

LABOR RELATIONS COMMISSION ACT

[Enforcement Date 21. Jul, 2015.] [Act No.13044, 20. Jan, 2015., Partial Amendment]

고용노동부(노사관계법제과), 044-202-7613

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the stabilization and development of labor relations, by establishing the Labor Relations Commissions which promptly and impartially perform functions of adjudication and conciliation with respect to labor relations, and providing for matters on the operation thereof.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 2 (Classification, Jurisdiction, etc. of Labor Relations

Commissions)(1) The Labor Relations Commissions shall be classified into the National Labor Relations Commission, Regional Labor Relations Commissions, and Special Labor Relations Commissions.

(2) The National Labor Relations Commission and Regional Labor Relations Commissions shall be established under the control of the Minister of Employment and Labor, and the names, locations, and jurisdictional areas of the respective Regional Labor Relations Commissions shall be prescribed by Presidential Decree.

(3) If deemed necessary for dealing with matters prescribed in any relevant Act or subordinate statute, a Special Labor Relations Commission shall be established under the control of the head of the central administrative agency which has jurisdiction over the said specific matters.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 2-2 (Business Affairs Falling under Jurisdiction of Labor Relations Commissions)

The business affairs of the Labor Relations Commissions shall be as follows:

1. Business affairs relevant to adjudication, decision, resolution, approval, recognition, the correction of discriminatory treatment, etc. under the Trade Union and Labor Relations Adjustment Act, the Labor Standards Act, the Act on the Promotion of Workers' Participation

and Cooperation, the Act on the Establishment and Operation of Teachers' Unions, the Act on the Establishment and Operation of Public Officials' Unions, the Act on the Protection, etc. of Fixed-Term and Part-Time Workers, and the Act on the Protection, etc. of Temporary Agency Workers;

2. Business affairs relevant to the conciliation and arbitration of labor disputes under the Trade Union and Labor Relations Adjustment Act, the Act on the Establishment and Operation of Teachers' Unions, and the Act on the Establishment and Operation of Public Officials' Unions, or to the support to the autonomous settlement of labor disputes by the relevant parties;
3. Business affairs relevant to survey, research, education, publicity, etc. related to the performance of those referred to in subparagraphs 1 and 2;
4. Other business affairs prescribed as those falling under the jurisdiction of the Labor Relations Commissions by other Acts.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 3 (Jurisdiction of Labor Relations Commissions)(1) The National Labor Relations Commission shall have jurisdiction over the following cases:

1. Cases of reviewing dispositions taken by the Regional Labor Relations Commissions and the Special Labor Relations Commissions;
2. Cases of coordinating labor disputes over which at least two Regional Labor Relations Commissions have concurrent jurisdiction;
3. Cases which fall under its jurisdiction in accordance with any other Act.

(2) A Regional Labor Relations Commission shall have jurisdiction over cases which occur within its jurisdictional area, but cases which are under concurrent jurisdiction of at least two Regional Labor Relations Commissions (excluding mediation cases referred to in paragraph (1) 2 of this Article) shall be dealt with by the Regional Labor Relations Commission which has jurisdiction over the location of the main workplace.

(3) A Special Labor Relations Commission shall have jurisdiction over cases concerning specific matters which are objectives of its establishment under any relevant Act.

(4) Notwithstanding the provisions of paragraph (1) 2 of this Article, the

chairperson of the National Labor Relations Commission may, if deemed necessary for the efficient mediation of any labor dispute, designate a Regional Labor Relations Commission to deal with the aforementioned dispute.

(5) When it is difficult to determine the main workplace under paragraph (2) or when a Regional Labor Relations Commission having jurisdiction over the location of the main workplace has difficulties in dealing with the case, the chairperson of the National Labor Relations Commission may, ex officio or upon request of either of the parties or the chairperson of the Regional Labor Relations Commission, designate any Regional Labor Relations Commission to deal with matters.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 3-2 (Transfer of Cases)(1) A Labor Relations Commission shall, where any case which it has accepted falls under the jurisdiction of another Labor Relations Commission, transfer it to the competent Labor Relations Commission without delay. The same shall apply where it is verified that the case falls under another Labor Relations Commission after an investigation under Article 23 has been conducted.

(2) The case transferred pursuant to paragraph (1) shall be deemed that initially accepted by the competent Labor Relations Commission.

(3) In cases of transferring any case pursuant to paragraph (1), a Labor Relations Commission shall notify the relevant parties of the fact without delay.

[This Article Newly Inserted by Act No. 13044, Jan. 20, 2015]

Article 4 (Status of Labor Relations Commission, etc.)(1) Each Labor Relations Commission shall independently perform duties belonging to its authority.

