LABOR STANDARDS ACT

[Enforcement Date 19. Nov, 2021.] [Act No.18176, 18. May, 2021., Partial Amendment]

고용노동부 (근로기준정책과 - 해고, 취업규칙, 기타)044-202-7534

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to establish the standards for terms and conditions of employment in conformity with the Constitution, thereby securing and improving the fundamental living standards of employees and achieving a well-balanced development of the national economy.

Article 2 (Definitions) (1) The terms used in this Act are defined as follows: <Amended on Mar. 20, 2018; Jan. 15, 2019; May 26, 2020>

1. The term "employee" means a person, regardless of the kind of occupation, who offers labor to business or a workplace for the purpose of earning wages;
2. The term "employer" means a business owner, or a person responsible for the management of business, or a person who acts on behalf of a business owner with respect to matters relating to employees;
3. The term "work" means both mental work and physical work.
4. The term "labor contract" means a contract which is entered into in order that an employee offers work for which the employer pays its corresponding wages;
5. The term "wages" means wages, salary and any other kinds of money or valuables, regardless of their titles, which the employer pays to an employee as remuneration for work;
6. The term "average wages" means the amount calculated by dividing the total amount of wages paid to a relevant employee during three calendar months immediately before the day grounds for calculating his or her average wages occurred by the total number of calendar days during the three months. This shall apply mutatis mutandis to the employment of less than three months;
7. The term "one week" means seven days including holidays;
8. The term "contractual work hours" means work hours on which employees and their employer have made an agreement within the limit of work hours under Article 50 or the main clause of Article 69 of this Act, or

under Article 139 (1) of the Occupational Safety and Health Act;

9. The term "part-time employee" means an employee whose contractual work hours per week are shorter than those of a full-time employee engaged in the same kind of work at the workplace concerned.

(2) When the amount calculated pursuant to paragraph (1) 6 is lower than that of the ordinary wages of the employee concerned, the amount of the ordinary wages shall be deemed his or her average wages.

Article 3 (Standards of Terms and Conditions of Employment) The terms and conditions of employment prescribed by this Act shall be the minimum standards for employment, and the parties to labor relations shall not lower the terms and conditions of employment under the pretext of compliance with this Act.

Article 4 (Establishment of Terms and Conditions of Employment) Terms and conditions of employment shall be freely established on the basis of equality, as agreed between employees and their employer.

Article 5 (Observance of Terms and Conditions of Employment) Both employees and employers shall comply with collective agreements, rules of employment, and terms of labor contracts and be obliged to fulfill them in good faith.

Article 6 (Equal Treatment) An employer shall neither discriminate against employees on the basis of gender, nor take discriminatory treatment in relation to terms and conditions of employment on the ground of nationality, religion, or social status.

Article 7 (Prohibition of Forced Labor) An employer shall not force an employee to work against his or her own free will through the use of violence, intimidation, confinement, or any other means by which the mental or physical freedom of the employee might be unduly restricted.

Article 8 (Prohibition of Violence) An employer shall not do violence to an employee for the occurrence of accidents or for any other reason.

Article 9 (Elimination of Intermediary Exploitation) No person shall intervene in the employment of another person for making a profit or gain benefit as an intermediary, unless otherwise prescribed by any Act.

Article 10 (Guarantee of Exercise of Civil Rights) An employer shall not reject a request from an employee to grant time necessary to exercise the franchise or other civil rights, or to perform official duties, during work hours: Provided, That the time requested may be changed, unless such change impedes the

exercise of those rights or performance of those official duties.

Article 11 (Scope of Application) (1) This Act shall apply to all businesses or workplaces in which not less than five employees are regularly employed: Provided, That this Act shall neither apply to any business or workplace in which only the employer's blood relatives living together are engaged, nor to servants hired for the employer's domestic works.

(2) With respect to a business or workplace in which not more than four employees are regularly employed, some provisions of this Act may apply as prescribed by Presidential Decree.

(3) In applying this Act, the method of calculating the number of employees regularly employed shall be prescribed by Presidential Decree. <Newly Inserted on Mar. 21, 2008>

Article 12 (Scope of Application) This Act and Presidential Decree promulgated under this Act shall apply to the State, Special Metropolitan City/Metropolitan City/Do, Si/Gun/Gu, Eup/Myeon/Dong, or other equivalents.

Article 13 (Obligations to Report and Appear) An employer or an employee shall report on, or attend meetings relating to, necessary matters without delay, whenever the Minister of Employment and Labor, a Labor Relations Commission under the Labor Relations Commission Act (hereinafter referred to as "Labor Relations Commission"), or a labor inspector requests to do so with respect to the enforcement of this Act. <Amended on Jun. 4, 2010>

Article 14 (Publicity of Purport of Statutes and Regulations) (1) An employer shall acquaint employees with the purport of this Act and Presidential Decree under thereto, and the rules of employment, by posting or keeping them at a place readily accessible to employees at all times. <Amended on Jan. 5, 2021>

(2) An employer shall post or keep the provisions relating to dormitories in Presidential Decree referred to in paragraph (1) and the dormitory rules provided for in Article 99 (1), in the dormitories, to acquaint employees accommodated therein with them.

[Title Amended on Jan. 5, 2021]

CHAPTER II LABOR CONTRACTS

Article 15 (Labor Contracts in Violation of This Act) (1) A labor contract which has established terms and conditions of employment not in compliance with the standards prescribed by this Act shall be null and void to that extent. <Amended on May 26, 2020>

(2) Those parts made null and void in accordance with paragraph (1) shall be governed by the standards prescribed by this Act.

Article 16 (Term of Contract) The term of a labor contract shall not exceed one year, except in case where there is no fixed term or where there is an otherwise fixed term as necessary for the completion of a certain project.

[The amended provisions of this Article shall be effective until June 30, 2007 pursuant to Article 3 of the Addenda of Act No. 8372 (April 11, 2007)]

Article 17 (Clear Statement of Terms and Conditions of Employment) (1) An employer shall state the following matters clearly. The same shall also apply to any alteration of the following matters after entering into a labor contract: <Amended on May 25, 2010>

1. Wages;
2. Contractual work hours;
3. Holidays under Article 55;
4. Annual paid leaves under Article 60;
5. Other terms and conditions of employment prescribed by Presidential Decree.

(2) An employer shall deliver the written statement (including electronic documents under subparagraph 1 of Article 2 of the Framework Act on Electronic Documents and Transactions) specifying constituent items, calculation methods and payment methods of wages with respect to the wages under paragraph (1) 1 and the matters prescribed in subparagraphs 2 through 4 to employees: Provided, That where the matters under the main clause are modified due to reasons prescribed by Presidential Decree, such as changes, etc. of collective agreements or rules of employment, such matters shall be delivered to the relevant employees at their request. <Newly Inserted on May 25, 2010; Jan. 5, 2021>

Article 18 (Terms and Conditions of Employment of Part-Time Employees) (1) The terms and conditions of employment of part-time employees shall be determined on the basis of relative ratio computed in comparison to those work hours of full-time employees engaged in the same kind of work at the pertinent workplace.

(2) Criteria and other necessary matters to be considered for the determination of terms and conditions of employment under paragraph (1) shall be prescribed by Presidential Decree.

(3) Articles 55 and 60 shall not apply to employees whose contractual work hours per week on an average of four weeks (in cases where their working periods are less than four weeks, such period of working) are less than 15 hours. <Amended on Mar. 21, 2008>

Article 19 (Breach of Terms and Conditions of Employment) (1) When any of the terms and conditions of employment as expressly set forth pursuant to Article 17 is not observed, the employee concerned shall be entitled to claim damages on the ground of the breach of the terms and conditions of employment and may terminate the labor contract forthwith.

(2) When an employee intends to claim damages in accordance with paragraph (1), he or she may file a claim with the Labor Relations Commission, and, if the labor contract has been terminated, the employer concerned shall provide travel expenses for returning home to the employee who changes his or her residence for the purpose of taking up a new job.

Article 20 (Prohibition against Predetermination of Penalty for Breach of Contracts) An employer shall not enter into any contract in which a penalty or indemnity for possible damages caused by the breach of a labor contract is predetermined.

Article 21 (Prohibition of Offsetting Wages with Advances) An employer shall not offset wages with an advance or other credits given in advance on the condition that an employee offers work.

Article 22 (Prohibition of Compulsory Savings) (1) An employer shall not enter into any contract incidental to a labor contract, which provides for compulsory savings or savings deposits management.

(2) Where an employer manages savings deposits entrusted by an employee, the following shall be observed:

1. Types and periods of deposits, and financial institutions shall be determined by the employee, and the deposit shall be made under the employee's name;
2. The employer shall immediately comply with the employee's request for the inspection or return of the certificate of deposit or other related documents.

Article 23 (Restriction on Dismissal) (1) An employer shall not, without justifiable cause, dismiss, lay off, suspend, or transfer an employee, reduce his or her wages, or take other punitive measures (hereinafter referred to as "unfair dismissal, etc.") against him/her.

(2) An employer shall not dismiss an employee during a period of suspension of work for medical treatment of an occupational injury or disease and within 30 days immediately thereafter, and any woman before and after childbirth shall not be dismissed during a period of suspension of work as prescribed by this Act and for 30 days immediately thereafter: Provided, That this shall not apply where the employer has paid a lump sum compensation as provided for under Article 84 or where the employer may not continue to conduct his or her business.

Article 24 (Restrictions on Dismissal for Managerial Reasons) (1) Where an employer intends to dismiss an employee for managerial reasons, there must be an urgent managerial necessity. In such cases, it shall be deemed that there is an urgent managerial necessity for the transfer, merger, or acquisition of the business in order to prevent managerial deterioration.

(2) In case of paragraph (1), an employer shall make every effort to avoid dismissal and shall establish and follow reasonable and fair criteria for the selection of those persons subject to dismissal. In such cases, there shall be no discrimination on the basis of gender.

