under Article 75 and maternity benefits, etc. under Article 77-9 (1) are met simultaneously for the same child, etc., they shall be paid as prescribed by Presidential Decree.

<Amended on Jan. 5, 2021; Jun. 10, 2022>

(2) The requirements, amount, period of payment, etc. of maternity benefits, etc. prescribed in paragraph (1) shall be prescribed by Presidential Decree.

(3) Matters necessary to apply for and to pay maternity benefits, etc. referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Employment and Labor.

Article 77-5 (Application Mutatis Mutandis)

(1) Articles 13 (1), 14 (1), 15 and 17 shall apply mutatis mutandis to insured status of an artist. In such cases, "employee" shall be construed as "artist", "date of employment" as "date of commencement of a contract related to culture and arts services", and "employee who was employed" as "artist whose contract related to culture and arts services has been commenced". *<Amended on Jan. 5, 2021>*

(2) Articles 37-2, 38, 38-2, 40 (2) 1, 41 (2), 42 through 44, 47, 48, 50, 56 through 58, and 60 through 63 shall apply mutatis mutandis to job-seeking benefits for artists. In such cases, "for 18 months prior to the date of job-leaving" in Article 40 (2) 1 shall be construed as "24 months prior to the date of job-leaving"; "Article 46" in the main clause of Article 63 (1) as "Article 77-3 (4) and (5)"; and "Articles 47 and 49" in

the former part of paragraph (5) of the same Article as "Article 47". <Amended on Jan. 5, 2021>

(3) Article 62 shall apply mutatis mutandis to the maternity benefits, etc. of artists, and Articles 87 through 112 shall apply mutatis mutandis to an artist's request for the confirmation of insured status, examination of job-seeking benefits, maternity benefits, etc. and reexamination thereof. In such cases, "employee" shall be construed as "artist", "the Minister of Employment and Labor" as "the Minister of Employment and Labor and the head of an employment security office", "unemployment benefits" as "job-seeking benefits", "the job-seeking benefits under Chapter IV" as "job-seeking benefits under Chapter V-2", "maternity leave benefits, etc." as "maternity benefits, etc.", "business owner" as "business owner and person required to report the insured status", and "business place" as "business place and office of a person required to report the acquisition of insured status", respectively. <Amended on Jan. 5, 2021>"

CHAPTER V-3 SPECIAL CASES CONCERNING EMPLOYMENT INSURANCE FOR INSURED WORKERS

Article 77-6 (Application to Insured Workers)

(1) Pursuant to Article 8 (2), this Chapter shall apply to a person, not an employee, who is engaged in the types of work prescribed by Presidential Decree (hereinafter referred to as "worker") from among those who enter into a contract under which he or she provides labor in person without using a third party for other person's business and receives certain remuneration from the business owner or person provided with labor (hereinafter referred to as "labor contract") as well as to an employing unit that enters into a labor contract with such person.

(2) Notwithstanding paragraph (1), this Act shall not apply to if a worker falls under any of the following cases:

1. Where a worker enters into an employment contract, labor contract, or contract related to culture and arts services (excluding cases where a person who has maintained his or her insured status before the age of 65 continues to enter an employment contract, labor contract, or contract related to culture and arts services after the age of 65) or commences self-employment;

2. Where a worker fails to meet income standards prescribed by Presidential Decree: Provided, That persons with a contract of less than one month (hereinafter referred to as "short-term worker"), among workers, shall be excluded herefrom.

(3) Notwithstanding Article 18, where a worker has entered into an employment contract, labor contract, or contract related to culture and arts services with at least two covered employing units, he or she shall acquire insured status, as prescribed by Presidential Decree.

(4) A worker to whom this Chapter applies pursuant to paragraph (1) and the owner of business which has entered into a labor contract with him or her (hereinafter referred to as "owner of labor-providing business") shall bear insurance premiums according to the Act on the Collection of Insurance Premiums

for Employment Insurance and Industrial Accident Compensation Insurance, and matters necessary for the establishment, termination and change of insurance relationships and the calculation, payment and collection of insurance premiums shall be as prescribed by the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance.

Article 77-7 (Special Cases concerning Labor Platform Operators)

(1) Notwithstanding Article 15, where an owner of a labor-providing business enters into a contract for the use of a labor platform with a labor platform operator (hereinafter referred to as "labor platform operator") who establishes and operates a system that records and processes data and information related to workers and owners of labor-providing businesses by collecting and managing such data and information (hereinafter referred to as "labor platform"), a labor platform operator shall file a report on a worker's acquisition, etc. of insured status under Article 15 (1), as prescribed by Presidential Decree.

(2) The Minister of Employment and Labor may request any labor platform operator to provide the following data or information necessary for confirming the use of the relevant labor platform and insurance relationships in order to efficiently handle insurance affairs regarding workers: In such cases, a labor platform operator in receipt of a request shall comply with such request unless there is a compelling reason not to do so.

1. The commencement date or termination date of the contract for the use of a labor platform;
2. Data or information prescribed by Presidential Decree, such as the name and address of a place of business, on matters related to insurance relationships of owners of labor-providing business;
3. Data or information prescribed by Presidential Decree, such as the name, occupational category, and remuneration of a worker, related to the insured status of the worker.

(3) If necessary for the provision of the data or information requested pursuant to paragraph (2), a labor platform operator may request the relevant worker and the owner of a labor-providing business to provide the necessary data or information. In such cases, a worker and an owner of a labor-providing business in receipt of a request shall comply with such request in the absence of good cause.

(4) The Minister of Employment and Labor shall use data or information furnished by owners of labor-providing businesses pursuant to paragraph (2) only to the extent necessary for handling the relevant insurance affairs, and shall not disclose them.

(5) Every labor platform operator shall retain the information related to the reporting of insured status of a worker under paragraph (1) on the labor platform for three years from the termination of the labor contract between the relevant worker and the owner of the labor-providing business

Article 77-8 (Job-Seeking Benefits for Insured Workers)

(1) Job-seeking benefits for a worker shall be payable if all of the following requirements are met: Provided, That subparagraph 6 shall apply only to a person who was a short-term worker at the time of the most recent job-leaving.

1. The total number of qualifying days in covered employment shall be at least 12 months during the 24 months prior to the date of job-leaving;
 2. He or she shall be able and willing to work but unable to secure job (including being engaged in a for-profit business; hereafter the same shall apply in this Chapter);
 3. The reasons for job-leaving shall not fall under any of the disqualifying conditions set forth in Article 58 that are applied *mutatis mutandis* in Article 77-10 (2): Provided, That if the head of an employment security office deems that a person has left a job due to a decrease in income prescribed by Presidential Decree as at the time of job-leaving as a worker, such person shall not be deemed to have a disqualifying condition under Article 58, notwithstanding subparagraph 2 (a) of Article 58, which shall apply *mutatis mutandis* pursuant to Article 77-10 (2);
 4. The insured status shall be maintained for at least three months as an insured worker during the 24 months prior to the date of job-leaving;
 5. The insured worker shall be actively seeking reemployment;
 6. All of the following requirements shall be met:
 - (a) The number of days of labor provision during the one month prior to the date of applying for recognition of eligibility for benefits shall be less than 10 days, or there is no record of labor provision for 14 consecutive days prior to the date of applying for recognition of eligibility for benefits;
 - (b) Where the insured worker has left a job due to a reason falling under the disqualifying conditions specified in Article 58 which applies *mutatis mutandis* in accordance with Article 77-10 (2) during the qualifying days in covered employment in the 24 months prior to the date of the most recent job-leaving, the insured worker shall have worked as a short-term worker for at least 90 days during the qualifying days in covered employment.
- (2) The qualifying days in covered employment referred to in paragraph (1) 1 shall be calculated from the date of acquiring the insured status in the business related to the eligibility for benefits as at the time of job-leaving to the date of job-leaving; and where the worker has worked as a person falling under at least two categories among employees, workers, and artists during the 24 months before job-leaving, the qualifying days in covered employment shall be prescribed by Presidential Decree.
- (3) The daily wage of a worker shall be the amount obtained by dividing the total remuneration reported pursuant to Article 16-10 of the Act on the Collection of Employment Insurance Premiums for the year preceding the date of the most recent job-leaving related to the recognition of eligibility for benefits by the total number of days of the period based on which the calculation is made: Provided, That if the amount of such remuneration is less than the lowest amount of standard remuneration among the daily standard remuneration of workers provided in Article 3 of the Act on the Collection of Insurance Premiums for Employment in Labor as at the time of job-leaving, the daily amount of standard remuneration shall be the daily wage.

(4) Notwithstanding paragraph (3), the daily wage of a worker subject to the proviso of Article 48-3 (3) of the Act on the Collection of Insurance Premiums for Employment shall be the amount publicly notified by the Minister of Employment and Labor. *<Amended on Jun. 10, 2022>*

(5) The daily amount of job-seeking benefits of a worker shall be the amount calculated by multiplying the daily wage under paragraph (3) by 60/100. In such cases, the maximum amount of job-seeking benefits shall be the amount prescribed by Presidential Decree in consideration of the maximum amount of job-seeking benefits, etc. of the insured employee.

(6) Job-seeking benefits shall not be payable to workers for seven days regarded as waiting period beginning from the date of reporting unemployment under Article 42: Provided, That if a person has left a job for a reason prescribed in the proviso of paragraph (1) 3, no job-seeking benefits shall be paid, considering the period prescribed by Presidential Decree within the limit of four weeks as a waiting period.

(7) The insured period for calculating the prescribed number of days of benefits of a worker shall be the qualifying days in covered employment referred to in paragraph (2): Provided, That the insured period of a short-term worker shall be the period calculated, as prescribed by Presidential Decree, based on such considerations as the number of days of labor provision during the relevant contract period.

(8) Notwithstanding Article 47, the head of an employment security office shall, if job-seeking benefits are paid to an insured worker, reduce some or all of the benefits for the income accrued from employment, etc. during the period subject to recognition of unemployment, based on such considerations as the income level and the period of activities for labor, as prescribed by Presidential Decree.

Article 77-9 (Maternity Benefits of Workers)

(1) Where a currently or formerly insured worker is unable to provide labor for reasons of childbirth, miscarriage, or stillbirth, the Minister of Employment and Labor shall pay maternity benefits, etc.: Provided, That where the requirements for the payment of maternity leave benefits, etc. under Article 75 and maternity benefits, etc. under Article 77-4 (1) are met simultaneously for the same child, etc., they shall be paid as prescribed by Presidential Decree. *<Amended on Jun. 10, 2022>*

(2) The requirements, amount, period of payment, etc. of maternity benefits, etc. prescribed in paragraph (1) shall be prescribed by Presidential Decree.

(3) Matters necessary to apply for and to pay maternity benefits, etc. referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Employment and Labor.

Article 77-10 (Application Mutatis Mutandis)

(1) Articles 13 (1), 14 (1), 15, and 17 shall apply mutatis mutandis to the insured status of a worker. In such cases, "employee" shall be construed as "worker", "date of employment" as "start date of the labor contract", and "employee who was employed" as "worker whose labor contract has been commenced".

(2) Articles 37-2, 38, 38-2, 40 (2) 1, 41 (2), 42 through 44, 47, 48, 50, 56 through 58 and 60 through 63 shall apply mutatis mutandis to job-seeking benefits of workers. In such cases, "for 18 months before the date of job-leaving" in Article 40 (2) 1 shall be construed as "24 months before the date of job-leaving"; "Article 46 in the main clause of Article 63 (1) as "Article 77-3 (4) and (5)"; and "Articles 47 and 49" in the former part of paragraph (5) of the same Article as "Article 47".

(3) Article 62 shall apply mutatis mutandis to the maternity benefits, etc. of workers, and Articles 87 through 112 shall apply mutatis mutandis to a worker's request for the confirmation of insured status, examination of job-seeking benefits, maternity benefits, etc. and reexamination thereof. In such cases, "employee" shall be construed as "worker", "the Minister of Employment and Labor" as "the Minister of Employment and Labor and the head of an employment security office", "unemployment benefits" as "job-seeking benefits", "the job-seeking benefits under Chapter IV" as "job-seeking benefits under Chapter V-3", "maternity leave benefits, etc." as "maternity benefits, etc.", "business owner" as "business owner and person required to report the insured status", and "business place" as "business place and office of a person required to report the acquisition of insured status", respectively.

CHAPTER VI EMPLOYMENT INSURANCE FUND

Article 78 (Establishment of Fund and Fund-Raising)

(1) The Minister of Employment and Labor shall establish the Employment Insurance Fund (hereinafter referred to as the "Fund") to finance insurance programs. *<Amended on Jun. 4, 2010>*

(2) The Fund shall consist of insurance premiums and payments collected under this Act, reserve funds and the Fund's earnings, and other money received from any other source.

Article 79 (Management and Operation of Fund)

(1) The Minister of Employment and Labor is responsible for the management and operation of the Fund. *<Amended on Jun. 4, 2010>*

(2) The National Finance Act shall govern the detailed matters concerning the management and operation of the Fund.

(3) The Minister of Employment and Labor shall manage and operate the Fund as follows: *<Amended on Jun. 4, 2010>*

1. Deposits with financial institutions;
2. Deposits in treasury funds;
3. Purchase of securities issued or guaranteed by the State, a local government, or a financial institution;
4. Acquisition and disposition of real property in relation to the operation of the insurance programs or for investment;
5. Other means of investment prescribed by Presidential Decree.

(4) The Minister of Employment and Labor who is responsible for the management and operation of the Fund under paragraph (1) shall ensure that the Fund's earnings shall reach or exceed the level prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*

Article 80 (Use of Fund)

(1) The Fund shall be used for the following purposes: *<Amended on Mar. 21, 2008; Feb. 1, 2012; Jan. 15, 2019; Jan. 5, 2021>*

1. Payment of expenses for the employment security and vocational skills development programs;
2. Payment of unemployment benefits;
- 2-2. Support for national pension insurance premiums under Article 55-2;
3. Payment of child care leave benefits and maternity leave benefits, etc.;
4. Refund of insurance premiums;
5. Repayment of temporary loans and interest payment;
6. Payment of contributions to persons who perform by proxy the business activities prescribed in this Act and the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance or who are entrusted with such business activities;
7. Payment of other expenses prescribed by Presidential Decree that are necessary for the implementation of this Act and any expenses incidental to the operation of the programs prescribed in subparagraphs 1 and 2.

(2) The amount contributed to the National Health Insurance Service under Article 13 of the National Health Insurance Act from the Fund pursuant to paragraph (1) 6 shall be calculated on the basis of the proportion, etc. occupied by the duties of collection (referring to the duties regarding notification, receipt, and default). *<Newly Inserted on Jan. 15, 2019>*

(3) Matters necessary for the criteria for payment of contributions prescribed in paragraph (1) 6 and the use and management thereof shall be prescribed by Presidential Decree. *<Newly Inserted on Mar. 21, 2008; Jan. 15, 2019>*

Article 81 (Fund Operation Plan)

(1) The Minister of Employment and Labor shall prepare a fund operation plan each year and obtain approval therefor from the President, following deliberation by the Employment Insurance Committee and the State Council pursuant to Article 7. *<Amended on Dec. 31, 2008; Jun. 4, 2010>*

(2) The Minister of Employment and Labor shall publish the results of the operation of the Fund each year following deliberation by the Employment Insurance Committee prescribed in Article 7. *<Amended on Dec. 31, 2008; Jun. 4, 2010>*

Article 82 (Establishment of Fund Accounts)

(1) The Minister of Employment and Labor shall establish the accounts of the Employment Insurance Fund with the Bank of Korea. *<Amended on Jun. 4, 2010>*

(2) The accounts of the Employment Insurance Fund prescribed in paragraph (1) shall be managed in separate accounts for employment security, vocational skills development programs and unemployment benefits and for employment security, vocational skills development programs and unemployment benefits for self-employed persons. *<Amended on Jul. 21, 2011>*

Article 83 (Fund Revenues and Expenditures)

In managing and operating the Fund, necessary matters for its revenues and expenditures shall be prescribed by Presidential Decree.

Article 84 (Accumulation of Fund)

(1) The Minister of Employment and Labor shall maintain accumulated surplus funds as a reserve fund in preparation for mass unemployment and other precarious job conditions. *<Amended on Jun. 4, 2010>*

(2) The appropriate level of the reserve fund prescribed in paragraph (1) shall be as follows:

1. Year-end reserve fund of the business account of job security and vocational skills development programs: An amount not less than the expenditures for the relevant year but not more than 1.5 times that amount;
2. Year-end reserve fund of the unemployment benefit account: An amount not less than 1.5 times the expenditures for the relevant year but not more than 2 times that amount.

Article 85 (Treatment of Year-End Balance)

(1) Any year-end surplus arising in the Fund shall be transferred to the reserve funds.

(2) Any year-end deficit arising in the Fund may be covered by the reserve funds.

Article 86 (Borrowings)

The Fund may borrow money from another fund, a financial institution, or any other source if there is, or is expected to be, a shortage of funds to meet the expenditures of the Fund.

CHAPTER VII REQUESTS FOR REVIEW AND FURTHER REVIEW

Article 87 (Review and Further Review)

(1) A person who is dissatisfied with a notice of confirmation of the loss or acquisition of insured status prescribed in Article 17 or a disposition regarding unemployment benefits prescribed in Chapter IV or regarding child care leave benefits or maternity leave benefits, etc. prescribed in Chapter V (hereinafter referred to as "initial disposition") may file a request for review by an examiner prescribed in Article 89,

and a person who is dissatisfied with the decision of an examiner may file a request for further review by the Board of Review prescribed in Article 99. *<Amended on Feb. 1, 2012>*

(2) A request for review prescribed in paragraph (1) shall be filed within 90 days from the date the applicant becomes aware of a notice of confirmation or a disposition prescribed in paragraph (1), and a request for further review shall be filed within 90 days from the date the applicant becomes aware that a decision has been made with respect to the applicant's request for review.

(3) As far as interruption of prescription is concerned, a request for review or further review prescribed in paragraph (1) shall be subject to the same rules applicable to judicial review.

Article 88 (Designation of Agent)

An applicant for review or further review may designate any of the following persons as his or her agent in addition to a legal representative:

1. The spouse, a lineal ancestor or descendant, or a sibling of the applicant;
2. An executive officer or employee, if the applicant is a corporation;
3. An attorney-at-law or certified labor consultant;
4. Any other person who has been permitted by the Board of Review prescribed in Article 99 to represent the applicant.

Article 89 (Employment Insurance Examiner)

(1) Employment insurance examiners (hereinafter referred to as "examiner") shall be appointed to conduct reviews under Article 87.

(2) Upon receipt of a request for review under Article 87 (1), an examiner assigned to review the case shall make a decision within 30 days: Provided, That if an examiner fails to make a decision within that time frame due to unavoidable circumstances, a one-time extension of up to 10 additional days may be granted. *<Amended on May 26, 2020>*

(3) Matters necessary for the number, qualifications, placement, and duties of examiners shall be prescribed by Presidential Decree.

(4) A party who has good reason not to expect a fair review and decision from the assigned examiner may file an application for challenge to the examiner with the Minister of Employment and Labor. *<Amended on Jun. 4, 2010>*

(5) Upon the death of an applicant for review, the review process shall be pursued by a surviving family member, as prescribed in Article 57, if the deceased applicant was eligible to receive unemployment benefits or, if not, by the deceased applicant's heir or any other person who succeeds to any right or interest in relation to the initial disposition appealed from.

Article 90 (Filing of Request for Review)

(1) Where a request for review under Article 87 (1) is filed, a request for the verification of attainment or loss of insured status under Article 17 shall be made to an examiner via the Korea Workers' Compensation and Welfare Service under Article 10 of the Industrial Accident Compensation Insurance Act (hereinafter referred to as the "Workers' Compensation and Welfare Service"), and a request for review of administrative measures on unemployment benefits under Chapter IV and on child care leave benefits, maternity leave benefits, etc. under Chapter V to an examiner via the head of an employment security office. *<Amended on Jan. 15, 2019>*

(2) The employment security office or the Workers' Compensation and Welfare Service shall prepare a written opinion and send such opinion, along with a request for review, to the assigned examiner within five days of receipt of a request for review. *<Amended on Jan. 15, 2019>*

Article 91 (Manner of Filing)

All requests for review shall be presented in writing, as prescribed by Presidential Decree.

Article 92 (Rectification and Dismissal without Prejudice)

(1) An examiner shall issue a decision dismissing a request for review without prejudice if it has not been filed within the period prescribed in Article 87 (2) or if the manner in which it has been presented fails to comply with statutory requirements and rectification is impossible.

(2) If a request for review is noncompliant with statutory requirements but can be rectified, an examiner may order the applicant for review to submit a revised request for review within a set period of time: Provided, That if the required rectification is minor, an examiner may make rectification ex officio.

(3) If an applicant for review fails to submit a revised request for review within a period of time set under paragraph (2), an examiner shall dismiss the applicant's request for review without prejudice.

Article 93 (Stay of Effectiveness of Initial Disposition)

(1) The filing of a request for review may not stay the effectiveness of the initial disposition: Provided, That if an examiner deems urgently necessary for preventing serious harm incurred by implementation of initial disposition, he or she may stay the effectiveness of the initial disposition ex officio.

(2) An examiner who decides to stay the effectiveness of an initial disposition pursuant to the proviso of paragraph (1) shall give written notice of the decision and the reason for the decision to the head of the relevant employment security office or the Workers' Compensation and Welfare Service. *<Amended on Jan. 15, 2019>*

(3) Upon receipt of such notice prescribed in paragraph (2), the head of the employment security office or the Workers' Compensation and Welfare Service shall stay the effectiveness of the initial disposition without delay. *<Amended on Jan. 15, 2019>*

(4) An examiner who stays the effectiveness of any initial disposition pursuant to paragraph (2) shall give written notice of such fact to the applicant for review without delay.

Article 94 (Authority of Examiners)

(1) Examiners may conduct investigations described in the following subparagraphs, upon request of the applicant for review or ex officio, insofar as they determine that such investigation is necessary for proper consideration of the facts and issues involved in the request for review:

1. To conduct an in-person hearing with the applicant for review or any other interested person at a time and place designated by an examiner;
2. To examine documentary and other evidence that an examiner may require the applicant for review or any other interested person to submit;
3. To seek an independent expert opinion;
4. To investigate the place of business or any other place relevant to the case, making inquiries of the business owner, employees, and other interested persons and inspecting documents and other articles on the premises.

(2) When conducting inquiries and inspections described in paragraph (1) 4, examiners shall carry a certificate indicating their authority and present it to interested persons.

Article 95 (Reimbursement for Actual Expenses)

Those who appear in person at a hearing, as prescribed in Article 94 (1) 1, or provide expert opinion, as prescribed in Article 94 (1) 3, are entitled to reimbursement for actual expenses incurred, as determined by the Minister of Employment and Labor. *<Amended on Jun. 4, 2010; May 26, 2020>*

Article 96 (Decision)

Upon completion of a review, an examiner shall either reverse all or part of the initial disposition or dismiss all or part of the request for review.

Article 97 (Notice of Decision)

(1) Decisions made under Article 89 shall be in writing, as prescribed by Presidential Decree.

(2) Upon making a decision, an examiner shall send an authentic copy of the decision to the applicant for review and the head of the employment security office or the Workers' Compensation and Welfare Service that made the initial disposition. *<Amended on Jan. 15, 2019>*

Article 98 (Effect of Decision)

(1) A decision shall take effect from the date an authentic copy of the decision is sent to the applicant for review and the head of the relevant employment security office or the Workers' Compensation and Welfare Service. *<Amended on Jan. 15, 2019>*

(2) A decision shall be binding on the head of the employment security office or the Workers' Compensation and Welfare Service that made the initial disposition. *<Amended on Jan. 15, 2019>*

Article 99 (Employment Insurance Appeal Committee)

- (1) The Employment Insurance Appeal Committee (hereinafter referred to as the "Appeal Committee") shall be established in the Ministry of Employment and Labor to conduct further reviews, as prescribed in Article 87. *<Amended on Jun. 4, 2010>*
- (2) The Appeal Committee shall be comprised of not more than 15 members, including at least one representative of employees and at least one representative of employers. *<Amended on May 26, 2020>*
- (3) The members prescribed in paragraph (2) shall include two standing members.
- (4) None of the following persons shall be appointed as a member of the Appeal Committee: *<Amended on Jan. 20, 2015; May 26, 2020; Jun. 10, 2022>*
1. A person under adult guardianship or under limited guardianship or a person declared bankrupt and not yet reinstated;
 2. A person in whose case three years have not passed since his or her imprisonment without labor or heavier punishment declared by a court was completely executed (including where the execution of such sentence is deemed terminated) or exempted;
 3. A person who is under suspension of the execution of his or her imprisonment without labor or heavier punishment declared by a court.
- (5) Where a non-public official member falls under any of the following cases, he or she may be removed from office: *<Amended on Jan. 15, 2019>*
1. Where he or she becomes unable to perform the duties due to a mental or physical disability;
 2. Where he or she engages in any misconduct in connection with the duties;
 3. Where he or she is deemed unsuitable as a member due to neglect of a duty, loss of dignity, or any other reason;
 4. Where he or she voluntarily admits that it is difficult to perform the duties.
- (6) Standing members shall neither join a political party nor become involved in politics.
- (7) The Appeal Committee shall make an adjudication within 50 days of receipt of a petition for further review, as prescribed in Article 87 (1). In such case, Article 89 (2) shall apply mutatis mutandis to extension of the time frame for adjudication.
- (8) A secretariat shall be established under the Appeal Committee.
- (9) Matters necessary for the organization, operation, etc. of the Appeal Committee and its secretariat shall be prescribed by Presidential Decree.

Article 100 (Other Party to Further Review)

The other party to a request for further review shall be the head of the employment security office or the Workers' Compensation and Welfare Service that made the initial disposition. *<Amended on Jan. 15, 2019>*

Article 101 (Further Review)

- (1) Upon receipt of a request for further review, the Board of Review shall notify the parties and the examiner who made the decision concerned of the date and location of the further review at least three days before such date.
- (2) The parties are entitled to present their views to the Board of Review either verbally or in writing.
- (3) Further review by the Board of Review shall be conducted open to the public: Provided, That it may be conducted in private if so requested by both or either of the parties.
- (4) The Board of Review shall keep a record of and maintain the proceedings of further reviews.
- (5) Any of the parties or interested persons are entitled to request to peruse the proceedings of further reviews maintained under paragraph (4).
- (6) The Board of Review shall not deny any request made by a party or interested person under paragraph (5) without good cause.
- (7) Articles 94 and 95 shall apply mutatis mutandis to further review. In such cases, "examiner" shall be construed as "Appeal Committee", "request for review", as "request for further review", and "claimant for review" as "claimant for further review", respectively.

Article 102 (Provisions Applicable Mutatis Mutandis)

Article 103 (Notice)

A notice of initial disposition issued by the head of an employment security office or the Workers' Compensation and Welfare Service or an authentic copy of the decision of an examiner sent under Article 97 (2) shall include information about whether the other party or applicant for review is entitled to file a request for review or further review in relation to the initial disposition or the decision and about the applicable filing procedures and time frame. *<Amended on Jan. 15, 2019>*

Article 104 (Relationship to Other Statutes)

- (1) In applying Article 18 of the Administrative Litigation Act, an adjudication on a request for further review shall be construed as an adjudication on an administrative appeal.
- (2) Matters concerning requests for review and further review that are not prescribed in this Act shall be governed by the Administrative Appeals Act.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 105 (Prohibition of Disadvantageous Action)

A business owner shall not dismiss, or take any disadvantageous action against an employee merely due to the fact the employee has filed a request for confirmation of insured status prescribed in Article 17.

Article 106 (Application Mutatis Mutandis)

@Articles 27, 27-2, 27-3, 28, 28-2 through 28-7, 29, 29-2, 29-3, 30, 32, 39, 41, and 42 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance shall apply mutatis mutandis to the collection of the following charges under this Act: <Amended on Jul. 21, 2011>

1. Amount of subsidies for employment security and vocational skills development programs to be returned or additional amount to be collected therefrom;
2. Amount of unemployment benefits to be returned or additional amount to be collected therefrom;
3. Amount of child care leave benefits, etc. to be returned or additional amount to be collected therefrom.

Article 107 (Extinctive Prescription)

(1) The following rights shall be extinguished by prescription if such rights are not exercised for three years: <Amended on Jan. 15, 2019>

1. A right to be paid or refunded subsidies under Chapter III;
2. A right to be paid or refunded employment promotion allowances under Chapter IV;
3. A right to be refunded job-seeking benefits under Chapter IV;
4. A right to be refunded child care leave benefits, benefits for reduced working hours during the period of child care, maternity leave benefits, etc. under Chapter V.

(2) Article 113 of the Industrial Accident Compensation Insurance Act shall apply mutatis mutandis to the interruption of extinctive prescription. <Amended on Jan. 20, 2015>

Article 108 (Reporting)

(1) When the Minister of Employment and Labor determines that it is necessary for the enforcement of this Act, including, but not limited to, confirmation of insured status and investigation of improper claims, the Minister of Employment and Labor may request the current or previous business owner of an insured employee or eligible recipient or the service provider for handling insurance-related matters for such business owner prescribed in Article 33 of the Act on the Collection of Insurance Premiums for Employment Insurance and Industrial Accident Compensation Insurance (hereinafter referred to as "service provider for insurance matters") to submit necessary reports and relevant documents or request an interested person to appear in person. <Amended on Jun. 4, 2010; Jan. 5, 2021>

(2) A person severed from employment may review the former business owner's or the business owner's service provider for insurance matters to provide necessary certificates required to receive unemployment benefits. In such cases, upon receipt of such petition for review, the business owner or the service provider for insurance matters shall provide such certificates. <Amended on May 26, 2020>

(3) The Minister of Employment and Labor may request an insured employee, an eligible recipient, or a claimant for the remaining unemployment benefits to submit necessary reports and relevant documents or to appear in person when necessary for the enforcement of this Act, including, but not limited to, confirmation of insured status and investigation of improper claims. <Amended on Jun. 4, 2010; May 26, 2020>

Article 109 (Investigation)

(1) The Minister of Employment and Labor may authorize officials of the Ministry of Labor to investigate the place of business of the current or previous business owner of an insured employee or an eligible recipient or the office of such business owner's service provider for insurance matters, making inquiries of interested persons and inspecting books and documents, insofar as the Minister determines that such investigations are necessary for the enforcement of this Act, including, but not limited to, confirmation of insured status and investigation of improper claims. <Amended on Jun. 4, 2010>

(2) In conducting an investigation, as prescribed in paragraph (1), the Minister of Employment and Labor shall notify the business owner or the service provider for insurance matters of the date, time, purpose, and any other necessary details of the investigation in advance: Provided, That the same shall not apply where the Minister determines that an urgent or unexpected investigation is required to achieve the purposes of such investigation. <Amended on Jun. 4, 2010>

(3) When conducting an investigation, as prescribed in paragraph (1), officials shall carry an identification verifying their authority and present it to interested persons.