(2) The chairperson of the National Labor Relations Commission shall exercise general control over budgets, personnel affairs, education and training, and other administrative matters of the National Labor Relations Commission and the Regional Labor Relations Commissions, and shall direct and supervise the public officials falling under his/her jurisdiction.

(3) The chairperson of the National Labor Relations Commission may partially delegate his/her authority to direct and supervise administrative matters under paragraph (2) to chairpersons of the Regional Labor Relations Commissions, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 5 (Organization, etc. of Special Labor Relations Commission)(1)

Article 6 (3) through (7) and Article 9 (2) and (4) shall not apply to Special Labor Relations Commissions.

(2) Any of the following matters may be otherwise prescribed by another Act which governs the establishment of the relevant Special Labor Relations Commission in a separate manner:

1. The number of workers' members, employers' members, and public interest members under Article 6 (2);
2. Standing members under Article 11.

(3) When the provisions of Article 15 (3) through (5) are applied to the Special Labor Relations Commissions, the public interest members in charge of adjudication, the public interest members in charge of correction of discrimination, and the public interest members in charge of mediation under Article 6 (6) shall be deemed public interest members of the Special Labor Relations Commission.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

CHAPTER II ORGANIZATION

Article 6 (Organization, etc. of Labor Relations Commissions)(1) A Labor Relations Commission shall be comprised of members representing workers (hereinafter referred to as "workers' members"), members representing employers (hereinafter referred to as "employers' members"), and members representing public interests (hereinafter referred to as "public interest members").

(2) The number of members of a Labor Relations Commission shall, within the following scope, be determined by Presidential Decree, taking account of the work load of the relevant Labor Relations Commission. In such cases, workers' members and employers' members shall be equal in number:

1. For workers' members and employers' members: At least 10, but not exceeding 50 persons, respectively;
2. For public interest members: At least 10, but not exceeding 70 persons.

(3) Workers' members shall be appointed from among persons recommended by the trade union, and employers' members shall be appointed from among persons recommended by the employers' association, classified as follows:

1. For the National Labor Relations Commission: appointed by the

President upon the recommendation of the Minister of Employment and Labor;

2. For a Regional Labor Relations Commission: appointed by the chairperson of the National Labor Relations Commission upon the recommendation of the chairperson of the relevant Regional Labor Relations Commission.

(4) Those persons remaining after the trade union and the employers' association exclude in order any person from among those recommended by the chairperson of the relevant Labor Relations Commission, trade union, and employers' association, respectively, shall become the persons entitled to be appointed as public interest members eligible for appointment, and, public interest members shall be appointed from among such persons entitled to be appointed as public interest members, classified as follows:

1. For the public interest members of the National Labor Relations Commission: appointed by the President upon the recommendation of the Minister of Employment and Labor;
2. For the public interest members of a Regional Labor Relations Commission: appointed by the chairperson of the National Labor Relations Commission upon the recommendation of the chairperson of a Regional Labor Relations Commission.

(5) Notwithstanding the provisions of paragraph (4), where the trade union or the employers' association rejects procedures for recommending public interest members or procedures for eliminating the recommended public interest members in order, the chairperson of the relevant Labor Relations Commission may select public interest members eligible for appointment.

(6) Public interest members shall be commissioned as classified below:

1. Public interest members in charge of adjudication;
2. Public interest members in charge of correction of discriminatory treatment;
3. Public interest members in charge of mediation.

(7) Procedures for recommending members of a Labor Relations Commission, methods of excluding in order public interest members, and other matters necessary for the appointment of members shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

cases concerning the adjudication, decision, approval, recognition, or correction of discriminatory treatment, etc. referred to in subparagraph 1 of Article 2-2, the Labor Relations Commissions may have an attorney-at-law or certified public labor attorney conduct business for the relief of rights by proxy for the socially vulnerable groups.

(2) Those matters necessary for having an attorney-at-law or certified public labor attorney perform duties of the relief of rights by proxy for the socially vulnerable groups pursuant to paragraph (1), including matters concerning the requirements and objects, and the remuneration of the attorneys-at-law and certified public labor attorneys, shall be prescribed by Ordinance of the Ministry of Employment and Labor.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 7 (Term of Office for Members, etc.)(1) The term of office for the members of the Labor Relations Commissions shall be three years, and renewable.

(2) In cases of the vacancy of a member of a Labor Relations Commission, the term of office for a member elected to fill the vacancy shall be the remainder of the term of the predecessor: Provided, That where a successor has been appointed due to the vacancy of the chairperson or a standing member of a Labor Relations Commission, the term of office of the successor shall start anew.