(3) Where there is an organized labor union that represents more than half of the employees at the business or workplace, the employer shall inform at least 50 days before the intended date of dismissal and consult in good faith with the labor union (where there is no such organized labor union, this shall refer to a person who represents more than half of the employees; hereinafter referred to as "representative of employees") regarding the methods for avoiding dismissals, the criteria for dismissal, etc. under paragraph (2).

(4) When an employer intends to dismiss personnel under paragraph (1) above the fixed limit prescribed by Presidential Decree, he or she shall report to the Minister of Employment and Labor as determined by Presidential Decree. <Amended on Jun. 4, 2010>

(5) When an employer dismisses employees in accordance with the conditions prescribed in paragraphs (1) through (3), it shall be deemed a dismissal with proper cause under Article 23 (1).

Article 25 (Preferential Reemployment) (1) When an employer who has dismissed an employee under Article 24 intends to hire, within three years of the date of the dismissal, any employee who will perform the same duty as the dismissed employee did at the time of such dismissal, he or she shall preferentially rehire the employee dismissed under Article 24, if the employee so desires.

(2) The Government shall take necessary measures for the dismissed employees under Article 24, such as stabilization of livelihood, reemployment, and vocational training, on a priority basis.

Article 26 (Advance Notice of Dismissal) When an employer intends to dismiss an employee (including dismissal for management reasons), he or she shall give the employee a notice of dismissal at least 30 days in advance of such dismissal, and, if the employer fails to give such advance notice, he or she shall pay such employee a 30 days' ordinary wage at the least: Provided, That where any of the following is applicable, this shall not apply: <Amended on Jun. 4, 2010; Jan. 15, 2019>

1. Where the period during which the employee has worked continuously is less than three months;
2. Where continuation of the business is impossible due to natural disasters, incidents or other unavoidable circumstances;

3. Where the employee has intentionally caused serious damage to the business or property loss, which falls under the reasons prescribed by Ordinance of the Ministry of Employment and Labor.

Article 27 (Written Notice of Grounds for Dismissal) (1) When an employer intends to dismiss an employee, he or she shall notify the employee in writing of grounds and timing for the dismissal.

(2) The dismissal of an employee shall become effective only upon a written notice pursuant to paragraph (1).

(3) Where an employer has given an employee an advance notice of dismissal under Article 26 in writing, stating grounds and timing for dismissal, the employer shall be deemed to have given notification under paragraph (1). <Newly Inserted on Mar. 24, 2014>

Article 28 (Request for Remedy from Unfair Dismissal) (1) When an employee is subjected by the employer to any unfair dismissal, etc., he or she may request a remedy therefor from a labor relations commission.

(2) A request for remedy under paragraph (1) shall be made within three months from the date of the unfair dismissal, etc.

Article 29 (Investigation) (1) The Labor Relations Commission shall, upon receipt of a request for remedy pursuant to Article 28, immediately conduct necessary investigation and examine the parties concerned.

(2) In making an examination pursuant to paragraph (1), the labor relations commission may, upon a request by the party concerned or ex officio, have a witness present himself or herself to make necessary inquiries.

(3) The Labor Relations Commission shall, in making an examination pursuant to paragraph (1), give the parties concerned sufficient opportunity to produce evidence and to cross-examine the witness.

(4) The detailed procedures for the investigation and examination by the Labor Relations Commission under paragraph (1) shall be as prescribed by the Central Labor Relations Commission under the Labor Relations Commission Act (hereinafter referred to as the "Central Labor Relations Commission").

Article 30 (Order for Remedy) (1) If a dismissal, etc. is judged to be unfair in consequence of the examination under Article 29, the Labor Relations Commission shall issue to the employer an order for remedy, and, if the dismissal, etc. is judged not to be unfair, make a decision to reject the request for remedy.

(2) The judgment, order for remedy and decision of rejection under paragraph (1) shall be notified in writing to the employer and employee, respectively.

(3) In issuing an order for remedy (only referring to an order for remedy following dismissal) under paragraph (1), if an employee does not desire to be reinstated in his or her former office, the Labor Relations

Commission may, instead of issuing an order to reinstate him/her in his or her former office, order the employer to pay such employee the amount of money or other valuables equivalent to or higher than the amount of wages which he or she would have been paid if he or she had offered work during the period of dismissal.

(4) The Labor Relations Commission shall issue an order for remedy or make a decision on dismissal under paragraph (1), even if it is impossible to reinstate the employee in his or her former office (referring to reinstatement in cases other than dismissal) due to expiration of the employment contract, arrival of the retirement age, etc. In such cases, where the Labor Relations Commission judges that the case at issue constitutes unfair dismissal, etc., it may order the employer to pay the employee money and goods equivalent to the amount of wages that the employee would have received if he or she had provided labor during the period of dismissal (referring to money and goods equivalent to reinstatement, in cases other than dismissal). <Newly Inserted on May 18, 2021>

Article 31 (Confirmation of Order for Remedy) (1) An employer or employee who is dissatisfied with an order for remedy or a decision of rejection made by a local Labor Relations Commission under the Labor Relations Commission Act may apply for reexamination to the Central Labor Relations Commission within ten days from the date when he or she has received a written notice of such order or decision.

(2) With respect to a decision made by the Central Labor Relations Commission's reexamination under paragraph (1), the employer or employee may institute a lawsuit pursuant to the Administrative Litigation Act within 15 days from the date when he or she is served with the written decision made by reexamination.

(3) If neither application for reexamination nor administrative litigation is filed within the period referred to in paragraph (1) or (2), the order for remedy, the decision of rejection, or the decision made by reexamination shall become final and conclusive.

Article 32 (Effect of Order for Remedy) The effect of the order for remedy, decision of rejection or decision made by reexamination of the Labor Relations Commission shall not be suspended even if an application for reexamination or administrative litigation is filed with or against the Central Labor Relations Commission pursuant to Article 31.

Article 33 (Charges for Compelling Compliance) (1) The Labor Relations Commission shall impose charges for compelling compliance not exceeding 30 million won on an employer who fails to comply with an order for remedy (including a retrial decision on the order for remedy; hereafter in this Article the same shall apply) within the deadline for complying with the order after such order is issued. <Amended on May 18, 2021>

(2) The Labor Relations Commission shall give the employer a prior notice in writing to the effect that the charge for compelling performance will be imposed and collected, by not later than 30 days before it is imposed pursuant to paragraph (1).

(3) The imposition of charge for compelling performance pursuant to paragraph (1) shall be made in writing specifying the amount of the charge for compelling performance, grounds for imposition, payment deadline, receiving institutions, methods of raising an objection, agency to which an objection may be raised, etc.

(4) The kinds of violation subject to the imposition of the charge for compelling performance under paragraph (1), amounts of imposition by the degree of violation, procedures for return of the charge for compelling performance imposed and collected, and other necessary matters shall be prescribed by Presidential Decree.

(5) The Labor Relations Commission may impose and collect the charge for compelling performance provided for in paragraph (1) repeatedly within the limit of two times per year from the date when it issues the first order for remedy, until the order for remedy is complied with by the person subject to the order for remedy. In such cases, the charge for compelling performance shall not be imposed and collected for more than two years.

(6) The Labor Relations Commission shall not impose an additional charge for compelling performance if the order for remedy is complied with, but shall collect the charge for compelling performance already imposed before the order for remedy is complied with.

(7) If the person liable to pay the charge for compelling performance fails to pay it by the due date for payment, the Labor Relations Commission may urge him/her to pay it within a fixed period, and, if the charge for compelling performance provided for in paragraph (1) is not paid within the fixed period, collect it in the same manner as delinquent national taxes are collected.

(8) When the employer subject to the order for remedy fails to comply with it by the deadline for execution thereof, the employee concerned may inform the Labor Relations Commission thereof within 15 days after such deadline has expired.

Article 34 (Retirement Allowance System) The retirement allowance system under which an employer pays retiring employees retirement allowances shall comply with the Act on the Guarantee of Employees' Retirement Benefits.

Article 35 Deleted. <Jan. 15, 2019> [This Article was deleted by Act No. 16270 promulgated on January 15, 2019, following the decision of unconstitutionality made by the Constitutional Court on December 23, 2015]

Article 36 (Settlement of Payments) When an employee dies or retires, the employer shall pay the wages, compensations, and other money or valuables within 14 days after the cause for such payment occurred: Provided, That the period may, under special circumstances, be extended by mutual agreement between the parties concerned. <Amended on May 26, 2020>

Article 37 (Interest for Delayed Payment of Wages) (1) When an employer fails to pay the whole or a part of the wages and the allowances (referring to only lump-sum allowances) provided for in subparagraph 5 of Article 2 of the Act on the Guarantee of Employees' Retirement Benefits which he or she is liable to pay under Article 36 within 14 days after the cause for such payment occurred, he or she shall pay interest accrued for the delayed days from the following day to the day of the payment in accordance with the interest rate prescribed by Presidential Decree by taking account of the economic situations such as overdue interest rates etc. applied by the banks established under the Banking Act within the limit of 40/100 per year. <Amended on May 17, 2010>

(2) Paragraph (1) shall not apply where an employer delays the payment of wages for natural disasters, calamities, or other reasons prescribed by Presidential Decree, for the period in which the said reasons exist.