(4) The Minister of Employment and Labor shall notify the business owner, etc., in writing, of the results of the investigation conducted under paragraph (1). <Amended on Jun. 4, 2010>

Article 110 (Requests for Provision of Data)

(1) If necessary to perform the following duties, the Minister of Employment and Labor may request the heads of relevant agencies to provide information on resident registration, family relation registration, data on military service, data on land and buildings, data on various pensions and insurances, such as national pension and health insurance, information on entry into and exit from the Republic of Korea, etc. In such case, the heads of relevant agencies in receipt of such request shall comply therewith unless there is a compelling reason not to do so: <Amended on Jan. 5, 2021>

1. Verifying the details of reporting on the attainment or loss of insured status under Article 15 (including cases applied mutatis mutandis in Articles 77-5 (1) and 77-10 (1));
2. Verifying the attainment or loss of insured status under Article 17 (including cases applied mutatis mutandis in Articles 77-5 (1) and 77-10 (1));
3. Verifying double insurance under Articles 18, 77-2 (5) and 77-6 (3);
- 3-2. Granting subsidies to cover expenses for employment security and promotion of employment or implementing a loan program under Article 25;

4. Restricting assistance to programs for employment stability and vocational skills development due to improper acts under Article 35;
5. Verifying eligibility requirements for job-seeking benefits under Articles 40, 69-3, 77-3 and 77-8;
6. Paying job-seeking benefits, etc. that have not been paid pursuant to Article 57 (including cases to which such provision applies mutatis mutandis in Articles 63 (5), 69, 69-9 (1) and (2), 77-5 (2) and 77-10 (2));
7. Restricting the payment of job-seeking benefits, etc. due to improper acts pursuant to Article 61 (including cases to which such provision applies mutatis mutandis pursuant to Articles 63 (5), 69-9 (1), 77-5 (2) and 77-10 (2));
8. Returning job-seeking benefits, etc. already received and additional collection pursuant to Article 62 (including cases to which such provision applies mutatis mutandis pursuant to Articles 63 (5), 69, 69-9 (1) and (2), 74, 77, 77-5 (2), and 77-10 (2));
9. Restricting the payment of employment promotion allowances under Article 68 (including cases to which such provision applies mutatis mutandis in Article 69-9 (1));
10. Restricting the payment of child care leave benefits, etc. pursuant to Article 73 (including cases to which such provision applies mutatis mutandis in Articles 74 (2) and 77);
11. Attaining insured status by a recipient under the National Basic Living Security Act pursuant to Article 113-2.

(2) If necessary to perform the duties prescribed in paragraph (1) 3-2, and 4 through 11, the Minister of Employment and Labor may request the head of a relevant tax office to provide the following taxation information in a document specifying the personal data of taxpayers and the purpose of use: *<Amended on Jan. 5, 2021>*

1. Global income under Article 4 (1) 1 of the Income Tax Act;
2. Business registration information under Article 8 of the Value-Added Tax Act, Article 111 of the Corporate Tax Act, or Article 168 of the Income Tax Act.

(3) The detailed range of data or information that can be requested pursuant to paragraph (1) shall be prescribed by Presidential Decree.

Article 111 (Medical Examination Order)

The head of an employment security office may order a person who falls under Article 44 (3) 1 and who has obtained, or intends to obtain, recognition of unemployment under Article 44 (2) or a person who has received, or intends to receive, sickness benefits, as prescribed in Article 63, to undergo a medical examination at a medical institution designated by the Minister of Employment and Labor, if deemed necessary for payment of unemployment benefits. *<Amended on Jun. 4, 2010; May 26, 2020>*

Article 112 (Payment of Monetary Rewards)

(1) The Minister of Employment and Labor may, within budgetary limits, provide monetary rewards to a person who reports improper acts in connection with the assistance in running employment security and vocational skills development programs and the entrustment of such programs, and such assistance as unemployment benefits, child care leave benefits, and maternity leave benefits. <Amended on Jun. 4, 2010; Feb. 1, 2012>

(2) Matters necessary for reporting improper acts and providing monetary rewards under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

Article 113 Deleted. <Jul. 21, 2011>

Article 113-2 (Special Cases concerning Recipients Prescribed in the National Basic Living Security Act)

(1) Notwithstanding Article 8, business of providing an opportunity to work for self-support pursuant to Article 15 (1) 4 of the National Basic Living Security Act shall be construed as the business prescribed in this Act. In such cases, a recipient prescribed in subparagraph 2 of Article 2 of the National Basic Living Security Act who participates and engages in paid work for the aforementioned business shall be construed as the employee under this Act, and the guarantee institutions prescribed in subparagraph 4 of Article 2 of the same Act (in cases of entrusting business pursuant to Article 15 (2) of the same Act, referring to the entrusting institution) shall be construed as the business owner under this Act.

(2) Where a recipient prescribed in the latter part of paragraph (1) falls under any of the persons eligible for assistance under Article 8 (2) of the National Basic Living Security Act, only Chapter III shall apply to the recipient. <Amended on Dec. 27, 2016>

(3) Notwithstanding Article 18, where a recipient to whom only Chapter III applies pursuant to paragraph (2) is employed by another covered employing unit, he or she may acquire an insured status as an employee of the other business.

(4) The self-support benefits received by a recipient after he or she participated in the business pursuant to paragraph (1) shall be deemed the remuneration to be used as basis for computation of the qualifying days in covered employment used as basis for computation of Article 41 and as the remuneration to be used as basis for the daily wage under Article 45.

Article 114 (Operation of Pilot Programs)

(1) To ensure the effective operation of insurance programs prescribed by Presidential Decree, the Minister of Employment and Labor may operate a pilot program if it is expected to be impracticable to fully implement a program or if the implementation plans, etc. need to be verified before fully launching such program. <Amended on Jun. 4, 2010>

(2) The Minister of Employment and Labor may provide administrative, financial, technical, and other necessary assistance to the business owners, insured employees, etc. who participate in pilot programs

under paragraph (1) and relevant vocational skills development training facilities, etc. <Amended on Jun. 4, 2010>

(3) The Minister of Employment and Labor shall determine and provide public notice of necessary matters relating to applicable participants, target areas, and means of operating pilot programs under paragraph (1) and details of assistance under paragraph (2). <Amended on Jun. 4, 2010>

Article 115 (Delegation and Entrustment of Authority)

@Part of the authority of the Minister of Employment and Labor granted under this Act may, as prescribed by Presidential Decree, be delegated to the head of an employment security office or entrusted to a person specified by Presidential Decree. <Amended on Jun. 4, 2010>

Article 115-2 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)

(1) Where any person performs activities by proxy or is entrusted with activities pursuant to Articles 36 and 115, he or she shall be deemed a public official in applying penalty provisions under Articles 129 through 132 of the Criminal Act. <Amended on Jan. 15, 2019; May 26, 2020>

(2) A non-public official member of the Appeal Committee shall be deemed a public official in applying penalty provisions under Articles 129 through 132 of the Criminal Act. <Newly Inserted on Jan. 15, 2019>

CHAPTER IX PENALTY PROVISIONS

Article 116 (Penalty Provisions)

(1) A person who conspires with a business owner and receives the following subsidies or benefits by fraud or other improper means, and such business owner shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won: <Amended on Jun. 9, 2020; Jan. 5, 2021>

1. Subsidies for employment stability and vocational skills development programs under Chapter III;
2. Unemployment benefits under Chapter IV;
3. Child care leave benefits, benefits for reduced working hours during the period of child care, maternity leave benefits, etc. under Chapter V.
4. Job-seeking benefits and maternity benefits, etc. under Chapters V-2 and V-3;

(2) Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won: <Amended on Jun. 9, 2020; Jan. 5, 2021>

1. A business owner who dismisses an employee or gives any disadvantageous treatment to an employee, in violation of Article 105 (including cases applied mutatis mutandis in Article 77-5 (3) or 77-10 (3));
2. A person who receives subsidies or benefits under the subparagraphs of paragraph (1) by fraud or other improper means: Provided, That cases falling under paragraph (1) shall be excluded.

Article 117 (Joint Penalty Provisions)

If the representative of a corporation or an agent or employee of, or any other person employed by, a corporation or an individual commits an offense under Article 116 in connection with the business affairs of the corporation or individual, not only shall such offender be punished, but also the corporation or individual shall be punished by a fine under the relevant provisions: Provided, That the foregoing shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such offense.

[Moved from Article 118; Previous Article 117 moved to Article 118 <Dec. 31, 2008>]

Article 118 (Administrative Fines)

(1) An administrative fine of not more than three million won shall be imposed on a business owner or the representative, an agent, or employee of, or any other person employed by a service provider for insurance matters or labor platform operator who falls under any of the following: <Amended on Dec. 31, 2008; Aug. 27, 2019; May 26, 2020; Jun. 9, 2020; Jan. 5, 2021>

1. A person who fails to make a report or makes a false report, in violation of Articles 15 (including cases applied mutatis mutandis in Articles 77-5 (1) and 77-10 (1)), 77-2 (3) and 77-7 (1);
2. A person who fails to issue a certificate of job-leaving or prepares and submits a false certificate of job-leaving, in violation of the latter part of Article 42 (3) (including cases applied mutatis mutandis in Articles 77-5 (2) and 77-10 (2));
3. A person who fails to submit a certificate of job-leaving or prepares and submits a false certificate of job-leaving, in violation of the latter part of Article 43 (4) (including cases applied mutatis mutandis in Articles 77-5 (2) and 77-10 (2));
4. A person who fails to comply with a request for reporting or makes a false report under Article 108 (1) (including cases applied mutatis mutandis in Article 77-5 (3) or 77-10 (3)), who fails to submit a document in response to the same request or submits a false document, or fails to appear in person;
5. A person who fails to comply with a request to issue a certificate under Article 108 (2) (including cases applied mutatis mutandis in Articles 77-5 (3) and 77-10 (3));
6. A person who fails to answer questions, makes a false statement, or refuses, obstructs or evades an investigation prescribed in Article 109 (1) (including cases applied mutatis mutandis in Articles 77-5 (3) and 77-10 (3));
7. A person who fails to comply with a request for data or information in violation of Article 77-7 (2);
8. A person who fails to retain data or information related to a report on insured status of a worker, in violation of Article 77-7 (5).

(2) An administrative fine of up to one million won shall be imposed on an insured, an eligible recipient, or a claimant for the remaining unemployment benefits who falls under either of the following subparagraphs: <Amended on Dec. 31, 2008; Jun. 9, 2020; Jan. 5, 2021>

1. A person who fails to make a report or makes a false report, who fails to submit a document or submits a false document, or fails to appear in person, as required under Article 108 (3) (including cases applied mutatis mutandis in Articles 77-5 (3) and 77-10 (3));
 2. A person who fails to answer questions, makes a false statement, or refuses, obstructs or evades an inspection prescribed in Article 109 (1) (including cases applied mutatis mutandis in Articles 77-5 (3) and 77-10 (3));
 - (3) An administrative fine of up to one million won shall be imposed on a person who fails to respond to, or makes a false response to, inquiries by an examiner or the Appeal Committee or who refuses, obstructs, or evades an inspection conducted in accordance with Article 87 (including cases applied mutatis mutandis in Articles 77-5 (3) and 77-10 (3)). *<Amended on Dec. 31, 2008; Jun. 9, 2020; Jan. 5, 2021>*
 - (4) The Minister of Employment and Labor shall impose and collect administrative fines under paragraphs (1) through (3) as prescribed by Presidential Decree. *<Amended on Jun. 4, 2010>*
 - (5) Deleted. *<Dec. 31, 2008>*
 - (6) Deleted. *<Dec. 31, 2008>*
 - (7) Deleted. *<Dec. 31, 2008>*
- [Moved from Article 117; Previous Article 118 moved to Article 117 *<Dec. 31, 2008>*]

ADDENDA *<Act No. 8429, May 11, 2007>*

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Collection of Penalties for Improper Acts by Vocational Training Providers)

Notwithstanding the amended provisions of the proviso to Article 35 (2), the previous provisions shall apply to a person operating a vocational skills development program who has obtained, or attempted to obtain, assistance by fraud or other improper means before this Act enters into force.

Article 3 (Effective Period)

The amendment to the proviso to Article 107 (1) shall be effective only until December 31, 2009.

Article 4 (General Transitional Measures concerning Dispositions by and against Administrative Agencies)

All actions or proceedings commenced by or against an administrative agency under the previous provisions at the time this Act enters into force shall be considered as actions or proceedings by or against an administrative agency under this Act.

Article 5 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

The previous provisions of penalty provisions and administrative fines shall apply to violations committed before this Act enters into force.

Article 6 Omitted.

Article 7 (Relationship to Other Statutes)

Where other statutes have cited the previous Employment Insurance Act and the previous provisions thereof at the time this Act enters into force, this Act or the provisions corresponding thereto shall be deemed to have been cited in lieu of the previous provisions, if such provisions corresponding thereto exist in this Act.

ADDENDA <Act No. 8781, Dec. 21, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDA <Act No. 8959, Mar. 21, 2008>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 10 shall enter into force six months after the date of its promulgation.

(2) (Applicability concerning Increase of Extended Training Benefits) The amended provisions of Article 54 (2) shall apply to extended training benefits paid for a training period after this Act enters into force.

ADDENDA <Act No. 9315, Dec. 31, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 29 (3) shall enter into force three months after the date of its promulgation, and the amended provisions of Articles 7, 11-2, 81, and 84 shall enter into force on July 1, 2009.

Article 2 (Applicability concerning Recognition of Eligibility for Benefits)

The amended provisions of Articles 41 and 43 shall apply beginning with the first decision of recognition of eligibility for benefits after this Act enters into force.

Article 3 (Applicability concerning Subrogation of Rights to Maternity or Paternity Leave Benefits, etc.)

The amendment provisions of Article 75-2 shall apply beginning with the first grant of rights to maternity or paternity leave benefits, etc. after this Act enters into force.

Article 4 (Transitional Measures concerning Restrictions, etc. on Assistance Due to Improper Acts)

Notwithstanding the amended provisions of Article 35, with regard to any person who has received or attempted to receive assistance by fraud or other improper means before this Act enters into force, the previous provisions shall apply.

ADDENDA <Act No. 9792, Oct. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2010.

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 9990, Jan. 27, 2010>

This Act shall enter into force on January 1, 2011.

ADDENDA <Act No. 9999, Feb. 4, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDA <Act No. 10337, May 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 8 Omitted.

ADDENDA <Act No. 10338, May 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 10339, Jun. 4, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10719, May 24, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Act No. 10789, Jun. 7, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Act No. 10895, Jul. 21, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of subparagraph 5 of Article 2 shall enter into force on the date of its promulgation, and the amended provisions of Articles 26-2, 50 (5), 70, 73-2, 74, and 113-2 shall enter into force two months after the date of its promulgation.

Article 2 (Applicability concerning Limitation on Payment of Assistance)

Among the amended provisions of Articles 26-2, the matters concerning payment of subsidies for maintenance of employment shall apply to reports on and after the enforcement of this Act on the planned measures for maintenance of employment, and other matters concerning payment of subsidies shall apply to employment of employees in the place of business concerned on and after enforcement of this Act.

Article 3 (Applicability concerning Specified Number of Days for which Benefits Are Payable)

The amended provisions of Article 50 (5) shall apply to a person for whom acquisition of insured status is confirmed pursuant to Article 17 on and after enforcement of this Act.

Article 4 (Transitional Measures concerning Child Care Leave Benefits)

With regard to any employee who is under a period of reduced working hours during child care after being granted such reduction of working hours, upon making payment of child care leave benefits prescribed in Article 70 (1), the amended provisions of Article 70 (1) 2 shall apply beginning with the period of reduced working hours during child care after this Act enters into force.

Article 5 (Transitional Measures concerning Benefits for Reduced Working Hours during the Period of Child Care)

With regard to any employee who is under a period of reduced working hours during child care after being granted such reduction of working hours at the time this Act enters into force, the amended provisions of Article 73-2 shall apply beginning with the period of reduced working hours during child

care after this Act enters into force.

ADDENDA <Act No. 11274, Feb. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDA <Act No. 11530, Dec. 11, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 11628, Jan. 23, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Article 2 (Special Cases concerning Assistance for Employment Adjustment)

The amended provisions in the latter part of Article 21 (1) may apply to cases where measures to improve employment security including business suspension and layoff are in effect at the time this Act enters into force.

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ADDENDUM <Act No. 11662, Mar. 22, 2013>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 11864, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Applicability concerning Ineligibility for Unemployment Benefits)

The amended provisions of Article 10 shall also apply to an employee who was severed from employment or a self-employed person that had closed his/her business before this Act enters into force.

ADDENDA <Act No. 12323, Jan. 21, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2014.

Article 2 (Applicability concerning Payment of Maternity Leave Benefits)

The amended provisions of Articles 75 and 76 shall apply beginning with the first employees who give birth after this Act enters into force.

ADDENDA <Act No. 13041, Jan. 20, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 37-2, 38, and 45 (4) shall enter into force three months after the date of its promulgation.

Article 2 (Applicability concerning Period of Covered Employment)

The amended provisions of Article 50 shall apply starting with cases in which the attainment of insured status is reported or verified after this Act enters into force.

Article 3 (Applicability, etc. concerning Repeal of Deferral of Job-Seeking Benefits for Receiving Excessive Money and Valuables)

(1) Any person whose job-seeking benefits are deferred under the previous provisions of Article 59 (1) as at the time this Act enters into force is also eligible for job-seeking benefits under Article 40.

(2) With respect to a person who is eligible for job-seeking benefits under paragraph (1) or for whom the deferral period of job-seeking benefits has ended before this Act enters into force, the benefit period shall be a period calculated by adding the deferral period of job-seeking benefits under the previous provisions of Article 59 (1) to the benefit period under Article 48.

Article 4 (Transitional Measures concerning Incompetents, etc.)

A person under adult guardianship or under limited guardianship under the amended provisions of Article 99 (4) 1 shall be construed as including any person for whom the declaration of incompetency or quasi-incompetency is in effect under Article 2 of the Addenda to the Civil Act (Act No. 10429).

ADDENDA <Act No. 13805, Jan. 19, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on August 12, 2016.

Articles 2 through 22 Omitted.

ADDENDA <Act No. 14233, May 29, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on August 1, 2016.

Articles 2 (Applicability to Support for Pension Premiums of National Pension)

The amended provisions of Article 55-2 shall apply beginning with the first case of recognition of eligibility for benefits pursuant to Article 43 (1).

ADDENDUM <Act No. 14496, Dec. 27, 2016>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 113-2(2) shall enter into force on the date of the promulgation.

ADDENDA <Act No. 16269, Jan. 15, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of the provisos of Article 6 (2) and (3), Articles 10, 43 (1), 63 (4), 80 (1) 2-2, 90, 93, 97 (2), 98, 99 (5), 100, 103, 107 (1), and 115-2 shall enter into force on the date of its promulgation.

Article 2 (Applicability to Application of Employment Insurance to Foreign Workers)

The amended provision of Article 10-2 (1) shall apply on the following dates:

1. A business or workplace employing at least 30 workers at all times: January 1, 2021;
2. A business or workplace employing at least 10 but less than 30 workers at all times: January 1, 2022;
3. A business or workplace employing less than 10 workers at all times: January 1, 2023.

Article 3 (Applicability to Requirements for Eligibility for Job-Seeking Benefits for Daily Hire Construction Workers)

The amended provisions of Article 40 (1) 5 and proviso of Article 49 shall apply beginning from a person who applies for recognition of eligibility to job-seeking benefits under Article 43 (1) after this Act enters into force.

Article 4 (Applicability to Limitations on Payment of Child Care Leave Benefits, etc. due to Failing to Specify Fact of Securing Employment, etc.)

The amended provision of Article 73 (5) (including cases to which such provision applies mutatis mutandis pursuant to Articles 74 and 77) shall apply by counting the number of violations beginning from the case in which an insured employee, who is on a child care leave, implements reduction of working hours during the period of child care, or is on a maternity leave or on a miscarriage or stillbirth leave, fails to specify that he/she has secured employment or specifies false data in violation of the amended provision of Article 70 (3) after this Act enters into force.

Article 5 (Transitional Measures concerning Exclusion from Application of Unemployment Benefits, etc.)

Notwithstanding the amended provision of Article 10 (2), the previous provision shall apply to a person who is excluded from the application of unemployment benefits, etc. pursuant to previous Article 10 (1) 1 because he/she has been employed at or over the age of 65 as at the time the amended provision of Article 10 enters into force.

Article 6 (Transitional Measures concerning Limitations on Payment of Child Care Leave Benefits, etc. during Period of Employment)

Notwithstanding the amended provision of Article 73 (2) (including cases to which such provision applies mutatis mutandis pursuant to Articles 74 and 77), previous Article 73 (1) shall apply to an insured employee who has been employed by a different employing unit during the period of a child care leave, reduction of working hours during the period of child care, or a maternity leave or a miscarriage or stillbirth leave before this Act enters into force.

Article 7 (Transitional Measures for Respondents, etc. following Change of Institutions to File Request for Review of Verification of Attainment or Loss of Insured Status)

As for a case for which a request for review, a request for further review or administrative proceedings are pending concerning verification of attainment or loss of insured status under Article 87 (1) as at the time the amended provision of Article 90 enters into force, the respondent's or defendant's standing to be sued shall be succeeded by the Workers' Compensation and Welfare Service.

ADDENDA <Act No. 16413, Apr. 30, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation

Article 2 Omitted.

ADDENDA <Act No. 16415, Apr. 30, 2019>

Article 1 (Enforcement Date)

(1) This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

(2) Omitted.

Articles 2 and 3 Omitted.

ADDENDA <Act No. 16557, Aug. 27, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 19 (2), 40, 46 (1), 69-5, 75, and 76 (1), the latter part of Article 77, and attached Tables 1 and 2 shall enter into force on October 1, 2019, and the amended provisions of Articles 70 (1)

and 73-2 (1) six months after the date of its promulgation.

Article 2 (Applicability to Requirements for Eligibility for Job-Seeking Benefits)

The amended provision of Article 40 (2) 2 shall apply even to the workers who have been severed from employment before such amended provision enters into force.

Article 3 (Applicability to Requests to Provide Data for Verification of Eligibility for Job-Seeking Benefits)

The amended provision of Article 43 (4) shall apply even where a decision on recognition of eligibility for benefits is pending as at the time this Act enters into force.

Article 4 (Applicability to Denial of Job-Seeking Benefits to Repetitively Dishonest Recipients of Job-Seeking Benefits)

The number of times one fails to receive job-seeking benefits pursuant to the amended provision of Article 61 (5) shall be calculated from the case he/she fails to receive job-seeking benefits pursuant to the main sentence of Article 61 (1) after this Act enters into force.

Article 5 (Applicability to Allocation of Job-Seeking Benefits, etc.)

The amended provision of Article 62 (5) shall apply beginning from the case where job-seeking benefits, for which reasons for payment occur after this Act enters into force, are allocated to the job-seeking benefits decided to be returned or to the additional amount to be collected after this Act enters into force.

Article 6 (Applicability to Child Care Leave Benefits and Benefits for Reduced Working Hours during Period of Child Care)

The amended provisions of Articles 70 (1) and 73-2 (1) shall apply even to the period of a child care leave or reduced working hours during the period of child care after such amended provisions enter into force in cases in which both parents simultaneously have used a child care leave or implemented reduction of working hours during the period of child care before such amended provisions enter into force.

Article 7 (Applicability to Maternity Leave Benefits, etc.)

The amended provisions of Articles 75 and 76 (1) and the latter part of Article 77 shall apply beginning from the first person who uses a paternity leave after such amended provisions enter into force.

Article 8 (Transitional Measures concerning Daily Amount of Job-Seeking Benefits)

(1) Notwithstanding the amended provisions of Articles 46 (1) and 69-5, the previous provisions shall apply to the daily amount of job-seeking benefits for a person who has been severed from employment before such amended provisions enter into force.

(2) Where the minimum daily amount of job-seeking benefits calculated pursuant to the amended provision of Article 46 (1) 2 is less than the minimum daily amount of job-seeking benefits before such amended provision enters into force, the minimum daily amount of job-seeking benefits before such amended provision enters into force shall be the minimum daily amount of job-seeking benefits for the relevant year.

Article 9 (Transitional Measures concerning Additional Collection of Job-Seeking Benefits due to Improper Acts)

Notwithstanding the amended provision of Article 62 (2), the previous provision shall apply to the amount of job-seeking benefits to be additionally collected from a person who has received job-seeking benefits by fraud or other improper means before this Act enters into force.

Article 10 (Transitional Measures concerning Specified Number of Days for which Job-Seeking Benefits Are Payable)

Notwithstanding the amended provisions of attached Tables 1 and 2, the previous provisions shall apply to the specified number of days for which job-seeking benefits are payable for an employee who has been severed from employment before such amended provisions enter into force.

Article 11 Omitted.

ADDENDA <Act No. 17326, May. 26, 2020>

This Act shall enter into force on the date of its promulgation: Provided, That the following amended provisions of this Act shall enter into force on the date specified in either of the following subparagraphs:

1. through 4. Omitted.
5. The part of Article 43 (5) of the partially amended Employment Insurance Act (Act No. 16557) and the latter part of Article 69 of Article 46: August 28, 2020;
6. Omitted.

ADDENDA <Act No. 17429, Jun. 9, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Date of Acquisition of Insured Status by Artists)

Where the commencement date of a contract related to culture and arts services by an artist is before the enforcement date of this Act, the enforcement date of this Act shall be deemed the date of acquisition of insured status, notwithstanding Article 13 (1).

ADDENDA <Act No. 17859, Jan. 5, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2021: Provided, That the amended provisions of Articles 77-7 and 118 (1) 7 and 8 shall enter into force on January 1, 2022.

Article 2 (Applicability to Maternity Leave Benefits for Fixed-Term Employees)

The amended provisions of Article 76-2 shall also apply to fixed-term employees and temporary agency employees who are on maternity leave at the time this Act enters into force.

Article 3 (Special Cases concerning Application to Date of Acquisition of Insured Status by Workers)

Where a worker, for whom a labor contract has commenced before this Act enters into force but has not been terminated, acquires insured status pursuant to the amended provisions of Article 77-6 and is subject to Chapter V-3, Article 13 (1) which is applied mutatis mutandis in Article 77-10 (1) shall apply mutatis mutandis by deeming that he or she has acquired the insured status on the date this Act enters into force.

ADDENDA <Act No. 18425, Aug. 17, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 18913, Jun. 10, 2022>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 18919, Jun. 10, 2022>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2023. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 18920, Jun. 10, 2022>

This Act shall enter into force six months after the date of its promulgation.

Last updated : 2023-10-19

IMMIGRATION ACT

Wholly Amended by Act No. 4522, Dec. 8, 1992

Amended by Act No. 4592, Dec. 10, 1993

Act No. 4796, Dec. 22, 1994

Act No. 5176, Dec. 12, 1996

Act No. 5434, Dec. 13, 1997

Act No. 5755, Feb. 5, 1999

Act No. 6540, Dec. 29, 2001

Act No. 6745, Dec. 5, 2002

Act No. 7034, Dec. 31, 2003

Act No. 7406, Mar. 24, 2005

Act No. 7655, Aug. 4, 2005

Act No. 8726, Dec. 21, 2007

Act No. 9142, Dec. 19, 2008

Act No. 9847, Dec. 29, 2009

Act No. 10282, May 14, 2010

Act No. 10465, Mar. 29, 2011

Act No. 10545, Apr. 5, 2011

Act No. 10863, Jul. 18, 2011

Act No. 11224, Jan. 26, 2012

Act No. 11298, Feb. 10, 2012

Act No. 11690, Mar. 23, 2013

Act No. 12195, Jan. 7, 2014

Act No. 12421, Mar. 18, 2014

Act No. 12782, Oct. 15, 2014

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning safe border controls through the immigration control of all nationals and foreigners who enter or depart from the Republic of Korea, control over the

sojourn of foreigners who stay in the Republic of Korea, and procedures, etc. for the recognition of refugees. <Amended by Act No. 11224, Jan. 26, 2012>

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 11298, Feb. 10, 2012; Act No. 12421, Mar. 18, 2014>

1. The term "national" means a national of the Republic of Korea;
2. The term "foreigner" means any person who is not a national of the Republic of Korea;
3. The term "refugee" means a refugee as defined in subparagraph 1 of Article 2 of the Refugee Act;
4. The term "passport" means a passport or refugee travel document issued by the Government of the Republic of Korea, any foreign government or competent international organization, or any other document substituting the passport, which are deemed valid by the Government of the Republic of Korea;
5. The term "seaman's identification paper" means a document issued by the Government of the Republic of Korea or a foreign government, which certifies that its holder is a seaman;
6. The term "entry and departure port" means a harbor, airport or other places in the Republic of Korea, through which any person may enter or depart from the Republic of Korea, which is prescribed by Presidential Decree;
7. The term "head of an overseas diplomatic mission" means an ambassador, minister, consul-general, or consul of the Republic of Korea residing in a foreign country, or the head of an organization carrying out consular affairs;
8. The term "ships, etc." means ships, airplanes, trains, automobiles, and other means of transportation which transport persons or things between the Republic of Korea and any area outside the Republic of Korea;
9. The term "crew" means persons who perform their duties on ships, etc.;
10. The term "forwarding agent" means a person who operates any business using ships, etc., and a person who executes any transaction belonging to his/her business on behalf of the said person;
11. The term "internment" means an immigration control official's administering activities to take into custody or impound a person having a reasonable ground to be suspected of falling under persons subject to deportation under the subparagraphs of Article 46 (1) at a foreigner internment room, foreigner internment camp or other place designated by the Minister of Justice;
12. The term "foreigner internment room" means a place provided at a Regional Immigration Service for the purpose of interning foreigners under this Act;
13. The term "foreigner internment camp" means facilities installed at a Regional Immigration Service for the purpose of interning foreigners under this Act, and prescribed by Presidential Decree;
14. The term "immigration offender" means a person who is deemed to have committed any of offenses prescribed in Articles 93-2, 93-3, 94 through 99, 99-2, 99-3 and 100.

CHAPTER II ENTRY AND DEPARTURE OF NATIONALS TO AND FROM KOREA

Article 3 (Departure of Nationals from Korea)

(1) A national who intends to depart from the Republic of Korea to an area outside the Republic of Korea (hereinafter referred to as "departure") shall hold a valid passport and undergo a departure inspection conducted by an immigration control official at the entry and departure port from which he/she is to depart: Provided, That if it is impossible to depart from the entry and departure port due to extenuating circumstances, he/ she may depart after undergoing a departure inspection conducted by an immigration control official at a place, other than the entry and departure port, with permission from the Commissioner of the competent Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) A departure inspection under paragraph (1) may be substituted by a departure inspection through an informatization device, as prescribed by Presidential Decree.

Article 4 (Prohibition of Departure)

(1) The Minister of Justice may prohibit any of the following nationals from departing from the Republic of Korea for a fixed period not exceeding six months: *<Amended by Act No. 10863, Jul. 18, 2011>*

1. A person pending in a criminal trial;
2. A person whose imprisonment with or without labor has not yet completed;
3. A person who fails to pay a fine or surcharge of at least the amount prescribed by Presidential Decree;
4. A person who fails to pay national tax, customs, or local tax of at least the amount prescribed by Presidential Decree by the payment deadline without good cause;
5. Other persons corresponding to subparagraphs 1 through 4, whose departure is determined inappropriate by Ordinance of the Ministry of Justice, as there exist some concerns over harming the interest, public safety, or economic order of the Republic of Korea.

(2) The Minister of Justice may prohibit a person whose departure from the Republic of Korea is deemed inappropriate for criminal investigations from departing from the Republic of Korea for a fixed period not exceeding one month: Provided, That any of the following persons shall be prohibited from departing from the Republic of Korea for the period provided for in each subparagraph: *<Newly Inserted by Act No. 10863, Jul. 18, 2011>*

1. A person in whose case a stay of prosecution has been decided due to his/her unknown whereabouts, or a person in whose case it is impracticable to proceed with investigations due to special reasons, such as abscondence: Within three months;
2. A person who has been issued with an arrest warrant or bench warrant, in whose case a stay of prosecution has been decided: Within the period of validity of the warrant.

(3) The head of a central administrative agency or the head of a relevant agency determined by the Minister of Justice may request the Minister of Justice to prohibit departure, when he/she deems that a person falls under any subparagraph of paragraph (1) or (2) in connection with affairs under his/her jurisdiction. *<Amended by Act No. 10863, Jul. 18, 2011>*

(4) In conducting a departure inspection, no immigration control official shall allow a person whose departure is prohibited under paragraph (1) or (2) to depart from the Republic of Korea. *<Amended by Act No. 10863, Jul. 18, 2011>*

(5) Except as otherwise expressly provided for in paragraphs (1) through (4), matters necessary for the period of, and procedures for, prohibition of departure shall be prescribed by Presidential Decree. *<Amended by Act No. 10863, Jul. 18, 2011>*

Article 4-2 (Extension of Period of Prohibition of Departure)

(1) The Minister of Justice may extend the period of prohibition of departure, when deemed necessary to continue to prohibit departure.