(3) A member of a Labor Relations Commission whose term of office expires shall continue to perform his/her duties until his/her successor is designated.

(4) Matters necessary for the treatment of members of the Labor Relations Commissions shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 8 (Qualification Standards, etc. for Public Interest Members)(1) The public interest members of the National Labor Relations Commission shall, as classified in the following subparagraphs, be commissioned from among those with abundant knowledge and experience in labor issues, but it shall be required to endeavor to increase the number of female members:

1. For public interest members in charge of adjudication and public interest members in charge of correction of discrimination:

(a) A person who majored in labor-related studies and is or used to be in office as an associate professor or higher at a school falling under

any of subparagraphs 1 through 6 of Article 2 of the Higher Education Act;

(b) A person who has been or used to be in office as a judge, public prosecutor, military judicial officer, attorney-at-law, or certified labor affairs consultant for at least seven years;

(c) A person who has at least seven years' work experience in labor relations affairs and was or has been in office as a public official of Grade II or of a grade equivalent thereto or higher, or a public official belonging to the Senior Civil Service;

(d) Any other person who has experience in labor relations affairs for at least 15 years and is deemed suitable for a public interest member in charge of adjudication or a public interest member in charge of correction of discrimination;

2. For public interest members in charge of conciliation:

(a) A person who was or has been in office as an associate professor or higher at a school falling under any of subparagraphs 1 through 6 of Article 2 of the Higher Education Act;

(b) A person who has been or used to be in office as a judge, public prosecutor, military judicial officer, attorney-at-law, or certified labor affairs consultant for at least seven years;

(c) A person who has at least seven years' work experience in labor relations affairs and has been or used to be in office as a public official of Grade II or of a grade equivalent thereto or higher, or a public official belonging to the Senior Civil Service;

(d) Any other person who is deemed suitable for a public interest member in charge of conciliation among those who have at least 15 years' work experience in labor relations affairs or those who have good virtues.

(2) The public interest members of a Regional National Labor Relations Commission shall, as classified in the following subparagraphs, be commissioned from among those with abundant knowledge and experience in labor issues, but it shall be required to endeavor to increase the number of female members:

1. For public interest members in charge of adjudication and public interest members in charge of correction of discrimination:

(a) A person who majored in labor-related studies and was or is in office as an assistant professor or higher at a school falling under any of subparagraphs 1 through 6 of Article 2 of the Higher Education Act;

(b) A person who has been or used to be in office as a judge, public

prosecutor, military judicial officer, attorney-at-law, or certified labor affairs consultant for at least three years;

(c) A person who has at least three years' work experience in labor relations affairs and has been or used to be in office as a public official of Grade III or of a grade equivalent thereto or higher, or a public official belonging to the Senior Civil Service;

(d) A person who has at least 10 years' work experience in labor relations affairs and has been or used to be in office as a public official of Grade IV or of a grade equivalent thereto or higher;

(e) Any other person who has at least ten years' work experience in labor relations affairs and is deemed suitable for a public interest member in charge of adjudication or a public interest member in charge of correction of discrimination;

2. For public interest members in charge of conciliation:

(a) A person who has been or used to be in office as an assistant professor or higher at a school falling under any of subparagraphs 1 through 6 of Article 2 of the Higher Education Act;

(b) A person who has been or used to be in office as a judge, public prosecutor, military judicial officer, attorney-at-law, or certified labor affairs consultant for at least three years;

(c) A person who has at least three years' work experience in labor relations affairs and has been or used to be in office as a public official of Grade III or of a grade equivalent thereto or higher, or a public official belonging to the Senior Civil Service;

(d) A person who has at least ten years' work experience in labor relations affairs and was or has been in office as a public official of Grade IV or of a grade equivalent thereto or higher;

(e) Any other person who is deemed suitable for a public interest member in charge of conciliation among those who have at least ten years' work experience in labor relations affairs or those who have good virtues.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 9 (Chairperson)(1) There shall be one chairperson in a Labor Relations Commission.

(2) The chairperson of the National Labor Relations Commission shall be appointed by the President upon the proposal of the Minister of Employment and Labor from among persons eligible for public interest members of the National Labor Relations Commission pursuant to

Article 8 (1), and the chairperson of a Regional Labor Relations Commission shall be appointed by the President upon the recommendation of the chairperson of the National Labor Relations Commission and upon the proposal of the Minister of Employment and Labor from among persons eligible for public interest members of a Regional Labor Relations Commission pursuant to Article 8 (2).

(3) The chairperson of the National Labor Relations Commission shall be a public official in political service.