Article 38 (Preferential Payment for Claims for Wages) (1) Wages, accident compensations, and other claims arising from labor relations shall be paid in preference to taxes, public charges, or other claims except for claims secured by pledges, mortgages, or the security rights under the Act on Security over Movable Property and Claims on the whole property of the employer concerned: Provided, That this shall not apply to taxes and public charges which take precedence over the said pledges, mortgages, or the security rights under the Act on Security over Movable Property and Claims. <Amended on Jun. 10, 2010>

(2) Notwithstanding paragraph (1), any of the following claims shall be paid in preference to any claims secured by pledges, mortgages, or the security rights under the Act on Security over Movable Property and Claims on the whole property of the employer, taxes, public charges, and other claims: <Amended on Jun. 10, 2010>

1. The wages of the last three months;
2. Accident compensations.

Article 39 (Certificate of Employment) (1) Whenever an employer is requested by an employee to issue a certificate specifying the term of employment, kind of work performed, positions taken, wages received, and other necessary information, he or she shall immediately prepare and deliver a certificate based on facts, even after the retirement of the employee.

(2) The certificate referred to in paragraph (1) shall contain nothing other than what has been requested by the employee.

Article 40 (Prohibition of Interference with Employment) No person shall prepare and use secret signs or lists, or have communications, for the purpose of interfering with the employment of an employee.

Article 41 (Register of Employees) (1) An employer shall prepare a registry of employees by workplace, containing each employee's name, birth date, personal history, and other items as prescribed by Presidential Decree: Provided, That a register of daily workers prescribed by Presidential Decree need not be prepared. <Amended on Jan. 5, 2021>

(2) When there is any change in the items stated on the register of employees pursuant to paragraph (1), correction shall be made without delay.

Article 42 (Preservation of Documents in Relation to Contract) An employer shall, for three years, preserve a register of employees and other important documents related to labor contracts as prescribed by Presidential Decree.

CHAPTER III WAGES

Article 43 (Payment of Wages) (1) Payment of wages shall be directly made in full to employees in currency: Provided, That if otherwise prescribed by statutes or regulations or by a collective agreement, wages may partially be deducted or may be paid by means other than currency.

(2) Wages shall be paid at least once per month on a fixed day: Provided, That this shall not apply to extraordinary wages, allowances, or other similar payments, or those wages prescribed by Presidential Decree.

Article 43-2 (Disclosure of Name of Business Owners with Delayed Payment of Wages) (1) Where at least twice of conviction against the business owner (including the representative person in cases of a corporation; hereinafter referred to as "business owner in arrear") who fails to pay wages, compensations, allowances, or any other money or valuable pursuant to Articles 36, 43, 51-3, 52 (2) 2, and 56 (hereinafter referred to as "wages, etc.") are upheld due to his or her failure to pay the wages, etc. within three years prior to the date of disclosure of name, and the total amount of money in arrear with the wages, etc. during the period of one year prior to the date of the said disclosure is at least 30 million won, the Minister of Employment and Labor may disclose his or her personal information, etc.: Provided, That this shall not apply where the disclosure of name is not effective due to death or closure of business of the business owner in arrear or where other reasons as prescribed by Presidential Decree exist. <Amended on May 26, 2020; Jan. 5,

2021>

(2) Upon disclosing the name pursuant to paragraph (1), the Minister of Employment and Labor shall provide the business owner in arrear with an opportunity to explain by fixing a period of at least three months for such explanation.

(3) In order to review as to whether or not the personal information, etc. of the business owner in arrear should be disclosed pursuant to paragraph (1), the Committee for Review of Information on Overdue Wages (hereafter referred to as the "Committee" in this Article) shall be established within the Ministry of Employment and Labor. In such cases, necessary matters, such as structure and operation, etc. of the Committee, shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) Details, period and method, etc. of disclosure of name under paragraph (1) and other necessary matters for the disclosure shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Feb. 1, 2012]

Article 43-3 (Provision of Data on Delayed Payment of Wages) (1) Where the centralized credit information collection agency under Article 25 (2) 1 of the Credit Information Use and Protection Act requests personal information and the data on the amount of arrears, etc. (hereinafter referred to as "data on delayed payment of wages, etc.") of the business owner in arrear against whom at least twice of conviction are upheld due to his or her failure to pay the wages, etc. within three years prior to the date of provision of the data on delayed wages. etc. and the total amount of money in arrear with the wages, etc. during the period of one year prior to the date of such provision of the data is at least 20 million won, the Minister of Employment and Labor may provide the aforementioned data if deemed necessary to prevent delay in payment of wages, etc.: Provided, That this shall not apply where the disclosure of name is not effective due to death of the business owner in arrear or closure of business or where other reasons prescribed by Presidential Decree exist.

(2) A person who has received the data on delayed payment of wages, etc. pursuant to paragraph (1) shall not use or disclose such data for the purposes other than those for determining credit rating and ability to deal on credit of the business owner in arrear.

(3) Procedure for and method, etc. of providing the data on delayed payment of wages, etc. pursuant to paragraph (1) and other necessary matters for such provision shall be determined by Presidential Decree.

[This Article Newly Inserted on Feb. 1, 2012]

Article 44 (Payment of Wages for Contract Work) (1) Where a project is executed based on at least one tier of contracts, if a subcontractor (where the project is executed based on one tier of contract, referring

to a contractor) fails to pay wages to employees for causes attributable to the immediate upper tier contractor (where the project is executed based on one tier of contract, referring to a contractee), the immediate upper tier contractor shall be liable for the wages jointly and severally with the subcontractor concerned: Provided, That where a cause attributable to the immediate upper tier contractor occurs due to that of his or her upper tier contractor, such upper tier contractor shall also be jointly and severally responsible. <Amended on Feb. 1, 2012; Mar. 31, 2020>

(2) The scope of the attributable causes referred to in paragraph (1) shall be determined by Presidential Decree. <Amended on Feb. 1, 2012>

Article 44-2 (Joint and Several Responsibility for Payment of Wages in Construction Business)

(1) When a construction project is being conducted through two or more tiers of contracts under subparagraph 11 of Article 2 of the Framework Act on the Construction Industry (hereinafter referred to as "contract for construction work"), if a subcontractor that is not a constructor under subparagraph 7 of Article 2 of that Act fails to pay wages (limited to wages arising from the construction works concerned) to employees he or she has employed, an immediate upper tier contractor shall have joint and several responsibility for payment of wages to employees employed by the subcontractor. <Amended on May 24, 2011; Apr. 30, 2019>

(2) When the immediate upper tier contractor under paragraph (1) is not a constructor under subparagraph 7 of Article 2 of the Framework Act on the Construction Industry, the lowest tier constructor falling under the same subparagraph among the upper tier contractors shall be deemed the immediate upper tier contractor. <Amended on May 24, 2011; Apr. 30, 2019>

[This Article Newly Inserted on Jul. 27, 2007]

Article 44-3 (Special Case concerning Wages under Contract for Construction Works)

(1) Where a concluded contract for construction work falls under any of the following subparagraphs, an immediate upper tier contractor shall directly pay the employees employed by a subcontractor an amount of money equivalent to wages (limited to wages arising from the construction works concerned) that the subcontractor shall pay at the request of employees employed by such subcontractor, within the obligation extent of the subcontract cost the immediate upper tier contractor shall pay to the subcontractor:

1. Where the immediate upper tier contractor has agreed with the subcontractor with respect to the intention that the immediate upper tier contractor may directly pay wages that the subcontractor is liable to pay to employees employed by the subcontractor and the method of and procedure for such payment;

2. Where there is an order for payment decided under subparagraph 3 of Article 56 of the Civil Execution Act, an execution deed proving that employees have a claim for wages to a subcontractor under subparagraph 4 of Article 56 of that Act, a decision of advice of performance made pursuant to Article 5-7 of the Trial of Small Claims Act, or other title of debt corresponding to such items as above;
3. Where the subcontractor informs the immediate upper tier contractor that he or she has obligation to pay wages to his or her employees and the immediate upper tier contractor recognizes that the subcontractor has evident reasons to be unable to pay wages due to such reasons as bankruptcy, etc.

(2) When a contract for construction work has been subcontracted down two or more levels from a contractor (hereinafter referred to as "prime contractor") of a person awarding a contract under subparagraph 10 of Article 2 of the Framework Act on the Construction Industry, where employees employed by a subcontractor (including any subcontractor who has been awarded a sub-subcontract by a subcontractor who has been awarded a contract; hereafter the same shall apply in this paragraph) have a title of debt under paragraph (1) 2 to such subcontractor, employees may request the prime contractor to pay directly an amount of money equivalent to wages (limited to wages arising from the construction works concerned) which a subcontractor is to pay. The prime contractor shall comply with such request to the extent of the amount of money for which employees are entitled to exercise the subrogation right of a creditor under Article 404 of the Civil Act to themselves. <Amended on May 24, 2011>

(3) Where an immediate upper tier contractor or a prime contractor has paid the amount of money equivalent to wages to employees employed by a subcontractor pursuant to paragraphs (1) and (2), it shall be deemed that the obligation to pay the subcontract price to a subcontractor has expired within such extent.

[This Article Newly Inserted on Jul. 27, 2007]

Article 45 (Emergency Payment) An employer shall pay wages corresponding to work already offered even prior to the payday, if an employee requests the employer to do so in order to cover expenses for childbirth, diseases, disasters, or other cases of emergency as prescribed by Presidential Decree.

Article 46 (Shutdown Allowances) (1) When a business shuts down due to a cause attributable to the employer, he or she shall pay the employees concerned allowances of not less than 70/100 of their average wages during the period of shutdown: Provided, That if the amount equivalent to 70/100 of their average wages exceeds that of their ordinary wages, their ordinary wages may be paid as their shutdown allowances.

(2) Notwithstanding paragraph (1), the employer who is unable to continue to carry on the business for any unavoidable reason may, with the approval of the Labor Relations Commission concerned, pay the employees

shutdown allowances lower than the standards as prescribed in paragraph (1).

Article 47 (Subcontract Employees) For those employees who are employed on a subcontract or other similar basis, the employer shall guarantee certain amount of wages in proportion to their work hours.