(2) The head of the agency who has requested prohibition of departure under Article 4 (3) shall request the Minister of Justice to extend the period of prohibition of departure by three days prior to the expiration of such period if it is necessary to continue to prohibit departure in excess of such period. *<Amended by Act No. 10863, Jul. 18, 2011>*

(3) Except as otherwise expressly provided for in paragraphs (1) and (2), matters necessary for the procedures for extending the period of prohibition of departure shall be prescribed by Presidential Decree.

Article 4-3 (Revocation of Prohibition of Departure)

(1) The Minister of Justice shall revoke prohibition of departure immediately, when the grounds for prohibition of departure cease to exist or prohibition of departure is deemed unnecessary.

(2) The head of the agency who has requested prohibition of departure under Article 4 (3) shall immediately request the Minister of Justice to revoke prohibition of departure when the grounds for prohibition of departure cease to exist. *<Amended by Act No. 10863, Jul. 18, 2011>*

(3) Except as otherwise expressly provided for in paragraphs (1) and (2), matters necessary in relation to procedures for revocation of prohibition of departure shall be prescribed by Presidential Decree.

Article 4-4 (Notice of Decision, etc. on Prohibition of Departure)

(1) The Minister of Justice shall immediately give written notice stating the grounds, period, etc. to the relevant person when he/she prohibits departure under Article 4 (1) or (2), or extends the period of prohibition of departure under Article 4-2 (1). *<Amended by Act No. 10863, Jul. 18, 2011>*

(2) The Minister of Justice shall immediately give notice to the relevant person when he/she revokes prohibition of departure under Article 4-3 (1).

(3) Notwithstanding paragraph (1), the Minister of Justice need not give written notice under paragraph (1) in any of the following cases: <Amended by Act No. 10863, Jul. 18, 2011; Act No. 12893, Dec. 30, 2014>

1. Where such notice may substantially and obviously harm the safety of the Republic of Korea or public interests;
2. Where such notice may substantially and obviously interfere with a criminal investigation: Provided, That where the total period of prohibition of departure from the Republic of Korea, including the extended period, exceeds three months, the Minister of Justice shall give notice to the relevant person;
3. Where the whereabouts of the person prohibited from departing the Republic of Korea is unknown.

Article 4-5 (Filing Objections to Decisions, etc. on Prohibition of Departure)

(1) A person whose departure is prohibited under Article 4 (1) or (2), or whose period of prohibition of departure is extended under Article 4-2 (1) may file an objection to the decision on prohibition of departure or extension of period of prohibition of departure with the Minister of Justice, within ten days after receipt of a notice of prohibition of departure or extension of such period or after becoming aware of the fact. <Amended by Act No. 10863, Jul. 18, 2011>

(2) The Minister of Justice shall decide the validity of an objection filed under paragraph (1) within 15 days from the date such objection is filed: Provided, That the term may be extended only once up to 15 days, where inevitable grounds exist.

(3) The Minister of Justice shall immediately revoke prohibition of departure or withdraw the extension of such period where an objection filed under paragraph (1) is deemed reasonable, and the Minister shall dismiss the objection and give written notice stating the grounds therefor to the relevant person if such objection is deemed groundless.

Article 4-6 (Emergency Prohibition of Departure from Republic of Korea)

(1) Where there are good grounds for suspecting a person to have committed a crime subject to death penalty, imprisonment with labor for an indefinite term, or a maximum term of imprisonment with or without labor for at least three years, and there is an urgent need in any of the following circumstances, notwithstanding Article 4 (3), an investigative agency may request an immigration control official conducting a departure inspection to prohibit the person from departing from the Republic of Korea:

1. Where a suspect is likely to destroy evidence;
2. Where a suspect absconds or is likely to abscond.

(2) Upon receipt of a request under paragraph (1), no immigration control official shall allow a person whose prohibition of departure has been requested to depart from the Republic of Korea when conducting a departure inspection.

(3) An investigative agency shall request the Minister of Justice to approve the emergency prohibition of departure from the Republic of Korea within six hours from the time it requests the emergency prohibition of departure from the Republic of Korea pursuant to paragraph (1). In such cases, it shall submit a written

direction of investigation of a public prosecutor and a report on the emergency prohibition of departure from the Republic of Korea stating the substance of a crime, grounds for the emergency prohibition of departure from the Republic of Korea, etc. to the Minister of Justice.

(4) Where an investigative agency does not request approval for the emergency prohibition of departure from the Republic of Korea under paragraph (3), the Minister of Justice shall cancel the prohibition of departure from the Republic of Korea according to the request of the investigative agency referred to in paragraph (1). The same shall also apply where the investigative agency fails to obtain approval for the emergency prohibition of departure from the Republic of Korea from the Minister of Justice within 12 hours from the time it requests approval for the emergency prohibition of departure from the Republic of Korea.

(5) Where the prohibition of departure from the Republic of Korea is cancelled pursuant to paragraph (4), no investigative agency shall request the emergency prohibition of departure from the Republic of Korea again regarding the same crime.

(6) Other matters necessary for procedures for the emergency prohibition of departure from the Republic of Korea and the preparation of a report on the emergency prohibition of departure from the Republic of Korea shall be prescribed by Presidential Decree.

Article 5 (Custody of National's Passport, etc.)

If an immigration control official finds a national in possession of a forged or fabricated passport or seaman's identification paper, he/she may withdraw, and take custody thereof.

Article 6 (Entry of Nationals)

(1) If a national intends to enter the Republic of Korea from an area outside the Republic of Korea (hereinafter referred to as "entry"), he/she shall hold a valid passport, and undergo an entry inspection conducted by an immigration control official at the entry and departure port through which he/she is to enter the Republic of Korea: Provided, That if it is impossible to enter the Republic of Korea through the entry and departure port due to any extenuating circumstance, he/she may enter after undergoing an entry inspection conducted by an immigration control official at a place, other than the entry and departure port, with the permission from the Commissioner of the competent Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) If a national intends to enter the Republic of Korea without holding a valid passport due to loss thereof or for any other reason, an immigration control official may allow the national to enter after taking verifying steps.

(3) An entry inspection under paragraph (1) may be substituted by an entry inspection through an informatization device, as prescribed by Presidential Decree.

CHAPTER III ENTRY AND LANDING OF FOREIGNERS

SECTION 1 Entry of Foreigners

Article 7 (Entry of Foreigners)

(1) When a foreigner enters the Republic of Korea, he/she shall hold a valid passport and a visa issued by the Minister of Justice.

(2) Notwithstanding paragraph (1), any of the following foreigners may enter the Republic of Korea without a visa:

1. A person who obtains permission to reenter or who is exempted from permission of reentry, and who enters the Republic of Korea before the period of such permission or exemption expires;
2. A person who is a national of a country which has concluded the Visa Exemption Agreement with the Republic of Korea, and who is subject to exemption under the Convention;
3. A person who enters the Republic of Korea for international friendship, sightseeing or in the interests of the Republic of Korea, etc., and who has separately obtained an entry permit, as prescribed by Presidential Decree;
4. A person who departed from the Republic of Korea with a refuge travel document issued, and enters the Republic of Korea before the term of validity of such certificate expires.

(3) The Minister of Justice may temporarily suspend the application of the Visa Exemption Agreement to those who fall under paragraph (2) 2 where deemed necessary for maintaining public order or in the interests of the Republic of Korea.

(4) Notwithstanding paragraph (1), any national of a country which has no diplomatic relationship with the Republic of Korea, or which is designated by the Minister of Justice after consulting with the Minister of Foreign Affairs, may enter the Republic of Korea with a foreigner entry permit issued by the head of an overseas diplomatic mission or the Commissioner of a Regional Immigration Service, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12421, Mar. 18, 2014>*

Article 7-2 (Prohibition of False Invitation, etc.)

No one shall conduct any of the following acts to allow a foreigner to enter the Republic of Korea:

1. Inviting a foreigner by illegal means, such as a false statement or false identity guarantee, or assisting such invitation;
2. Falsely applying for a visa or a visa issuance certificate, or assisting such application.

Article 8 (Visa)

(1) A visa under Article 7 shall be categorized as a single visa valid for only one entry into the Republic of Korea and a multiple-entry visa valid for two or more entries.

- (2) The Minister of Justice may delegate his/her authority concerning the issuance of visas to the head of an overseas diplomatic mission, as prescribed by Presidential Decree.
- (3) Criteria and procedure for the issuance of visas shall be prescribed by Ordinance of the Ministry of Justice.

Article 9 (Visa Issuance Certificates)

- (1) If it is deemed particularly necessary, the Minister of Justice may issue a visa issuance certificate on the application of a foreigner who intends to enter the Republic of Korea before issuing a visa under Article 7 (1).
- (2) An application for a visa issuance certificate under paragraph (1) may be filed by any person who intends to invite the relevant foreigner to visit the Republic of Korea on behalf of the latter.
- (3) Persons subject to the issuance of visa issuance certificates and criteria and procedure for issuing visa issuance certificates under paragraph (1) shall be prescribed by Ordinance of the Ministry of Justice.

Article 10 (Status of Sojourn)

- (1) A foreigner intending to enter the Republic of Korea shall satisfy requirements of status of sojourn prescribed by Presidential Decree.
- (2) The maximum period of sojourn for each status of sojourn, which is allowed on each occasion, shall be prescribed by Ordinance of the Ministry of Justice.

Article 11 (Prohibition, etc. of Entry)

- (1) The Minister of Justice may prohibit any of the following foreigners from entering the Republic of Korea:
1. A contagious patient, a narcotics addict or other persons deemed likely to cause danger and harm to public health;
 2. A person who intends to enter the Republic of Korea unlawfully carrying firearms, guns, swords, explosives, etc. prescribed in the Control of Firearms, Knives, Swords, Explosives, etc. Act;
 3. A person deemed highly likely to commit any act detrimental to the interests of the Republic of Korea or public safety;
 4. A person deemed highly likely to commit any act detrimental to the economic or social order or the good morals;
 5. A mentally disable person who is void of a capacity of discriminating sense and has no person to assist his/her sojourn in the Republic of Korea, a person who cannot afford expenses related to sojourn in the Republic of Korea, and other persons in need of relief;
 6. A person for whom five years have not elapsed after departure from the Republic of Korea under a deportation order;

7. A person who took part in the slaughter or cruel treatment of people on the grounds of race, ethnicity, religion, nationality, political opinion, etc. under instructions from or in liaison with any of the following governments from August 29, 1910 to August 15, 1945:

- (a) The Japanese government;
- (b) Any government which was in alliance with the Japanese government;
- (c) Any government on which the Japanese government exercised predominant influence;

8. A person comparable to any those under subparagraphs 1 through 7 whose entry into the Republic of Korea is deemed inappropriate by the Minister of Justice.

(2) If the home country of a foreigner who intends to enter the Republic of Korea refuses the entry of a national of the Republic of Korea for any reason, other than those referred to in the subparagraphs of paragraph (1), the Minister of Justice may refuse the entry of such foreigner for the same reason.

Article 12 (Entry Inspections)

(1) A foreigner intending to enter the Republic of Korea shall undergo an entry inspection conducted by an immigration control official at the entry and departure port.

(2) The proviso to Article 6 (1) and paragraph (3) of the same Article shall apply mutatis mutandis to paragraph (1).

(3) In conducting an entry inspection, an immigration control official shall permit entry after examining whether the following requirements are satisfied:

- 1. The passport and the visa are to be valid: Provided, That the visa is only limited to cases required by this Act;
- 2. The purpose of entry is to comply with the status of sojourn;
- 3. The sojourn period is to be determined, as prescribed by Ordinance of the Ministry of Justice;
- 4. A foreigner is not to be subject to the prohibition or refusal of the entry prescribed in Article 11.

(4) If a foreigner fails to prove that he/she satisfies the requirements under the subparagraphs of paragraph (3), an immigration control official may refuse his/her entry into the Republic of Korea.

(5) Upon granting entry permission to a foreigner falling under Article 7 (2) 2 or 3, an immigration control official shall grant his/her status of sojourn and determine the period of sojourn, as prescribed by Presidential Decree.

(6) An immigration control official may enter ships, etc. for the purpose of conducting an inspection under paragraph (1) or (2).

Article 12-2 (Provision, etc. of Impressions of Fingerprints and Description of Faces at time of Entry)

(1) A foreigner intending to enter the Republic of Korea shall provide impressions of his/her fingerprints and description of his/her face in the manner prescribed by Ordinance of the Ministry of Justice and comply with the procedure of verifying his/her identity when undergoing an entry inspection pursuant to Article 12: Provided, That this shall not apply to any of the following persons:

1. A person under 17 years of age;
 2. A person who enters the Republic of Korea to perform the affairs of a foreign government or international organization, and his/her accompanying family;
 3. A person prescribed by Presidential Decree as needing to be exempted from providing impressions of his/her fingerprints and description of his/her face, considering promotion of friendly relationship and cultural exchange with a foreign country, facilitation of economic activities or the interests of the Republic of Korea, etc.
- (2) When a foreigner fails to provide impressions of his/her fingerprints and description of his/her face pursuant to the main sentence of paragraph (1), an immigration control official may refuse the entry of the foreigner.
- (3) The Minister of Justice may request for the presentation of impressions of foreigners' fingerprints and description of their faces which are kept by relevant administrative agencies, if necessary for entry inspections.
- (4) No relevant administrative agency in receipt of a request for cooperation under paragraph (3) shall refuse such request without justifiable grounds.
- (5) An immigration control official may use impressions of fingerprints and description of faces provided under paragraph (1) and data submitted under paragraph (3) for entry inspections.
- (6) The Minister of Justice shall keep and manage information about the fingerprints and face provided under paragraph (1) and data submitted under paragraph (3) in accordance with the Personal Information Protection Act. *<Amended by Act No. 10465, Mar. 29, 2011>*

Article 12-3 (Ban on Provision of Ships, etc.)

- (1) No person shall engage in any of the following acts for the purpose of illegally allowing any foreigner to enter or depart from the Republic of Korea or having any foreigner illegally enter other country via the Republic of Korea:
1. Providing a ship, etc., passport, visa, boarding pass, or other document or any good usable for entry into or departure from the Republic of Korea;
 2. Arranging the act under subparagraph 1.
- (2) No person shall engage in any of the following acts in respect of a foreigner who has illegally entered the Republic of Korea:
1. Harboring or allowing the relevant foreigner to hide out in the Republic of Korea, or providing the means of transportation for such purposes;
 2. Arranging the act under subparagraph 1.

Article 12-4 (Custody of Foreigner's Passport, etc.)

- (1) Article 5 shall apply mutatis mutandis to forged or fabricated passports or seamen's identification papers of foreigners. *<Amended by Act No. 12893, Dec. 30, 2014>*

(2) When an immigration control official has found the passport or seaman's identification paper of an immigration offender to be deported under Article 46 who is under an investigation for violating this Act, he/she may recover and take custody thereof.

Article 13 (Conditional Entry Permits)

(1) The Commissioner of a Regional Immigration Service may grant a conditional entry permit to any of the following foreigners, as prescribed by Presidential Decree: *<Amended by Act No. 12421, Mar. 18, 2014>*

1. A person who fails to meet the requirements under Article 12 (3) 1 for any extenuating circumstance but is deemed able to meet such requirements within a specified period;
2. A person who is suspicious of falling under any subparagraph of Article 11 (1), or of failing to meet the requirements under Article 12 (3) 2, and thus deemed necessary for undergoing a special inspection;
3. A person who is deemed by the Commissioner of the Regional Immigration Service to be required for obtaining conditional entry permission, in addition to those provided for in subparagraphs 1 and 2.

(2) The Commissioner of a Regional Immigration Service shall issue a conditional entry permit when granting conditional entry permission under paragraph (1). In such cases, such permit shall include restriction on residence, obligation to comply with any demand for attendance, and other necessary conditions, and may require the relevant foreigner to deposit a bond not exceeding ten million won, where deemed necessary. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) If a foreigner who has obtained conditional entry permission under paragraph (1) violates any condition, the Commissioner of the competent Regional Immigration Service may have all or some of the deposited bonds reverted to the National Treasury. *<Amended by Act No. 12421, Mar. 18, 2014>*

(4) The deposit and return of the bonds and procedure for reverting them to the National Treasury under paragraphs (2) and (3) shall be prescribed by Presidential Decree.

SECTION 2 Landing of Foreigners

Article 14 (Landing Permission for Crew)

(1) When the heads of ships, etc., forwarding agents or the principal files an application for any of the following foreign crew members, an immigration control official may permit the landing of such crew members for up to 15 days: Provided, That this shall not apply to a foreign crew member falling under any subparagraph of Article 11 (1):

1. A foreign crew member intending to land for the purpose of recreation, etc. while ships, etc. whereon he/she serves moor at any entry and departure port in the Republic of Korea;
2. A foreign crew member intending to transfer to a ship, etc. scheduled to enter any entry and departure port in the Republic of Korea or to a ship, etc. which moors thereat.

(2) An immigration control official in receipt of an application under paragraph (1) shall verify the following documents: Provided, That where any convention, etc. with foreign countries determines that a

seaman's identification paper may substitute a passport, the verification of a seaman's identification paper may substitute that of a passport:

1. A seaman's identification paper, where a foreign crew member falling under paragraph (1) 1 is a sailor;
 2. A passport and a document prescribed by Presidential Decree, where a foreign crew member falling under paragraph (1) 2 is a sailor: Provided, That where such member falls under Article 7 (2) 3, his/her passport shall be verified;
 3. A passport in cases of any other foreign crew member.
- (3) When an immigration control official grants permission under paragraph (1), he/she shall issue a landing permit for crew. In such cases, he/she may impose necessary conditions, such as the period of permission for landing, restrictions on districts in which they may move, etc. on the landing permit of crew.
- (4) Notwithstanding the latter part of paragraph (3), Article 12 shall apply mutatis mutandis to landing permission for crew falling under paragraph (1) 2.
- (5) Where deemed necessary, the Commissioner of a Regional Immigration Service may extend the period of landing permission for the foreign crew who have obtained landing permission for crew. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (6) The landing permit for crew issued under paragraph (3) may be continuously used in any other entry and departure ports in the Republic of Korea until the relevant ship, etc. finally departs from any port.
- (7) Article 12-2 shall apply mutatis mutandis to the provision, etc. of impressions of foreign crew's fingerprints and description of their faces: Provided, That this shall not apply where the crew is a sailor and it is difficult for him/her to provide impressions of his/her fingerprints and description of his/her face in the procedure of landing permission.

Article 14-2 (Landing Permission for Tourism)

- (1) Where the captain of a ship or a forwarding agent applies for landing permission for foreign passengers on board the ship prescribed by Ordinance of the Ministry of Justice among passenger ships making a tour and operating internationally in the seas of the Republic of Korea and foreign countries for the purpose of tourism, an immigration control official may grant landing permission for tourism of passengers up to three days: Provided, That this shall not apply to foreign passengers falling under any of the subparagraphs of Article 11 (1).
- (2) Upon receipt of an application for landing permission filed under paragraph (1), an immigration control official shall check the following documents:
1. Passports of foreign passengers;
 2. A list of foreign passengers;
 3. Other documents prescribed by Ordinance of the Ministry of Justice.

(3) Article 14 (3) and (5) shall apply mutatis mutandis to a landing permit for tourism and an extension of the period of landing permission under paragraph (1). In such cases, a "crew landing permit" shall be construed as a "landing permit for tourism", "crew landing permission" as "landing permission for tourism", and a "foreign crew member" as "foreign passenger", respectively.

(4) Article 12-2 shall apply mutatis mutandis to the provision, etc. of information about the fingerprints and face of a foreign passenger who intends to obtain landing permission for tourism under paragraph (1): Provided, That this shall not apply where it is impracticable to provide information about the fingerprints and face in the formalities for landing permission for tourism of the foreign passenger.

(5) Except as otherwise expressly provided for in paragraphs (1) through (4), matters necessary for criteria and formalities for landing permission for tourism shall be prescribed by Presidential Decree.

Article 15 (Emergency Landing Permission)

(1) If it is deemed that a foreigner on board a ship, etc. (including crew members) is required to land urgently due to a disease or any other accident, an immigration control official may permit an emergency landing for up to 30 days, in receipt of an application by the captain of the ship, etc. or the head of a forwarding agent.

(2) Article 14 (3) and (5) shall apply mutatis mutandis to cases under paragraph (1). In such cases, "landing permit for crew" shall be construed as "emergency landing permit", and "landing permission for crew", as "emergency landing permission".

(3) The heads of ships, etc. or forwarding agents shall bear the living, medical and funeral expenses of a person who makes an emergency landing, and all other expenses incurred during such landing.

Article 16 (Disaster Landing Permission)

(1) If the Commissioner of a Regional Immigration Service deems that it is required to urgently rescue a foreigner on board a ship, etc. in distress (including crew members), he/she may permit a disaster landing for up to 30 days, in receipt of an application by the heads of the ships, etc., forwarding agents, persons carrying out rescue operation under the Rescue and Aid at Sea and in the River Act, or the heads of the ships, etc. who have rescued the foreigner. <Amended by Act No. 12421, Mar. 18, 2014>

(2) Article 14 (3) and (5) shall apply mutatis mutandis to cases under paragraph (1). In such cases, "landing permit for crew" shall be constructed as "disaster landing permit", and "landing permission for crew", as "disaster landing permission".

(3) Article 15 (3) shall apply mutatis mutandis to living expenses, etc. of persons who have obtained disaster landing permission. In such cases, "emergency landing" shall be construed as "disaster landing".

Article 16-2 (Temporary Landing Permission for Refugees)

(1) Where a foreigner on board a ship, etc. escapes from a territory in which he/she is afraid that his/her life, body or physical freedom might be infringed for reasons provided for in subparagraph 1 of Article 2

of the Refugee Act or other similar reasons corresponding thereto, and immediately requests for his/her protection to the Republic of Korea, the Commissioner of the competent Regional Immigration Service may grant temporary landing permission to refugees for up to 90 days with approval from the Minister of Justice, if it is deemed well-grounded to allow the foreigner to land. In such cases, the Minister of Justice shall consult with the Minister of Foreign Affairs. <Amended by Act No. 11298, Feb. 10, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12421, Mar. 18, 2014>

(2) Article 14 (3) and (5) shall apply mutatis mutandis to paragraph (1). In such cases, "landing permission for crew" shall be construed as "temporary landing permission for refugees", and "crew landing permission" as "temporary landing permission of refugees", respectively.

(3) Article 12-2 shall apply mutatis mutandis to the provision, etc. of impressions of fingerprints and description of faces of foreigners who request protection under paragraph (1).

CHAPTER IV SOJOURN AND DEPARTURE OF FOREIGNERS

SECTION 1 Sojourn of Foreigners

Article 17 (Sojourn and Activity Scope of Foreigners)

(1) Any foreigner may sojourn in the Republic of Korea within the scope of his/her status of sojourn and period of sojourn.

(2) No foreigner sojourning in the Republic of Korea shall engage in any political activity with the exception of cases provided for by this Act or other Acts.

(3) If a foreigner sojourning in the Republic of Korea is engaged in any political activity, the Minister of Justice may order the foreigner in writing to suspend such activity or may issue other necessary orders.

Article 18 (Restriction on Employment of Foreigners)

(1) A foreigner intending to be employed in the Republic of Korea shall attain the status of sojourn eligible for employment activities, as prescribed by Presidential Decree.

(2) No foreigner having the status of sojourn under paragraph (1) shall work at any place, other than the designated working place.

(3) No person shall employ any person not having the status of sojourn under paragraph (1).

(4) No person shall arrange or solicit the employment of a person not having the status of sojourn under paragraph (1).

(5) No person shall place any foreigner not having the status of sojourn referred to in paragraph (1) under his/her control with the intention to arrange the employment of such foreigner.

Article 19 (Duty to Report by Employers, etc. of Foreigners)

(1) A person who employs a foreigner having the status of sojourn eligible for employment activities under Article 18 (1) shall report any of the following circumstances, if any of the following grounds occurs, to the Commissioner of the competent Regional Immigration Service within 15 days from the date on which he/she becomes aware of such circumstances: *<Amended by Act No. 12421, Mar. 18, 2014>*

1. Where he/she has discharged the foreigner or the foreigner has retired from the service or died;
2. Where the whereabouts of the employed foreigner becomes unknown;
3. Where important terms of an employment contract are amended.

(2) Paragraph (1) shall apply mutatis mutandis to the head of an enterprise which provides foreigners with training of industrial technology pursuant to Article 19-2.

(3) Where a person who employs a foreigner subject to the Act on the Employment, etc. of Foreign Workers file a report under paragraph (1), he/she shall be deemed to have filed a report under the Article 17 (1) of the said Act if the details of the report constitute any of the grounds for reporting under Article 17 (1) of the said Act. *<Newly Inserted by Act No. 12782, Oct. 15, 2014>*

(4) Upon receipt of a report under paragraph (1), the Commissioner of the competent Regional Immigration Service shall, without delay, give notice to the head of the employment security office defined in subparagraph 1 of Article 2-2 of the Employment Security Act having jurisdiction over the location of the employer of the relevant foreigner, if the details of the report fall under paragraph (3). *<Newly Inserted by Act No. 12782, Oct. 15, 2014>*

Article 19-2 (Foreigners' Technical Training Activities)

(1) The Minister of Justice shall take necessary measures to support appropriate training activities of foreigners (hereinafter referred to as "technical trainee") who engage in technical training activities in the Republic of Korea according to the recruitment of designated industrial enterprises, such as industrial enterprises that have directly invested in foreign countries and industrial enterprises that export technologies or industrial facilities to foreign countries. *<Amended by Act No. 11224, Jan. 26, 2012>*

(2) Matters necessary for the designation of industrial enterprises, the recruitment of technical trainees and their entry into the Republic of Korea under paragraph (1) and other matters shall be prescribed by Presidential Decree. *<Amended by Act No. 11224, Jan. 26, 2012>*

(3) Matters necessary for the management of technical trainees, such as investigations on whether a technical trainee deserts the place of training, engages in activities other than those for training, or violates any terms and conditions of permission, and measures to require them to depart the Republic of Korea, shall be separately prescribed by the Minister of Justice. *<Amended by Act No. 11224, Jan. 26, 2012>*

Article 19-3 Deleted. *<by Act No. 10282, May 14, 2010>*

Article 19-4 (Management, etc. of Foreign Students)

(1) The head of a school where foreigners having the status of sojourn eligible for study or for training activities in the Republic of Korea under Article 10 (hereinafter referred to as "foreign student") are in school or in training (referring to schools under each subparagraph of Article 2 of the Higher Education Act; hereinafter the same shall apply) shall designate a staff member to be in charge of the management of such foreign students and notify the Commissioner of the competent Regional Immigration Service thereof. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) When any of the following grounds occurs, the head of a school under paragraph (1) shall report (including a report via an information communications network) to the Commissioner of the competent Regional Immigration Service thereon within 15 days from the date on which he/she becomes aware of such fact: *<Amended by Act No. 12421, Mar. 18, 2014>*

1. When a foreign student admitted to school or given permission for training fails to enroll by the enrollment deadline of each semester or is on temporary leave from school;
2. When a foreign student finishes his/her study or training due to reasons of expulsion from school, suspension of training, missing, etc.

(3) Matters necessary for the management of foreign students shall be prescribed by Presidential Decree.

Article 20 (Activities other than Status of Sojourn)

If a foreigner sojourning in the Republic of Korea intends to perform activities corresponding to a different status of sojourn, in addition to those activities corresponding to his/her original status of sojourn, he/she shall obtain prior permission for activities, other than his/her original status of sojourn, from the Minister of Justice.

Article 21 (Change and Addition of Work Place)

(1) If a foreigner sojourning in the Republic of Korea intends to change or add his/her work place within the scope of his/her status of sojourn, he/ she shall obtain prior permission from the Minister of Justice: Provided, That a person prescribed by Presidential Decree who has expert knowledge, skill or ability shall report to the Minister of Justice within 15 days from the date on which he/she changes or adds his/her work place.

(2) No person shall employ a foreigner who fails to obtain permission on change or addition of his/her work place under the main sentence of paragraph (1), nor arrange the employment of such foreigner: Provided, That this shall not apply where the employment is arranged pursuant to any other Act.

(3) Article 18 (2) shall not apply to a person falling under the proviso to paragraph (1).

Article 22 (Restriction on Scope of Activity)

If it is deemed necessary for the peace and order of the public or an important interest of the Republic of Korea, the Minister of Justice may restrict the scope of the residence or activities or determine necessary matters to be observed on or by any foreigner.

Article 23 (Granting Status of Sojourn)

A foreigner sojourning without being granted the status of sojourn under Article 10 due to his/her having been born in the Republic of Korea, or a foreigner sojourning without being granted the status of sojourn under Article 10 due to any other ground, such as loss, renunciation, etc. of the nationality of the Republic of Korea while sojourning in the Republic of Korea, shall obtain the status of sojourn, as prescribed by Presidential Decree, respectively within 90 days from the date of his/her birth or within 30 days from the date on which such ground occurs.

Article 24 (Permission for Change in Status of Sojourn)

- (1) If a foreigner sojourning in the Republic of Korea intends to perform any activity corresponding to a status of sojourn different from his/her original status of sojourn, the foreigner shall obtain prior permission for change in the status of sojourn from the Minister of Justice.
- (2) A person falling under any subparagraph of Article 31 (1) who intends to change his/her status of sojourn due to a change of his/her status shall obtain permission for change in the status of sojourn from the Minister of Justice within 30 days from the date on which his/her status is changed.

Article 25 (Permission for Extension of Period of Sojourn)

If a foreigner intends to continue to sojourn in excess of the permitted period of sojourn, the foreigner shall obtain permission for extension of the period of sojourn from the Minister of Justice before the permitted period of sojourn expires, as prescribed by Presidential Decree.

Article 25-2 (Special Rules for Immigrants through Marriage)

- (1) Where a foreign spouse of a national of the Republic of Korea, in whose case a trial in a court, investigation by an investigative agency or procedure for the remedy of a right under other Acts due to domestic violence as defined in subparagraph 1 of Article 2 of the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence is proceeding, applies for permission for an extension of a period of sojourn, the Minister of Justice may permit an extension of the period of sojourn until such procedure for the remedy of the right is completed.
- (2) Where the Minister of Justice deems it necessary to recover from an injury, etc. even after the expiration of the period of sojourn extended under paragraph (1), he/she may grant permission for an extension of the period of sojourn.

Article 25-3 (Special Rules for Victims of Sexual Crimes)

- (1) Where a foreigner, in whose case a trial in a court, an investigation by an investigative agency, or procedure for the remedy of the right under other Acts due to sexual crime as defined in subparagraph 1 of Article 2 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes is proceeding,

applies for an extension of the period of sojourn, the Minister of Justice may grant an extension of the period of sojourn until such procedure for the remedy of the right is completed.

(2) Where the Minister of Justice deems it necessary to recover from an injury, etc. even after the expiration of the period of sojourn extended under paragraph (1), he/she may grant an extension of the period of sojourn.

Article 26 Deleted. <by Act No. 5176, Dec. 12, 1996>

Article 27 (Carrying and Presentation of Passport, etc.)

(1) A foreigner sojourning in the Republic of Korea shall carry at all times his/her passport, seaman's identification paper, foreigner entry permit, alien registration certificate or landing permit (hereinafter referred to as "passport, etc."): Provided, That this shall not apply to a foreigner under 17 years of age.

(2) When an immigration control official or a competent public official demands a foreigner under the main sentence of paragraph (1) to present his/her passport, etc. in carrying out the official's duty, the foreigner shall present his/her passport, etc.