(4) The chairperson of a Labor Relations Commission (hereinafter referred to as the "chairperson of a Labor Relations Commission") shall become a public interest member of the relevant Labor Relations Commission, and may take charge of the cases of adjudication, correction of discriminatory treatment, and conciliation.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 10 (Duties of Chairperson)(1) The chairperson of a Labor Relations Commission shall represent the relevant Labor Relations Commission and exercise general control over its general affairs.

(2) When the chairperson of a Labor Relations Commission is unable to perform any of his/her duties for an unavoidable reason, a public interest member prescribed by Presidential Decree shall act on the chairperson's behalf.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 11 (Standing Members)(1) There shall be standing members in each Labor Relations Commission, and they shall be appointed by the President upon the recommendation of the chairperson of the National Labor Relations Commission and upon the proposal of the Minister of Employment and Labor, from among those eligible for public interest members of the relevant Labor Relations Commission.

(2) The standing members shall become public interest members, and may take charge of adjudication, correction of discriminatory treatment, and mediation.

(3) The number, ranks, etc. of the standing members in each Labor Relations Commission shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 11-2 (Code of Conduct of Members)(1) Each member of a Labor Relations Commission shall fairly and conscientiously perform his/her

duties in conformity with laws and his/her conscience.

(2) The National Labor Relations Commission may determine, through a resolution at its plenary session under Article 15, the code of conduct which the members of a Labor Relations Commission have to observe in order to perform their duties pursuant to paragraph (1), and the matters related to the operation thereof.

(3) The code of conduct of the members of each Labor Relations Commission under paragraph (2) shall include the following:

1. Matters concerning prohibition against such conduct as receipt of entertainments, money and valuables, etc. with respect to the performance of their duties;
2. Matters concerning prohibition against and restrictions on such conduct of the members of a Labor Relations Commission as impairing the fairness and impartiality thereof, including bias in favor of any interested party or interference with the disposition of any case;
3. Matters concerning prohibition against any conduct of either using any fact which they have become aware of in the course of performing their duties, or providing them to any other person;
4. Matters concerning the faithful performance of their duties as members of a Labor Relations Commission, such as attendance at the subcommittee under Article 15;
5. Other matters necessary for maintaining their dignity as members of a Labor Relations Commission;

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 12 (Disqualifications)

No person falling under any subparagraph of Article 33 of the State Public Officials Act shall become a member of a Labor Relations Commission.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 13 (Guarantee of Status of Members)(1) No member of a Labor Relations Commission shall be dismissed from office or discharged from his/her duties against his/her will, except in any of the following cases:

1. Where he/she falls under any subparagraph of Article 33 of the State Public Officials Act;
2. Where he/she is unable to perform his/her duties due to a considerable period of mental or physical weakness;

3. Where his/her corruption in connection with his/her duties or other corruption deemed unsuitable for sustaining membership of a Labor Relations Commission is found;
4. Where it is impracticable for him/her to perform his/her duties as a member of a Labor Relations Commission by violating the code of conduct under Article 11-2;
5. Where it turns out that he/she fails to meet the qualification standards for the member of the relevant Labor Relations Commission after he/she was commissioned as such.

(2) Any member of a Labor Relations Commission shall be dismissed from office or discharged from his/her duties where he/ she falls under paragraph (1) 1.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 14 (Secretariat and Bureau)(1) A secretariat shall be established under the control of the National Labor Relations Commission and a bureau shall be established under the control of a Regional Labor Relations Commission.

(2) Matters necessary for the organization, operation, etc. of the secretariat and bureaus shall be prescribed by Presidential Decree.

(3) When the Minister of Employment and Labor intends to transfer any staff member belonging to the secretariat or bureau of a Labor Relations Commission, he/she shall seek an opinion from the chairperson of the National Labor Relations Commission.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 14-2 (Secretary General of National Labor Relations Commission)

(1) The National Labor Relations Commission shall have one secretary general.

(2) One of the standing members of the National Labor Relations Commission shall concurrently hold the position of the secretary general.

(3) The secretary general shall administer the business affairs of the secretariat under the direction of the chairperson of the National Labor Relations Commission, and direct and supervise the staff members under his/her control.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 14-3 (Investigators)(1) Investigators shall be assigned under the

control of the secretariat and bureaus of Labor Relations Commissions.

(2) The Chairperson of the National Labor Relations Commission shall appoint investigators from among the public officials belonging to the secretariat or bureaus of the Labor Relations Commissions.