Article 48 (Wage Ledger and Written Wage Statement) (1) An employer shall prepare a wage ledger for each workplace and state therein the matters serving as a basis for calculating wages and family allowances, the amount of wages, and other matters prescribed by Presidential Decree, at each time of paying wages. <Amended on May 18, 2021>

(2) An employer who intends to pay wages shall issue a written wage statement (including an electronic document defined in subparagraph 1 of Article 2 of the Framework Act on Electronic Documents and Transactions) that sets out matters prescribed by Presidential Decree, such as wage items and methods of calculating wages, and the details of partial deduction of wages under the proviso of Article 43 (1). <Newly Inserted on May 18, 2021>

[Title Amended on May 18, 2021]

Article 49 (Prescription of Wages) A claim for wages under this Act shall be extinguished by prescription, unless exercised within three years.

CHAPTER IV WORK HOURS AND RECESS

Article 50 (Work Hours) (1) Work hours shall not exceed 40 hours a week, excluding hours of recess.

(2) Work hours shall not exceed eight hours a day, excluding hours of recess.

(3) Upon calculating the work hours under paragraphs (1) and (2), any waiting time, etc. spent by employees under the direction and supervision of their employers that is necessary for the relevant work shall be deemed work hours. <Newly Inserted on Feb. 1, 2012; May 26, 2020>

Article 51 (Flexible Work Hours System within Three Months) (1) An employer may, as prescribed by the rules of employment (including other rules equivalent thereto), extend work hours in excess of those as referred to in Article 50 (1) in a particular week, or extend work hours in excess of those as referred to in Article 50 (2) in a particular day, to the extent that average work hours per week during a certain unit period of not more than two weeks do not exceed the work hours as referred to in Article 50 (1): Provided, That work hours in any particular week shall not exceed 48 hours.

(2) When an employer has determined matters falling under the following subparagraphs by a written agreement with the representative of employees, he or she may extend work hours in excess of those as

referred to in Article 50 (1) in a particular week, or may extend work hours in excess of those as referred to in Article 50 (2) in a particular day, to the extent that average work hours per week during a certain unit period of not more than three months do not exceed the work hours referred to in Article 50 (1): Provided, That work hours in any particular week or in any particular day shall not exceed 52 hours or 12 hours respectively:

1. The scope of employees to whom the agreement is applicable.
2. Unit period (to be determined as a certain period of not exceeding three months);
3. Working days in the unit period, and work hours for each working day;
4. Other matters prescribed by Presidential Decree.

(3) Paragraphs (1) and (2) shall not apply to employees who are not less than 15 years and less than 18 years of age and to pregnant female employees.

(4) When an employer needs to have an employee work in accordance with paragraphs (1) and (2), the employer shall work out measures to supplement his or her wages so that the existing level of wages may not be lowered.

[Title Amended on Jan. 5, 2021]

Article 51-2 (Flexible Work Hours System Exceeding Three Months) (1) When an employer has determined matters falling under the following subparagraphs by a written agreement with the representative of employees, the employer may extend work hours in excess of those as referred to in Article 50 (1) in a particular week, or may extend work hours in excess of those as referred to in Article 50 (2) in a particular day, to the extent that average work hours per week during a certain unit period of more than three months and not more than six months that do not exceed the work hours referred to in Article 50 (1): Provided, That work hours in any particular week or in any particular day shall not exceed 52 hours or 12 hours respectively:

1. The scope of employees to whom the agreement is applicable.
2. Unit period (It shall be determined as a fixed period within six months and exceeding three months);
3. Work hours by week during the unit period;
4. Other matters prescribed by Presidential Decree.

(2) If an employer orders a worker to work pursuant to paragraph (1), the employer shall give the worker an 11-hour or more of an uninterrupted recess starting from the end of a working day until the beginning of the next working day: Provided, That if it is inevitable to be prescribed by Presidential Decree, such as a natural disaster, it shall be followed if there is a written agreement with the representative of employees.

(3) An employer shall notify an employee of the work hours of each working day of the relevant week by not later than two weeks before the beginning of the working days of each week referred to in paragraph (1) 3.

(4) When there arises an unavoidable cause, such as a natural disaster, mechanical malfunction, and rapid increase in the quantity of work, which was unexpected at the time of a written agreement with the representative of employees referred to in paragraph (1), the employer may change the matters referred to in paragraph (1) 3 after consulting with the representative of employees within the unit period of paragraph (1) 2. In such cases, the relevant employee shall be notified of the changed work hours of each working day before the changed working day commences.

(5) Every employer shall, if the employer employs an employee falling under paragraph (1), adjust or establish wage items so that the existing wage level does not decrease, or prepare wage conservation measures such as payment of additional wages and report them to the Minister of Employment and Labor: Provided, That the foregoing shall not apply where a plan for wage conservation has been prepared by a written agreement with the representative of employees.

(6) The provisions of paragraphs (1) through (5) shall not apply to employees aged 15 years or older and under 18 years or to female employees who are pregnant.

[This Article Newly Inserted on Jan. 5, 2021]

Article 51-3 (Settlement of Wages in Case of Less than Unit Period of Service) If a period during the unit period under Articles 51 and 51-2 for which an employee has worked is shorter than the unit period, the employer shall pay the additional wages under Article 56 (1) for the entire period of working in excess of 40 hours per week averaged during the unit period during which the relevant employee has worked.

[This Article Newly Inserted on Jan. 5, 2021]

Article 52 (Selective Work Hours System) (1) When an employer has determined the matters falling under the following subparagraphs by a written agreement with the representative of employees with regard to employees who are allowed to decide on their own beginning and finishing time of work pursuant to the rules of employment (including other rules equivalent thereto), he or she may extend weekly work hours beyond those referred to in Article 50 (1) and daily work hours beyond those referred to in Article 50 (2), to the extent that average work hours per week during the period of adjustment set within the limit of a month (In the case of research and development of new products or new technologies, it shall be three months) do not exceed the work hours referred to in Article 50 (1): <Amended on Jan. 5, 2021>

1. Scope of employees to whom the above provisions shall apply (excluding those employees at the age of not less than 15 and less than 18);
2. Adjustment period;

3. Total work hours during the adjustment period;

4. Starting and ending time of work hours during which work must be provided, if so required;

5. Starting and ending time of work hours which employees are allowed to determine;

6. Other matters prescribed by Presidential Decree.

(2) Where an employer sets an adjustment period exceeding one month pursuant to paragraph (1), the employer shall take the following measures: <Newly Inserted on Jan. 5, 2021>

1. The employer shall give employees at least 11 hours of an uninterrupted recess starting from the end of a working day until the beginning of the next working day: Provided, That if it is inevitable to be prescribed by Presidential Decree, such as a natural disaster, it shall be followed if there is a written agreement with the representative of employees;

2. For the hours during which the average weekly work hours per month exceed the work hours under Article 50 (1), an additional amount equivalent to at least 50/100 of the ordinary wages shall be paid to employees: Article 56 (1) shall not apply in such cases.

Article 53 (Restrictions on Extended Work) (1) Where an agreement is made between the parties, work hours referred to in Article 50 may be extended by up to 12 hours per week.

(2) Where an agreement is made between the parties, work hours referred to in Articles 51 and 51-2 may be extended by up to 12 hours per week, and work hours referred to in Article 52 (1) may be extended by up to 12 hours per week averaged during the adjustment period as referred to in 52 (1) 2. <Amended on Jan. 5, 2021>

(3) Where an employer who regularly employs less than 30 employees makes a written agreement on the following matters with the representative of employees, he or she may extend work hours insofar as the work hours do not exceed eight hours per week, in addition to the extended work hours under paragraph (1) or (2): <Newly Inserted on Mar. 20, 2018>

1. Reasons why it is necessary to exceed the extended work hours under paragraph (1) or (2), and the period;

2. The scope of employees to whom the agreement is applicable.

(4) Under special circumstances, an employer may extend work hours referred to in paragraphs (1) and (2) with the authorization of the Minister of Employment and Labor and the consent of employees: Provided, That where the employer does not have enough time to obtain authorization from the Minister of Employment and Labor as the situation is urgent, he or she shall, without delay, obtain approval from the Minister of Employment and Labor after the extension of work hours. <Amended on Jun. 4, 2010; Mar. 20, 2018>

(5) Where the Minister of Employment and Labor deems that the extension of work hours referred to in paragraph (4) is not appropriate, he or she may order the employer to give employees recess hours or leaves of absence corresponding to the extended work hours. <Amended on Jun. 4, 2010; Mar. 20, 2018>

(6) Paragraph (3) shall not be applicable to employees aged 15 and less than 18 years. <Newly Inserted on Mar. 20, 2018>

(7) Each employer shall take appropriate measures, as prescribed by the Minister of Employment and Labor, such as providing health examinations or granting hours of rest, for the protection of the health of employees on extended work under paragraph (4). <Newly Inserted on Jan. 5, 2021>

[Paragraphs (3) and (6) of this Article shall be effective until December 31, 2022 pursuant to Article 2 of the Addenda of Act No. 15513 (March 20, 2018).]

Article 54 (Recess) (1) An employer shall allow employees a recess of not less than thirty minutes in cases of working for four hours, or a recess of not less than one hour in cases of working for eight hours, during work hours.

(2) Recess hours may be freely used by employees.