SECTION 2 Departure of Foreigners

Article 28 (Departure Inspections)

(1) A foreigner departing from the Republic of Korea shall, with a valid passport, undergo a departure inspection conducted by an immigration control official at the entry and departure port through which he/she departs. <Amended by Act No. 10863, Jul. 18, 2011>

(2) The proviso to Article 3 (1) shall apply mutatis mutandis to a departure inspection at a place, other than an entry and departure port, in cases falling under paragraph (1).

(3) Article 5 shall apply mutatis mutandis to a forged or fabricated passport or seaman's identification paper in the possession of a foreigner in cases falling under paragraphs (1) and (2). <Amended by Act No. 12893, Dec. 30, 2014 >

(4) Article 12 (6) shall apply mutatis mutandis to entry of ships, etc. in cases falling under paragraphs (1) and (2).

(5) Article 3 (2) shall apply mutatis mutandis to a departure inspection of foreigners.

Article 29 (Suspension of Foreigners' Departure)

(1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). <Amended by Act No. 10863, Jul. 18, 2011>

(2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). <Amended by Act No. 10863, Jul. 18, 2011>

Article 30 (Permission of Reentry)

(1) If a foreigner who has filed for foreigner registration or has been exempted from such registration under Article 31 intends to reenter the Republic of Korea after departure within his/her permitted period of sojourn, the Minister of Justice may permit such reentry upon application thereof: Provided, That a foreigner holding the status of sojourn which entitles him/her to permanent residency in the Republic of Korea from among sojourn statuses of foreigners pursuant to Article 10 (1) and a person determined by Ordinance of the Ministry of Justice as having a fair ground to be exempted from a reentry permit may be exempted from a reentry permit.

(2) The reentry permission under paragraph (1) shall be classified into single reentry permission valid only once and multiple reentry permission valid for not less than twice.

(3) If a foreigner is unable to reenter during the permitted period under paragraph (1) due to a disease or any other extenuating circumstance, the foreigner shall obtain permission for the extension of the permitted reentry period from the Minister of Justice before the permitted period expires.

(4) The Minister of Justice may delegate authority pertaining to permission for the extension of permitted reentry period to the heads of overseas diplomatic missions, as prescribed by Presidential Decree.

(5) Standards and procedures rendering reentry permission, permission for extension of the permitted reentry period and exemption from reentry permission shall be prescribed by Ordinance of the Ministry of Justice.

CHAPTER V REGISTRATION OF FOREIGNERS AND SOCIAL INTEGRATION PROGRAMS

SECTION 1 Registration of Foreigners

Article 31 (Registration of Foreigners)

(1) If a foreigner intends to sojourn in the Republic of Korea for in excess of 90 days from the date of entry, the foreigner shall file for foreigner registration with the Commissioner of the Regional Immigration Service having jurisdiction over his/her place of sojourn within 90 days from the date of entry into the Republic of Korea, as prescribed by Presidential Decree: Provided, That this shall not apply to any of the following foreigners: *<Amended by Act No. 12421, Mar. 18, 2014>*

1. Personnel of foreign diplomatic missions (including embassies and consulates) and international organizations in the Republic of Korea and their families;
2. Foreigners who enjoy privileges and immunity similar to those of diplomats or consuls under any agreement concluded with the Government of the Republic of Korea and their families;
3. Persons, etc. who are invited by the Government of the Republic of Korea and prescribed by Ordinance of the Ministry of Justice.

(2) Notwithstanding paragraph (1), a person who obtains the status of sojourn under Article 23 and continues to sojourn for in excess of 90 days from the date on which he/she obtained the status of sojourn shall file for foreigner registration when he/she obtains the status of sojourn.

(3) Notwithstanding paragraph (1), a person who obtains permission to change the status of sojourn under Article 24 and continues to sojourn for in excess of 90 days from his/her entry shall file for foreigner registration when he/she obtains permission to change the status of sojourn.

(4) The Commissioner of a Regional Immigration Service shall assign any foreigner who has filed for foreigner registration in accordance with paragraphs (1) through (3) an individual registration number (hereinafter referred to as "foreigner registration number") according to the manner prescribed by Presidential Decree. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 32 (Matters to be Registered by Foreigners)

Matters to be registered by a foreigner under Article 31 shall be as follows:

1. Name, gender, date of birth and nationality;
2. Number, date of issuance and term of validity of the passport;
3. Work place and position or work scope;
4. Address in his/her home country and place of sojourn in the Republic of Korea;
5. Status and period of sojourn;
6. Other matters prescribed by Ordinance of the Ministry of Justice, in addition to those provided for in subparagraphs 1 through 5.

Article 33 (Issuance of Alien Registration Certificates)

(1) The Commissioner of the Regional Immigration Service who received an application for foreigner registration under Article 31 shall issue an alien registration certificate to the foreigner, as prescribed by Presidential Decree: Provided, That if the foreigner is under 17 years of age, the Commissioner of the Regional Immigration Service may choose not to issue such certificate. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) When a foreigner to whom an alien registration certificate is not issued under the proviso to paragraph (1) reaches 17 years of age, the foreigner shall apply for the issuance of an alien registration certificate to the Commissioner of the Regional Immigration Service having jurisdiction over his/her place of sojourn within 90 days. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 33-2 (Prohibition on Using Foreigner Registration Certificates as Means to Secure Fulfillment of Obligation)

No person shall engage in any of the following acts:

1. Being provided with or coercing any foreigner to provide his/her passport or foreigner registration certificate for the purpose of using it as a means to secure an employment agreement or the fulfillment

of an obligation;

2. Generating any bogus foreigner registration number under Article 31 (4) for the purpose of using it in the interest of his/her or another person's goods or property;

3. Passing on or distributing to another person any program which generates bogus foreigner registration numbers;

4. Illegally using a third party's foreigner registration certificate;

5. Illegally using a third party's foreigner registration number in the interest of his/her or another person's goods or property.

Article 34 (Preparation and Management of Foreigner Registration Cards, etc.)

(1) The Commissioner of the Regional Immigration Service in receipt of an application for foreigner registration under Article 31 shall prepare and keep a registered foreigners record, and prepare a foreigner registration card and send it to the head of a Si (including an administrative Si under Article 15 of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City, but excluding a Special Metropolitan City and Metropolitan Cities; hereinafter the same shall apply), Gun or Gu (referring to an autonomous Gu; hereinafter the same shall apply) in which the foreigner sojourns. *<Amended by Act No. 11224, Jan. 26, 2012; Act No. 12421, Mar. 18, 2014>*

(2) Upon receipt of the foreigner registration card under paragraph (1), the head of a Si/Gun/Gu shall enter the registered matters in a foreigners' register to manage such information.

(3) Matters necessary for the preparation and management of the registered foreigners record, foreigner registration cards and foreigners' register shall be prescribed by Presidential Decree.

Article 35 (Report on Change in Matters to be Registered by Foreigners)

A foreigner who has filed for registration under Article 31 shall report changes in matters to be registered by foreigners to the Commissioner of the Regional Immigration Service having jurisdiction over his/her place of sojourn within 14 days, as prescribed by Presidential Decree, if any of the following matters is changed: *<Amended by Act No. 12421, Mar. 18, 2014>*

1. Name, gender, date of birth, and nationality;

2. Number, date of issuance, and term of validity of passport;

3. Matters prescribed by Ordinance of the Ministry of Justice, other than those prescribed in subparagraphs 1 and 2.

Article 36 (Report on Change in Place of Sojourn)

(1) If a foreigner who has filed for registration under Article 31 changes his/her place of sojourn, the foreigner shall make a moving-in report to the head of a Si/Gun/Gu of the new place of sojourn or the Commissioner of the Regional Immigration Service having jurisdiction over the new place of sojourn within 14 days from the date on which the foreigner moves in, as prescribed by Presidential Decree.

<Amended by Act No. 12421, Mar. 18, 2014>

(2) If a foreigner files a report under paragraph (1), the foreigner shall present his/her foreigner registration certificate. In such cases, the head of a Si/Gun/Gu or the Commissioner of the Regional Immigration Service shall enter the matters concerning the change of place of sojourn in the foreigner registration certificate, and return it to the foreigner. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) The Commissioner of the Regional Immigration Service in receipt of a moving-in report under paragraph (1) shall promptly notify the fact on change in the place of sojourn to the head of a Si/Gun/Gu of a new place of sojourn. *<Amended by Act No. 12421, Mar. 18, 2014>*

(4) The head of a Si/Gun/Gu who has directly received a moving-in report under paragraph (1) or a notice of change in the place of sojourn from the Commissioner of a Regional Immigration Service under paragraph (3) shall promptly make a request for the transfer of the relevant foreigner registration card accompanied by a copy of report on change in the place of sojourn to the head of a Si/Gun/Gu having jurisdiction over the former place of sojourn. *<Amended by Act No. 12421, Mar. 18, 2014>*

(5) The head of a Si/Gun/Gu having jurisdiction over the former place of sojourn in receipt of a request for transfer of a foreigner registration card pursuant to paragraph (4) shall transfer the foreigner registration card to the head of a Si/Gun/Gu having jurisdiction over a new place of sojourn within three days from the date of such request.

(6) The head of a Si/Gun/Gu to whom a foreigner registration card is transferred pursuant to paragraph (5) shall re-adjust the foreigner registration card and manage it pursuant to Article 34 (2).

(7) The head of a Si/Gun/Gu or the Commissioner of the Regional Immigration Service in receipt of a moving-in report under paragraph (1) shall promptly notify the Commissioner of the Regional Immigration Service having jurisdiction over the former place of sojourn thereof, as prescribed by Presidential Decree. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 37 (Return, etc. of Foreigner Registration Certificates)

(1) If a foreigner who has filed for registration under Article 31 departs from the Republic of Korea, the foreigner shall return his/her foreigner registration certificate to an immigration control official: Provided, That this shall not apply to any of the following cases:

1. Where a foreigner who obtained a reentry permit intends to reenter within the permitted period after a temporary departure;
2. Where a holder of a multiple-entry visa or a national of the country subject to exemption from reentry permission intends to reenter within the permitted period of sojourn after a temporary departure;
3. Where a foreigner who intends to reenter within the term of validity of a refugee travel document after a temporary departure with the refugee travel document issued.

(2) If a foreigner who has filed for registration under Article 31 becomes a national of the Republic of Korea, deceases or falls under any subparagraph of Article 31 (1), the foreigner shall return his/her foreigner registration certificate, as prescribed by Presidential Decree.

(3) Upon receiving an alien registration certificate paragraph (1) or (2), the Commissioner of the Regional Immigration Service shall promptly notify the head of a Si/Gun/Gu of the place of sojourn thereof, as prescribed by Presidential Decree. *<Amended by Act No. 12421, Mar. 18, 2014>*

(4) If it is deemed necessary in the interests of the Republic of Korea, the Commissioner of a Regional Immigration Service may take a temporary custody of the foreigner registration certificate of a foreigner falling under any subparagraph of paragraph (1). *<Amended by Act No. 12421, Mar. 18, 2014>*

(5) In cases under paragraph (4), if a foreigner reenters the Republic of Korea within the permitted period, he/she shall have his/her foreigner registration certificate returned from the Commissioner of the competent Regional Immigration Service within 14 days after his/her reentry, and if he/she fails to reenter within the permitted period, it shall be deemed that his/her foreigner registration certificate has been returned under paragraph (1). *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 38 (Provision, etc. of Impressions of Fingerprints and Description of Faces)

(1) Any of the following foreigners shall provide impressions of his/her fingerprints and description of his/her face, as prescribed by Ordinance of the Ministry of Justice:

1. A person over 17 years of age who needs to file for foreigner registration pursuant to Article 31;
2. A person who is under an investigation for violation of this Act or under a criminal investigation for violation of other Acts;
3. A person whose identity is not established;
4. A person deemed, by the Minister of Justice, particularly necessary for the safety and interests of the Republic of Korea or of the relevant foreigner, in addition to those provided for in subparagraphs 1 through 3.

(2) The Commissioner of a Regional Immigration Service may refuse to grant permission under this Act, such as permission for the extension of period of sojourn, etc., to a foreigner refusing to provide impressions of his/her fingerprints and description of his/her face under paragraph (1). *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) The Minister of Justice shall keep and manage information provided pursuant to paragraph (1) pursuant to the Personal Information Protection Act. *<Amended by Act No. 10465, Mar. 29, 2011>*

SECTION 2 Social Integration Programs

Article 39 (Social Integration Programs)

(1) The Minister of Justice may implement a social integration program, including education, the provision of information and counseling (hereinafter referred to as "social integration program") in order to support the social adaptation of foreigners who intend to obtain Korean nationality, sojourn status that they may permanently reside in the Republic of Korea, etc.

(2) The Minister of Justice may designate an institution, corporation or organization that is equipped with necessary experts and facilities as an operating institution of social integration program in order to effectively implement social integration programs.

(3) The Minister of Justice may train experts needed to implement social integration programs, as prescribed by Presidential Decree.

(4) The State and local governments may subsidize all or some of the following expenses within budgetary limits:

1. Expenses incurred in conducting the affairs of an operating institution designated pursuant to paragraph (2);

2. Expenses incurred in training experts under paragraph (3).

(5) The details and development of social integration programs, the designation, management and cancellation of designation of operating institutions, and other matters necessary for the operation of social integration programs shall be prescribed by Presidential Decree.

Article 40 (Favorable Treatment on Persons who Have Completed Social Integration Programs)

When the Minister of Justice issues visas, grants various permission related to sojourn, etc., he/she may favorably treat persons who have completed social integration programs, as prescribed by this Act or related statutes.

Article 41 (Social Integration Volunteer Officers)

(1) The Minister of Justice may post social integration volunteer officers (hereinafter referred to as “social integration officer”) in the competent Regional Immigration Service, as prescribed by Ordinance of the Ministry of Justice, to support the social integration of foreigners.

(2) Social integration officers shall perform the following duties:

1. Campaign activities in order for foreigners, employers, etc. to comply with the statutes;

2. Support for foreigners to settle in the Republic of Korea as sound social members of Korean society;

3. Support for foreigners who intend to obtain permanent residency or Korean nationality;

4. Other matters prescribed by the Minister of Justice for social integration between nationals of the Republic of Korea and foreigners residing in the Republic of Korea.

(3) A social integration officer shall be honorary office, and may be fully or partially reimbursed for expenses incurred in performing his/her duties.

(4) The appointment and dismissal, prescribed number, and self-governing organization of social integration officers, reimbursement for expenses, and other necessary matters shall be determined by the Ordinance of the Ministry of Health and Welfare.

Articles 42 through 45 Deleted. <by Act No. 5755, Feb. 5, 1999>

CHAPTER VI DEPORTATION, ETC.

SECTION 1 Persons subject to Deportation

Article 46 (Persons subject to Deportation)

(1) The Commissioner of a Regional Immigration Service may deport any of the following foreigners from the Republic of Korea according to procedures prescribed in this Chapter: <Amended by Act No. 11224, Jan. 26, 2012; Act No. 12421, Mar. 18, 2014>

1. A person who violates Article 7;
 2. A foreigner who violates Article 7-2, or a foreigner who enters the Republic of Korea by such conduct as a false invitation stipulated in the same Article;
 3. A person who is found to fall under or is subject to grounds for prohibition of entry falling under the subparagraphs of Article 11 (1) after entry;
 4. A person who violates Article 12 (1) or (2), or 12-3;
 5. A person who violates any terms or conditions of permission imposed by the Commissioner of the Regional Immigration Service under Article 13 (2);
 6. A person who lands without obtaining permission under Article 14 (1), 14-2 (1), 15 (1), 16 (1) or 16-2 (1);
 7. A person who violates any terms or conditions of permission imposed by the Commissioner of the Regional Immigration Service or an immigration control official under Article 14 (3) (including where it is applied mutatis mutandis pursuant to Article 14-2 (3)), 15 (2), 16 (2) or 16-2 (2);
 8. A person who violates Article 17 (1) or (2), 18, 20, 23, 24 or 25;
 9. A person who changes or adds a work place without obtaining permission, in violation of the main sentence of Article 21 (1), or a person who employs a foreigner or arranges the employment of a foreigner, in violation of paragraph (2) of the same Article;
 10. A person who violates a restriction on residence or the scope of activity, or other matters to be observed prescribed by the Minister of Justice under Article 22;
 11. A person who attempts to depart from the Republic of Korea, in violation of Article 28 (1) and (2);
 12. A person who violates the duty of foreigner registration under Article 31;
 13. A person who is released after receiving a sentence of imprisonment without labor or heavier punishment;
 14. Any other person comparable to those under subparagraphs 1 through 13 who is prescribed by Ordinance of the Ministry of Justice.
- (2) Notwithstanding paragraph (1), a foreigner holding permanent residency status in the Republic of Korea among statuses of sojourn provided for under Article 10 (1) may not be deported from the Republic of Korea: Provided, That this shall not apply to any of the following persons:

1. A person who has committed insurrection stipulated under Chapter I of Part II of the Criminal Act or foreign aggression stipulated under Chapter II of the same Act;
2. A person prescribed by Ordinance of the Ministry of Justice, who is released after having been sentenced to imprisonment with or without labor for not less than five years;
3. A person who has committed a violation under Article 12-3 (1) or (2), or has abetted or aided another person in such violation.

SECTION 2 Investigations

Article 47 (Investigations)

An immigration control official may investigate foreigners suspected of falling under any subparagraph of Article 46 (1) (hereinafter referred to as "suspect").

Article 48 (Demand for Appearance and Interrogation of Suspects)

- (1) If required for conducting an investigation under Article 47, an immigration control official may demand a suspect to appear and may interrogate him/her.
- (2) When an immigration control official conducts an interrogation under paragraph (1), the immigration control official shall have another immigration control official participate therein.
- (3) In conducting an interrogation under paragraph (1), any statement made by a suspect shall be entered into the interrogatory.
- (4) An immigration control official shall read the interrogatory under paragraph (3) to the suspect or have the suspect inspect it and then inquire of the suspect where any clerical error exists in the investigation statement, and if the suspect requests for addition to, deletion or change of the details thereof, the immigration control official shall enter such statement in the interrogatory.
- (5) A suspect shall sign or affix his/her name and seal, after inter-sealing each page, to the interrogatory, and if the suspect is unable to sign or affix his/her name and seal, or refuses to do so, such fact shall be entered in the interrogatory.
- (6) Any statement made by a person unable to make himself/herself understood in the Korean language or a person with hearing impairment or language impairment shall be interpreted by an interpreter: Provided, That a person with hearing impairment or language impairment may be interrogated or make a statement in writing.
- (7) Letters or signs in the statement made by a suspect which are not the Korean language shall be translated into the Korean language.

Article 49 (Request for Appearance and Statement of Witnesses)

- (1) If necessary for conducting an investigation under Article 47, an immigration control official may request a witness to appear and hear his/her statement.

(2) Article 48 (2) through (7) shall apply mutatis mutandis to statements by witnesses.

Article 50 (Inspections and Respects for Presentation of Documents, etc.)

If necessary for conducting an investigation under Article 47, an immigration control official may inspect a suspect's residence or possessions with his/her consent, or request him/her to present documents or possessions.

SECTION 3 Internment for Examination and Decision

Article 51 (Internment)

(1) If sufficient grounds exist to suspect that a foreigner falls under any subparagraph of Article 46 (1) and the foreigner flees or might flee, an immigration control official may intern such foreigner after obtaining an internment order issued by the Commissioner of the Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) When applying for the issuance of an internment order under paragraph (1), an immigration control official shall submit an application, along with materials showing the necessity for internment.

(3) Where sufficient grounds exist to suspect that a foreigner falls under any subparagraph of Article 46 (1) and the foreigner flees or might flee, leaving insufficient time for the Commissioner of the Regional Immigration Service to issue an internment order, an immigration control official may intern the foreigner urgently after informing the Commissioner of the Regional Immigration Service of the ground therefor. *<Amended by Act No. 12421, Mar. 18, 2014>*

(4) If an immigration control official has interned a foreigner urgently under paragraph (3), he/she shall immediately prepare an emergency internment note and produce it to the relevant foreigner.

(5) If an immigration control official has interned a foreigner under paragraph (3), he/she shall obtain an internment order within 48 hours and produce it to the relevant foreigner, and the official shall immediately release the foreigner when failing to obtain such order.

Article 52 (Period and Place of Internment)

(1) The period of internment taken to examine and decide whether an interned foreigner under Article 51 is subject to deportation shall not exceed ten days: Provided, That if any extenuating circumstance exists, the period may be extended only once, by up to ten days with the permission from the Commissioner of the competent Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) Places to intern any foreigner shall be a foreigner internment room, foreigner internment camp, or any other place designated by the Minister of Justice (hereinafter referred to as "internment facilities").

Article 53 (Execution of Internment Orders)

When an immigration control official executes an internment order, the official shall produce it to the suspect concerned.

Article 54 (Notification of Internment)

(1) When an immigration control official has interned a suspect, the official shall notify, in writing, the suspect's legal representative, spouse, lineal relative, sibling, family member or counsel, or a person designated by the suspect (hereinafter referred to as "legal representative, etc."), who is in the Republic of Korea, of the date, time, place and ground for internment within three days: Provided, That when the suspect has no legal representative, etc., the official may state such grounds in writing and choose not to notify a legal representative, etc. thereof.

(2) In addition to notification under paragraph (1), an immigration control official shall notify the consul of the country of the date, time, place and ground for internment, of which the suspect is a national or citizen and who resides in the Republic of Korea, if the interned person wants to do so in the absence of urgent or extenuating circumstances.

Article 55 (Objections to Internment)

(1) A person interned pursuant to an internment order, or his/her legal representative, etc., may raise an objection to the internment to the Minister of Justice via the Commissioner of the competent Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) The Minister of Justice, in receipt of an objection under paragraph (1), shall promptly examine the relevant documents, and if the application is deemed groundless, the Minister shall reject it by decision, and if it is deemed reasonable, the Minister shall issue a directive for the foreigner to be released from internment.

(3) If required before making a decision under paragraph (2), the Minister of Justice may hear statements from interested persons.

Article 56 (Temporary Internment of Foreigners)

(1) An immigration control official may temporarily intern any of the following foreigners in a foreigner internment room for up to 48 hours:

1. A person whose entry is not permitted under Article 12 (4);
2. A person who has obtained conditional entry permission under Article 13 (1) and who has fled or appears very likely to flee;
3. A person who has obtained a departure order under Article 68 (1) and who has fled or appears very likely to flee.

(2) Where an immigration control official is unable to deport a foreigner interned temporarily under paragraph (1) within 48 hours due to lack of transportation to remove the foreigner from the Republic of Korea, illness, or other extenuating circumstances, the official may extend the period of internment only

once, by up to 48 hours with the approval from the Commissioner of the competent Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 56-2 (Emergency Transfer, etc. of Wards)

(1) When it is deemed that no means of evacuation are available at an internment facility due to an act of God, fire, or other accidents, the Commissioner of the Regional Immigration Service may move the persons who are interned in the internment facility (hereinafter referred to as "wards") to other locations.

<Amended by Act No. 12421, Mar. 18, 2014>

(2) Where transfer under paragraph (1) is deemed impossible, the Commissioner of the Regional Immigration Service may revoke the internment measures of foreigners. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 56-3 (Respect, etc. of Wards' Human Rights)

(1) The human rights of wards shall be respected to the utmost and discrimination against wards on grounds of their nationality, gender, religion, social position, etc. shall be prohibited.

(2) The Commissioner of the competent Regional Immigration Service shall specially protect any of the following foreigner wards: *<Newly Inserted by Act No. 12893, Dec. 30, 2014>*

1. Patients;
2. Pregnant women;
3. The aged and invalids;
4. Persons of less than 19 years of age;
5. Persons equivalent to subparagraphs 1 through 4, the Commissioner of the competent Regional Immigration Service deems require special protection.

(3) Further details concerning special measures and support for protection under paragraph (2) shall be prescribed by Ordinance of the Ministry of Justice. *<Newly Inserted by Act No. 12893, Dec. 30, 2014>*

Article 56-4 (Exercise of Coercive Force)

(1) When a ward falls under any of the following subparagraphs, an immigration control official may exercise coercive force on the relevant ward, and protect the ward by isolating him/her from other wards. In such cases, it shall be limited to the minimum extent necessary for the safety of a ward's life and body, prevention of his/her escape, and maintaining the security of and order in an internment facility:

1. When he/she intends to commit suicide or self-injury;
2. When he/she inflicts harms on other persons or intends to do so;
3. When he/she escapes or intends to do so;
4. When he/she refuses, interferes with or evades the execution of duties by an immigration control official without justifiable grounds;

5. When he/she commits acts of obviously harming internment facilities and the safety and orders of wards, or intends to do so, in addition to those provided for in subparagraphs 1 through 4.
- (2) When exercising coercive force under paragraph (1), it shall be limited to the exercise of physical tangible power or the use of protective equipment designated by the Minister of Justice, such as police clubs, gas jet guns, and electronic shock gadgets.
- (3) When intending to exercise coercive force under paragraph (1), the relevant ward shall be warned of it in advance: Provided, That this shall not apply where there is no time to warn a ward in advance due to emergency situation.
- (4) When a ward falls under any subparagraph of paragraph (1) or it is necessary to maintain order in internment facilities, or to escort, etc. for deportation of a ward, an immigration control official may use any of the following protective equipment:
1. Handcuffs;
 2. Ropes;
 3. Protective headgear;
 4. Other protective equipment prescribed by Ordinance of the Ministry of Justice and deemed particularly necessary to maintain order in internment facilities, or to escort, etc. for deportation of a ward, in addition to those provided for in subparagraphs 1 through 3.
- (5) Necessary matters for the requirements, procedure, etc. for the use of protective equipment under paragraph (4) shall be prescribed by Ordinance of the Ministry of Justice.

Article 56-5 (Examination of Bodies, etc.)

- (1) Where it is necessary for the safety and maintenance of order in interment facilities, an immigration control official may examine bodies, clothing and personal belongings of wards.
- (2) Where a ward is female, the examination under paragraph (1) shall be carried out by a female immigration control official: Provided, That when no female immigration control official is present, a female designated by the Commissioner of the Regional Immigration Service may do so. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 56-6 (Visit, etc.)

- (1) Wards are allowed visitors, to exchange written correspondence, and to have telephone conversations with other persons (hereinafter referred to as "visit, etc.").
- (2) If deemed inevitable for safety and order in any internment facilities and for the safety, health and hygiene of wards therein, the Commissioner of the Regional Immigration Service may restrict visit, etc. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (3) Detailed matters on the procedures for visits, etc. and restriction, etc. thereon shall be prescribed by Ordinance of the Ministry of Justice.

Article 56-7 (Safety Measures Using Image Data Processing Device, etc.)

(1) The Commissioner of a Regional Immigration Service may install necessary equipment, such as an image data processing device, etc. to the necessary extent to prevent the suicide, self-injury, escape, assault and damage of or by a ward, and to prevent a ward from harming the lives or bodies of any other ward or from hindering safety or order in the internment facilities. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) The image data processing device under paragraph (1) shall be installed and operated within the minimum extent necessary, considering the human rights of wards, etc.

(3) Matters necessary for the installation and operation of image data processing device, etc. and the management, etc. of recorded materials shall be prescribed by Ordinance of the Ministry of Justice.

Article 56-8 (Petitions)

(1) If any ward is dissatisfied with treatment in an internment facility, the ward may file a petition with the Minister of Justice or the Commissioner of the competent Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) A petition shall be prepared in writing and submitted after being sealed: Provided, That if the petition is filed with the Commissioner of a Regional Immigration Service, the petition may be made verbally. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) No ward shall be subject to disadvantageous treatment on the ground of filing a petition.

(4) Matters necessary for the procedures, etc. for a petition shall be prescribed by Ordinance of the Ministry of Justice.

Article 56-9 (Notice on Procedures, etc. of Raising Objections)

The Commissioner of a Regional Immigration Service shall post a notice on procedures concerning objections to internment under Article 55, visit, etc. under Article 56-6 and petitions under Article 56-8 at a conspicuous place within the internment facilities. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 57 (Supplies to, Management, etc. of Wards)

Except as otherwise expressly provided for in Articles 56-2 through 56-9, matters concerning supplies to, management and treatment of wards in internment facilities, matters concerning the guard of internment facilities and other necessary matters shall be prescribed by Ordinance of the Ministry of Justice.

SECTION 4 Examinations and Raising Objections

Article 58 (Examinations and Decisions)

When an immigration control official has finished an investigation of a suspect, the Commissioner of the competent Regional Immigration Service shall promptly examine and determine as to whether the suspect falls under any subparagraph of Article 46 (1). *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 59 (Procedure after Examination)

(1) If the Commissioner of a Regional Immigration Service determines after an examination that a suspect does not fall under any subparagraph of Article 46 (1), he/she shall promptly inform the suspect thereof, and if the suspect is interned, he/she shall immediately release the suspect from internment. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) If the Commissioner of a Regional Immigration Service determines after an examination that a suspect falls under any subparagraph of Article 46 (1), he/she may issue a deportation order. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) When issuing a deportation order under paragraph (2), the Commissioner of a Regional Immigration Service shall issue a deportation order to the relevant suspect. *<Amended by Act No. 12421, Mar. 18, 2014>*

(4) In issuing a deportation order, the Commissioner of a Regional Immigration Service shall inform the relevant suspect of the fact that the suspect may file an objection with the Minister of Justice. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 60 (Raising Objections)

(1) If a suspect intends to protest a deportation order, the suspect shall file a written objection with the Minister of Justice through the Commissioner of the competent Regional Immigration Service within seven days after the suspect receives the deportation order. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) The Commissioner of the Regional Immigration Service in receipt of the written objection under paragraph (1) shall submit it to the Minister of Justice with the written examination record and decision and the record of investigation attached thereto. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) The Minister of Justice, in receipt of the written objection, etc. under paragraphs (1) and (2), shall examine and determine whether the objection is well-grounded and notify the Commissioner of the competent Regional Immigration Service of the determination thereon. *<Amended by Act No. 12421, Mar. 18, 2014>*

(4) When the Commissioner of a Regional Immigration Service is notified by the Minister of Justice of the determination that the objection is well-grounded, he/she shall promptly inform the suspect of the fact thereof and if the suspect is interned, he/she shall immediately release the suspect from internment. *<Amended by Act No. 12421, Mar. 18, 2014>*

(5) When the Commissioner of a Regional Immigration Service is notified by the Minister of Justice of the determination that the objection is groundless, he/she shall promptly inform the suspect thereof. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 61 (Special Cases on Sojourn Permission)

- (1) In making a determination under Article 60 (3), even where the objection is deemed groundless, if the suspect formerly was a national of the Republic of Korea, or if there exist special circumstances deemed to require the suspect to sojourn in the Republic of Korea, the Minister of Justice may permit his/her sojourn.
- (2) In granting permission under paragraph (1), the Minister of Justice may impose necessary conditions, such as the period of sojourn.

SECTION 5 Execution of Deportation Orders

Article 62 (Execution of Deportation Orders)

- (1) A deportation order shall be executed by an immigration control official.
- (2) The Commissioner of a Regional Immigration Service may entrust a judicial police official to execute a deportation order. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (3) In executing a deportation order, the deportation order shall be presented to the person in receipt of such order, and the person shall be repatriated without delay to the country of repatriation under Article 64: Provided, That if the captain of a ship, etc. or the head of a forwarding agent repatriates him/her under Article 76, an immigration control official may hand over such person to the captain of the ship, etc. or the head of the forwarding agent.
- (4) Notwithstanding paragraph (3), no person in receipt of a deportation order may be repatriated in any of the following circumstances: Provided, That this shall not apply where a person who has applied for recognition as a refugee under the Refugee Act endangers or is likely to endanger the security of the public in the Republic of Korea: *<Amended by Act No. 11298, Feb. 10, 2012>*
 1. Where he/she has applied for recognition as a refugee pursuant to the Refugee Act but a decision on whether to recognize him/her as a refugee has not been made;
 2. Where he/she has filed an objection pursuant to Article 21 of the Refugee Act, but the examination thereof has not yet finished.

