

# EMPLOYMENT INSURANCE ACT

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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