(3) An investigator shall conduct an investigation necessary for performing affairs under the jurisdiction of a Labor Relations Commission under the command of the chairperson of the Labor Relations Commission, the chairperson of any subcommittee under Article 15, or the chief adjudication member under 16-2, and may attend a subcommittee under Article 15 to present his/her opinion.

(4) Matters necessary for the appointment of, qualifications, etc. for investigators shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

CHAPTER III MEETINGS

Article 15 (Organization, etc. of Meetings)(1) The following subcommittees shall be established under the control of a Labor Relations Commission to deal with those affairs under the jurisdiction of the plenary meeting and the Labor Relations Commission in their respective fields: Provided, That this shall not apply where there exist any special provisions in another Act:

1. The Committee on Adjudication;
2. The Committee on Correction of Discrimination;
3. The Committee on Conciliation;
4. The Committee on Special Conciliation;
5. The Committee on Arbitration;
6. The Committee on Conciliation of Labor-Relations of School Teachers established under Article 11 (1) of the Act on the Establishment, Operation, etc. of Teachers' Labor Unions;
7. The Committee on Conciliation of Labor-Relations of Public Officials established under Article 14 (1) of the Act on Establishment, Operation, etc. of Public Officials' Labor Unions.

(2) A plenary meeting shall be comprised of all members of the relevant Labor Relations Commission, and shall deal with the following matters:

1. Decision upon general matters, such as the operation of the Labor Relations Commission;
2. Recommendation concerning the improvement of working conditions referred to in Article 22 (2);

3. Instructions and rule-making referred to in Articles 24 and 25 (limited to the National Labor Relations Commission).

(3) The Committee on Adjudication referred to in paragraph (1) 1 shall be comprised of three persons nominated by the chairperson of the relevant Labor Relations Commission, from among the public interest members in charge of adjudication, and shall deal with matters related to the decisions, resolutions, approval, recognition, etc. under the Trade Union and Labor Relations Adjustment Act, the Labor Standards Act, the Act on the Promotion of Workers' Participation and Cooperation, or any other Act.

(4) The Committee on Correction of Discrimination referred to in paragraph (1) 2 shall be comprised of three persons nominated by the chairperson of the relevant Labor Relations Commission, from among the public interest members in charge of correction of discrimination, and shall deal with matters related to the correction of differential treatment under the Act on the Protection, etc. of Fixed-Term and Part-Time Workers or the Act on the Protection, etc. of Temporary Agency Workers.

(5) The Conciliation Committee, the Special Conciliation Committee, and the Committee on Arbitration referred to in paragraph (1) 3 through 5 shall be organized, as prescribed by the Trade Union and Labor Relations Adjustment Act, and shall take charge of conciliation or arbitration under the same Act, and other affairs related thereto, respectively. In such cases, the public interest members shall be nominated from among the public interest members in charge of conciliation.

(6) When the chairperson of a Labor Relations Committee organizes subcommittees pursuant to paragraphs (3) and (4), he/she shall nominate the members thereof so as to include the chairperson or one standing member of the Labor Relations Committee, except in extenuating circumstances provided by rules established by the National Labor Relations Commission pursuant to Article 25, such as where it is difficult for the chairperson or the standing member to normally perform his/her duties due to excessive work load.

(7) Notwithstanding the provisions of paragraphs (3) through (5), when the chairperson of a Labor Relations Committee organizes the subcommittees, he/she may, where he/she deems that cases are concentrated in any specific subcommittee or that expertise in another field is required, appoint any public interest member in charge of

adjudication, public interest member in charge of correction of discrimination, or public interest member in charge of conciliation as a member of any subcommittee which is not related to his/her duties.

(8) The Committee on Conciliation of Labor–Relations of School Teachers referred to in paragraph (1) 6 shall be established and organized, as prescribed in the Act on the Establishment and Operation of Teachers’ Labor Unions, and shall take charge of conciliation or arbitration of the same Act, and other affairs related thereto.

(9) The Committee on Conciliation of Labor–Relations of Public Officials referred to in paragraph (1) 7 shall be established and organized, as prescribed in the Act on Establishment, Operation, etc. of Public Officials’ Labor Unions, and shall take charge of conciliation or arbitration of the same Act, and other affairs related thereto.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 15–2 (Adjudication, etc. by Single Members)

In any of the following cases, the chairperson of a Labor Relations Commission may nominate one person, from among public interest members in charge of adjudication or public interest member in charge of correction of discrimination, to deal with cases:

1. Where requirements for filing an application are not fulfilled, such as missing a deadline for filing an application;
2. Where both parties have filed applications for adjudication by a single member or have consented to the settlement of the case by adjudication by a single member.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 15–3 (Application Mutatis Mutandis of the Administrative Appeals Act, etc.)