Article 63 (Internment of Persons in Receipt of Deportation Orders, or Release from Internment)

- (1) If it is impossible to immediately repatriate a person in receipt of a deportation order out of the Republic of Korea as the person has no passport or no means of transportation is available, or for any other reason, the Commissioner of a Regional Immigration Service may intern the person in any internment facility until his/her repatriation is possible. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (2) When the period of internment exceeds three months in cases of internment under paragraph (1), the Commissioner of a Regional Immigration Service shall first obtain approval from the Minister of Justice every three months. *<Amended by Act No. 12421, Mar. 18, 2014>*

- (3) The Commissioner of a Regional Immigration Service shall immediately release the person from internment if failing to obtain approval under paragraph (2). *<Amended by Act No. 12421, Mar. 18, 2014>*
- (4) If it becomes obviously impossible to repatriate the person in receipt of a deportation order for various reasons, such as rejection of entry by another country, the Commissioner of a Regional Immigration Service may release the person from such internment. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (5) When releasing the person in receipt of a deportation order from internment under paragraph (3) or (4), the Commissioner of a Regional Immigration Service may impose restriction on his/her residence or other necessary conditions. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (6) Articles 53 through 55, 56-2 through 56-9 and 57 shall apply mutatis mutandis to internment under paragraph (1).

Article 64 (Country of Repatriation)

- (1) A person in receipt of a deportation order shall be repatriated to the country of which the person is a national or has citizenship.
- (2) If it is impossible to be repatriated to the country under paragraph (1), the person may be repatriated to any of the following countries:
1. A country in which he/she had resided before he/she entered the Republic of Korea;
 2. The country where he/she was born;
 3. The country to which the port at which he/she boarded the ship, etc. to enter the Republic of Korea belongs;
 4. Any other country to which he/she desires to be repatriated, excluding countries provided for in subparagraphs 1 through 3 .
- (3) Deleted. *<by Act No. 11298, Feb. 10, 2012>*

SECTION 6 Temporary Release from Internment

Article 65 (Temporary Release from Internment)

- (1) A person under internment after having received an internment or deportation order, his/her guarantor, legal representative, etc. may request a temporary release from internment from the Commissioner of the competent Regional Immigration Service, as prescribed by Presidential Decree. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (2) In receipt of a request under paragraph (1), the Commissioner of the Regional Immigration Service may temporarily release the relevant ward from internment with the deposit of bonds not exceeding 20 million won by imposing restriction on his/her residence or other necessary conditions, taking into consideration the circumstances of the relevant ward, grounds for request for release, assets and other matters. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) The procedures for the deposit and return of bonds under paragraph (2) shall be prescribed by Presidential Decree.

Article 66 (Revocation of Temporary Release from Internment)

(1) If a person under temporary release from internment falls under any of the following cases, the Commissioner of a Regional Immigration Service may revoke the temporary release from internment and take measures to intern the person again: *<Amended by Act No. 12421, Mar. 18, 2014>*

1. Where the person has escaped or is likely to escape;
2. Where the person fails to comply with an order to appear, without justifiable grounds;
3. Where the person violates conditions imposed on temporary release, in addition to matters provided for in subparagraphs 1 and 2.

(2) Where the Commissioner of a Regional Immigration Service revokes a temporary release from internment under paragraph (1), he/she may issue a written revocation of temporary release from internment and revert all or part of the bond to the National Treasury. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) The procedure for reverting bonds to the National Treasury under paragraph (2) shall be prescribed by Presidential Decree.

SECTION 7 Recommendations, etc. for Departure

Article 67 (Recommendations for Departure)

(1) If a foreigner sojourning in the Republic of Korea falls under any of the following subparagraphs, the Commissioner of a Regional Immigration Service may recommend the foreigner to depart voluntarily from the Republic of Korea: *<Amended by Act No. 12421, Mar. 18, 2014>*

1. A person who violates Articles 17 and 20 through a minor offense;
2. A person who violates this Act or any order issued under this Act, and whose departure is deemed to be recommended by the Minister of Justice, in addition to cases provided for in subparagraph 1.

(2) The Commissioner of a Regional Immigration Service, upon making a recommendation of departure under paragraph (1), shall issue a written recommendation for departure. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) Where a written recommendation for departure is issued under paragraph (2), the departure deadline may be determined within five days from the date of issuance.

Article 68 (Departure Orders)

(1) The Commissioner of a Regional Immigration Service may order any foreigner falling under any of the following subparagraphs to depart from the Republic of Korea: *<Amended by Act No. 12421, Mar. 18, 2014>*

1. A person deemed to fall under any subparagraph of Article 46 (1), but who intends to depart voluntarily at his/her own expense;
 2. A person who has received a recommendation for departure under Article 67, but fails to comply therewith;
 3. A person, any of whose permit is revoked under Article 89;
 4. A person for whom it is deemed reasonable to take measures to require departure after a disposition of an administrative fine under Article 100 (1) through (3);
 5. A person for whom it is deemed reasonable to take measures to require departure after a disposition of notification under Article 102 (1).
- (2) Upon ordering departure under paragraph (1), the Commissioner of the Regional Immigration Service shall issue a written order for departure. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (3) Upon issuing a written order for departure under paragraph (2), the departure deadline may be determined, and restrictions on residence or other necessary conditions may be imposed, as prescribed by Ordinance of the Ministry of Justice
- (4) The Commissioner of a Regional Immigration Service may promptly issue a deportation order against a person who fails to depart from the Republic of Korea by the designated deadline even after receiving the departure order, or who violates any condition imposed under paragraph (3). *<Amended by Act No. 12421, Mar. 18, 2014>*

CHAPTER VII SEARCH OF SHIPS, ETC.

Article 69 (Search and Examination of Ships, etc.)

- (1) Upon entering or departing from an entry or departure port, ships, etc. shall undergo a search by an immigration control official.
- (2) If any reason arises for a ship, etc. to inevitably enter or depart from a place, other than the entry or departure port, the captain of the ship, etc. or the head of a forwarding agent shall submit in advance to the Commissioner of the competent Regional Immigration Service a scheduled entry and departure notice under Article 74 with materials explaining the reasons therefor, and the ship, etc. shall also undergo the search referred to in paragraph (1): Provided, That where any unforeseen accident occurs, such as emergency landing of aircraft, shipwreck, etc., such fact shall be promptly reported to the Commissioner of the competent Regional Immigration Service to undergo the search. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (3) In making a search under paragraph (1) or (2), an immigration control official shall examine the following matters:
1. Whether the crew or passengers meet the eligibility requirements for entry and departure, or they leave the ship, etc.;

2. Whether a person who attempts to enter or depart from the Republic of Korea in contravention of statutes, is aboard the ship, etc.;
3. Whether a person who has failed to obtain permission on embarkation under Article 72 is aboard the ship, etc.
- (4) In making a search and examination under paragraphs (1) through (3), an immigration control official may request that the heads of the ships, etc. present the logbooks or other necessary documents, or have them inspected.
- (5) In order to establish the identity of the crew and passengers who are aboard the ships, etc., and other persons, an immigration control official may inquire them or request them to present documents, etc. to certify their status.
- (6) The Commissioner of a Regional Immigration Service may have the examination on documents substitute for the search of ships, etc., as prescribed by Ordinance of the Ministry of Justice. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (7) If there exist inevitable circumstances that make ships, etc. unable to depart from the port within three hours after the departure search is finished, the heads of the ships, etc. shall report the grounds therefor to the Commissioner of the competent Regional Immigration Service, and undergo again the search immediately before the ships, etc. leave the port. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 70 (Search and Examination of Ships, etc. Eligible for Inland Navigation)

If a ship, aircraft or other means of transportation carrying persons or things within the territory of the Republic of Korea (hereinafter referred to as "ships, etc. eligible for inland navigation") calls at a port in a foreign country due to special circumstances, such as an unforeseen accident, navigation problems, etc., they shall, upon entering thereafter a port of the Republic of Korea, undergo an entry search conducted by an immigration control official under Chapters VII and VIII.

Article 71 (Suspension, etc. of Entry and Departure)

- (1) If the Commissioner of a Regional Immigration Service finds any unlawful fact as a result of the examination under Article 69 (3), he/she may suspend the departure or entry of any relevant crew or passenger. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (2) The suspension of entry or departure under paragraph (1) shall be limited to the period required for an investigation on such unlawful fact.
- (3) If it is required to continue prohibiting or suspending the entry or departure even after the investigation under paragraph (2) is complete, the decision of the Minister of Justice under Article 4, 11 or 29 shall be obtained.
- (4) If deemed necessary to prohibit or suspend the departure of any passenger or crew under paragraph (1) or Article 4 or 29, the Commissioner of a Regional Immigration Service may order the ship, etc. to suspend the departure from a port or return to the port, or restrict passenger's or crew's access to the ship,

etc. *<Amended by Act No. 12421, Mar. 18, 2014>*

(5) If the Commissioner of a Regional Immigration Service orders the ship, etc. to temporarily suspend its departure or return, or restricts passenger's or crew's access to the ship, etc. under paragraph (4), he/she shall notify it without delay to the captain of the ship, etc. or the head of a forwarding agent. This shall also apply where such order for temporary suspension of entry or return, or restriction on access, is revoked. *<Amended by Act No. 12421, Mar. 18, 2014>*

(6) The temporary suspension, etc. of departure of ships, etc. from a port under paragraph (4) shall be limited to the minimum extent necessary for the Commissioner to carry out his/her duties.

Article 72 (Permission to Embark)

(1) A person who intends to enter a ship, etc. moored at an entry or departure port or any place, other than an entry and departure port, shall obtain permission on embarkation from the Commissioner of the competent Regional Immigration Service: Provided, That this shall not apply to the crew and passengers of ships, etc. or any person permitted to enter pursuant to other statutes. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) Paragraph (1) shall also apply where any person, other than an immigration control official, intends to enter the place of entry or departure inspections.

CHAPTER VIII RESPONSIBILITY OF CAPTAINS OF SHIPS, ETC. AND HEADSOFFORWARDING AGENTS

Article 73 (General Duties, etc. of Forwarding Agents, etc.)

The heads of ships, etc. or forwarding agents shall comply with the following matters:

1. To prevent a person's entry or landing without entry or landing permission;
2. To prevent a person without a valid passport (in cases sailors, this refers to a valid passport or seaman's identification paper) and necessary visa, from embarking;
3. To prevent the embarkation of a person without permission to embark or of a person who fails to undergo a departure inspection;
4. To post security guards requested by immigration control officials to prevent entry, landing, or embarkation under subparagraphs 1 through 3;
5. To search the inside of ships, etc. to verify whether a person who attempts to enter or depart from the Republic of Korea in contravention of this Act, is hiding;
6. To prohibit unauthorized access to ships, etc. until the completion of the search of the ships, etc. and an entry or departure inspection;
7. To prevent crew members or passengers from embarking or disembarking ships, etc. during the time from the completion of the search of ships, etc. and entry or departure inspection to the time the ships, etc. leave a port;

8. Other matters ordered by an immigration control official as deemed particularly necessary for the official to carry out his/her duties in searching ships, etc. and conducting entry or departure inspections.

Article 73-2 (Perusal and Provision of Passenger Reservation Information)

(1) If an immigration control official requests the verification of reservation information to carry out any of the following duties, a forwarding agent shall immediately allow the official to peruse a reservation information system or submit the reservation information in a standardized electronic document: Provided, That where the forwarding agent is unable to submit such information in the standardized electronic document due to extenuating circumstances prescribed by Ordinance of the Ministry of Justice, the forwarding agent may immediately submit it in writing after informing the immigration control official of the grounds therefor:

1. An investigation on a person who has violated or appears highly likely to violate Article 7 (1), 7-2 or 12-3 (1);
2. An investigation on a person who falls or appears highly likely to fall under any subparagraph of Article 11 (1).

(2) The scope of the information to be perused or to be submitted in writing under paragraph (1) shall be limited to the following:

1. Name, nationality, address, and telephone number;
2. Number, term of validity, and issuing country of a passport;
3. Timing of reservation and boarding process;
4. Travel route and travel agency;
5. Accompanied passenger and seat number;
6. Luggage;
7. Method of settling purchase price for airline tickets;
8. Place of departure and final destination;
9. Reservation number.

(3) When an immigration control official requests the following information on passengers for an accurate and rapid departure inspection, a forwarding agent shall submit it in a standardized electronic document: Provided, That where the forwarding agent is unable to submit such information as a standardized electronic document due to extenuating circumstances prescribed by Ordinance of the Ministry of Justice, the forwarding agent may immediately submit it in writing after informing the immigration control official of the grounds therefor:

1. Name, gender, date of birth, and nationality;
2. Passport number and reservation number;
3. Service, place and time of departure;
4. Place and time of arrival.

(4) Immigration control officials entitled to peruse or request the presentation of information in writing pursuant to paragraphs (1) and (3) shall be limited to the persons designated by the Commissioner of the competent Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

(5) No immigration control officials designated pursuant to paragraph (4) shall divulge the data on reservation information systems they become aware of in the course of performing their duties to any other person, dispose of such data without authority to do so or use such data for unlawful purposes, such as providing for use by third persons.

(6) Detailed matters on the timing, etc. of perusing and submitting the data pursuant to paragraphs (1) and (3) shall be prescribed by Presidential Decree.

Article 74 (Obligation of Prior Notice)

Where ships, etc. enter and depart from an entry and departure port, the heads of the ships, etc. or forwarding agents shall submit in advance to the Commissioner of the competent Regional Immigration Service a scheduled entry and departure notice specifying the scheduled date and time of entry and departure, and other necessary matters: Provided, That if any unforeseen accident occurs, such as an emergency landing of the aircraft, a shipwreck, etc., the heads of the ships, etc. or forwarding agents shall promptly notify the Commissioner of the competent Regional Immigration Service thereof. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 75 (Obligations to Report)

(1) The captain of a ship, etc. or the head of a forwarding agent that enters and departs from an entry and departure port or any place other than an entry and departure port or a forwarding agent operating such ship, etc. shall submit an entry and departure report stating matters prescribed by Presidential Decree, along with the crew and passenger list, to the Commissioner of the competent Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) The entry and departure report of paragraph (1) shall be submitted in a standardized electronic document: Provided, That where the captain of a ship, etc. or the head of a forwarding agent operating a ship, etc. is unable to submit such information in a standardized electronic document due to extenuating circumstances prescribed by Ordinance of the Ministry of Justice, he/she may immediately submit it in writing after informing the Commissioner of the competent Regional Immigration Service of the grounds therefor.

(3) Detailed matters concerning the relevant procedures, such as the timing for submitting an entry and departure report under paragraph (1), shall be prescribed by Presidential Decree.

(4) If the captain of a ship, etc. that enters an entry or departure port or any place other than an entry and departure port or a forwarding agent operating such ship, etc. becomes aware that a person having no passport (in cases of sailors, this refers to a passport or seaman's identification paper) is aboard the ship, etc., he/she shall promptly report such fact to the Commissioner of the competent Regional Immigration

Service and prevent the person from landing. *<Amended by Act No. 12421, Mar. 18, 2014>*

(5) The captain of a ship, etc. that departs from an entry or departure port or any place other than an entry or departure port, or a forwarding agent shall report the following matters to the Commissioner of the competent Regional Immigration Service: *<Amended by Act No. 11224, Jan. 26, 2012; Act No. 12421, Mar. 18, 2014>*

1. Whether a crew member who has obtained crew member landing permission or a passenger who has obtained landing permission for tourism has returned to the ship, etc.;
2. Whether there is any person who intends to depart from the Republic of Korea without undergoing due departure formalities.

Article 76 (Obligations to Repatriate)

The captain of a ship, etc. on which any of the following foreigners embarked or the head of a forwarding agent shall immediately repatriate such foreigner out of the Republic of Korea at his/her expense and on his/her own responsibility: *<Amended by Act No. 11224, Jan. 26, 2012>*

1. A person who fails to meet any requirement under Article 7 or 10 (1);
2. A person whose entry is prohibited or declined under Article 11;
3. A person whose entry is not permitted by any reason attributable to the captain of the ship, etc. or forwarding agent under Article 12 (4);
4. A person who fails to return to the ship, etc. on which he/she embarked until the ship, etc. departs from the port, who is a crew member who has landed pursuant to Article 14 or a passenger who has landed for tourism pursuant to Article 14-2;
5. A person who falls under Article 46 (1) 6 or 7, and receives a deportation order.

CHAPTER VIII-2

Articles 76-2 through 76-4 Deleted. *<by Act No. 11298, Feb. 10, 2012>*

Article 76-5 (Refugee Travel Documents)

- (1) If a person recognized as a refugee under the Refugee Act intends to depart from the Republic of Korea, the Minister of Justice shall issue, upon his/her request, a refugee travel document, as prescribed by Presidential Decree: Provided, That this shall not apply where his/her departure is deemed detrimental to the security of the Republic of Korea. *<Amended by Act No. 11298, Feb. 10, 2012>*
- (2) The term of validity of a refugee travel document issued under paragraph (1) shall be two years and the period may be extended by up to one year upon the application of the person to whom the refugee travel document is issued.
- (3) A person who has a refugee travel document issued under paragraph (1) may enter, or depart from the Republic of Korea during the term of validity of such document. In such cases, the person need not obtain

a reentry permit under Article 30 at the time of entry into the Republic of Korea.

(4) If deemed particularly necessary in cases falling under paragraph (3), the Minister of Justice may limit the period of reentry from three months to one year.

(5) If a person who has departed from the Republic of Korea with a refugee travel document issued under paragraph (1) is unable to reenter the Republic of Korea within the term of validity of such document due to any disease or other extenuating circumstances, the Minister of Justice may, upon his/her request, permit an extension of the term of validity by up to six months.

(6) The Minister of Justice may delegate the authority to permit an extension of the term of validity under paragraph (5), to the head of an overseas diplomatic mission, as prescribed by Presidential Decree.

Article 76-6 (Return of Refugee Recognition Certificates, etc.)

(1) If a person recognized as a refugee under the Refugee Act falls under any of the following cases, he/she shall immediately return his/her refugee recognition or travel document to the Commissioner of the competent Regional Immigration Service: *<Amended by Act No. 11298, Feb. 10, 2012; Act No. 12421, Mar. 18, 2014>*

1. Where he/she receives a deportation order under Article 59 (3), 68 (4), or 85 (1);
2. Where he/she is notified that the objection against a deportation order is groundless under Article 60 (5);
3. Where he/she is notified of the cancellation or withdrawal of a decision on the recognition of a refugee pursuant to the Refugee Act.

(2) If the Minister of Justice deems that a person with a refugee travel document issued under Article 76-5 (1) might engage in any conduct detrimental to the security of the Republic of Korea, the Minister may order the person to return his/her refugee travel document within a fixed period not exceeding 14 days.

(3) A refugee travel document of paragraph (2) shall become void at the time it is returned, and if it is not returned by the designated deadline, at the time such deadline expires, respectively.

Article 76-7 (Special Cases concerning Permission on Sojourn of Refugees)

Where a person recognized as a refugee under the Refugee Act files an objection under Article 60 (1), the Minister of Justice may permit his/her sojourn even where the person does not fall under the grounds provided for in Article 61 (1), and thus his/her objection is deemed groundless. In such cases, Article 61

(2) shall apply *mutatis mutandis* thereto. *<Amended by Act No. 11298, Feb. 10, 2012>*

Articles 76-8 through 76-10 Deleted. *<by Act No. 11298, Feb. 10, 2012>*

CHAPTER IX SUPPLEMENTARY PROVISIONS

Article 77 (Carrying and Use of Arms, etc.)

(1) Immigration control officials may carry arms, etc. (referring to equipment, outfit, sprayers, or weapons prescribed in Articles 10, and 10-2 through 10-4 of the Act on the Performance of Duties by Police Officers, and hereinafter referred to as "arms, etc.") if necessary to perform their duties. *<Amended by Act No. 12600, May 20, 2014>*

(2) Immigration control officials may use arms, etc. pursuant to Articles 10, and 10-2 through 10-4 of the Act on the Performance of Duties by Police Officers. *<Amended by Act No. 12600, May 20, 2014>*

Article 78 (Cooperation of Relevant Agencies)

(1) If necessary for conducting any of the following investigations, an immigration control official may request any relevant agency or organization to cooperate in provision of materials or investigation on fact, etc.:

1. An investigation conducted under Article 47;
2. Deleted; *<by Act No. 11298, Feb. 10, 2012>*
3. An investigation on an immigration offender.

(2) An immigration control official may make a request for inquiry of criminal history records and interrogatories to the related agency to examine the propriety of issuing a visa issuance certificate under Article 9 (1) or to investigate immigration offenders.

(3) No relevant agency or organization in receipt of a request for cooperation under paragraph (1) or a request for inquiry under paragraph (2) shall refuse such requests in the absence of justifiable grounds.

Article 79 (Persons Obligated to File Applications, etc. for Permission)

Where any of the following persons is under 17 years of age, and if such person fails to file an application for permission, etc., his/her parents or other person prescribed by Presidential Decree shall file such application:

1. A person who is required to obtain permission for activities, other than those under the status of sojourn under Article 20;
2. A person who is required to obtain the status of sojourn under Article 23;
3. A person who is required to obtain permission to change the status of sojourn under Article 24;
4. A person who is required to obtain permission for extension of the period of sojourn under Article 25;
5. A person who is required to file for foreigner registration under Article 31;
6. A person who is required to report changes in matters to be registered by a foreigner under Article 35;
7. A person who is required to report changes in the place of his/her sojourn under Article 36.

Article 80 (Fact-Finding Investigations)

(1) In order to maintain the accuracy of any report or registration under this Act, an immigration control official or authorized public official may investigate such issue, if there exists sufficient reason to suspect that the contents of a report or registration under Articles 19, 31, 35, and 36 are different from the fact.

(2) If deemed necessary for performing any of the following duties, the Minister of Justice may require an immigration control official to investigate relevant facts:

1. Issuance of a visa issuance certificate under Article 9;
2. Granting permission under Articles 20, 21, 24 and 25 or the status of sojourn under Article 23;
3. Deleted. <by Act No. 11298, Feb. 10, 2012>

(3) If necessary for conducting an investigation under paragraph (1) or (2), any person who has filed a report, registration, or application under paragraph (1) or (2), or any other interested person, may be requested to appear to answer any question, or to present documents and other materials.

Article 81 (Investigation of Foreigner Movements by Immigration Control Officials, etc.)

(1) In order to investigate whether a foreigner sojourns lawfully in accordance with this Act or any order issued under this Act, immigration control officials or public officials belonging to related agencies prescribed by Presidential Decree may visit and inquire any of the following persons, or request such persons to present necessary materials:

1. A foreigner;
2. A person who employs a foreigner;
3. The representative of the organization to which a foreigner belongs, or the place of work a foreigner is employed;
4. A person who provides a foreigner with accommodation.

(2) If necessary for preventing a foreigner from illegally entering the Republic of Korea by a false invitation, etc., immigration control officials may visit a person who arranges or mediates the invitation of foreigners, international marriage, etc. or such person's place of business and inquire of the person or request such person to present the relevant materials.

(3) An immigration control official may request a person under significant suspicion of having violated this Act, making a reasonable decision based on the person's movements or circumstances, to stop and may inquire of the person.

(4) No person in receipt of a query or request to submit materials under paragraph (1) or (2) may refuse it without justifiable grounds.

Article 81-2 (Residence of Immigration Control Officials)

The Minister of Justice may have immigration control officials reside in overseas diplomatic missions, etc. to have them engage in any of the following duties:

1. Issuance of visas under Article 7 (1);

2. Issuance of foreigner entry permits under Article 7 (4);
3. Collection of necessary information on foreigners' entry into the Republic of Korea and liaison duties.

Article 82 (Carrying and Presentation of Certificate)

An immigration control official or competent public official shall carry a certificate indicating his/her authority, and produce it to any interested person when carrying out the following duties:

1. Where he/she conducts an inspection on residence or articles, or demands to present documents or other articles, under Article 50;
2. Where he/she conducts any search and examination under Articles 69 and 70;
3. Where he/she makes inquiries or requests submission of other necessary materials under Articles 80 and 81;
4. Where he/she carries out duties equivalent to those referred to in subparagraphs 1 through 3.

Article 83 (Report on Immigration Offenders)

A person who finds a person suspected of violating this Act may report him/her to an immigration control official.

Article 84 (Obligations to Notify)

(1) If any public official of the State or a local government finds, in the course of performing his/her duties, a person falling under any subparagraph of Article 46 (1) or a person deemed to have violated this Act, the public official shall immediately inform the Commissioner of the competent Regional Immigration Service thereof: Provided, That this shall not apply where the public official is deemed unable to achieve the very purpose of the performance of his/her duties due to his/her notification, which correspond to grounds prescribed by Presidential Decree. *<Amended by Act No. 11224, Jan. 26, 2012; Act No. 12421, Mar. 18, 2014>*

(2) If a foreigner subject to notification under paragraph (1) falls under any of the following cases, the head of a prison, juvenile prison, detention center or its branch, protective custody offices, medical treatment and custody offices, or juvenile reformatory shall immediately inform the Commissioner of the competent Regional Immigration Service thereof: *<Amended by Act No. 12421, Mar. 18, 2014>*

1. Where a foreigner subject to execution of a penalty is released by termination of his/her prison term, suspension of enforcement of sentence, or any other ground;
2. Where a foreigner whose release is determined after having been interned subject to the disposition of protective or medical custody;
3. Where a foreigner who has been interned in a juvenile reformatory under the Juvenile Act is released from such reformatory.

Article 85 (Relations to Criminal Procedures)

(1) Even when a foreigner falling under any subparagraph of Article 46 (1) is in the course of enforcement of a sentence, the Commissioner of the competent Regional Immigration Service may take a procedure of deportation. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) In cases under paragraph (1), if a deportation order is issued, it shall be executed after the enforcement of a sentence against the foreigner concerned is terminated: Provided, That if the chief prosecutor of the district prosecutors' office having jurisdiction over the place where the sentence against the foreigner is enforced permits it, the deportation order may be executed even before the enforcement of sentence is terminated.

Article 86 (Surrender of Persons)

(1) When a prosecutor makes a non-prosecution disposition against an arrested suspect to whom a deportation order has been issued, the prosecutor shall hand him/her over to an immigration control official upon his/her release.

(2) If a deportation order is issued to a foreigner who is reported to the Commissioner of a Regional Immigration Service under Article 84 (2), the head of a prison, juvenile prison, detention center or its branch, protective custody offices, medical treatment and custody offices, or juvenile reformatory shall hand custody of him/her over to an immigration control official at the same time he/she is released from such facilities. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 87 (Immigration Control Fees)

(1) A person who obtains permission, etc. under this Act shall pay a fee prescribed by Ordinance of the Ministry of Justice.

(2) If it is deemed necessary in light of international practices or reciprocity principles and other reasons prescribed by Ordinance of the Ministry of Justice, the Minister of Justice may exempt a fee under paragraph (1), and if an agreement, etc. includes separate provisions concerning a fee, such provisions shall be complied with.

Article 88 (Issuance of Certificate of Fact)

(1) The Commissioner of a Regional Immigration Service or the head of a Si/Gun/Gu or Eup/Myeon/Dong may issue a certificate of fact on entry into or departure from the Republic of Korea pursuant to the procedures of this Act, as prescribed by Ordinance of the Ministry of Justice: Provided, That a certificate of fact on entry into or departure from the Republic of Korea pursuant to the procedures of this Act may be issued to a person who has never entered or departed from the Republic of Korea, only where deemed particularly necessary to do so. *<Amended by Act No. 11224, Jan. 26, 2012; Act No. 12421, Mar. 18, 2014>*

(2) The Commissioner of a Regional Immigration Service or the head of a Si/Gun/Gu may, as prescribed by Ordinance of the Ministry of Justice, issue a certificate of fact on foreigner registration to a foreigner who has filed for foreigner registration pursuant to the procedures under this Act. *<Amended by Act No. 12421, Mar. 18, 2014>*

Article 88-2 (Relations between Alien Registration Certificates, etc. and Resident Registration Cards, etc.)

- (1) Where any resident registration card, or the certified copy or abridged copy of a resident registration certificate, is required to execute various procedures, transactions, etc. provided for in the statutes, an alien registration certificate or a certificate of fact on foreigner registration shall substitute it.
- (2) Any foreigner registration and a report on change of place of sojourn under this Act shall substitute any resident registration and any moving-in report, respectively.

Article 89 (Revocation and Change of Various Permission, etc.)

(1) If a foreigner falls under any of the following cases, the Minister of Justice may revoke or change the issuance of a visa under Article 8, the issuance of a visa issuance certificate under Article 9, entry permission under Article 12 (3), conditional entry permission under Article 13, crew member landing permission under Article 14, landing permission for tourism under Article 14-2, or permission for sojourn, etc. under Articles 20, 21, and 23 through 25: *<Amended by Act No. 11224, Jan. 26, 2012>*

1. Where a guarantor withdraws his/her fidelity guarantee or there is no guarantor anymore;
 2. Where it is found that permission, etc. had been obtained by false or other unlawful means;
 3. Where any term or condition of permission is violated;
 4. Where any change in circumstances causes grave reason making it impossible to maintain permitted conditions;
 5. Where a violation against this Act or any other Act is serious, or any legitimate ex officio order issued by an immigration control official is violated, in addition to those cases provided for in subparagraphs 1 through 4.
- (2) If it is deemed necessary for revocation or change of permission, etc. under paragraph (1), the Minister of Justice may require the relevant foreigner or the applicant under Article 79 to appear to hear his/her opinion.
- (3) In cases falling under paragraph (2), the Minister of Justice shall give a notice of the grounds for revocation or change and the date, time and place of appearance to the foreigner or applicant of by seven days prior to the date of appearance.

Article 90 (Provision of Personal Reference)

(1) If it is deemed necessary in connection with the issuance of a visa, the issuance of a visa issuance certificate, entry permission, conditional entry permission, any permit on sojourn, internment of a

foreigner, surrender of an immigration offender, etc., the Minister of Justice may require the person who invites a foreigner or any other related person to provide personal reference of such foreigner (hereinafter referred to as "guaranteed foreigner").

(2) The Minister of Justice may require a person who provides a foreigner's personal reference (hereinafter referred to as a "referee") under paragraph (1) to bear all or some of the expenses incurred by the foreigner's sojourn, internment and departure from the Republic of Korea.

(3) Where expenses are borne by the National Treasury as a referee fails to perform his/her obligation as a surety under paragraph (2), the Minister of Justice may exercise the claim of indemnity against the referee.

(4) Where a referee is likely to fail to bear expenses under paragraph (2), or it is impossible to achieve expected purposes only by the provision of personal reference, the Minister of Justice may require the referee to deposit bonds not exceeding three million won per guaranteed foreigner.

(5) The qualifications of referees, period of guarantee and other matters necessary for the provision of personal references shall be prescribed by Ordinance of the Ministry of Justice.

Article 90-2 (Liability to Bear Expenses for Departure of Unlawfully Employed Foreigners)

(1) The Minister of Justice may require a person who employs a foreigner with no status of sojourn eligible for employment activities (hereinafter referred to as "unlawful employer") to bear all or some of the expenses incurred by the foreigner in departing from the Republic of Korea.

(2) Where an unlawful employer fails to perform his/her obligation to bear the expenses under paragraph (1), and thus such expenses are borne by the National Treasury, the Minister of Justice may exercise the claim of indemnity against the unlawful employer.

Article 91 (Service of Documents, etc.)

(1) Except as otherwise provided for in this Act, documents, etc. shall be served personally or by post to the principal, his/her family members, referee, or head of the organization to which he/she belongs, in that order.

(2) If deemed impossible to serve documents, etc. pursuant to paragraph (1), the Commissioner of a Regional Immigration Service shall keep the documents, etc. to be served, and serve such documents, etc. by public notice posting the grounds therefor on the bulletin board in the office building. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) Service by public notice under paragraph (2) shall take effect at the expiration of 14 days after such notice is posted.