Article 55 (Holidays) (1) An employer shall guarantee to employees at least one paid holiday per week on the average. <Amended on Mar. 20, 2018>

(2) An employer shall guarantee to employees paid holidays as prescribed by Presidential Decree: Provided, That where he or she makes a written agreement with the representative of employees, such paid holidays may be substituted with particular working days. <Newly Inserted on Mar. 20, 2018>

[Enforcement Date] The amended provisions of Article 55 (2) shall enter into force on the following dates:

1. Business or business places with a regular workforce of at least 300 employees, public institutions under Article 4 of the Act on the Management of Public Institutions, local government-invested public corporations or local public agencies under Article 49 or 76 of the Local Public Enterprises Act, institutions or organizations in or to which the State, a local government or a government-invested institution makes an investment of at least 1/2 of their capital or a contribution of at least 1/2 of their endowment, institutions or organizations in or to which the abovementioned institutions or organizations make an investment of at least 1/2 of their capital or a contribution of at least 1/2 of their endowment, and institutions of the State or local governments: January 1, 2020;
2. Business or business places with a regular workforce of between 30 and less than 300 employees: January 1, 2021;

3. Business or workplaces regularly employing between 5 and less than 30 employees: January 1, 2022.

Article 56 (Extended, Night or Holiday Work) (1) An employer shall, in addition to the ordinary wages, pay employees at least 50/100 thereof for extended work (referring to the work during the hours extended pursuant to Articles 53 and 59 and to the proviso of Article 69). <Amended on Mar. 20, 2018>

(2) Notwithstanding paragraph (1), an employer shall, in addition to the ordinary wages, pay employees who perform work on a holiday an amount the same as or more than the following amounts: <Newly Inserted on Mar. 20, 2018>

1. Holiday work for up to eight hours: 50/100 of ordinary wages;

2. Holiday work exceeding eight hours: 100/100 of ordinary wages.

(3) An employer shall, in addition to the ordinary wages, pay at least 50/100 thereof to employees who perform night work (referring to the work performed between 10:00 p.m. and 6:00 a.m. of the next day). <Newly Inserted on Mar. 20, 2018>

Article 57 (Compensatory Leave System) An employer may, in lieu of paying additional wages, grant the leave to worker to compensate for the extended, night and holiday work, etc. prescribed in Articles 51-3, 52 (2) 2 and 56, pursuant to a written agreement with the workers' representative. <Amended on Jan. 5, 2021>

Article 58 (Special Cases concerning Calculation of Work Hours) (1) When it is difficult to calculate work hours provided by an employee because he or she performs all or part of his or her duty outside the workplace owing to a business trip or any other reason, it shall be deemed that he or she has worked for contractual work hours: Provided, That where it is ordinarily necessary for the employee to work in excess of contractual work hours in order to perform the said duty, it shall be deemed that he or she has worked for the hours ordinarily required to perform that duty.

(2) Notwithstanding the proviso of paragraph (1), where there exists a written agreement between an employer and the representative of employees in regard to the work concerned, the hours as determined by such a written agreement shall be regarded as those ordinarily required to perform the relevant duty.

(3) In case of works designated by Presidential Decree as those which, in light of the characteristics of works, require leaving the methods of performance to an employee' discretion, it shall be deemed that the works have been provided for such work hours as determined by a written agreement between the employer and the representative of employees. In such cases, such written agreement shall specify the matters falling under the following subparagraphs:

1. Work to be provided subject to such written agreement;

2. Statement that the employer would not give specific directions to the employee regarding how to perform the work, how to allocate work hours, etc.;
3. Statement that the calculation of work hours shall be governed by the written agreement concerned.

(4) Matters necessary for implementing paragraphs (1) and (3) shall be prescribed by Presidential Decree.

Article 59 (Special Cases concerning Work Hours and Recess Hours) (1) Where an employer has made a written agreement with the representative of employees with regard to any of the following business among the divisions or groups listed in the industrial standards publicly notified by the Commissioner of the Statistics Korea pursuant to Article 22 (1) of the Statistics Act, he or she may have employees work extended hours in excess of 12 hours per week under Article 53 (1) or change the recess hours under Article 54:

1. Land transportation and pipeline transportation services: Provided, That the route passenger transport business under Article 3 (1) 1 of the Passenger Transport Service Act shall be excluded;
2. Water-borne transportation services;
3. Air-borne transportation services;
4. Other transportation-related services;
5. Health care services.

(2) In the case of paragraph (1), an employer shall give employees at least 11 hours of an uninterrupted recess starting from the end of a working day until the beginning of the next working day.

[This Article Wholly Amended on Mar. 20, 2018]

Article 60 (Annual Paid Leave) (1) Every employer shall grant any employee who has worked not less than 80 percent of one year a paid leave of 15 days. <Amended on Feb. 1, 2012>

(2) Every employer shall grant any employee who has continuously worked for less than one year or who has worked less than 80 percent of one year one paid-leave day for each month during which he or she has continuously worked. <Amended on Feb. 1, 2012>

(3) Deleted.<Nov. 28, 2017>

(4) Every employer shall grant any employee who has continuously worked for not less than three years the paid-leave days that are calculated by adding one day for every two continuously working years not including the first one year to the 15 paid-leave days referred to in paragraph (1). In such cases, the total number of paid-leave days, including the additional paid-leave days, shall not exceed 25 days.

(5) Every employer shall grant the paid leave referred to in paragraphs (1) through (4) at the time when an employee files a claim therefor, and pay the employee an ordinary wage or an average wage during the period of paid leave as prescribed by the rules of employment, etc.: Provided, That in the event that granting

the employee a paid leave at the time when such employee wants to take the paid leave greatly impedes the business operation, the relevant employer may change the time of the paid leave.

(6) In applying paragraphs (1) and (2), any of the following periods shall be deemed the period of attendance at work:<Amended on Feb. 1, 2012; Nov. 28, 2017>

1. Period during which an employee takes time off due to any injury or sickness arising out of duty;
2. Period during which a woman in pregnancy takes time off due to the leave under Article 74 (1) through (3);
3. Period during which an employee takes time off on child-care leave under Article 19 (1) of the Equal Employment Opportunity and Work-Family Balance Assistance Act.

(7) The paid leave referred to in paragraphs (1), (2), and (4) shall, if it is not taken for one year (the paid leave under paragraph (2) of an employee who has continuously worked for less than one year refers to the period until the end of the first one year of employment), be terminated by time limitation: Provided, That the same shall not apply where the paid leave is not taken for reasons attributable to the employer. <Amended on Mar. 31, 2020>

Article 61 (Urging Employees to Take Annual Paid Leave) (1) Where any employee's paid leave is terminated by time limitation pursuant to the main clause of Article 60 (7) because the employee fails to take his or her paid leave although the relevant employer has taken the following measures to urge employees to take the paid leave under Article 60 (1), (2), and (4) (excluding the paid leave under Article 60 (2) of an employee who has continuously worked for less than one year), the relevant employer shall not be liable to indemnify the employee for his or her failure to take the paid leave, which shall be deemed not to fall under the reasons attributable to the employer under the proviso of Article 60 (7): <Amended on Feb. 1, 2012; Nov. 28, 2017; Mar. 31, 2020>

1. An employer shall inform each employee of the number of days of his or her paid leave not taken and shall urge in writing the employee to set a period during which he or she is planning to take the remaining paid leave and to notify it to the employer, within 10 days as of the date prior to six months before the period under the main clause of Article 60 (7) expires;
2. Notwithstanding the urge referred to in subparagraph 1, if the employee fails to set a period during which he or she is planning to take all or part of the remaining paid leave and to notify it to the employer, within 10 days from the date he or she is urged to take the paid leave, the employer shall set a period for such remaining paid leave and notify it to the employee in writing, not later than two months before the period under the main clause of Article 60 (7) expires.

(2) Where the paid leave of an employee who has continuously worked for less than one year is terminated by time limitation pursuant to the main clause of Article 60 (7) because the employee fails to take his or her paid leave although the relevant employer has taken the following measures to urge employees to take the paid leave under Article 60 (2), the relevant employer shall not be liable to indemnify the employee for his or her failure to take the paid leave, which shall be deemed not to fall under the reasons attributable to the employer under the proviso of Article 60 (7): <Newly Inserted on Mar. 31, 2020>

1. An employer shall inform each employee of the number of days of his or her paid leave not taken and shall urge in writing the employee to set a period during which he or she is planning to take the remaining paid leave and to notify it to the employer, within 10 days as of the date prior to three months before the first one year of employment period ends: Provided, That the employee shall be urged to notify the employer regarding the paid leave occurring after the employer's written urge, within five days as of the date prior to one month before the first one year of employment period ends;
2. Notwithstanding the urge referred to in subparagraph 1, if the employee fails to set a period during which he or she is planning to take all or part of the remaining paid leave and to notify it to the employer, within 10 days from the date he or she is urged to take the paid leave, the employer shall set a period for such remaining paid leave and notify it to the employee in writing, not later than one month before the first one year of employment period ends: Provided, That the employer shall give written notice regarding the paid leave urged pursuant to the proviso of subparagraph 1, not later than 10 days before the first one year of employment period ends.

Article 62 (Substitution of Paid Leave) An employer may, by a written agreement with the representative of employees, get employees to take a paid leave on a particular working day, in substitution of an annual paid leave provided for in Article 60.

Article 63 (Exclusion from Application) The provisions pertaining to work hours, recess, and holidays referred to in this Chapter and Chapter V shall not apply to an employee who falls under any one of the following subparagraphs: <Amended on Jun. 4, 2010; May 26, 2020; Jan. 5, 2021>

1. An employee engaged in cultivation or reclamation of land, seeding, cultivation, or collection of plants, or other agricultural and forestry work;
2. An employee engaged in breeding of animals, collection or catching of marine animals and plants, cultivation of marine products, or other cattle breeding, sericulture and fishery business;
3. An employee engaged in surveillance or intermittent work, whose employer has obtained the approval of the Minister of Employment and Labor;

4. An employee engaged in such business as prescribed by Presidential Decree.

CHAPTER V WOMEN AND MINORS

Article 64 (Minimum Age and Employment Permit Certificate) (1) A minor under the age of 15 (including any minor under the age of 18 who attends a middle school under the Elementary and Secondary Education Act) shall not be employed at any work: Provided, That this shall not apply to a person with an employment permit certificate issued by the Minister of Employment and Labor according to the standards prescribed by Presidential Decree. <Amended on Jun. 4, 2010; May 26, 2020>

(2) An employment permit certificate referred to in paragraph (1) may be issued only by designating the kind of work at the request of the relevant minor himself or herself, to the extent it does not impede with the compulsory education.