With respect to handling cases, Articles 15, 16, and 18 of the Administrative Appeals Act shall apply mutatis mutandis to the appointed representative, the succession to the status of a party, and the appointment of an agent, and Articles 60 and 90 of the Civil Procedure Act shall apply mutatis mutandis to the defection and confirmation of any act by an agent, and the scope of an agent’s authority.

[This Article Newly Inserted by Act No. 13044, Jan. 20, 2015]

Article 16 (Convocation of Meetings)(1) The chairperson of a

subcommittee shall be elected among and by its constituent members, except as otherwise expressly provided for in any other Act.

(2) The chairperson of a Labor Relations Commission or the chairperson of a subcommittee shall convene a plenary meeting of the Labor Relations Commission or a meeting of the subcommittee and preside over the meeting, respectively: Provided, That if deemed necessary, the chairperson of a Labor Relations Commission may convene a meeting of the subcommittee.

(3) The chairperson of a Labor Relations Commission or the chairperson of a subcommittee shall, where a majority of the constituent members of the plenary meeting or the subcommittee submit a request for the convocation of a meeting respectively, comply therewith.

(4) The chairperson of a Labor Relations Commission or the chairperson of a subcommittee may, if necessary for the smooth operation of the Labor Relations Commission, such as the smooth conduct of an investigation concerning the performance of its duties, have a meeting convened or have adjudication by a single member under Article 15-2 conducted, at any place which is not situated at the location of the Labor Relations Commission.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 16-2 (Chief Adjudication Member)

Where the chairperson of a subcommittee deems necessary for smooth operation of the subcommittee, he/she may nominate a chief adjudication member and have him/her manage the settlement of the case.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 16-3 (Recommendation, etc. of Compromise)(1) Upon request by any relevant party or ex officio, a Labor Relations Commission may recommend compromise between the relevant parties or present a proposal of compromise before adjudication, order or decision under Articles 29-4 and 84 of the Trade Union and Labor Relations Adjustment Act and Article 30 of the Labor Standards Act.

(2) A Labor Relations Commission shall hear the opinion of the relevant parties in full in drawing up a proposal of compromise.

(3) When the relevant parties have accepted a proposal of compromise, a Labor Relations Commission shall draw up a protocol of compromise.

(4) All of the following persons shall affix their signatures or seals to a

protocol of compromise:

1. The relevant parties;
2. All members of the subcommittee (including adjudication by a single member under Article 15–2) involved in the compromise.

(5) A protocol of compromise drawn up pursuant to paragraphs (3) and (4) shall take the same effect as a judicial compromise under the Civil Procedure Act.

(6) Matters necessary for the methods for compromise, the drawing up of protocols of compromise, etc. under paragraphs (1) through (4) shall be prescribed by rules established by the National Labor Relations Committee pursuant to Article 25.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 17 (Resolution)(1) A majority of the total members of a Labor Relations Committee shall constitute a quorum for a plenary meeting thereof, and any resolution of the plenary meeting shall require the concurrent votes of at least a majority of those present.

(2) A majority of the total members of a subcommittee shall constitute a quorum for a meeting, and any resolution thereof shall require the concurrent votes of at least a majority of those present.

(3) Notwithstanding the provisions of paragraph (2), a majority of the total members of the relevant Labor Relations Commission shall constitute a quorum for meeting of the Committee on Conciliation of Labor–Relations of Public Officials under Article 15 (1) 7 (referring to the plenary meeting under Article 15 of the Act on Establishment, Operation, etc. of Public Officials’ Labor Unions), and any resolution of the said Committee shall require the concurrent votes of at least a majority of those present.

(4) The members who attend the plenary meeting or a meeting of a subcommittee shall affix their signatures or seals with respect to any matter resolved thereby.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 17–2 (Service, etc. of Results of Resolution)(1) A Labor Relations Commission shall serve the results of resolution by a subcommittee in writing on the relevant parties.

(2) A Labor Relations Commission shall serve the results of a disposition thereof in writing on the relevant parties and the disposition shall take effect on the date the relevant written adjudication, order

decision or adjudication of re-examination is served.

(3) The methods and procedures for service under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 17-3 (Service by Public Notice)(1) A Labor Relations Committee

may provide service by public notice where a person on whom any document has to be served falls under any of the following cases:

1. Where the domicile of such person is unknown;
2. Where it is impracticable to serve a document because such person is domiciled outside of the Republic of Korea or it is impracticable to verify the domicile of such person in a normal manner;
3. Where a document was served by registered mail, etc., but is returned on the ground that it was verified that the person on whom the document is to be served was not located there.