Article 92 (Delegation of Authority)

(1) The Minister of Justice may delegate part of his/her authority under this Act to the Commissioner of a Regional Immigration Service, as prescribed by Presidential Decree. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) A Mayor (excluding the Special Metropolitan City Mayor and Metropolitan City Mayors) may delegate part of his/her authority under this Act to the head of a Gu (referring to the head of a Gu, other than an autonomous Gu), as prescribed by Presidential Decree. *<Amended by Act No. 11224, Jan. 26, 2012>*

Article 93 (Procedure for Travel, etc. between South and North Korea)

(1) If a national who resides south of the Military Demarcation Line (hereinafter referred to as "South Korea") or in a foreign country enters or departs from the Republic of Korea through the area north of the Military Demarcation Line (hereinafter referred to as "North Korea"), the national shall undergo an immigration inspection before the national goes to North Korea from South Korea, or after the national arrives in South Korea from North Korea.

(2) The provisions of this Act concerning immigration procedures shall apply mutatis mutandis to travel procedures of any foreigner between South Korea and North Korea, except for cases separately prescribed by the Minister of Justice.

(3) If a foreigner enters or departs from the Republic of Korea through North Korea, the foreigner shall be subject to the provisions of this Act concerning immigration procedures.

(4) Necessary matters for the enforcement of paragraphs (1) through (3) shall be prescribed by Presidential Decree.

CHAPTER X PENALTY PROVISIONS

Article 93-2 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor for not more than seven years: *<Amended by Act No. 12195, Jan. 7, 2014>*

1. A person interned or temporarily interned under this Act and falls under the following:

(a) A person who damages an internment facility or apparatus, or assaults or intimidates any other person, for the purpose of escape;

(b) A person who escapes jointly in a group of at least two persons;

2. A person in the course of escort for internment or deportation under this Act, who assaults or intimidates any other person, or escapes jointly in a group of at least two persons;

3. A person who captures a person interned or temporarily interned under this Act, or the persons in a process of being escorted for internment or deportation, or has them escape.

(2) Any of the following persons who has a profit-making purpose shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won: *<Amended by Act No. 11224, Jan. 26, 2012; Act No. 12195, Jan. 7, 2014>*

1. A person who allows foreigners who is required to undergo an entry inspection under Article 12 (1) or (2) to illegally enter the Republic of Korea in a group, or so arranges the same;

2. A person who provides or arranges ships, etc., passports, visas, boarding passes, other documents and articles that may be used for entry into and departure from the Republic of Korea for the purpose of having a group of foreigners illegally enter or depart from the Republic of Korea, or to enter any other country via the Republic of Korea, in violation of Article 12-3 (1);
3. A person who allows foreigners who illegally entered the Republic of Korea to harbor in or escape from the Republic of Korea in a group, or provides or arranges a means of transportation for the purpose of harboring or allowing such foreigners to escape, in violation Article 12-3 (2).

Article 93-3 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 30 million won: <Amended by Act No. 12195, Jan. 7, 2014>

1. A person who enters the Republic of Korea without undergoing an entry inspection, in violation of Article 12 (1) or (2);
2. A person who commits an offense under any subparagraph of Article 93-2 (2) (excluding a person who commits such offence for profit-making).

Article 94 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 20 million won: <Amended by Act No. 11224, Jan. 26, 2012; Act No. 12195, Jan. 7, 2014>

1. A person who departs from the Republic of Korea without undergoing a departure inspection, in violation of Article 3 (1);
2. A person who enters the Republic of Korea, in violation of Article 7 (1) or (4);
3. A person who violates Article 7-2;
4. A person who violates Article 12-3 and does not fall under Article 93-2 (2) or 93-3;
5. A person who lands without obtaining crew member landing permission under Article 14 (1) or landing permission for tourism under Article 14-2 (1);
6. A person who violates any condition imposed on crew member landing permission under Article 14 (3) or landing permission for tourism under Article 14-2 (3);
7. A person who sojourns in the Republic of Korea beyond his/her status or period of sojourn, in violation of Article 17 (1);
8. A person who engages in employment activities without obtaining the status of sojourn eligible for employment activities, in violation of Article 18 (1);
9. A person who hires a person who has no status of sojourn eligible for employment activities, in violation of Article 18 (3);
10. A person who arranges or solicits as part of his/her business, the employment of a foreigner who has no status of sojourn eligible for employment activities, in violation of Article 18 (4);

11. A person who place a foreigner with no status of sojourn eligible for employment activities under his/her control, in violation of Article 18 (5);
12. A person who engages in activities corresponding to a different status of sojourn without obtaining permission for activities, other than his/her original status of sojourn, in violation of Article 20;
13. A person who arranges as part of his/her business the employment of a foreigner who fails to obtain permission for change or addition of his/her place of work, in violation of Article 21 (2);
14. A person who violates any restriction, etc. imposed under Article 22;
15. A person who sojourns in the Republic of Korea without obtaining the status of sojourn, in violation of Article 23;
16. A person who engages in activities corresponding to a different status of sojourn without obtaining permission for change in status of sojourn, in violation of Article 24;
17. A person who continues sojourning in the Republic of Korea in excess of the permitted period of sojourn without obtaining permission for extension of period of sojourn, in violation of Article 25;
18. A person who departs from the Republic of Korea without undergoing a departure inspection, in violation of Article 28 (1) or (2);
19. A person who violates Article 33-2;
20. A person who violates Article 69 or 70.

Article 95 (Penalty Provisions)

Any of the following persons 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. 12195, Jan. 7, 2014>*

1. A person who enters the Republic of Korea without undergoing an entry inspection, in violation of Article 6 (1);
2. A person who violates any condition imposed on conditional entry permission under Article 13 (2);
3. A person who lands without obtaining emergency landing permission under Article 15 (1), disaster landing permission under Article 16 (1), or temporary landing permission for refugees under Article 16-2 (1);
4. A person who violates any terms or conditions of permission under Article 15 (2), 16 (2) or 16-2 (2);
5. A person who works at the place of work, other than the designated place of work, in violation of Article 18 (2);
6. A person who changes or adds his/her place of work without obtaining permission, in violation of the main sentence of Article 21 (1), or a person who employs any foreigner who fails to obtain permission for change or addition of his/her place of work, in violation of Article 21 (2);
7. A person who violates his/her duty of registration under Article 31;
8. A person who has been interned or temporarily interned under Article 51 (1) or (3), 56 or 63 (1) and flees, or a person who flees in the course of escort for internment, deportation, etc. (excluding persons falling under Article 93-2 (1) 1 or 2);

9. A person who violates restrictions on his/her residence or other conditions under Article 63 (5);
10. Deleted. <by Act No. 11298, Feb. 10, 2012>

Article 96 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding ten million won:

1. A person who violates an order for temporary suspension of departure or for return, or restriction on access to ships, etc. under Article 71 (4);
2. A person who fails to perform any matter to be complied with under Article 73, or to perform a request for perusal or presentation of documents, in violation of Article 73-2 (1) or (3) without justifiable grounds;
3. A person who fails to submit a report under Article 75 (1) and (2) without justifiable grounds, or submits a false report.

Article 97 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding five million won:

1. A person who arranges or solicits the employment of a foreigner who has no status of sojourn eligible for employment activities, in violation of Article 18 (4) (excluding a person engaged in it as his/her business);
2. A person who arranges the employment of a foreigner who fails to obtain permission for change or addition of his/her place of work, in violation of Article 21 (2) (excluding a person engaged in it as his/her business);
3. A person who enters a ship, etc. or a place of immigration inspection without obtaining permission, in violation of Article 72;
4. A person who violates his/her duty of presentation or notification under Articles 74;
5. A person who violates his/her duty of report or prevention under Article 75 (4) and (5);
6. A person who violates his/her duty of repatriation under Article 76;
7. A person who fails to return his/her refugee recognition certificate or refugee travel document, in violation of Article 76-6 (1), or a person who violates an order for return of a refugee travel document under paragraph (2) of the same Article.

Article 98 (Penalty Provisions)

Any of the following persons shall be punished by a fine not exceeding one million won:

1. A person who violates his/her duty to carry or present a passport, etc. under Article 27;
2. A person who violates his/her duty to report any change on the place of sojourn under Article 36 (1);

Article 99 (Persons Guilty of Attempt to Commit Crime, etc.)

- (1) A person who plans or conspires to commit a crime falling under Articles 93-2 and 93-3, subparagraphs 1 through 4, or 18 of Article 94 or subparagraph 1 of Article 95, or a person guilty of an attempt to commit such crime shall be punished as if the person committed the respective principal crime.
- (2) A person who aids or abets conduct falling under paragraph (1) shall be punished as if the person were a principal offender.

Article 99-2 (Exemption of Refugees from Punishment)

Where a person who falls under any of subparagraph 1 of Article 93-3, subparagraphs 2, 5, 6 and 15 through 17 of Article 94, or subparagraph 3 and 4 of Article 95 reports all of the following facts directly to the Commissioner of the competent Regional Immigration Service immediately after committing an offense, he/she shall be exempted from punishment only if such facts are proved: *<Amended by Act No. 11298, Feb. 10, 2012; Act No. 12421, Mar. 18, 2014>*

1. The fact that he/she is a refugee who has entered or landed in the Republic of Korea from a territory where he/she feared that his/her life, body or physical freedom might have been infringed for reasons provided in subparagraph 1 of Article 2 of the Refugee Act;
2. The fact that he/she has committed the relevant offense due to fear referred to in subparagraph 1.

Article 99-3 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent, employee, or any other servant of a corporation or individual commits an offense under any of the following subparagraphs in connection with the business affairs of the corporation or individual, not only shall such offender be punished, but also the corporation or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where the corporation or individual has not been negligent in giving due attention and supervision concerning the relevant affairs to prevent such offense:

1. A violation under subparagraph 3 of Article 94;
2. A violation under subparagraph 9 of Article 94;
3. A violation under subparagraph 1 of Article 33-2, from among violations under subparagraph 19 of Article 94;
4. A violation under subparagraph 20 of Article 94;
5. A violation under subparagraph 6 of Article 95;
6. A violation under subparagraphs 1 through 3 of Article 96;
7. A violation under subparagraphs 4 through 6 of Article 97.

Article 100 (Administrative Fines)

- (1) Any of the following persons shall be punished by an administrative fine not exceeding two million won:

1. A person who violates his/her duty to report Article 19;
 2. A person who violates any provision falling under a subparagraph of Article 19-4 (1) or (2);
 3. A person who violates his/her duty to report under the proviso to Article 21 (1);
 4. A person who fails to make an entry and departure report under Article 75 (1) or (2) due to negligence.
- (2) Any of the following persons shall be punished by an administrative fine not exceeding one million won:
1. A person who violates Article 35 or 37;
 2. A person who violates Article 79;
 3. A person who refuses or evades a demand by an immigration control official to present books or materials under Article 81 (4).
- (3) Any of the following persons shall be punished by an administrative fine not exceeding 500,000 won:
1. A person who fails to apply for the issuance of an alien registration certificate, in violation of Article 33 (2);
 2. A person who enters or reports any false fact in various applications or reports under this Act.
- (4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by the Commissioners of Regional Immigration Services, as prescribed by Presidential Decree. *<Amended by Act No. 12421, Mar. 18, 2014>*

CHAPTER XI ACCUSATION AND DISPOSITION OF NOTICE

SECTION 1 Accusation

Article 101 (Accusation)

- (1) No public prosecution may be instituted in any case regarding an immigration offender unless the Commissioner of the Regional Immigration Service lodges accusation thereof. *<Amended by Act No. 12421, Mar. 18, 2014>*
- (2) If a criminal investigation agency, other than an immigration control official, has instigated for any case falling under paragraph (1), the agency shall immediately transfer the case to the Commissioner of the competent Regional Immigration Service. *<Amended by Act No. 12421, Mar. 18, 2014>*

SECTION 2 Disposition of Notice

Article 102 (Disposition of Notice)

- (1) When the Commissioner of a Regional Immigration Service obtains positive evidence on a crime as a result of investigation on an immigration offender, he/she may issue the immigration offender a written notice to pay an amount equivalent to a fine (hereinafter referred to as "penalty") at a designated place

stating the grounds therefor. *<Amended by Act No. 12421, Mar. 18, 2014>*

(2) If a person subject to a disposition of notice under paragraph (1) intends to provisionally pay the penalty, the Commissioner of the Regional Immigration Service may allow the person to do so. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) If it is deemed that the circumstances of crimes are recognized as deserving sentencing to imprisonment without labor or heavier punishment as a result of an investigation, the Commissioner of the Regional Immigration Service shall immediately bring an accusation. *<Amended by Act No. 12421, Mar. 18, 2014>*

(4) Articles 47 through 50 shall apply mutatis mutandis to investigations of any immigration offender. In such cases, the interrogation record of suspects shall be deemed an interrogation protocol of suspects under Article 244 of the Criminal Procedure Act.

Article 103 (Criteria, etc. for Determination of Penalties)

(1) Criteria for the determination of penalties shall be prescribed by Ordinance of the Ministry of Justice.

(2) The Minister of Justice may exempt any immigration offender from the disposition of notice under Article 102 (1) in consideration of his/her age and background, the motive for and consequences of an offense, capacity to bear a penalty, and other circumstances.

Article 104 (Method of Disposition of Notice)

A disposition of notice shall be made through service of written notice.

Article 105 (Nonfulfillment of Disposition of Notice and Accusation)

(1) When an immigration offender is served with a written notice, he/she shall pay the penalty within ten days therefrom.

(2) If an immigration offender fails to pay the penalty within the period under paragraph (1), the Commissioner of the Regional Immigration Service shall bring an accusation against him/her: Provided, That this shall not apply where the immigration offender pays it prior to the accusation. *<Amended by Act No. 12421, Mar. 18, 2014>*

(3) Notwithstanding the main sentence of paragraph (2), if a deportation order is issued to an immigration offender, no accusation shall be brought against him/her.

Article 106 (Prohibition against Double Jeopardy)

When an immigration offender pays the penalty as notified, he/she shall not be punished again for the same case.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on April 1, 1993.

Article 2 (Transitional Measures concerning Visa Issuance Certificate, etc.)

- (1) Any visa issuance certificate issued as at the time this Act enters into force shall be deemed that issued under this Act.
- (2) Any person who has reported a change of a place of work under the previous provisions of Article 29 as at the time this Act enters into force shall be deemed to have obtained permission to change or add a place of work under this Act.

Article 3 (Transitional Measures concerning Foreigner Registration)

- (1) Any foreigner registration filed with the head of a Si/Gu/Eup/Myeon pursuant to the previous provisions as at the time this Act enters into force, shall be deemed filed under this Act.
- (2) Any residence report certificate issued pursuant to the previous provisions as at the time this Act enters into force, shall be deemed an alien registration certificate issued under this Act until the certificate is returned or renewed, but any residence report certificate issued pursuant to the previous provisions shall be renewed when the first of each kind of permit or report related to the sojourn is granted or made after this Act enters into force.
- (3) Any foreigner registration card prepared pursuant to the previous provisions as at the time this Act enters into force, shall be deemed a foreigner registration card as prescribed by this Act.

Article 4 (Transitional Measures concerning Foreigner Internment, etc.)

- (1) Any foreigner detention place and camp installed pursuant to the previous provisions as at the time this Act enters into force shall be deemed a foreigner internment room and camp as prescribed by this Act.
- (2) Any detention as prescribed by the previous provisions as at the time this Act enters into force shall be deemed an internment as prescribed by this Act.
- (3) Any detention order, departure recommendation and revocation of temporary release from detention made pursuant to the previous provisions as at the time this Act enters into force shall be deemed an internment order, departure order and revocation of temporary release from internment.

Article 5 (Transitional Measures concerning Penalty Provisions)

In applying the penalty provisions to any act committed before this Act enters into force, the former provisions shall prevail, but if the penalty provisions prescribed by this Act are lighter than those prescribed by the former Act, the provisions of this Act shall apply.

Article 6 (Revision of other Acts)

- (1) through (3) Omitted.
- (4) Where the provisions of the Immigration Control Act are cited in other Acts, other than those under paragraphs (1) through (3), if this Act includes the provisions corresponding to the cited provisions, the corresponding provisions of this Act shall be deemed cited in lieu of the former provisions.

ADDENDA <Act No. 4592, Dec. 10, 1993>

- (1) (Enforcement Date) This Act shall enter into force on July 1, 1994.
- (2) (Transitional Measures) In applying the penalty provisions to any act committed before this Act enters into force, the former provisions shall apply.
- (3) Omitted.

ADDENDA <Act No. 4796, Dec. 22, 1994>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1995.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 5176, Dec. 12, 1996>

- (1) (Enforcement Date) This Act shall enter into force on July 1, 1997.
- (2) (Applicability to Landing Permits Issued to Crew) The amended provisions of Article 14 (4) shall apply to the first landing permit issued to a member of the crew after this Act enters into force.
- (3) (Transitional Measures as to Permission on Extension of Sojourn Period) As at the time this Act enters into force, a person whose sojourn period was extended in accordance with the previous provisions of this Act shall be deemed to have been given an extended sojourn period under the amended provisions of Article 25.

ADDENDUM <Act No. 5434, Dec. 13, 1997>

This Act shall enter into force three months after the date of its promulgation.

ADDENDUM <Act No. 5755, Feb. 5, 1999>

This Act shall enter into force on March 1, 1999.

ADDENDUM <Act No. 6540, Dec. 29, 2001>

This Act shall enter into force three months after the date of its promulgation

ADDENDUM <Act No. 6745, Dec. 5, 2002>

This Act shall enter into force three months after the date of its promulgation.

ADDENDUM <Act No. 7034, Dec. 31, 2003>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 7406, Mar. 24, 2005>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions concerning seaman's identification papers and the exclusion of the passport function of the seaman's pocketbook from among subparagraph 4 of Article 2, Articles 3, 5, 6, 7 (1), 12 (3) 1, 12-2 (1), 12-3, 14, 27 (1), 28 (1), 73 (1) 2 and 75 (4) shall enter into force on June 1, 2005.

(2) (Transitional Measures on Seaman's Identification Papers) Notwithstanding the amended provisions concerning seaman's identification papers and the amended provisions of the exclusion of the passport function of the seaman's pocketbook, the previous provisions shall govern the Korean seamen already departed from the Republic of Korea and the foreign seamen entered the Republic of Korea as at the time this Act enters into force.

ADDENDA <Act No. 7655, Aug. 4, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 8 Omitted.

ADDENDA <Act No. 8726, Dec. 21, 2007>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Applicability to Prohibition of Departure) The amended provisions of Articles 4-2 through 4-5 shall apply to cases of prohibition of departure or extension of such period executed under the previous provisions as at the time this Act enters into force.

ADDENDUM <Act No. 9142, Dec. 19, 2008>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 9847, Dec. 29, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 22 Omitted.

ADDENDA <Act No. 10282, May 14, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 12-2, 14 (7), 16-2 (3) and 38 shall enter into force three months after the date of its promulgation while the part concerning contagious patients among the amended provisions of Article 11 (1) 1 shall enter into force on December 30, 2010.

Article 2 (Special Cases concerning Provision of Impressions of Fingerprints and Description of Faces of Registered Foreigners, etc.)

A foreigner sojourning in the Republic of Korea as at the time the amended provisions of Article 38 (1) 1 enter into force who is required to provide impressions of his/her fingerprints and description of his/her face under the said amended provisions shall comply with a request by the head of the office or branch office having jurisdiction over the place of his/her sojourn for the provision of impressions of his/her fingerprints and description of his/her face when he/she files for foreigner registration, applies for extension of period of sojourn, etc. after the said amended provisions enter into force: Provided, That a foreigner who sojourns in the Republic of Korea holding the status of sojourn status that entitles him/her to the permanent residency in the Republic of Korea shall provide impressions of his/her fingerprints and description of his/her face to the head of the office or branch office having jurisdiction over the place of his/her sojourn at the time prescribed by the Minister of Justice after the said amended provisions enter into force.

Article 3 Omitted.

ADDENDA <Act No. 10465, Mar. 29, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 10545, Apr. 5, 2011>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Applicability) The amended provisions of Article 25-2 shall also apply to a foreigner in whose case a trial in a court, investigation by an investigative agency or procedure for the remedy of a right under the provisions of other Acts is proceeding as at the time this Act enters into force.

ADDENDUM <Act No. 10863, Jul. 18, 2011>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 11224, Jan. 26, 2012>

This Act shall enter into force four months after the date of its promulgation: Provided, That the amended provisions of Article 19-2, Section 2 of Chapter V (Articles 39 and 40) and Article 84 (1) shall enter into force six months after the date of their promulgation.

ADDENDA <Act No. 11298, Feb. 10, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2013.

Articles 2 and 3 Omitted.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 12195, Jan. 7, 2014>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 12421, Mar. 18, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Article 2 Omitted.

Article 3 (Relationship with Other Statutes)

A citation of the "Immigration Control Office or branch office thereof or foreigner internment camp" under the former Immigration Control Act in other statutes as at the time this Act enters into force shall be deemed a "Regional Immigration Service" under this Act, and a citation of the "head of an Immigration Control Office, head of an office, head of a branch office, or head of a foreigner internment camp" under the former Immigration Control Act shall be deemed the "Commissioner of a Regional Immigration Service" under this Act.

ADDENDA <Act No. 12600, May 20, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Act No. 12782, Oct. 15, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Reporting)

The amended provisions of this Act shall begin to apply from the first report filed by an employer of a foreigner pursuant to Article 19 (1) after this Act enters into force.

ADDENDA <Act No. 12893, Dec. 30, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Article 2 (Applicability to Notice of Decision, etc. on Prohibition of Departure)

The amended provision of Article 4-4 shall begin to apply from the first decision, etc. on prohibition of departure made after this Act enters into force.

Article 3 (Applicability to Victims of Sexual Crimes)

The amended provision of Article 25-3 shall also apply to a foreigner in whose case a trial in a court, an investigation by an investigative agency, or procedure for remedy of the right under the provisions of other Acts is proceeding as at the time this Act enters into force.

Article 4 (Transitional Measures concerning Notice of Decision, etc. on Prohibition of Departure)

Failure to give notice of a decision, etc. on prohibition of departure under the former provisions as at the time this Act enters into force shall be governed by the former provisions, notwithstanding the amended provision of Article 4-4.

Last updated : 2015-07-20



LABOR STANDARDS ACT

Wholly Amended by Act No. 8372, Apr. 11, 2007

Amended by Act No. 8435, May 17, 2007

Act No. 8561, Jul. 27, 2007

Act No. 8781, Dec. 21, 2007

Act No. 8960, Mar. 21, 2008

Act No. 9038, Mar. 28, 2008

Act No. 9699, May 21, 2009

Act No. 10303, May 17, 2010

Act No. 10319, May 25, 2010

Act No. 10339, jun. 4, 2010

Act No. 10366, jun. 10, 2010

Act No. 10719, May 24, 2011

Act No. 11270, Feb. 1, 2012

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to establish the standards for terms and conditions of employment in conformity with the Constitution, thereby securing and improving the fundamental living standards of workers and achieving a well-balanced development of the national economy.

Article 2 (Definitions)

(1) The definitions of terms used in this Act shall be as follows:

1. The term "worker" means a person, regardless of being engaged in whatever occupation, who offers work to a business or workplace for the purpose of earning wages;
2. The term "employer" means a business owner, or a person responsible for the management of a business or a person who acts on behalf of a business owner with respect to matters relating to workers;
3. The term "work" means both mental work and physical work;
4. The term "labor contract" means a contract which is entered into in order that a worker offers work for which the employer pays its corresponding wages;

5. The term "wages" means wages, salary and any other kind of money or valuables, regardless of their titles, which the employer pays to a worker as remuneration for work;
 6. The term "average wages" means the amount calculated by dividing the total amount of wages paid to a relevant worker during three calendar months immediately before the day on which a cause for calculating his/her average wages occurred by the total number of calendar days during those three months. This shall apply mutatis mutandis to the employment of less than three months;
 7. The term "contractual work hours" means work hours on which workers and their employer have made an agreement within the limit of work hours under Article 50 or the main sentence of Article 69 of this Act, or under Article 46 of the Occupational Safety and Health Act; and
 8. The term "part-time worker" means a worker whose contractual work hours per week are shorter than those of a full-time worker engaged in the same kind of work at the workplace concerned.
- (2) When the amount calculated pursuant to the provisions of paragraph (1) 6 is lower than that of the ordinary wages of the worker concerned, the amount of the ordinary wages shall be deemed his/her average wages.

Article 3 (Standards of Terms and Conditions of Employment)

The terms and conditions of employment prescribed by this Act shall be the minimum standards for employment, and the parties to labor relations shall not lower the terms and conditions of employment under the pretext of compliance with this Act.

Article 4 (Establishment of Terms and Conditions of Employment)

Terms and conditions of employment shall be freely established on the basis of equality, as agreed between workers and their employer.

Article 5 (Observance of Terms and Conditions of Employment)

Both workers and employers shall comply with collective agreements, rules of employment, and terms of labor contracts and be obliged to fulfill them in good faith.

Article 6 (Equal Treatment)

An employer shall neither discriminate against workers on the basis of gender, nor take discriminatory treatment in relation to terms and conditions of employment on the ground of nationality, religion, or social status.

Article 7 (Prohibition of Forced Labor)

An employer shall not force a worker to work against his/her own free will through the use of violence, intimidation, confinement, or any other means by which the mental or physical freedom of the worker might be unduly restricted.

Article 8 (Prohibition of Violence)

An employer shall not do violence to a worker for the occurrence of accidents or for any other reason.

Article 9 (Elimination of Intermediary Exploitation)

No person shall intervene in the employment of another person for making a profit or gain benefit as an intermediary, unless otherwise prescribed by any Act.

Article 10 (Guarantee of Exercise of Civil Rights)

An employer shall not reject a request from a worker to grant time necessary to exercise the franchise or other civil rights, or to perform official duties, during work hours: Provided, That the time requested may be changed, unless such change impedes the exercise of those rights or performance of those official duties.

Article 11 (Scope of Application)

(1) This Act shall apply to all businesses or workplaces in which not less than five workers are ordinarily employed: Provided, That this Act shall neither apply to any business or workplace in which only the employer's blood relatives living together are engaged, nor to servants hired for the employer's domestic works.

(2) With respect to a business or workplace in which not more than four workers are ordinarily employed, some provisions of this Act may apply as prescribed by Presidential Decree.

(3) When this Act applies, the method of calculation of the number of workers ordinarily employed shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 8960, Mar. 21, 2008>*

Article 12 (Scope of Application)

This Act and Presidential Decree promulgated in accordance with this Act shall apply to the State, Special Metropolitan City, Metropolitan City, Do, Si, Gun, Gu, Eup, Myeon, Dong or other equivalents.

Article 13 (Obligations to Report and Appear)

An employer or a worker shall report on, or attend meetings relating to, necessary matters without delay, whenever the Minister of Employment and Labor, a Labor Relations Commission under the Labor Relations Commission Act (hereinafter referred to as "Labor Relations Commission"), or a labor inspector requests to do so with respect to the enforcement of this Act. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 14 (Publicity of Purport, etc. of Acts and Subordinate Statutes)

(1) An employer shall acquaint workers with the purport of this Act and Presidential Decree promulgated pursuant hereto, and the rules of employment, by posting or keeping them at a place readily accessible to

workers at all times.

(2) An employer shall post or keep the provisions relating to dormitories of Presidential Decree as referred to in paragraph (1) and the dormitory rules as provided for in Article 99 (1), in the dormitories, to acquaint workers accommodated therein with them.

CHAPTER II LABOR CONTRACTS

Article 15 (Labor Contracts in Violation of This Act)

(1) A labor contract which has established terms and conditions of employment which do not meet the standards as prescribed by this Act shall be null and void to that extent.

(2) Those parts which are null and void in accordance with paragraph (1) shall be governed by the standards as prescribed by this Act.

Article 16 (Term of Contract)

The term of a labor contract shall not exceed one year, except in case where there is no fixed term or where there is an otherwise fixed term as necessary for the completion of a certain project.

Article 17 (Clear Statement of Terms and Conditions of Employment)

(1) An employer shall state the following matters clearly. The same shall also apply to the changes of the following matters after entering into a labor contract. *<Amended by Act No. 10319, May 25, 2010>*

1. Wages;
2. Contractual work hours;
3. Holidays under Article 55;
4. Annual paid leaves under Article 50;
5. Other terms and conditions prescribed by Presidential Decree.

(2) An employer shall deliver the written statement specifying constituent items, calculation methods and payment methods of wages with respect to the wages under paragraph (1) 1 and the matters prescribed in subparagraphs 2 through 4 to workers: Provided, That where the matters under the main sentence is modified due to reasons prescribed by Presidential Decree, such as changes, etc. of collective agreements or rules of employment, such matters shall be delivered to the relevant workers at their request. *<Newly Inserted by Act No. 10319, May 25, 2010>*

Article 18 (Terms and Conditions of Employment of Part-Time Workers)

(1) The terms and conditions of employment of part-time workers shall be determined on the basis of relative ratio computed in comparison to those work hours of full-time workers engaged in the same kind of work at the pertinent workplace.

(2) Criteria and other necessary matters to be considered for the determination of terms and conditions of employment under paragraph (1) shall be prescribed by Presidential Decree.

(3) Articles 55 and 60 shall not apply to workers whose contractual working hours per week on an average of four weeks (in cases where their working periods are less than four weeks, such period of working) are less than 15 hours. <Amended by Act No. 8960, Mar. 21, 2008>

Article 19 (Breach of Terms and Conditions of Employment)

(1) When any of the terms and conditions of employment as expressly set forth pursuant to Article 17 is not observed, the worker concerned shall be entitled to claim damages on the ground of the breach of the terms and conditions of employment and may terminate the labor contract forthwith.

(2) When a worker intends to claim damages in accordance with paragraph (1), he/she may file a claim with the Labor Relations Commission, and, if the labor contract has been terminated, the employer concerned shall provide travel expenses for returning home to the worker who changes his/her residence for the purpose of taking up a new job.

Article 20 (Prohibition of Predetermination of Penalty for Breach-ofContract)

An employer shall not enter into any contract in which a penalty or indemnity for possible damages caused by the breach of a labor contract is predetermined.

Article 21 (Prohibition of Offsetting Wages with Advances)

An employer shall not offset wages with an advance or other credits given in advance on the condition that a worker offers work.

Article 22 (Prohibition of Compulsory Savings)

(1) An employer shall not enter into any contract incidental to a labor contract, which provides for compulsory savings or savings deposits management.

(2) Where an employer manages savings deposits entrusted by a worker, the following shall be observed:

1. Types and periods of deposits, and financial institutions shall be determined by the worker, and the deposit shall be made under the worker's name;
2. The employer shall immediately comply with the worker's request for the inspection or return of the certificate of deposit or other related documents.

Article 23 (Restriction on Dismissal, etc.)

(1) An employer shall not, without justifiable cause, dismiss, lay off, suspend, or transfer a worker, reduce his/her wages, or take other punitive measures (hereinafter referred to as "unfair dismissal, etc.") against him/her.

(2) An employer shall not dismiss a worker during a period of suspension of work for medical treatment of an occupational injury or disease and within 30 days immediately thereafter, and any woman before and after childbirth shall not be dismissed during a period of suspension of work as prescribed by this Act and for 30 days immediately thereafter: Provided, That this shall not apply where the employer has paid a lump sum compensation as provided for under Article 84 or where the employer may not continue to conduct his/her business.

Article 24 (Restrictions on Dismissal for Managerial Reasons)

(1) Where an employer intends to dismiss a worker for managerial reasons, there must be an urgent managerial necessity. In this case, it shall be deemed that there is an urgent managerial necessity for the transfer, merger, or acquisition of the business in order to prevent managerial deterioration.

(2) In case of paragraph (1), an employer shall make every effort to avoid dismissal and shall establish and follow reasonable and fair criteria for the selection of those persons subject to dismissal. In this case, there shall be no discrimination on the basis of gender.