(3) If a person obtains the employment permit certificate provided for in the proviso of paragraph (1) in any false or other wrongful manner, the Minister of Employment and Labor shall revoke the permit. <Amended on Jun. 4, 2010; May 26, 2020>

Article 65 (Prohibition of Employment) (1) An employer shall not employ women in pregnancy or women for whom one year has not passed after childbirth (hereinafter referred to as "pregnant women and nursing mothers") and those under the age of 18 in any work detrimental to morality or health or any dangerous work.

(2) An employer shall not employ women of 18 years or over who are not pregnant women and nursing mothers in any work harmful and dangerous to the function of pregnancy or delivery from among those detrimental or dangerous to health under paragraph (1).

(3) The prohibited kinds of work under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 66 (Minor Certificate) For each minor employee under the age of 18, the employer shall keep at his or her workplace a certificate of family relationships records verifying the minor's age and a written consent of the person with parent authority or the guardian. <Amended on May 17, 2007; May 26, 2020>

Article 67 (Labor Contract) (1) Neither a person with parent authority nor a guardian may enter into a labor contract on behalf of a minor.

(2) A person with parent authority or guardian of a minor, or the Minister of Employment and Labor may terminate a labor contract henceforward, if deemed disadvantageous to the minor. <Amended on Jun. 4, 2010>

(3) Where an employer enters into a labor contract with a person under 18 years of age, the employer shall specify the working conditions under Article 17 in writing (including electronic documents under subparagraph 1 of Article 2 of the Framework Act on Electronic Documents and Transactions) and issue the same. <Newly Inserted on Jul. 27, 2007; May 26, 2020; Jan. 5, 2021>

Article 68 (Claim for Wages) A minor may claim his or her wages on his or her own right.

Article 69 (Work Hours) The work hours of a person aged between 15 and less than 18 shall not exceed seven hours per day and 35 hours per week: Provided, That the work hours may only be extended by up to one hour per day and five hours per week by a mutual agreement between the parties concerned. <Amended on Mar. 20, 2018; May 26, 2020>

Article 70 (Restrictions on Night Work and Holiday Work) (1) Where an employer intends to have women of 18 years or over work during the time from 10:00 p.m. to 6:00 a.m. and on holidays, he or she shall obtain the employees' consent.

(2) An employer shall not have pregnant women and women who have given birth and those under 18 years old work during the time from 10:00 p.m. to 6:00 a.m. and on holidays: Provided, That this shall not apply to any of the following cases where approval of the Minister of Employment and Labor is obtained: <Amended on Jun. 4, 2010>

1. Where there exists a consent of those under 18 years old;
2. Where there exists a consent of women for whom one year has not passed after childbirth;
3. Where a woman in pregnancy makes a clear request.

(3) Before obtaining the approval of the Minister of Employment and Labor in the case of paragraph (2), an employer shall make a faithful consultation with the representative of employees of the relevant business or workplace on whether to execute it, its methods, etc., in order to protect the employees' health and maternity. <Amended on Jun. 4, 2010>

Article 71 (Overtime Work) No employer shall have any women, for whom one year has not passed after childbirth, work overtime in excess of two hours per day, six hours per week, and 150 hours per year, even if thus provided by a collective agreement. <Amended on Mar. 20, 2018>

Article 72 (Prohibition of Work Inside Pit) An employer shall not have a woman or a minor under the age of 18 do any work inside a pit: Provided, That this shall not apply where it is temporarily required for carrying out the affairs as prescribed by Presidential Decree, such as health and medical treatment, the gathering and report of news, etc. <Amended on May 26, 2020>

Article 73 (Monthly Menstrual Leave) Every employer shall, when any female employee files a claim for a menstrual leave, grant her one day of menstrual leave per month.

Article 74 (Protection for Maternity) (1) An employer shall grant a pregnant woman a total of a 90-day maternity leave (120-day maternity leave, if she is pregnant with at least two children at a time) before and after childbirth. In such cases, at least 45 days (60 days, if she is pregnant with two or more children at a time) of the leave period after childbirth shall be allowed. <Amended on Feb. 1, 2012; Jan. 21, 2014>

(2) Where a pregnant female employee requests the leave under paragraph (1) due to her experience of miscarriage or other reasons prescribed by Presidential Decree, an employer shall allow her to use the leave at multiple times any time before her childbirth. In such cases, the period of leave after the childbirth shall be at least 45 days (60 days, if she is pregnant with at least two children at a time) consecutively. <Newly Inserted on Feb. 1, 2012; Jan. 21, 2014>

(3) Where a pregnant woman has a miscarriage or stillbirth, an employer shall, upon the relevant employee's request, grant her a miscarriage/stillbirth leave, as prescribed by Presidential Decree: Provided, That the same shall not apply to any abortion carried out by artificial termination of pregnancy (excluding cases under Article 14 (1) of the Mother and Child Health Act). <Amended on Feb. 1, 2012>

(4) The first 60 days (75 days, if she is pregnant with at least two children at a time) in the period of leave under paragraphs (1) through (3) shall be stipendiary: Provided, That when the leave allowances before and after childbirth, etc. have been paid under Article 18 of the Equal Employment Opportunity and Work-Family Balance Assistance Act, the payment responsibility shall be exempted within the limit of the relevant amount. <Amended on Dec. 21, 2007; Feb. 1, 2012; Jan. 21, 2014>

(5) No employer shall order a female employee in pregnancy to engage in overtime work, and if there exists a request from the relevant employee, he or she shall transfer her to an easy type of work. <Amended on Feb. 1, 2012>

(6) A business owner shall reinstate her to the same work or to the work for which wages of the same level as before leave are paid after the end of a maternity leave under paragraph (1). <Newly Inserted on Mar. 28, 2008; Feb. 1, 2012>

(7) Where a female employee who has been pregnant for not more than 12 weeks or for not less than 36 weeks requests the reduction of her work hours by two hours a day, the employer shall permit it: Provided, That he or she may permit to reduce her work hours to six hours if her work hours are shorter than eight hours a day. <Newly Inserted on Mar. 24, 2014>

(8) No employer shall reduce an employee's wages for reason of reduction of work hours under paragraph (7). <Newly Inserted on Mar. 24, 2014>

(9) Where a pregnant female employee requests to modify the start and end time of work hours while maintaining the contractual daily work hours, the employer shall permit such modification: Provided, That the same shall not apply to cases prescribed by Presidential Decree, such as where the normal operation of business can be significantly impeded. <Newly Inserted on May 18, 2021>

(10) Matters necessary for the methods and procedures for requesting a reduction of working hours under paragraph (7) and the methods, procedures, etc. for requesting the modification of the start and end time of work hours under paragraph (9) shall be prescribed by Presidential Decree. <Newly Inserted on Mar. 24, 2014; May 18, 2021>

Article 74-2 (Permission for Time for Medical Examination of Unborn Child) (1) Where a pregnant employee claims time necessary for a periodical medical examination of pregnant women under Article 10 of the Mother and Child Health Act, an employer shall grant permission for such time.

(2) The employer shall not cut wages of such employee by reason of time for medical examination under paragraph (1).

[This Article Newly Inserted on Mar. 21, 2008]

Article 75 (Nursing Hours) An employer shall grant thirty-minute or longer paid nursing time twice a day to those female employees who have infants under the age of one, upon request.

CHAPTER VI SAFETY AND HEALTH

Article 76 (Safety and Health) Safety and health of employees shall be subject to the conditions as prescribed by the Occupational Safety and Health Act.

CHAPTER VI-2 PROHIBITION AGAINST WORKPLACE HARASSMENT

Article 76-2 (Prohibition against Workplace Harassment) No employer or employee shall cause physical or mental suffering to other employees or deteriorate the work environment beyond the appropriate scope of work by taking advantage of superiority in rank, relationship, etc. in the workplace (hereinafter referred to as "workplace harassment").

[This Article Newly Inserted on Jan. 15, 2019]

Article 76-3 (Measures in Cases of Workplace Harassment) (1) Anyone who has learned the occurrence of workplace harassment may report such fact to the employer.

(2) Where an employer receives a report under paragraph (1) or becomes aware of the occurrence of workplace harassment, the employer shall, without delay, conduct an objective investigation of the persons involved to ascertain the fact. <Amended on Apr. 13 2021>

(3) Where necessary to protect employees who suffer or claim to suffer workplace harassment (hereinafter referred to as "victimized employees, etc.") while investigation under paragraph (2) is conducted, the employer shall take appropriate measures for the victimized employees, etc., such as transferring their place of work or ordering them a paid leave of absence. In such cases, the employer shall not take measures contrary to the will of the victimized employees, etc.

(4) Where the occurrence of workplace harassment is verified as a result of investigation under paragraph (2), the employer shall take appropriate measures for the victimized employees, etc., such as transferring their place of work, giving them a lateral transfer or ordering them a paid leave of absence, if the victimized employees, etc. make a request.

(5) Where the occurrence of workplace harassment is verified as a result of investigation under paragraph (2), the employer shall, without delay, take necessary measures, such as taking disciplinary measures against the perpetrator of workplace harassment or transferring his or her place of work. In such cases, before taking disciplinary measures, etc., the employer shall hear opinions of the victimized employees, etc. on such measures.

(6) No employer shall dismiss employees who report the occurrence of workplace harassment, victimized employees, etc., or treat them unfavorably.