(2) Service by public notice under paragraph (1) shall be provided in a manner of posting the content of the document on the bulletin board or Internet homepage of the relevant Labor Relations Commission.

(3) Service by public notice shall take effect upon the elapse of 14 days from the date the content of the document was posted pursuant to paragraph (2).

(4) Matters necessary for requirements for providing service by public notice under paragraph (1) and the methods and procedures for providing service by public notice under paragraph (2) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13044, Jan. 20, 2015]

Article 18 (Reporting and Seeking Opinions)(1) The chairperson of a Labor

Relations Commission or the chairperson of a subcommittee may have any constituent member or investigator report on any matters referred to a meeting under its jurisdiction.

(2) The Committee on Adjudication and the Committee on Correction of Discrimination under Article 15 (1) 1 and 2 shall seek opinions from at least one workers' member and at least one employers' member of the relevant Labor Relations Commission, respectively, before passing a resolution: Provided, That this shall not apply where a workers' member or an employers' member fails to appear without any justifiable reason after having been given a notification of appearance.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 19 (Opening of Meetings to Public)

The meetings of a Labor Relations Commission shall be open to the public: Provided, That a meeting need not be open to the public where a decision not to open a meeting to the public is made at the relevant meeting.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 20 (Maintenance of Order during Meeting)

The chairperson of a Labor Relations Commission or the chairperson of a subcommittee may issue an order to retire from the meeting room or take other necessary measures to keep order with respect to any person who obstructs fair progression or disturbs order of the relevant meeting.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 21 (Exclusion, Challenge, etc. of Members)(1) Any of the following members shall be excluded from the performance of duties related to the relevant case:

1. Where a member or his/her current or ex-spouse has become a party directly involved in the relevant case or has the relationship of joint rightful persons or responsible persons with any party of the relevant case;
2. Where a member is a current or former relative of any party of the relevant case;
3. Where a member has made a statement or given an expert opinion with regard to the relevant case;
4. Where a member is or was involved in any affairs as an agent of any party;
5. Where a member took part in a disposition or omission which has caused the relevant case.

(2) When there exists a reason falling under paragraph (1), the chairperson of a Labor Relations Commission shall decide on exclusion upon request by any relevant party or ex officio.

(3) Any party may challenge against a member from whom impartiality and independence during deliberation, resolution, or conciliation are deemed hardly expected, by sending a written statement of the reason to the chairperson of the relevant Labor Relations Commission.

(4) The chairperson of the relevant Labor Relations Commission shall decide on challenge if deemed that a request for exclusion under paragraph (3) is well-grounded.

(5) Upon receipt of a case, the chairperson of the relevant Labor Relations Commission shall immediately inform the parties of the relevant case that they may be able to file a request for exclusion under paragraph (2) or a request for challenge under paragraph (3).

(6) Where a member falls under any cause prescribed in paragraph (1) or (3), he/she may voluntarily refrain from performing his/her duties. In such cases, that member shall expound on such cause.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

CHAPTER IV AUTHORITIES

Article 22 (Request for Assistance, etc.)(1) A Labor Relations Commission may request the relevant administrative agencies for assistance, if deemed necessary to perform its functions, and the said administrative agencies in receipt of such request shall comply therewith, except in extenuating circumstances.

(2) A Labor Relations Commission may recommend the relevant administrative agencies to take necessary measures to improve working conditions.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 23 (Investigation Authority, etc. of Commission)(1) If deemed necessary for performing its affairs, such as the verification of fact relevance with respect to affairs under its jurisdiction (excluding affairs falling under subparagraph 3) referred to in Article 2-2, a Labor Relations Commission may require workers, trade unions, employers, employers' association, and other relevant persons to attend, report, or submit necessary documents, or have the member or investigator designated by the chairperson of the said Labor Relations Commission or the chairperson of a subcommittee investigate business conditions, documents, and other articles of the business or workplace.

(2) The member or investigator who conducts an investigation pursuant to paragraph (1) shall produce a certificate verifying his/her authority to the related persons.

(3) When any person, other than the relevant parties, is deemed necessary to attend pursuant to paragraph (1), each Labor Relations Commission shall compensate him/her for expenses incurred in relation to attendance at the Commission, as prescribed by Presidential Decree.