(3) Where there is an organized labor union that represents more than half of the workers at the business or workplace, the employer shall inform at least 50 days before the intended date of dismissal and consult in good faith with the labor union (where there is no such organized labor union, this shall refer to a person who represents more than half of the workers; hereinafter referred to as "labor representative") regarding the methods for avoiding dismissals, the criteria for dismissal, etc. under paragraph (2).

(4) When an employer intends to dismiss personnel under paragraph (1) above the fixed limit prescribed by Presidential Decree, he/she shall report to the Minister of Employment and Labor as determined by Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) When an employer dismisses workers in accordance with the conditions prescribed in paragraphs (1) through (3), it shall be deemed a dismissal with proper cause under Article 23 (1).

Article 25 (Preferential Reemployment, etc.)

(1) When an employer who has dismissed a worker under the provisions of Article 24 wishes to hire, within three years of the date of the dismissal, any worker who will perform the same duty as the dismissed worker did at the time of such dismissal, he/she shall preferentially rehire the worker dismissed under Article 24, if the worker so desires.

(2) The Government shall take necessary measures for the dismissed workers under the provisions of Article 24, such as stabilization of livelihood, reemployment and vocational training, on a priority basis.

Article 26 (Advance Notice of Dismissal)

When an employer intends to dismiss a worker (including dismissal for managerial reason), he/she shall give the worker a notice of dismissal at least 30 days in advance of such dismissal, and, if the employer fails to give such advance notice, he/she shall pay that worker ordinary wages for not less than 30 days:

Provided, That this shall not apply where a natural disaster, calamity or other unavoidable circumstances prevent the continuance of the business or where the worker has caused a considerable hindrance to the business or inflicted any damage to the property on purpose and it falls under any cause determined by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 27 (Written Notice of Reasons, etc. for Dismissal)

- (1) When an employer intends to dismiss a worker, he/she shall notify the worker in writing of the reasons for and time of the dismissal.
- (2) The dismissal of a worker shall become effective only upon written notice pursuant to paragraph (1).

Article 28 (Request for Remedy from Unfair Dismissal, etc.)

- (1) When a worker is subjected by the employer to any unfair dismissal, etc., he/she may request a remedy therefor from a labor relations commission.
- (2) A request for remedy under paragraph (1) shall be made within three months from the date of the unfair dismissal, etc.

Article 29 (Investigation, etc.)

- (1) The Labor Relations Commission shall, upon receipt of a request for remedy pursuant to Article 28, immediately conduct necessary investigation and examine the parties concerned.
- (2) In making an examination pursuant to paragraph (1), the labor relations commission may, upon a request by the party concerned or ex officio, have a witness present himself/herself to make necessary inquiries.
- (3) The Labor Relations Commission shall, in making an examination pursuant to paragraph (1), give the parties concerned sufficient opportunity to produce evidence and to cross-examine the witness.
- (4) The detailed procedures for the investigation and examination by the Labor Relations Commission under paragraph (1) shall be as prescribed by the Central Labor Relations Commission under the Labor Relations Commission Act (hereinafter referred to as the "Central Labor Relations Commission").

Article 30 (Order, etc. for Remedy)

- (1) If a dismissal, etc. is judged to be unfair in consequence of the examination under Article 29, the Labor Relations Commission shall issue to the employer an order for remedy, and, if the dismissal, etc. is judged not to be unfair, make a decision to reject the request for remedy.
- (2) The judgment, order for remedy and decision of rejection under paragraph (1) shall be notified in writing to the employer and worker, respectively.
- (3) In issuing an order for remedy (only referring to an order for remedy following dismissal) under paragraph (1), if a worker does not desire to be reinstated in his/her former office, the Labor Relations Commission may, instead of issuing an order to reinstate him/her in his/her former office, order the

employer to pay such worker the amount of money or other valuables equivalent to or higher than the amount of wages which he/she would have been paid if he/she had offered work during the period of dismissal.

Article 31 (Confirmation of Order, etc. for Remedy)

(1) An employer or worker who is dissatisfied with an order for remedy or a decision of rejection made by a local Labor Relations Commission under the Labor Relations Commission Act may apply for reexamination to the Central Labor Relations Commission within ten days from the date when he/she has received a written notice of such order or decision.

(2) With respect to a decision made by reexamination of the Central Labor Relations Commission's reexamination under paragraph (1), the employer or worker may institute a lawsuit pursuant to the Administrative Litigation Act within 15 days from the date when he/she is served with the written decision made by reexamination.

(3) If neither application for reexamination nor administrative litigation is filed within the period referred to in paragraph (1) or (2), the order for remedy, the decision of rejection or the decision made by reexamination shall become final and conclusive.

Article 32 (Effect of Order for Remedy, etc.)

The effect of the order for remedy, decision of rejection or decision made by reexamination of the Labor Relations Commission shall not be suspended even if an application for reexamination or administrative litigation is filed with or against the Central Labor Relations Commission pursuant to Article 31.

Article 33 (Compulsory Performance Money)

(1) The Labor Relations Commission shall impose compulsory performance money of not exceeding 20 million won on an employer who fails to comply with an order for remedy (including the decision made by reexamination in which an order for remedy is contained; hereafter in this Article, the same shall apply) within the specified deadline for executing the order after such order is issued.

(2) The Labor Relations Commission shall give the employer a prior notice in writing to the effect that the compulsory performance money shall be imposed and collected, by not later than 30 days before it is imposed pursuant to paragraph (1).

(3) The imposition of compulsory performance money pursuant to paragraph (1) shall be made in writing specifying the amount of the compulsory performance money, grounds for imposition, payment deadline, receiving institutions, methods of raising an objection, agency to which an objection may be raised, etc.

(4) The kinds of violation subject to the imposition of the compulsory performance money under paragraph (1), amounts of imposition by the extent of violation, procedures for return of the compulsory performance money imposed and collected, and other necessary matters shall be prescribed by Presidential Decree.

(5) The Labor Relations Commission may impose and collect the compulsory performance money provided for in paragraph (1) repeatedly within the limit of two times per year from the date when it issues the first order for remedy, until the order for remedy is complied with by the person subject to the order for remedy. In this case, the compulsory performance money shall not be imposed and collected for more than two years.

(6) The Labor Relations Commission shall not impose an additional compulsory performance money if the order for remedy is complied with, but shall collect the compulsory performance money already imposed before the order for remedy is complied with.

(7) If the person liable to pay the compulsory performance money fails to pay it by the time limit for payment, the Labor Relations Commission may urge him/her to pay it within a fixed period, and, if the compulsory performance money provided for in paragraph (1) is not paid within the fixed period, collect it in the same manner as delinquent national taxes are collected.

(8) When the employer subject to the order for remedy fails to comply with it by the deadline for execution thereof, the worker concerned may inform the Labor Relations Commission thereof within 15 days after such deadline has expired.

Article 34 (Retirement Allowance System)

The retirement allowance system under which an employer pays retiring workers retirement allowances shall comply with the Guarantee of Workers' Retirement Benefits Act.

Article 35 (Exception of Advance Notice of Dismissal)

The provisions of Article 26 shall not apply to a worker falling under any one of the following subparagraphs:

1. A daily employed worker who has been employed for less than three consecutive months;
2. A worker who has been employed for a fixed period of not exceeding two months;
3. A worker who has been employed for less than six months as a monthly paid worker;
4. A worker who has been employed for any seasonal work for a fixed period of not exceeding six months;
5. A worker in a probationary period.

Article 36 (Settlement of Payments)

When a worker dies or retires, the employer shall pay the wages, compensations, and other money or valuables within 14 days after the cause for such payment occurred: Provided, That the period may, under special circumstances, be extended by mutual agreement between the parties concerned.

Article 37 (Interest for Delayed Payment of Wages)

(1) When an employer fails to pay the whole or a part of the wages and the allowances (referring to only lump-sum allowances) provided for in subparagraph 5 of Article 2 of the Guarantee of Workers' Retirement Benefits Act which he/she is liable to pay under Article 36 within 14 days after the cause for such payment occurred, he/she shall pay interest accrued for the delayed days from the following day to the day of the payment in accordance with the interest rate prescribed by Presidential Decree by taking account of the economic situations such as overdue interest rates etc. applied by the banks established under the Banking Act within the limit of 40/100 per year. *<Amended by Act No. 10303, May 17, 2010>*

(2) The provisions of paragraph (1) shall not apply where an employer delays the payment of wages for natural disasters, calamities, or other reasons prescribed by Presidential Decree, for the period in which the said reasons exist.

Article 38 (Preferential Payment for Claims for Wages)

(1) Wages, accident compensations, and other claims arising from labor relations shall be paid in preference to taxes, public charges, or other claims except for claims secured by pledges, mortgages or the security rights under the Act on Security over Movable Property, Claims, Etc. on the whole property of the employer concerned: Provided, That this shall not apply to taxes and public charges which take precedence over the said pledges, mortgages or the security rights under the Act on Security over Movable Property, Claims, Etc. *<Amended by Act No. 10366, Jun. 10, 2010>*

(2) Notwithstanding paragraph (1), any of the following claims shall be paid in preference to any claims secured by pledges, mortgages or the security rights under the Act on Security over Movable Property, Claims, Etc. on the whole property of the employer, taxes, public charges and other claims: *<Amended by Act No. 10366, Jun. 10, 2010>*

1. The wages of the last three months;
2. Accident compensations.

Article 39 (Certificate of Employment)

(1) Whenever an employer is requested by a worker to issue a certificate specifying the term of employment, kinds of work performed, positions taken, wages received, and other necessary information, he/she shall immediately prepare and deliver a certificate based on facts, even after the retirement of the worker.

(2) The certificate referred to in paragraph (1) shall contain nothing other than what has been requested by the worker.

Article 40 (Prohibition of Interference with Employment)

No person shall prepare and use secret signs or lists, or have communications, for the purpose of interfering with the employment of a worker.

Article 41 (Register of Workers)

- (1) An employer shall prepare a register of workers by workplace, containing each worker's name, birth date, personal history, and other items as prescribed by Presidential Decree.
- (2) When there is any change in the items stated on the register of workers pursuant to paragraph (1), correction shall be made without delay.

Article 42 (Preservation of Documents in Relation to Contract)

An employer shall, for three years, preserve a register of workers and other important documents related to labor contracts as prescribed by Presidential Decree.

CHAPTER III WAGES

Article 43 (Payment of Wages)

- (1) Payment of wages shall be directly made in full to workers in currency: Provided, That if otherwise prescribed by Acts and subordinate statutes or by a collective agreement, wages may partially be deducted or may be paid by means other than currency.
- (2) Wages shall be paid at least once per month on a fixed day: Provided, That this shall not apply to extraordinary wages, allowances, or other similar payments, or those wages prescribed by Presidential Decree.

Article 43-2 (Disclosure of Name of Business Owners who Delayed Payment of Wages)

- (1) Where at least twice of conviction against the business owner (including the representative person in cases of a corporation; hereinafter referred to as "business owner in arrear") who fails to pay wages, compensations, allowances or any other money or valuable pursuant to Articles 36, 43, 56 (hereinafter referred to as "wages, etc.") are upheld due to his/her failure to pay the wages, etc. within three years prior to the date of disclosure of name and the total amount of money in arrear with the wages, etc. during the period of one year prior to the date of the said disclosure is at least 30 million won, the Minister of Employment and Labor may disclose his/her personal information, etc.: Provided, That this shall not apply where the aforementioned disclosure of name is meaningless due to death or closure of business of the business owner in arrear or where other reasons as prescribed by Presidential Decree exist.
- (2) Upon disclosing the name pursuant to paragraph (1), the Minister of Employment and Labor shall provide the business owner in arrear with an opportunity to explain and grant him/her a period of at least three months for such explanation.
- (3) In order to review whether or not the personal information, etc. of the business owner in arrear should be disclosed pursuant to paragraph (1), the Committee for Review of Information on Overdue Wages (hereinafter referred to as the "Committee" in this Article) shall be established within the Ministry of

Employment and Labor. In such cases, necessary matters, such as structure and operation, etc. of the Committee, shall be determined by Ordinance of the Ministry of Employment and Labor.

(4) Details, period and method, etc. of disclosure of name under paragraph (1) and other necessary matters for the disclosure shall be determined by Presidential Decree.

Article 43-3 (Provision of Data on Delayed Payment of Wages, etc.)

(1) Where the centralized credit information collection agency under Article 25 (2) 1 of the Use and Protection of Credit Information Act requests personal information and the data on the amount of arrears, etc. (hereinafter referred to as "data on delayed payment of wages, etc.") of the business owner in arrear against whom at least twice of conviction are upheld due to his/her failure to pay the wages, etc. within three years prior to the date of provision of the data on delayed wages. etc. and the total amount of money in arrear with the wages, etc. during the period of one year prior to the date of such provision of the data is at least 20 million won, the Minister of Employment and Labor may provide the aforementioned data if deemed necessary to prevent delay in payment of wages, etc.: Provided, That this shall not apply where the aforementioned provision of data is meaningless due to death of the business owner in arrear or closure of the business or where other reasons prescribed by Presidential Decree exist.

(2) A person who has received the data on delayed payment of wages, etc. pursuant to paragraph (1) shall not use or disclose such data for the purposes other than those for determining credit rating and ability to deal on credit of the business owner in arrear.

(3) Procedure for and method, etc. of providing the data on delayed payment of wages, etc. pursuant to paragraph (1) and other necessary matters for such provision shall be determined by Presidential Decree.

Article 44 (Payment of Wages for Contract Work)

(1) When a project is executed based on several tiers of contracts and a subcontractor fails to pay wages to workers because of a cause attributable to the immediate upper tier contractor, the immediate upper tier contractor shall be liable for the wages jointly and severally with the subcontractor concerned: Provided, That where a cause attributable to the immediate upper tier contractor is caused by that of his/her upper tier contractor, such upper tier contractor shall also be jointly and severally responsible. *<Amended by Act No. 11270, Feb. 1, 2012>*

(2) The scope of the attributable causes referred to in paragraph (1) shall be determined by Presidential Decree. *<Amended by Act No. 11270, Feb. 1, 2012>*

Article 44-2 (Joint and Several Responsibility for Payment of Wages in Construction Business)

(1) When a construction project is being carried out through two or more tiers of contracts under subparagraph 11 of Article 2 of the Framework Act on the Construction Industry (hereinafter referred to as "contract for construction work"), if a subcontractor that is not a constructor under subparagraph 7 of Article 2 of the same Act fails to pay wages (limited to wages arising from the construction works

concerned) to workers he/she has employed, an immediate upper tier contractor shall have joint and several responsibility for payment of wages to workers employed by the subcontractor. *<Amended by Act No. 10719, May 24, 2011>*

(2) When the immediate upper tier contractor under paragraph (1) is not a constructor under subparagraph 7 of Article 2 of the Framework Act on the Construction Industry, the lowest tier contractor among the upper tier contractors who are constructors under the same subparagraph shall be deemed the immediate upper tier contractor. *<Amended by Act No. 10719, May 24, 2011>*

Article 44-3 (Special Case concerning Wages under Contract for Construction Works)

(1) In cases of falling under any of the following subparagraphs where a contract for construction work has been concluded, an immediate upper tier contractor shall directly pay the workers employed by a subcontractor an amount of money equivalent to wages (limited to wages arising from the construction works concerned) that the subcontractor shall pay at the request of workers employed by such subcontractor, within the obligation extent of the subcontract cost the immediate upper tier contractor shall pay to the subcontractor:

1. Where the immediate upper tier contractor has agreed with the subcontractor with respect to the intention that the immediate upper tier contractor may directly pay wages that the subcontractor is liable to pay to workers employed by the subcontractor and the method of and procedure for such payment;
2. Where there is an order for payment decided under subparagraph 3 of Article 56 of the Civil Execution Act, an execution deed proving that workers have a claim for wages to a subcontractor under subparagraph 4 of Article 56 of the same Act, a decision of advice of performance made pursuant to Article 5-7 of the Trial of Small Claims Act, or other title of debt corresponding to such items as above;
3. Where the subcontractor informs the immediate upper tier contractor that he/she has obligation to pay wages to his/her workers and the immediate upper tier contractor recognizes that the subcontractor has evident reasons to be unable to pay wages due to such reasons as bankruptcy, etc.

(2) When a contract for construction work has been subcontracted down two or more levels from a contractor (hereinafter referred to as "prime contractor") of a person awarding a contract under subparagraph 10 of Article 2 of the Framework Act on the Construction Industry, where workers employed by a subcontractor (including any subcontractor who has been awarded a sub-subcontract by a subcontractor who has been awarded a contract; hereafter the same shall apply in this paragraph) have a title of debt under paragraph (1) 2 to such subcontractor, workers may request the prime contractor to pay directly an amount of money equivalent to wages (limited to wages arising from the construction works concerned) which a subcontractor is to pay. The prime contractor shall comply with such request to the extent of the amount of money for which workers are entitled to exercise the subrogation right of a creditor under Article 404 of the Civil Act to themselves. *<Amended by Act No. 10719, May 24, 2011>*

(3) Where an immediate upper tier contractor or a prime contractor has paid the amount of money equivalent to wages to workers employed by a subcontractor pursuant to paragraphs (1) and (2), it shall be

deemed that the obligation to pay the subcontract price to a subcontractor has expired within such extent.

Article 45 (Emergency Payment)

An employer shall pay wages corresponding to work already offered even prior to the payday, if a worker requests the employer to do so in order to meet expenses for childbirth, diseases, disasters, or other cases of emergency as prescribed by Presidential Decree.

Article 46 (Shutdown Allowances)

(1) When a business shuts down due to a cause attributable to the employer, he/she shall pay the workers concerned allowances of not less than 70 percent of their average wages during the period of shutdown: Provided, That if the amount equivalent to the 70 percent of their average wages exceeds that of their ordinary wages, their ordinary wages may be paid as their shutdown allowances.

(2) Notwithstanding the provisions of paragraph (1), the employer who is unable to continue to carry on the business for any unavoidable reason may, with the approval of the Labor Relations Commission concerned, pay the workers shutdown allowances lower than the standards as prescribed in paragraph (1).

Article 47 (Pieceworkers)

For those workers who are employed on a piece work or other similar basis, the employer shall guarantee certain amount of wages in proportion to their work hours.

Article 48 (Wage Ledger)

An employer shall prepare a wage ledger for each workplace and shall enter therein the matters which serve as a basis for determining wages and family allowances, the amount of wages, and other matters as prescribed by Presidential Decree, at each time of paying wages.

Article 49 (Prescription of Wages)

A claim for wages under this Act shall be extinguished by prescription, unless exercised within three years.

CHAPTER IV WORK HOURS AND RECESS

Article 50 (Work Hours)

(1) Work hours shall not exceed 40 hours a week, excluding hours of recess..

(2) Work hours shall not exceed eight hours a day, excluding hours of recess.

(3) Upon calculating the work hours under paragraphs (1) and (2), any waiting time, etc. spent by workers under the direction and supervision of their employers that is necessary for the relevant work shall be deemed work hours. <Newly Inserted by Act No. 11270, Feb. 1, 2012>

Article 51 (Flexible Work Hours System)

(1) An employer may, as prescribed by the rules of employment (including other rules equivalent thereto), extend work hours in excess of those as referred to in Article 50 (1) in a particular week, or extend work hours in excess of those as referred to in Article 50 (2) in a particular day, to the extent that average work hours per week during a certain unit period of not more than two weeks do not exceed the work hours as referred to in Article 50 (1): Provided, That work hours in any particular week shall not exceed 48 hours.

(2) When an employer has determined matters falling under the following subparagraphs by a written agreement with the labor representative, he/she may extend work hours in excess of those as referred to in Article 50 (1) in a particular week, or may extend work hours in excess of those as referred to in Article 50 (2) in a particular day, to the extent that average work hours per week during a certain unit period of not more than three months do not exceed the work hours referred to in Article 50 (1): Provided, That work hours in any particular week or in any particular day shall not exceed 52 hours or 12 hours respectively:

1. Scope of workers subject to this paragraph;
2. Unit period (determined to be a certain period of not exceeding three months);
3. Working days in the unit period, and work hours for each working day;
4. Other matters prescribed by Presidential Decree.

(3) The provisions of paragraphs (1) and (2) shall not apply to workers who are not less than 15 years and less than 18 years of age and to pregnant female workers.

(4) When an employer needs to have a worker work in accordance with paragraphs (1) and (2), the employer shall take measures to supplement his/her wages so that the existing level of wages may not be lowered.

Article 52 (Selective Work Hours System)

When an employer has determined the matters falling under the following subparagraphs by a written agreement with the labor representative with regard to workers who are allowed to decide on their own beginning and finishing time of work pursuant to the rules of employment (including other rules equivalent thereto), he/she may extend weekly work hours beyond those referred to in Article 50 (1) and daily work hours beyond those referred to in Article 50 (2), to the extent that average work hours per week during the period of adjustment set within the limit of a month do not exceed the work hours referred to in Article 50 (1):

1. Scope of workers to whom the above provisions shall apply (excluding those workers at the age of not less than 15 and less than 18);
2. Adjustment period (determined to be a specified period of not exceeding one month);
3. Total work hours during the adjustment period;
4. Beginning and finishing time of work hours during which work must be provided, if so required;

5. Starting and ending time of work hours which workers are allowed to determine;
6. Other matters prescribed by Presidential Decree.

Article 53 (Restrictions on Extended Work)

- (1) Where there exists an agreement between the parties, work hours referred to in Article 50 may be extended up to 12 hours per week.
- (2) Where there exists an agreement between the parties, work hours referred to in Article 51 may be extended up to 12 hours per week, and work hours referred to in Article 52 may be extended up to 12 hours per week averaged during the adjustment period as referred to in subparagraph 2 of Article 52.
- (3) Under special circumstances, an employer may extend work hours referred to in paragraphs (1) and (2) with the authorization of the Minister of Employment and Labor and the consent of the workers: Provided, That where a situation is urgent that the employer does not have enough time to obtain authorization of the Minister of Employment and Labor, he/she shall immediately obtain ex post facto approval of the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*
- (4) Where the Minister of Employment and Labor deems that the extension of work hours referred to in paragraph (3) is not appropriate, he/she may order the employer to allow the workers recess hours or days off equivalent to the extended work hours. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 54 (Recess)

- (1) An employer shall allow workers a recess of not less than thirty minutes if working for four hours or a recess of not less than one hour if working for eight hours, during work hours.
- (2) Recess hours may be freely used by workers.

Article 55 (Holidays)

An employer shall allow workers at least one paid holiday per week on average.

Article 56 (Extended, Night or Holiday Work)

An employer shall, in addition to the ordinary wages, pay 50 percent or more thereof for extended work (work during the hours as extended pursuant to Articles 53 and 59 and the proviso of Article 69), night work (work between 10:00 p.m. and 6:00 a.m.), or holiday work.

Article 57 (Compensatory Leave System)

An employer may grant workers leaves in lieu of wage payments for extended work, night work, or holiday work pursuant to Article 56 according to a written agreement that is concluded between him/her and the labor representative.

Article 58 (Special Provisions for Calculation of Work Hours)

(1) When it is difficult to calculate work hours provided by a worker because he/she carries out his/her duty in whole or in part outside the workplace owing to a business trip or any other reason, it shall be deemed that he/ she has worked for contractual working hours: Provided, That where it is ordinarily necessary for the worker to work in excess of contractual working hours in order to carry out the said duty, it shall be deemed that he/she has worked for the hours ordinarily required to carry out that duty.

(2) Notwithstanding the proviso of paragraph (1), in case where there exists a written agreement between an employer and the labor representative in regard to the work concerned, the hours as determined by such a written agreement shall be regarded as those ordinarily required to carry out the relevant duty.

(3) In case of works designated by Presidential Decree as those works which, in the light of their characteristics, require leaving the methods of performance to a worker's discretion, it shall be deemed that the works have been provided for such work hours as determined by a written agreement between the employer and the labor representative. In this case, such written agreement shall specify the matters falling under the following subparagraphs:

1. Work to be provided subject to such written agreement;
 2. Statement that the employer would not give specific directions to the worker regarding how to perform the work, how to allocate work hours, etc.;
 3. Statement that the calculation of work hours shall be governed by the written agreement concerned.
- (4) Matters necessary for implementing paragraphs (1) and (3) shall be determined by Presidential Decree.

Article 59 (Special Provisions as to Work and Recess Hours)

An employer who runs a business which falls under any one of the following subparagraphs may, if any written agreement between him/her and the labor representative exists, have workers work in excess of 12 hours per week as referred to in Article 53 (1) or change recess hours as referred to in Article 54:

1. Transportation business, goods sales and storage business, finance and insurance business;
2. Movie production and entertainment business, communications business, educational study and research business, advertisement business;
3. Medical and sanitation business, hotel and restaurant business, incineration and cleaning business, barber and beauty parlor business;
4. Other businesses determined by Presidential Decree, which are necessary for the convenience of the public at large or in consideration of the characteristics of business.

Article 60 (Annual Paid Leave)

(1) Every employer shall grant any worker who has worked not less than 80 percent of one year a paid leave of 15 days. *<Amended by Act No. 11270, Feb. 1, 2012>*

(2) Every employer shall grant any worker who has continuously worked for less than one year or who has worked less than 80 percentage of one year one paid-leave day for each month during which he/she has

continuously worked. <Amended by Act No. 11270, Feb. 1, 2012>

(3) Where an employer grants any worker a paid leave for the latter's first year of work, the former shall grant the latter a paid leave of 15 days, including the paid-leave referred to in paragraph (2), and, if the latter has already taken the paid-leave provided for in paragraph (2), deduct the number of days of such paid-leave from the said 15 days.

(4) Every employer shall grant any worker who has continuously worked for not less than three years paid-leave days that are calculated by adding one day for every two continuously working years not including the first one year to the 15 paid-leave days referred to in paragraph (1). In this case, the total number of paid-leave days, including the additional paid-leave days, shall not exceed 25 days.

(5) Every employer shall grant the paid leave referred to in paragraphs (1) through (4) at the time when a worker files a claim therefor and pay the worker an ordinary wage or an average wage during the period of paid leave as prescribed by the rules of employment, etc.: Provided, That in the event that granting the worker a paid leave at the time when such worker wants to take the paid leave greatly impedes the business operation, the relevant employer may change the time of the paid leave.

(6) In applying paragraphs (1) through (3), any of the following periods shall be deemed the period of attendance at work: <Amended by Act No. 11270, Feb. 1, 2012>

1. Period during which a worker takes time off due to any injury or sickness arising out of duty;
2. Period during which a woman in pregnancy takes time off due to the leave under the provisions of Article 74 (1) through (3).

(7) The paid leave referred to in paragraphs (1) through (4) shall, if it is not taken for one year, be terminated by time limitation: Provided, That the same shall not apply where the paid leave is not taken for reasons attributable to the employer.

Article 61 (Measures to Urge Workers to Take Annual Paid Leave)

Where any worker's paid leave is terminated by time limitation pursuant to the main sentence of Article 60 (7) after the worker fails to take his/her paid leave although the relevant employer has taken the measures falling under each of the following subparagraphs to urge workers to take their respective annual leave pursuant to Article 60 (1), (3) and (4), the relevant employer is not liable to indemnify the worker for his/her failure to take the paid leave and his/her failure to take the paid leave shall be deemed not to fall under the reasons attributable to the employer provided for in the proviso to Article 60 (7): <Amended by Act No. 11270, Feb. 1, 2012>

1. Any employer shall notify in writing every worker of the number of days of his/her paid leave that has not been taken and to urge every worker to notify the former of a period during which he/she intends to take his/her paid leave after deciding on such period within ten days as of six months before the period provided for in the main sentence of Article 60 (7) expires;
2. An employer shall notify in writing any worker who does not take his/her paid leave after setting a period during which the latter may take his/her paid leave by not later than two months before the

period provided for in the main sentence of Article 60 (7) expires, in the event that the worker fails to notify the employer of a period during which the former intends to take, in whole or in part, his/her paid leave which has not been taken, within ten days from the date on which he/she is urged to take his/her paid leave, notwithstanding the urge referred to in subparagraph 1.

Article 62 (Substitution of Paid Leave)

An employer may, by a written agreement with the labor representative, get workers to take a paid leave on a particular working day in substitution of an annual paid leave provided for in Article 60.

Article 63 (Exclusion from Application)

The provisions pertaining to work hours, recess and holidays referred to in this Chapter and Chapter V shall not apply to a worker who falls under any one of the following subparagraphs: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. A worker engaged in cultivation or reclamation of land, seeding, cultivation or collection of plants, or other agricultural and forestry work;
2. A worker engaged in breeding of animals, collection or catching of marine animals and plants, cultivation of marine products, or other cattle breeding, sericulture and fishery business;
3. A worker engaged in surveillance or intermittent work, whose employer has obtained the approval of the Minister of Employment and Labor;
4. A worker engaged in such business as prescribed by Presidential Decree.

CHAPTER V WOMEN AND MINORS

Article 64 (Minimum Age and Employment Permit Certificate)

(1) A minor under the age of 15 (including any minor under the age of 18 who attends a middle school under the Elementary and Secondary Education Act) shall not be employed at any work: Provided, That this shall not apply to a person with an employment permit certificate issued by the Minister of Employment and Labor according to the standards prescribed by Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) An employment permit certificate referred to in paragraph (1) may be issued only by designating the kind of work at the request of the relevant minor himself/herself, to the extent that the compulsory education is not impeded.

(3) If a person obtains the employment permit certificate provided for in the proviso to paragraph (1) in any false or other wrongful manner, the Minister of Employment and Labor shall revoke the permit. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 65 (Prohibition of Employment)

- (1) An employer shall not employ women in pregnancy or women for whom one year has not passed after childbirth (hereinafter referred to as the "pregnant women and nursing mothers") and those under the age of 18 in any work detrimental to morality or health or any dangerous work.
- (2) An employer shall not employ women of 18 years or over who are not pregnant women and nursing mothers in any work harmful and dangerous to the function of pregnancy or delivery from among those detrimental or dangerous to health under paragraph (1).
- (3) The prohibited kinds of work under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 66 (Minor Certificate)

For each minor worker under the age of 18, the employer shall keep at his/her workplace a certificate of family relationships records verifying the minor's age and a written consent of the person with parent authority or the guardian. *<Amended by Act No. 8435, May 17, 2007>*

Article 67 (Labor Contract)

- (1) Neither a person with parent authority nor a guardian may enter into a labor contract on behalf of a minor.
- (2) A person with parent authority or guardian of a minor, or the Minister of Employment and Labor may terminate a labor contract henceforward, if deemed disadvantageous to the minor. *<Amended by Act No. 10339, Jun. 4, 2010>*
- (3) Where an employer enters into a labor contract with a person under 18 years of age, he/she shall deliver a document to such person, specifying the terms and conditions of employment under Article 17. *<Newly Inserted by Act No. 8561, Jul. 27, 2007>*

Article 68 (Claim for Wages)

A minor may claim his/her wages in his/her own right.

Article 69 (Work Hours)

Work hours of a person at the age of not less than 15 and less than 18 shall not exceed seven hours per day and 40 hours per week: Provided, That the work hours may be extended only for one more hour per day and six more hours per week by an agreement between the parties concerned.

Article 70 (Restrictions on Night Work and Holiday Work)

- (1) Where an employer intends to have the women of 18 years or over work during the time from 10:00 p.m. to 6:00 a.m. and on holidays, he/she shall obtain the workers' consent.
- (2) An employer shall not have pregnant women and nursing mothers and those under 18 years old work during the time from 10:00 p.m. to 6:00 a.m. and on holidays: Provided, That this shall not apply to any of

the following cases where approval of the Minister of Employment and Labor is obtained: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where there exists a consent of those under 18 years old;
2. Where there exists a consent of the women for whom one year has not passed after childbirth;
3. Where a woman in pregnancy makes a clear request.

(3) Before obtaining the approval of the Minister of Employment and Labor in the case of paragraph (2), an employer shall make a faithful consultation with the labor representative of the relevant business or workplace on whether to execute it, its methods, etc., in order to protect the workers' health and maternity.

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

Article 71 (Overtime Work)

An employer shall be forbidden to have any women for whom one year has not passed after childbirth do overtime work exceeding two hours per day, six hours per week, or 150 hours per year, even if provided for in a collective agreement thereon.

