

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.

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