(7) No person who investigates the occurrence of workplace harassment pursuant to paragraph (2), who receives a report on the details of investigation, or who participates in the investigation process of workplace harassment shall divulge confidential information learned in the course of investigation to any other persons against the will of the victimized employees, etc.: Provided, That the same shall not apply where the investigator reports matters relating to the investigation to the employer or provides necessary information at the request of a relevant institution. <Newly Inserted on Apr. 13 2021>

[This Article Newly Inserted on Jan. 15, 2019]

CHAPTER VII APPRENTICESHIP

Article 77 (Protection of Apprentices) An employer shall neither maltreat training employees, probational employees, or other employees, regardless of their titles, whose objective is to acquire technical skills, nor have them do his or her own domestic works or other works not related to the acquisition of technical skills. <Amended on May 26, 2020>

CHAPTER VIII ACCIDENT COMPENSATION

Article 78 (Compensation for Medical Treatment) (1) An employer shall provide necessary medical treatment at his or her expense or bear corresponding expenses for an employee who suffers from an occupational injury or disease.

(2) The scope of occupational diseases and medical treatment therefor and period for compensation for medical treatment as referred to in paragraph (1) shall be prescribed by Presidential Decree. <Amended on Mar. 21, 2008>

Article 79 (Compensation for Suspension of Work) (1) An employer shall pay an employee who is under medical treatment pursuant to Article 78 a compensation for suspension of work equivalent to 60/100 of his or her average wages during the period of his or her medical treatment. <Amended on Mar. 21, 2008>

(2) Where a person who is to receive such compensation has received part of his or her wage during the period of receiving a compensation for suspension of work under paragraph (1), an employer shall pay the compensation for suspension of work equivalent to 60/100 of the difference between the paid amount and his or her average wages. <Newly Inserted on Mar. 21, 2008; May 26, 2020>

(3) Period of a compensation for suspension of work shall be prescribed by Presidential Decree. <Newly Inserted on Mar. 21, 2008>

Article 80 (Compensation for Disability) (1) When an employee suffers a physical disability remaining after finishing treatment for an occupational injury or disease, the employer shall provide him/her with a compensation for disability calculated by multiplying the average wages by the number of days as provided for in attached Table in accordance with the grade of disability. <Amended on Mar. 21, 2008>

(2) In cases where a person who already has a physical disability suffers from more serious disability in the same part of body due to injury or disease, an amount of a compensation for such disability shall be the amount calculated by multiplying the number of days, which is difference between the number of days of a compensation for disability falling under the previous grade of disability and the number of days of a compensation for disability falling under the grade of disability which has become more serious, by average wages at the time when a ground for claim for compensation arises. <Newly Inserted on Mar. 21, 2008; May 26, 2020>

(3) Criteria for determination of the grade of physical disability eligible for a compensation for disability and period of a compensation for disability shall be prescribed by Presidential Decree. <Newly Inserted on Mar. 21, 2008>

Article 81 (Exception to Compensation for Suspension of Work and Compensation for Disability) If an employee suffers from an occupational injury or disease due to his or her own gross negligence and the employer obtains recognition for said negligence from the Labor Relations Commission concerned, the employer shall not be required to provide a compensation for suspension of work or a compensation for disability.

Article 82 (Compensation for Survivors) (1) An employer shall provide a compensation equivalent to the average wages for 1,000 days to surviving family members of an employee who has deceased during the performance of his or her duties immediately after the employee has deceased. <Amended on Mar. 21, 2008>

(2) The scope of surviving family under paragraph (1), order of a compensation for surviving family, and order of a compensation for surviving family in case of death of a person determined to receive a compensation shall be prescribed by Presidential Decree. <Newly Inserted on Mar. 21, 2008; May 26, 2020>

Article 83 (Funeral Expenses) When an employee has deceased during the performance of his or her duties or as a result thereof, the employer shall provide funeral expenses equivalent to the average wages for 90 days after the relevant employee has deceased without delay. <Amended on Mar. 21, 2008; Jan. 5, 2021> [Title Amended on Jan. 5, 2021]

Article 84 (Lump Sum Compensation) When an employee who receives a compensation in accordance with Article 78 does not completely recover from the occupational injury or disease even after two years have passed since the medical treatment began, the employer may be exempted from any further liability for compensation under this Act by providing a lump sum compensation in an amount equivalent to the average wages for 1,340 days.

Article 85 (Installment Compensation) When an employer proves his or her ability to pay compensation and obtains the consent of the recipient concerned, he or she may pay any such compensation as referred to in Article 80, 82 or 84 in installments over one year. <Amended on May 26, 2020>

Article 86 (Claim for Compensation) A claim for compensation shall not be affected by the retirement of the employee concerned and may not be transferred or confiscated.

Article 87 (Relationship to Other Damage Claims) When a person eligible to receive compensation has received money or other valuables corresponding to an accident compensation prescribed by this Act for the same cause in accordance with the Civil Act or any other statutes or regulations, the employer shall be

exempted from the obligation of compensation to the extent of the said value received. <Amended on May 26, 2020>

Article 88 (Review and Arbitration by Minister of Employment and Labor) (1) When a person has an objection to the recognition of occupational injury, disease, or death, methods of medical treatment, determination of compensation amount, or any other matter pertaining to the implementation of compensation, he or she may request the Minister of Employment and Labor to review or arbitrate the case in question. <Amended on Jun. 4, 2010>

(2) When a request referred to in paragraph (1) is filed, the Minister of Employment and Labor shall review or arbitrate the case within one month. <Amended on Jun. 4, 2010>

(3) The Minister of Employment and Labor may review or arbitrate the case ex officio, if deemed necessary. <Amended on Jun. 4, 2010>

(4) The Minister of Employment and Labor may have a doctor diagnose or examine an employee, if deemed necessary for a review or arbitration. <Amended on Jun. 4, 2010>

(5) With regard to the interruption of prescription, the request for review or arbitration referred to in paragraph (1) and the commencement of the review or arbitration referred to in paragraph (2) shall be regarded as a claim by way of judicial proceedings.

[Title Amended on Jun. 4, 2010]

Article 89 (Review and Arbitration by Labor Relations Commission) (1) If a review or arbitration is not made by the Minister of Employment and Labor within the period specified under Article 88 (2), or if a person is dissatisfied with the result of a review or arbitration, the person may file a request for a review or arbitration with the Labor Relations Commission. <Amended on Jun. 4, 2010>

(2) When the request referred to in paragraph (1) is filed, the Labor Relations Commission shall review or arbitrate the case within one month.

Article 90 (Exceptional Cases related to Contract Work) (1) If a project is executed based on several tiers of contracts, the prime contractor shall be regarded as an employer with regard to accident compensation.

(2) In cases of paragraph (1), if the prime contractor makes his or her subcontractor liable for compensation by a written agreement, the subcontractor shall be also regarded as an employer: Provided, That the prime contractor shall not have two or more subcontractors bear overlapping compensation with regard to the same project.

(3) In cases of paragraph (2), if the prime contractor has been requested to pay compensation, he or she may ask the requesting person to demand compensation first from the subcontractor who has agreed to be liable for such compensation: Provided, That this shall not apply where the said subcontractor is declared bankrupt or his or her whereabout is unknown.

Article 91 (Preservation of Documents) An employer shall not abandon important documents related to accident compensation unless an accident compensation is finished or before a claim for accident compensation expires by prescription pursuant to Article 92. <Amended on Mar. 21, 2008>

Article 92 (Prescription) A claim for accident compensation as referred to in this Act shall be extinguished by prescription, unless exercised within three years.

CHAPTER IX RULES OF EMPLOYMENT

Article 93 (Preparation and Reporting of Rules of Employment) An employer who regularly employs 10 or more employees shall prepare the rules of employment regarding the following matters and report such rules to the Minister of Employment and Labor. The same shall also apply where he or she amends such rules: <Amended on Mar. 28, 2008; Jun. 4, 2010; Feb. 1, 2012; Jan. 15, 2019>

1. Matters pertaining to the beginning and ending time of work, recess hours, holidays, leaves, and shifts;
2. Matters pertaining to the determination, calculation and payment method of wages, the period for which wages are calculated, the period for paying wages, and pay raises;
3. Matters pertaining to the methods of calculation and payment of family allowances;
4. Matters pertaining to retirement;
5. Matters pertaining to retirement benefits set under Article 4 of the Act on the Guarantee of Employees' Retirement Benefits, bonuses, and minimum wages;
6. Matters pertaining to the burden of employees' meal allowances, expenses of operational tools or necessities and so forth;
7. Matters pertaining to educational facilities for employees;
8. Matters pertaining to the protection of employees' maternity and work family balance assistance, such as leaves before and after childbirth and child-care leaves;
9. Matters pertaining to safety and health;
9-2. Matters pertaining to the improvement of a workplace environment according to characteristics of employees, such as sex, ages, or physical conditions;

10. Matters pertaining to assistance with respect to occupational and non-occupational accidents;
11. Matters pertaining to the prevention of workplace harassment and the measures to be taken in cases of occurrence of workplace harassment;
12. Matters pertaining to award and punishment;
13. Other matters applicable to all employees within the business or workplace concerned.

Article 94 (Procedures for Preparation and Amendment of Rules) (1) An employer shall, with regard to the preparation or alteration of the rules of employment, hear the opinion of a trade union if there is such a trade union composed of the majority of the employees in the business or workplace concerned, or otherwise hear the opinion of the majority of the said employees if there is no trade union composed of the majority of the employees: Provided, That in case of amending the rules of employment unfavorably to employees, the employer shall obtain their consent thereto.

(2) When an employer reports the rules of employment pursuant to Article 93, he or she shall attach a document stating the opinion as referred to in paragraph (1).

Article 95 (Restrictions on Punishment Regulations) When a punitive wage cut for employees is to be contained in the rules of employment, the amount of reduced wage for each infraction shall not exceed half of one day's average wages of the relevant employee, and the total amount of reduction shall not exceed 1/10 of the total amount of wages at each time of wages payment.

Article 96 (Observance of Collective Agreement) (1) Rules of employment shall not conflict with any statutes or regulations, or a collective agreement applicable to the business or workplace concerned.