Article 72 (Prohibition of Work Inside Pit)

An employer shall not have a woman or a minor under the age of 18 do any work inside a pit: Provided, That this shall not apply where it is temporarily required for carrying out the affairs as prescribed by Presidential Decree, such as health and medical treatment, the gathering and report of news, etc.

Article 73 (Monthly Physiologic Leave)

Every employer shall, when any female worker files a claim for a physiologic leave, grant her one day of physiologic leave per month.

Article 74 (Protection of Pregnant Women and Nursing Mothers)

(1) An employer shall grant a pregnant woman a 90-day maternity leave before and after childbirth. In such case, after the childbirth, 45 days or more of the leave period shall be allotted. *<Amended by Act No. 11270, Feb. 1, 2012>*

(2) Where a pregnant female worker requests the leave under paragraph (1) due to her experience of miscarriage or other reasons prescribed by Presidential Decree, an employer shall allow her to use the leave at multiple times any time before her childbirth. In such cases, the period of leave after the childbirth shall be at least 45 days consecutively. *<Newly Inserted by Act No. 11270, Feb. 1, 2012>*

(3) Where a pregnant woman has a miscarriage or a stillbirth, an employer shall, upon the relevant worker's request, grant her a miscarriage/stillbirth leave as prescribed by Presidential Decree: Provided, That the same shall not apply to an abortion carried out by an operation for an artificial abortion (excluding the cases under Article 14 (1) of the Mother and Child Health Act). *<Amended by Act No. 11270, Feb. 1, 2012>*

(4) The first 60 days in the period of leave under paragraphs (1) and (3) shall be stipendiary: Provided, That when the leave allowances before and after childbirth, etc. have been paid under Article 18 of the Equal Employment Opportunity and Work-Family Balance Assistance Act, the payment responsibility shall be exempted within the limit of the relevant amount. *<Amended by Act No. 8781, Dec. 21, 2007; Act No. 11270, Feb. 1, 2012>*

(5) The employer shall not have a female worker in pregnancy assigned to an overtime work, and, if there exists a request from the relevant worker, he/she shall transfer her to an easy type work. *<Amended by Act No. 11270, Feb. 1, 2012>*

(6) The business owner shall reinstate her to the same work or to the work for which wages of the same level as before leave are paid after the end of a maternity leave under paragraph (1). *<Newly Inserted by Act No. 9038, Mar. 28, 2008; Act No. 11270, Feb. 1, 2012>*

Article 74-2 (Permission, etc. for Time for Medical Examination of Unborn Child)

(1) Where a pregnant worker claims time necessary for a periodical medical examination of pregnant women under Article 10 of the Mother and Child Health Act, an employer shall grant permission for such time.

(2) The employer shall not cut wages of such worker by reason of time for medical examination under paragraph (1).

Article 75 (Nursing Hours)

An employer shall grant thirty-minute or longer paid nursing time twice a day to those female workers who have infants under the age of one, upon request.

CHAPTER VI SAFETY AND HEALTH

Article 76 (Safety and Health)

Safety and health of workers shall be subject to the conditions as prescribed by the Industrial Safety and Health Act.

CHAPTER VII APPRENTICESHIP

Article 77 (Protection of Apprentices)

An employer shall neither maltreat training workers, probational workers, or other workers, regardless of their titles, whose objective is to acquire technical skills, nor have them do his/her own domestic works or other works not related to the acquisition of technical skills.

CHAPTER VIII ACCIDENT COMPENSATION

Article 78 (Compensation for Medical Treatment)

- (1) An employer shall provide necessary medical treatment at his/her expense or bear corresponding expenses for a worker who suffers from an occupational injury or disease.
- (2) The scope and period of a compensation for medical treatment of occupational diseases as referred to in paragraph (1) shall be prescribed by Presidential Decree. *<Amended by Act No. 8960, Mar. 21, 2008>*

Article 79 (Compensation for Suspension of Work)

- (1) An employer shall pay a worker who is under medical treatment pursuant to Article 78 a compensation for suspension of work equivalent to 60 percent of his/her average wages during the period of his/her medical treatment. *<Amended by Act NO. 8960, Mar. 21, 2008>*
- (2) Where, during the period of receiving a compensation for suspension of work under paragraph (1), a person who is to receive such compensation has received part of his/her wages, an employer shall pay the compensation for suspension of work equivalent to 60/100 of the difference between the paid amount and his/her average wages. *<Newly Inserted by Act No. 8960, Mar. 21, 2008>*
- (3) Period of a compensation for suspension of work shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 8960, Mar. 21, 2008>*

Article 80 (Compensation for Disability)

- (1) When a worker suffers from a physical disability remaining even after finishing treatment for an occupational injury or disease, the employer shall provide him/her, in accordance with the grade of disability, with a compensation for disability calculated by multiplying the average wages by the number of days as provided for in attached Table. *<Amended by Act No. 8960, Mar. 21, 2008>*
- (2) In cases where a person who already has a physical disability suffers from more serious disability of the same part of body due to injury or disease, an amount of a compensation for such disability shall be the amount calculated by multiplying the number of days, which is the difference between the number of days of a compensation for disability falling under the previous grade of disability and the number of days of a compensation for disability falling under the grade of disability which has become more serious, by average wages at the time when a ground for claim for compensation arises. *<Newly Inserted by Act No. 8960, Mar. 21, 2008>*
- (3) Criteria for determination of the grade of physical disability eligible for a compensation for disability and period of a compensation for disability shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 8960, Mar. 21, 2008>*

Article 81 (Exception to Compensation for Suspension of Work and Compensation for Disability)

If a worker suffers from an occupational injury or disease due to his/her own gross negligence and the employer obtains admission for said negligence from the Labor Relations Commission concerned, the employer shall not be required to provide a compensation for suspension of work or a compensation for disability.

Article 82 (Compensation for Survivors)

(1) An employer shall provide a compensation equivalent to the average wages of 1,000 days to surviving family members of a worker who has deceased during the performance of his/her duties immediately after the worker has deceased. *<Amended by Act No. 8960, Mar. 21, 2008>*

(2) The scope of surviving family under paragraph (1), order of a compensation for surviving family and order of a compensation for surviving family in case of death of a person determined to receive a compensation shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 8960, Mar. 21, 2008>*

Article 83 (Funeral Expenses)

When a worker has deceased during the performance of his/her duties or as a result thereof, the employer shall, immediately after the relevant worker has deceased, provide funeral expenses equivalent to the average wages of 90 days. *<Amended by Act No. 8960, Mar. 21, 2008>*

Article 84 (Lump Sum Compensation)

When a worker who receives a compensation in accordance with Article 78 does not completely recover from the occupational injury or disease even after two years have passed since the medical treatment began, the employer may be exempted from any further liability for compensation under this Act by providing a lump sum compensation in an amount equivalent to the average wages of 1,340 days.

Article 85 (Installment Compensation)

When an employer proves his/her ability to pay compensation and obtains the consent of the recipient concerned, he/she may pay any such compensation as referred to in Article 80, 82 or 84 in installments over one year.

Article 86 (Claim for Compensation)

A claim for compensation shall not be affected by the retirement of the worker concerned and may not be transferred or confiscated.

Article 87 (Relationships with other Damage Claims)

When a person eligible to receive compensation has received money or other valuables corresponding to an accident compensation as prescribed by this Act for the same cause in accordance with the Civil Act or any other Acts and subordinate statutes, the employer shall be exempted from the obligation of

compensation to the extent of the said value received.

Article 88 (Review and Arbitration by Minister of Employment and Labor)

- (1) When a person has an objection to the admission of occupational injury, disease or death, methods of medical treatment, determination of compensation amount, or any other matter pertaining to the implementation of compensation, he/she may request the Minister of Employment and Labor to review or arbitrate the case in question. *<Amended by Act No. 10339, Jun. 4, 2010>*
- (2) When a request referred to in paragraph (1) is filed, the Minister of Employment and Labor shall review or arbitrate the case within one month. *<Amended by Act No. 10339, Jun. 4, 2010>*
- (3) The Minister of Employment and Labor may review or arbitrate the case ex officio, if deemed necessary. *<Amended by Act No. 10339, Jun. 4, 2010>*
- (4) The Minister of Employment and Labor may have a doctor diagnose or examine a worker, if deemed necessary for a review or arbitration. *<Amended by Act No. 10339, Jun. 4, 2010>*
- (5) With regard to the interruption of prescription, the request for review or arbitration referred to in paragraph (1) and the commencement of the review or arbitration referred to in paragraph (2) shall be regarded as a claim by way of judicial proceedings.

Article 89 (Review and Arbitration by Labor Relations Commission)

- (1) If a review or arbitration is not made by the Minister of Employment and Labor within the period specified under Article 88 (2) or if a person is dissatisfied with the result of a review or arbitration, the person may file a request for a review or arbitration with the Labor Relations Commission. *<Amended by Act No. 10339, Jun. 4, 2010>*
- (2) When the request referred to in paragraph (1) is filed, the Labor Relations Commission shall review or arbitrate the case within one month.

Article 90 (Exceptional Cases related to Contract Work)

- (1) If a project is executed based on several tiers of contracts, the prime contractor shall be regarded as an employer with regard to accident compensation.
- (2) In cases of paragraph (1), if the prime contractor makes his/her subcontractor liable for compensation by a written agreement, the subcontractor shall be also regarded as an employer: Provided, That the prime contractor shall not have two or more subcontractors bear overlapping compensation with regard to the same project.
- (3) In cases of paragraph (2), if the prime contractor has been requested to pay compensation, he/she may ask the requesting person to demand compensation first from the subcontractor who has agreed to be liable for such compensation: Provided, That this shall not apply where the said subcontractor is declared bankrupt or his/her whereabouts is unknown.

Article 91 (Preservation of Documents)

An employer shall not abandon important documents related to accident compensation unless an accident compensation is finished or before a claim for accident compensation expires by prescription pursuant to Article 92. <Amended by Act No. 8960, Mar. 21, 2008>

Article 92 (Prescription)

A claim for accident compensation as referred to in this Act shall be extinguished by prescription, unless exercised within three years.

CHAPTER IX RULES OF EMPLOYMENT

Article 93 (Preparation and Reporting of Rules of Employment)

An employer who ordinarily employs ten or more workers shall prepare the rules of employment regarding the matters falling under each of the following subparagraphs and report such rules to the Minister of Employment and Labor. The same shall also apply where he/she amends such rules: <Amended by Act No. 9038, Mar. 28, 2008; Act No. 10339, Jun. 4, 2010; Act No. 11270, Feb. 1, 2012>

1. Matters pertaining to the beginning and ending time of work, recess hours, holidays, leaves, and shifts;
2. Matters pertaining to the determination, calculation and payment method of wages, the period for which wages are calculated, the period for paying wages, and pay raises;
3. Matters pertaining to the methods of calculation and payment of family allowances;
4. Matters pertaining to retirement;
5. Matters pertaining to retirement allowances under Article 4 of the Guarantee of Workers' Retirement Benefits Act, bonuses, and minimum wages;
6. Matters pertaining to the burden of workers' meal allowances, expenses of operational tools or necessities and so forth;
7. Matters pertaining to educational facilities for workers;
8. Matters pertaining to the protection of workers' maternity and work family balance assistance, such as leaves before and after childbirth and child-care leaves;
9. Matters pertaining to safety and health;
 - 9-2. Matters pertaining to the improvement of environment of a place of work according to characteristics of workers, such as sex, ages or physical conditions, etc.;
10. Matters pertaining to assistance with respect to occupational and non-occupational accidents;
11. Matters pertaining to award and punishment;
12. Other matters applicable to all workers within the business or workplace concerned.

Article 94 (Procedures for Preparation and Amendment of Rules)

(1) An employer shall, with regard to the preparation or alteration of the rules of employment, hear the opinion of a trade union if there is such a trade union composed of the majority of the workers in the business or workplace concerned, or otherwise hear the opinion of the majority of the said workers if there is no trade union composed of the majority of the workers: Provided, That in case of amending the rules of employment unfavorably to workers, the employer shall obtain their consent thereto.

(2) When an employer reports the rules of employment pursuant to Article 93, he/she shall attach a document containing the opinion as referred to in paragraph (1).

Article 95 (Restrictions on Punishment Regulations)

When a punitive wage cut for workers must be contained in the rules of employment, the amount of reduced wage for each infraction shall not exceed half of one day's average wages of the relevant worker and the total amount of reduction shall not exceed one-tenth of the total amount of wages at each time of wages payment.

Article 96 (Observance of Collective Agreement)

(1) Rules of employment shall not conflict with any Acts and subordinate statutes, or a collective agreement applicable to the business or workplace concerned.

(2) The Minister of Employment and Labor may give an order to modify any part of the rules of employment which conflict with any Acts and subordinate statutes or the collective agreement concerned.

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

Article 97 (Effect of Violation)

If a labor contract includes any term or condition of employment which fails to meet the standards of labor as provided for in the rules of employment, such part shall be null and void. In this case, the invalidated part shall be governed by the standards provided for in the rules of employment.

CHAPTER X DORMITORY

Article 98 (Protection of Dormitory Life)

(1) An employer shall not interfere in the private life of workers lodging in a dormitory annexed to the business or workplace concerned.

(2) An employer shall not interfere with the election of staff required for the autonomous management of a dormitory.

Article 99 (Preparation of and Amendment to Dormitory Rules)

(1) An employer who intends to lodge his/her workers in a dormitory annexed to a business or workplace shall prepare dormitory rules concerning the following matters:

1. Matters pertaining to getting-up and sleeping, and going-out and overnight stay;
2. Matters pertaining to events;
3. Matters pertaining to meals;
4. Matters pertaining to safety and health;
5. Matters pertaining to the maintenance of buildings and facilities;
6. Other matters to be applicable to all workers lodging in the dormitory.

(2) The employer shall obtain the consent of the representative of the majority of the lodging workers with regard to the preparation of or amendment to the dormitory rules stipulated in paragraph (1).

(3) Both the employer and the workers lodging in the dormitory concerned shall comply with the dormitory rules.

Article 100 (Facilities, and Safety Sanitation)

(1) An employer shall take measures necessary for the maintenance of health, public morals and lives of the workers lodging in a dormitory annexed to the business or workplace.

(2) The standards for the measures to be taken pursuant to paragraph (1) shall be prescribed by Presidential Decree.

CHAPTER XI LABOR INSPECTOR, ETC.

Article 101 (Supervisory Authorities)

(1) The Ministry of Employment and Labor and its subordinate offices shall have a labor inspector to ensure the standards of the terms and conditions of employment. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Matters concerning the qualifications, appointment and dismissal, and placement of the labor inspector shall be prescribed by Presidential Decree.

Article 102 (Authority of Labor Inspector)

(1) A labor inspector shall have the authority to inspect workplaces, dormitories and other annexed buildings, to request the submission of books and documents, and to interrogate both an employer and workers.

(2) A labor inspector who is a medical doctor or a medical doctor entrusted by a labor inspector shall have the authority to conduct a medical examination of workers who seem vulnerable to those diseases due to which their continuous employment should be precluded.

(3) In cases of paragraphs (1) and (2), the labor inspector or a medical doctor entrusted by the labor inspector shall show his/her identification card and a letter of order of inspection or medical examination

issued by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) In a letter of order of inspection or medical examination order referred to in paragraph (3), its date and time, place, and scope shall be specified clearly.

(5) A labor inspector shall have the authority to perform the official duties of judiciary police officials as prescribed by the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of Their Duties with regard to the crimes in violation of this Act or other labor-related Acts and subordinate statutes.

Article 103 (Duty of Labor Inspector)

A labor inspector shall keep strictly any confidential matter which comes to his/her knowledge in the course of performing his/her duties. This shall also apply after he/she is retired from the position.

Article 104 (Reporting to Supervisory Authorities)

(1) Workers may report to the Minister of Employment and Labor or a labor inspector if any violation of the provisions of this Act or Presidential Decree under this Act occurs at a business or workplace.

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

(2) An employer shall not dismiss or treat a worker unfairly for making such a report referred to in paragraph (1).

Article 105 (Restrictions on Person Having Authority to Exercise Judicial Police Power)

Only public prosecutors and labor inspectors shall have the authority to conduct inspections, request the submission of documents, and interrogate employers and workers as prescribed by this Act and any other labor-related Acts and subordinate statutes: Provided, That this shall not apply to the investigation of crimes related to the duties of labor inspectors.

Article 106 (Delegation of Authority)

The authority of the Minister of Employment and Labor under this Act may be delegated partly to the head of a regional employment and labor authority as prescribed by Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

CHAPTER XII PENAL PROVISIONS

Article 107 (Penal Provisions)

A person who has violated Article 7, 8, 9, 23 (2) or 40 shall be punished by imprisonment for not more than five years or by a fine of not exceeding 30 million won.

Article 108 (Penal Provisions)

A labor inspector who has connived, on purpose, at violations of this Act shall be punished by imprisonment for not more than three years or by a suspension of qualification for not more than five years.

Article 109 (Penal Provisions)

(1) A person who has violated Articles 36, 43, 44, 44-2, 46, 56, 65 or 72 shall be punished by imprisonment for not more than three years or by a fine of not exceeding 20 million won. *<Amended by Act No. 8561, Jul. 27, 2007>*

(2) A public prosecution against a person who has violated Articles 36, 43, 44, 44-2, 46 or 56 may not be raised against the clearly expressed will of the person who has suffered the loss concerned. *<Amended by Act No. 8561, Jul. 27, 2007>*

Article 110 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than two years or by a fine of not exceeding ten million won: *<Amended by Act No. 9699, May 21, 2009; Act No. 11270, Feb. 1, 2012>*

1. A person who violates Articles 10, 22 (1), 26, 50, 53 (1), (2) and (3) (main sentence), 54, 55, 60 (1), (2), (4) and (5), 64 (1), 69, 70 (1) and (2), 71, 74 (1) through (5), 75, 78 through 80, 82, 83 and 104 (2);
2. A person who fails to comply with the order issued under Article 53 (4).

Article 111 (Penal Provisions)

A person who has failed to comply with an order for remedy or the decision made by reexamination in which an order for remedy is contained, which became final and conclusive pursuant to Article 31 (3) or through an administrative litigation, shall be punished by imprisonment for not more than one year or by a fine of not exceeding ten million won.

Article 112 (Accusation)

- (1) The offense provided for in Article 111 may be prosecuted only upon the Labor Relations Commission's accusation.
- (2) A public prosecutor may notify the Labor Relations Commission of a violation which falls under the offense under paragraph (1) to ask it for the accusation thereof.

Article 113 (Penal Provisions)

A person who has violated Article 45 shall be punished by a fine of not exceeding ten million won.

Article 114 (Penal Provisions)

Any of the following persons shall be punished by a fine of not exceeding five million won: <Amended by Act No. 8561, Jul. 27, 2007; Act No. 9038, Mar. 28, 2008; Act No. 9699, May 21, 2009; Act No. 11270, Feb. 1, 2012>

1. A person who violates Articles 6, 16, 17, 20, 21, 22 (2), 47, 53 (3) (proviso), 67 (1) and (3), 70 (3), 73, 74 (6), 77, 94, 95, 100 and 103;
2. A person who violates an order referred to in Article 96 (2).

Article 115 (Joint Penal Provisions)

If an agent, employee or any other worker of a business owner commits an offense prescribed in Articles 107, 109 through 111, 113 or 114 with respect to the affairs of the workers of the relevant business, not only the offender shall be punished, but the business owner shall also be punished by a fine pursuant to the relevant Article: Provided, That this shall not apply where such business owner has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such violation.

Article 116 (Fines for Negligence)

(1) A person who falls under any one of the following subparagraphs shall be punished by a fine for negligence of not exceeding five million won: <Amended by Act No. 9699, May 21, 2009; Act No. 10339, Jun. 4, 2010>

1. A person who has failed to make a report, or who has made a fraudulent report, or who has failed to attend, at the request of the Minister of Employment and Labor, the Labor Relations Commission, or a labor inspector as referred to in Article 13;
2. A person who has violated Articles 14, 39, 41, 42, 48, 66, 91, 93, 98 (2) or 99;
3. A person who has refused, obstructed or evaded inspections or examinations by a labor inspector under Article 102 or a medical doctor entrusted by him/her, who has not made any of the required statements to his/her official questioning or has made false statements, or who has failed to present books or documents or has presented false books or documents.

(2) The fine for negligence under paragraph (1) shall be imposed and collected by the Minister of Employment and Labor as prescribed by Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

(3) through (5) Deleted. <by Act No. 9699, May 21, 2009>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 16 (24) of the Addenda shall take effect on April 12, 2007; the amended provisions of Articles 12, 13, 17, 21, 23 (1), 24 (3), 25 (1), 27 through 33, 37 (1), 38, 43, 45, 64 (3), 77 and 107, subparagraph 1 of Article 110, Articles 111, 112, 114 and 116, and Article 16 (9) of the Addenda shall take effect on July 1, 2007; and the amended provisions of Article 16 (21) of the Addenda shall take effect on July 20, 2007.

Article 2 (Transitional Measures concerning Enforcement Date)

The previous provisions of Articles 11, 12, 24, 28, 30 (1), 31 (3), 31-2 (1), 33, 36-2 (1), 37, 42, 44, 77 and 110, subparagraph 1 of Article 113, and Article 115 shall apply until the amended provisions of Articles 12, 13, 17, 21, 23 (1), 24 (3), 25 (1), 28, 37 (1), 38, 43, 45, 77 and 107, subparagraph 1 of Article 110, and Article 114, which correspond to the said previous provisions, take effect in accordance with the proviso of Article 1 of the Addenda.

Article 3 (Period of Validity)

The amended provisions of Article 16 shall have effect until June 30, 2007.

Article 4 (Enforcement Date of Amended Labor Standards Act, Act No. 6974)

The enforcement date of the amended Labor Standards Act, Act No. 6974, shall be as follows:

1. Any financial and insurance business, any government-invested institution provided for in Article 2 of the Framework Act on the Management of Government-Invested Institutions, any local government-invested public corporation and any local government public corporation provided for in Articles 49 and 76 of the Local Public Enterprises Act, the institution or the organization in or to which the State, any local government or any government-invested institution makes the equity investment of not less than 50 percent of the former's capital or makes contributions of not less than 50 percent of the former's basic property, and other institutions or other organizations in or to which the said institution or the said organization makes the equity investment of not less than 50 percent of the former's capital or makes contributions of not less than 50 percent of the former's basic property, and any business or any workplace that keeps not less than 1,000 workers employed on its payroll: July 1, 2004;
2. Any business or any workplace that keeps workers ranging from not less than 300 to less than 1,000 in their numbers employed: July 1, 2005;
3. Any business or any workplace that keeps workers ranging from not less than 100 to less than 300 in their numbers employed: July 1, 2006;
4. Any business or any workplace that keeps workers ranging from not less than 50 to less than 100 in their numbers employed: July 1, 2007;
5. Any business or any workplace that keeps workers ranging from not less than 20 to less than 50 in their numbers employed: July 1, 2008;
6. Any business or any workplace that keeps less than 20 workers in their numbers employed or any institution of the State and the local governments: the date that is fixed by Presidential Decree within a period up to 2011.

Article 5 (Special Cases concerning Application of Amended Labor Standards Act, Act No. 6974)

In the event that an employer makes a report to the Minister of Labor after obtaining the consent of a labor union that is composed of a majority of workers or, if there is no such labor union, the consent of a majority of workers, prior to the enforcement date provided for in Article 4 of the Addenda, as prescribed by Ordinance of the Ministry of Labor, the amended provisions may apply even prior to the enforcement date provided for in Article 4 of the Addenda.

Article 5-2 (Special Cases in Application of Working Hours of Construction Works, etc.)

Notwithstanding subparagraph 6 of Article 4 of the Addenda, it shall be determined as to whether working hours under Article 50 apply to all the workers employed for the works which include all or some of the works under the following subparagraphs and the contracts for which are awarded by the same person and are recognized as being performed according to one consistent system in the light of the purpose, place, period, etc. of the works (hereafter referred to as "related works" in this Article), on the basis of the number of regular workers of the related works calculated as prescribed by Presidential Decree based on the total amount of contracts for works at the time of awarding contracts for the related works:

1. Construction works under the Framework Act on the Construction Industry;
2. Electrical works under the Electrical Construction Business Act;
3. Information and communication works under the Information and Communications Construction Business Act;
4. Fire-fighting system installation works under the Fire-Fighting System Installation Business Act;
5. Cultural heritage repairing works under the Cultural Heritage Protection Act.

Article 6 (Special Cases concerning Extended Work)

(1) "12 hours" shall be deemed "16 hours" for three years from the enforcement date referred to in each subparagraph of Article 4 of the Addenda (referring to the application date in the event that the report is made to the Minister of Labor in accordance with Article 5 of the Addenda; hereinafter the same shall apply) in the application of the provisions of Articles 53 (1) and 59 (1).

(2) In the application of the provisions of paragraph (1), "fifty percent" provided for in Article 56 shall be deemed "twenty-five percent" with respect to the first four hours.

Article 7 (Supplementation of Wages and Change, etc. in Collective Agreement)

(1) Every employer shall work to keep the current wage level and the ordinary wages per hour from falling that might be caused by the enforcement of the amended Labor Standards Act, Act No. 6974.

(2) Every worker, every labor union and every employer shall work to reflect ways to supplement wages and the matters contained in the amended Labor Standards Act, Act No. 6974, in the collective agreements, the rules of employment, etc. at the earliest possible time, regardless of whether or not such collective agreements expire in connection with the enforcement of the said Act.

(3) In the application of paragraphs (1) and (2), wage categories and ways of coordinating wages shall be autonomously prescribed by workers, labor unions and employers in collective agreements, the rules of employment, etc.

Article 8 (Transitional Measures concerning Annual and Monthly Paid Leaves)

Any monthly paid leave and any annual paid leave that occurred prior to the enforcement date of the amended Labor Standards Act, Act No. 6974, shall be governed by the previous provisions.

Article 9 (Applicability to Interest for Delayed Payment of Wages)

The amended provisions of Article 36-2 of the amended Labor Standards Act, Act No. 7465, shall apply to the cases where the cause of payment accrues on or after the enforcement date of the said Act.

Article 10 (Applicability to Protective Leaves, etc. under Miscarriage or Stillbirth)

The amended provisions of Article 72 (2) and (3) of the amended Labor Standards Act, Act No. 7566, shall apply to any female worker who gives birth to a baby or has a miscarriage or a stillbirth on or after the enforcement date of the said Act.

Article 11 (Applicability to Preferential Reemployment, etc.)

The amended provisions of Article 25 (1) shall apply to any dismissal for managerial reasons which arises on or after July 1, 2007 on which the amended Labor Standards Act, Act No. 8293, takes effect.

Article 12 (Applicability to Remedy from Unfair Dismissal, etc.)

The amended provisions of Articles 28 through 33, 111 and 112 shall apply to any unfair dismissal, etc. which arises on or after July 1, 2007 on which the amended Labor Standards Act, Act No. 8293, takes effect.

Article 13 (Transitional Measures concerning Preferential Payment of Wage Claims)

(1) In the case of employees who retired before the enforcement of the amended Labor Standards Act, Act No. 5473, notwithstanding the amended provisions of Article 37 (2) 2 of the said Act, the retirement allowance for consecutive years of employment which began on or after March 29, 1989 shall be subject to preferential reimbursement.

(2) In the case of employees who were recruited before and retired after the enforcement of the amended Labor Standards Act, Act No. 5473, notwithstanding the amended provisions of Article 37 (2) 2 of the said Act, the total amount of both the retirement allowance calculated for consecutive years of employment from March 29, 1989 to the day before the enforcement of the said Act and the retirement allowance of the last three years generated from consecutive years of employment since the enforcement of the said Act shall be subject to preferential reimbursement.

(3) The retirement allowance as an object to be paid preferentially pursuant to the provisions of paragraphs (1) and (2) shall be subject to calculation as an amount equivalent to 30 days' portion of the average wages for every one year of continuous employment.

(4) The retirement allowance falling on preferential payment pursuant to paragraphs (1) and (2) shall not exceed 250 days'portion of the average wages.

Article 14 (Transitional Measures concerning Disposition, etc.)

Any acts done by or against administrative agencies under the previous provisions at the time when this Act enters into force shall be considered as any acts done by or against administrative agencies under the corresponding provisions of this Act.

Article 15 (Transitional Measures concerning Penal Provisions)

The application of the penal provisions to any acts committed before the enforcement of this Act shall be pursuant to the previous provisions.

Article 16 Omitted.

Article 17 (Relation with other Acts and Subordinate Statutes)

In case where other Acts and subordinate statutes cite the previous Labor Standards Act or the provisions thereof at the time when this Act enters into force, if this Act includes the provisions corresponding to them, this Act or the corresponding provisions of this Act shall be considered to be cited in lieu of the previous provisions.

ADDENDA <Act No. 8435, May 17, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2008. (Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDUM <Act No. 8561, Jul. 27, 2007>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 8781, Dec. 21, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDA <Act No. 8960, Mar. 21, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2008.

Article 2 (Applicability concerning Permission for Time for Medical Examination of Unborn Child)

The amended provisions of Article 74-2 shall apply starting from a pregnant worker at the time when this Act enters into force.

Article 3 (Applicability concerning Special Case in Application of Working Hours)

The amended provisions of Article 5-2 of the Addenda of the wholly amended Labor Standards Act (Act No. 8372) shall apply starting from workers employed for the related work a contract of which is entered into on or after the date when this Act enters into force.

ADDENDA <Act No. 9038, Mar. 28, 2008>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraphs 8 and 9-2 of Article 93 shall enter into force three months after the date of its promulgation.

(2) (Applicability concerning Return to Work, etc. after Completion of Leave before and after Childbirth) The amended provisions of Article 74 (5) shall apply starting from a worker on her leave before and after childbirth at the time when this Act enters into force.

(3) (Applicability concerning Preparation and Report of Employment Regulations) The amended provisions of subparagraphs 8 and 9-2 of Article 93 shall apply beginning with the first employment regulations reported after this Act enters into force.

ADDENDA <Act No. 9699, May 21, 2009>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Transitional Measures) The application of penal provisions of acts committed before this Act enters into force shall be subject to the previous provisions.

ADDENDA <Act No. 10303, May 17, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDUM <Act No. 10319, May 25, 2010>

This Act shall enter into force on January 1, 2012.

ADDENDA <Act No. 10339, Jun. 4, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10366, Jun. 10, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force two years after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 10719, May 24, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11270, Feb. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Disclosure of Name of Business Owners who Delayed Payment of Wages)

Among the amended provisions of Article 43-2 (1), where the total amount of money in arrear with the wages, etc. during the period of one year prior to the date of disclosure of name is at least 30 million won, the amended provisions shall apply starting from the first case where the Minister of Employment and Labor confirms a delayed payment of wages, etc. after this Act enters into force.

Article 3 (Applicability to Provision of Data on Delayed Payment of Wages, etc.)

Among the amended provisions of Article 43-3 (1), where the total amount of money in arrear with the wages, etc. during the period of one year prior to the date of provision of data on delayed wages, etc. is at least 20 million won, the amended provisions shall apply starting from the first case where the Minister of Employment and Labor confirms a delayed payment of wages, etc. after this Act enters into force.

Article 4 (Applicability to Annual Paid Leave)

The amended provisions of Article 60 (2) shall apply starting from the worker whose period of working becomes one year for the first time after this Act enters into force and his/her period of reporting to work during the said one year is less than 80 percentage.

Article 5 (Applicability to Use of Maternity Leave at Multiple Times)

The amended provisions of Article 74 (2) shall apply starting from the worker who applies, for the first time after this Act enters into force, for use of the maternity leave at multiple times.

Article 6 (Applicability to Miscarriage/Stillbirth Leave)

The amended provisions of Article 74 (3) shall apply starting from the first worker who applies for a miscarriage/stillbirth leave after this Act enters into force.

Article 7 Omitted.

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