(4) A Labor Relations Commission shall serve on the other party a copy of a written request which has been submitted by an applicant of any

case referred to adjudication or a case for correction of differential treatment, and shall then have the other party submit a written defence. (5) A Labor Relations Commission shall serve a copy of the written defence submitted by the other party pursuant to paragraph (4), on the applicant, without delay.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 24 (Instruction Authority, etc. of National Labor Relations Commission)

The National Labor Relations Commission may give necessary instructions concerning the basic policies on the performance of functions and duties of the said Commission and the interpretation of Acts and subordinate statutes to a Regional Labor Relations Commission or a Special Labor Relations Commission.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 25 (Rule-making Authority of National Labor Relations Commission)

The National Labor Relations Commission may establish its rules pertaining to the operation of the National Labor Relations Commissions, Regional Labor Relations Commissions, or Special Labor Relations Commissions, the methods for designating cases to be treated by the subcommittees of a Labor Relations Commission, the methods for designating cases to be treated by the investigators, and other matters necessary for the operation of all of the above-mentioned Labor Relations Commission.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 26 (Review Authority of National Labor Relations Commission)(1)

The National Labor Relations Commission may, if requested by the party subject to any disposition taken by a Regional Labor Relations Commission or a Special Labor Relations Commission, review the disposition, and then verify, cancel, or modify it.

(2) A request under paragraph (1) shall be made within ten days from the date the relevant disposition taken by a Regional Labor Relations Commission or a Special Labor Relations Commission is served on the relevant party, except as otherwise expressly provided for by any related Act or subordinate statute.

(3) The period referred to in paragraph (2) shall be an invariable period.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 27 (Lawsuits against Measures Taken by National Labor Relations Commission)

(1) A lawsuit regarding any disposition taken by the National Labor Relations Commission shall be instituted against the chairperson of the National Labor Relations Commission within 15 days from the date the notification of the disposition is served.

(2) No effect of any disposition shall be suspended on the ground of the institution of a lawsuit under this Act.

(3) The period referred to in paragraph (1) shall be an invariable period.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 28 (Obligations to Observe Confidentiality)(1) No current or former member or staff of a Labor Relations Commission shall divulge any confidential information he/she has become aware of in the course of performing his/her duties.

(2) Any member or any staff member who had a part in the dealing of a case by a Labor Relations Commission, or any lawyer or any certified labor affairs consultant, etc. who was the member or the staff member is not allowed to perform his/her duties with regard to the relevant case for profit making.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 29 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)

A member of a Labor Relations Commission who is not a public official shall be deemed a public official for the purposes of penalty provisions applied in accordance with the Criminal Act or any other Act.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

CHAPTER VI PENAL PROVISIONS

Article 30 (Penalty Provisions)

Any person who violates Article 28 shall be punished by imprisonment for not exceeding one year or by a fine not exceeding ten million won.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 31 (Penalty Provisions)

Any of the following persons related to the right of investigation, etc. of a Labor Relations Commission under Article 23 (1) shall be punished by

a fine not exceeding five million won:

1. A person who fails to comply with a request to report or submit documents, by a Labor Relations Commission, or who falsely reports or submits a false document;
2. A person who refuses, obstructs, or evades an investigation by the relevant member or investigator.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 32 (Joint Penalty Provisions)

If the representative of a corporation or association, or an agent, employee, or other servant of a corporation, association, or individual commits any violation described in Article 31 in connection with the business affairs of the corporation, association, or individual, not only shall such violator be punished, but the corporation, association, or individual also shall be punished by a fine prescribed in the said Article.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

Article 33 (Administrative Fines)(1) Any person who fails to comply with an order to retire from the relevant meeting room under Article 20 shall be punished by an administrative fine not exceeding one million won.

(2) Administrative fines specified in paragraph (1) shall be levied and collected by a Labor Relations Commission, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 13044, Jan. 20, 2015]

ADDENDUM <Act No. 5962, Apr. 15, 1999>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 15 (1) and (5) shall enter into force on July 1, 1999.

ADDENDA <Act No. 7380, Jan. 27, 2005>

Article 1 (Enforcement Date)

ADDENDA <Act No. 7773, Dec. 29, 2005>

Article 1 (Enforcement Date)

ADDENDA <Act No. 7796, Dec. 29, 2005>

Article 1 (Enforcement Date)

▣ **ADDENDUM <Act No. 8075, Dec. 21, 2006>**

This Act shall enter into force on January 1, 2007: Provided, That the amended provisions of Article 6 (2) shall enter into force on the date of its promulgation.

▣ **ADDENDA <Act No. 8296, Jan. 26, 2007>**

(1) (Enforcement Date) This Act shall enter into force on April 1, 2007.

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

Article 1 (Enforcement Date)

▣ **ADDENDUM <Act No. 8474, May 17, 2007>**

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

▣ **ADDENDUM <Act No. 12629, May 20, 2014>**

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

▣ **ADDENDUM <Act No. 13044, Jan. 20, 2015>**

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