(2) The Minister of Employment and Labor may give an order to modify any part of the rules of employment which conflict with any statutes or regulations or the collective agreement concerned. <Amended on Jun. 4, 2010>

Article 97 (Effect of Violation) If a labor contract includes any term or condition of employment which falls short of the standards of labor as provided for in the rules of employment, such part shall be null and void. In such cases, the invalidated part shall be governed by the standards provided for in the rules of employment.

CHAPTER X DORMITORY

Article 98 (Protection of Dormitory Life) (1) An employer shall not interfere in the private life of employees lodging in a dormitory annexed to the business or workplace concerned.

(2) An employer shall not interfere with the election of executives required for the autonomous management of a dormitory.

Article 99 (Preparation of and Amendment to Dormitory Rules) (1) An employer who intends to lodge his or her employees in a dormitory annexed to a business or workplace shall prepare dormitory rules concerning the following matters:

1. Matters pertaining to getting-up and sleeping, and going-out and overnight stay;
2. Matters pertaining to events;
3. Matters pertaining to meals;
4. Matters pertaining to safety and health;
5. Matters pertaining to the maintenance of buildings and facilities;
6. Other matters to be applicable to all employees lodging in the dormitory.

(2) The employer shall obtain the consent of the representative of the majority of the lodging employees with regard to the preparation of or amendment to the dormitory rules stipulated in paragraph (1).

(3) Both the employer and the employees lodging in the dormitory concerned shall comply with the dormitory rules.

Article 100 (Guidelines for Construction and Operation of Dormitories Attached to Workplaces) Where an employer constructs and operates a dormitory attached to the workplace, he or she shall meet the guidelines on the following matters as prescribed by Presidential Decree:

1. The structure and facilities of the dormitory;
2. The location of the dormitory;
3. Creation of a residential environment in and surrounding the dormitory;
4. The size of the dormitory;
5. Other matters necessary for safe and pleasant living of employees.

[This Article Wholly Amended on Jan. 15, 2019]

Article 100-2 (Responsibilities to Maintain and Manage Dormitories Attached to Workplaces) With regard to a dormitory constructed pursuant to Article 100, the employer shall take measures for the maintenance of health, protection of privacy, etc. of employees.

[This Article Newly Inserted on Jan. 15, 2019]

CHAPTER XI LABOR INSPECTOR

Article 101 (Supervisory Authorities) (1) The Ministry of Employment and Labor and its subordinate offices shall have a labor inspector to ensure the standards of the terms and conditions of employment. <Amended on Jun. 4, 2010>

(2) Matters concerning the qualifications, appointment and dismissal, and placement of the labor inspector shall be prescribed by Presidential Decree.

Article 102 (Authority of Labor Inspector) (1) A labor inspector shall have the authority to conduct a field survey on workplaces, dormitories, and other annexed buildings, to request the submission of books and documents, and to interrogate both an employer and employees. <Amended on Nov. 28, 2017>

(2) A labor inspector who is a medical doctor or a medical doctor entrusted by a labor inspector shall have the authority to conduct a medical examination of employees who seem vulnerable to those diseases based on which their continuous employment should be precluded.

(3) In cases of paragraphs (1) and (2), the labor inspector or a medical doctor entrusted by the labor inspector shall show his or her identification card and a written instruction to conduct a field survey or a medical examination issued by the Minister of Employment and Labor.<Amended on Jun. 4, 2010; Nov. 28, 2017>

(4) In a written instruction to conduct field survey or a medical examination order referred to in paragraph (3), its date and time, place, and scope shall be specified clearly.<Amended on Nov. 28, 2017>

(5) A labor inspector shall have the authority to perform the official duties of judicial police officers as prescribed by the Act on the Persons Performing the Duties of Judicial Police Officers and the Scope of their Duties with regard to the crimes in violation of this Act or other labor-related statutes or regulations.

Article 103 (Duty of Labor Inspector) A labor inspector shall keep strictly any confidential matter which comes to his or her knowledge in the course of performing his or her duties. This shall also apply after he or she is retired from the position.

Article 104 (Reporting to Supervisory Authorities) (1) Employees may report to the Minister of Employment and Labor or a labor inspector if any violation of this Act or Presidential Decree under this Act occurs at a business or workplace. <Amended on Jun. 4, 2010>

(2) An employer shall not dismiss or treat an employee unfairly for making such a report referred to in paragraph (1).

Article 105 (Restrictions on Person Having Authority to Exercise Judicial Police Power) Only prosecutors and labor inspectors shall have the authority to conduct a field survey, request the submission of

documents, and interrogate employers and employees as prescribed by this Act and any other labor-related statutes or regulations: Provided, That this shall not apply to the investigation of crimes related to the duties of labor inspectors. <Amended on Nov. 28, 2017>

Article 106 (Delegation of Authority) The authority of the Minister of Employment and Labor under this Act may be delegated partly to the head of a regional employment and labor office as prescribed by Presidential Decree. <Amended on Jun. 4, 2010>

CHAPTER XII PENALTY PROVISIONS

Article 107 (Penalty Provisions) A person who has violated Article 7, 8, 9, 23 (2) or 40 shall be punished by imprisonment with labor for not more than five years or by a fine of not exceeding 50 million won. <Amended on Nov. 28, 2017>

Article 108 (Penalty Provisions) A labor inspector who has connived, on purpose, at violations of this Act shall be punished by imprisonment with labor for not more than three years or by a suspension of qualification for not more than five years.

Article 109 (Penalty Provisions) (1) A person who violates Article 36, 43, 44, 44-2, 46, 51-3, 52 (2) 2, 56, 65, 72 or 76-3 (6) shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won. <Amended on Jul. 27, 2007; Nov. 28, 2017; Jan. 15, 2019; Jan. 5, 2021>

(2) A public prosecution against a person who violates Article 36, 43, 44, 44-2, 46, 51-3, 52 (2) 2, or 56 may not be raised against the clearly expressed will of the person who has suffered the loss concerned. <Amended on Jul. 27, 2007; Jan. 5, 2021>

Article 110 (Penalty Provisions) Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: <Amended on May 21, 2009; Feb. 1, 2012; Nov. 28, 2017; Mar. 20, 2018; Jan. 5, 2021>

1. A person who violates Articles 10, 22 (1), 26, 50, 51-2 (2), 52 (2) 1, 53 (1), (2) and the main clause of paragraphs (4) and (7), 54, 55, 59 (2), 60 (1), (2), (4) and (5), 64 (1), 69, 70 (1) and (2), 71, 74 (1) through (5), 75, 78 through 80, 82, 83 and 104 (2);
2. A person who violates an order under Article 53 (5).

Article 111 (Penalty Provisions) A person who has failed to comply with an order for remedy or the decision made by reexamination in which an order for remedy is contained, which became final and

conclusive pursuant to Article 31 (3) or through an administrative litigation, shall be punished by imprisonment with labor for not more than one year or by a fine of not exceeding 10 million won.

Article 112 (Criminal Charge) (1) The offense provided for in Article 111 may be prosecuted only upon the Labor Relations Commission's accusation.

(2) A prosecutor may notify the Labor Relations Commission of a violation which falls under the offense under paragraph (1) to ask it for the accusation thereof.

Article 113 (Penalty Provisions) A person who has violated Article 45 shall be punished by a fine of not exceeding 10 million won.

Article 114 (Penalty Provisions) Any of the following persons shall be punished by a fine not exceeding five million won: <Amended on Jul. 27, 2007; Mar. 28, 2008; May 21, 2009; Feb. 1, 2012; Mar. 20, 2018>

1. A person who violates Articles 6, 16, 17, 20, 21, 22 (2), 47, proviso of 53 (4), 67 (1) and (3), 70 (3), 73, 74 (6), 77, 94, 95, 100 and 103;
2. A person who violates an order prescribed in Article 96 (2).

Article 115 (Joint Penalty Provisions) If an agent, employee or any other employee of a business owner commits an offense prescribed in Articles 107, 109 through 111, 113 or 114 with respect to the affairs of the employees of the relevant business, not only the offender shall be punished, but the business owner shall also be punished by a fine pursuant to the relevant Article: Provided, That this shall not apply where such business owner has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such violation.

[This Article Wholly Amended on May 21, 2009]

Article 116 (Administrative Fines) (1) If an employer (including cases where a person prescribed by Presidential Decree, who is a relative referred to in Article 767 of the Civil Act of an employer, is an employee in the relevant business or workplace) commits workplace harassment in violation of Article 76-2, he or she shall be subject to an administrative fine not exceeding 10 million won. <Newly Inserted on Apr. 13, 2021>

(2) Any of the following persons shall be subject to an administrative fine not exceeding five million won: <Amended on May 21, 2009; Jun. 4, 2010; Mar. 24, 2014; Nov. 28, 2017; Jan. 5, 2021; Apr. 13, 2021; May 18, 2021>

1. A person who fails to make a report or attend a meeting or who makes a fraudulent report, at the request of the Minister of Employment and Labor, the Labor Relations Commission, or a labor inspector pursuant to Article 13;

2. A person who violates Articles 14, 39, 41, 42, 48, 66, 74 (7) or (9), 76-3 (2), (4), (5), or (7), 91, 93, 98 (2), or 99;

3. A person who fails to report a wage conservation measures under Article 51-2 (5);

4. A person who refuses, obstructs, or evades a field survey by a labor inspector under Article 102 or a medical examination by a medical doctor entrusted by the labor inspector, who fails to make any of the required statements to the official questioning or makes false statements, or who fails to submit books or documents or submits false books or documents.

(3) An administrative fine under paragraphs (1) and (2) shall be imposed and collected by the Minister of Employment and Labor as prescribed by Presidential Decree. <Amended on Jun. 4, 2010; Apr. 13, 2021>

(4) Deleted. <May 21, 2009>

(5) Deleted. <May 21, 2009>