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*\* This Decree reflects only the amendments made until October 31, 2011*

# ENFORCEMENT DECREE OF THE EMPLOYMENT INSURANCE ACT

Presidential Decree No. 14570, Apr. 6, 1995

Amended by Presidential Decree No. 14628, Apr. 15, 1995  
Presidential Decree No. 14935, Mar. 9, 1996  
Presidential Decree No. 15092, Jun. 29, 1996  
Presidential Decree No. 15367, May 8, 1997  
Presidential Decree No. 15587, Dec. 31, 1997  
Presidential Decree No. 15624, Feb. 12, 1998  
Presidential Decree No. 15683, Feb. 24, 1998  
Presidential Decree No. 15829, Jul. 1, 1998  
Presidential Decree No. 15902, Oct. 1, 1998  
Presidential Decree No. 16095, Feb. 1, 1999  
Presidential Decree No. 16464, Jul. 1, 1999  
Presidential Decree No. 16705, Feb. 9, 2000  
Presidential Decree No. 17090, Dec. 30, 2000  
Presidential Decree No. 17301, Jul. 7, 2001  
Presidential Decree No. 17403, Oct. 31, 2001  
Presidential Decree No. 17471, Dec. 31, 2001  
Presidential Decree No. 17853, Dec. 30, 2002  
Presidential Decree No. 18146, Nov. 29, 2003  
Presidential Decree No. 18165, Dec. 18, 2003  
Presidential Decree No. 18296, Feb. 25, 2004  
Presidential Decree No. 18312, Mar. 17, 2004  
Presidential Decree No. 18555, Oct. 1, 2004  
Presidential Decree No. 18572, Oct. 29, 2004  
Presidential Decree No. 18911, Jun. 30, 2005  
Presidential Decree No. 19103, Oct. 26, 2005  
Presidential Decree No. 19246, Dec. 30, 2005  
Presidential Decree No. 19422, Mar. 29, 2006  
Presidential Decree No. 19513, Jun. 12, 2006  
Presidential Decree No. 19738, Nov. 23, 2006  
Presidential Decree No. 19806, Dec. 29, 2006  
Presidential Decree No. 20036, Apr. 27, 2007  
Wholly amended by Presidential Decree No. 20330, Oct. 17, 2007  
Presidential Decree No. 20331, Oct. 23, 2007  
Presidential Decree No. 20681, Feb. 29, 2008  
Presidential Decree No. 20775, Apr. 30, 2008  
Presidential Decree No. 20799, Jun. 5, 2008  
Presidential Decree No. 20875, Jun. 25, 2008  
Presidential Decree No. 20947, Jul. 29, 2008  
Presidential Decree No. 21015, Sep. 18, 2008  
Presidential Decree No. 21152, Dec. 3, 2008  
Presidential Decree No. 21230, Dec. 31, 2008  
Presidential Decree No. 21263, Jan. 14, 2009  
Presidential Decree No. 21348, Mar. 12, 2009  
Presidential Decree No. 21510, May 28, 2009  
Presidential Decree No. 21590, Jun. 30, 2009  
Presidential Decree No. 21626, Jul. 7, 2009  
Presidential Decree No. 21928, Dec. 30, 2009  
Presidential Decree No. 21962, Dec. 31, 2009  
Presidential Decree No. 22026, Feb. 8, 2010  
Presidential Decree No. 22269, Jul. 12, 2010  
Presidential Decree No. 22356, Aug. 25, 2010

Presidential Decree No. 22493, Nov. 15, 2010  
Presidential Decree No. 22603, Dec. 31, 2010  
Presidential Decree No. 23139, Sep. 15, 2011

## *CHAPTER I*

### **General Provisions**

#### **Article 1 (Purpose)**

The purpose of this Decree is to stipulate matters delegated by the Employment Insurance Act and particulars necessary for its enforcement.

#### **Article 1-2 (Money and Valuables Excluded from Remuneration)**

"Money and valuables prescribed by Presidential Decree" of the Employment Insurance Act (hereinafter referred to as "the Act") shall refer to non-taxable earned income under the subparagraph 3 of Article 12 of the Income Tax Act.

*<This Article Newly Inserted by Presidential Decree No. 22603, Dec. 31, 2010>*

#### **Article 1-3 (Employment Insurance Committee)**

(1) Those representing workers and employers referred to in Article 7 (4) 1 and 2 of the Act shall be commissioned by the Minister of Employment and Labor from among those recommended by each of nationwide organizations of workers and employers. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

(2) Those representing the public interest referred to in Article 7 (4) 3 of the Act shall be commissioned by the Minister of Employment and Labor from among people with significant knowledge and experience in employment insurance and overall employment and labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) Those representing the government referred to in Article 7 (4) 4 of the Act shall be appointed by the Minister of Employment and Labor from among public officials belonging to the group of senior civil servants of a central administrative agency relating to employment insurance. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

#### **Article 1-4 (Term of Office)**

The term of office of a member commissioned under Article 7 (4) 1 through 3 of the Act shall be two years : Provided that

the term of office of a substitute member who fills the vacancy of a member shall be the remaining term of office of the member he/she replaces.

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

**Article 1-5 (Duties of Chairperson)**

(1) The chairperson of the Employment Insurance Committee (hereinafter referred to as "the Committee") under Article 7 shall represent the Committee and generally manage the affairs of the Committee.

(2) If the chairperson is unable to perform his/her duties for inevitable reasons, a member designated by the chairperson in advance shall act on his/her behalf.

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

**Article 1-6 (Meeting)**

(1) The chairperson shall convene and chair meetings of the Committee.

(2) A meeting of the Committee shall be held with attendance of a majority of all members and a decision shall be taken with approval of a majority of the members present.

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

**Article 1-7 (Expert Committee)**

(1) The Committee shall have the expert committee on employment insurance operation and the expert committee on employment insurance assessment pursuant to Article 7 (5) of the Act.

(2) Each expert committee shall be composed of less than 15 members including a chairperson.

(3) The chairperson of the Committee shall appoint or commission the chairperson of each expert committee from among the members of the Committee, and appoint or commission the members of each expert committee from among people falling under any of the following subparagraphs:

1. People with academic knowledge and experience in social insurance, including employment insurance, and recommended by nationwide organizations of workers and employers;
  2. People with plenty of academic knowledge and experience in social insurance, including employment insurance; and
  3. public officials of Grade III or IV from a central administrative agency relating to employment insurance
- (4) The chairperson of each expert committee shall report to

the Committee the results of examination and coordination in regard to the matters deliberated on by the expert committee pursuant to Article 7 (5) of the Act.

(5) The provisions of Articles 1-4 through 1-6 shall apply mutatis mutandis to each expert committee. *<Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

#### **Article 1-8 (Survey or Research Members)**

(1) In order to investigate and study technical matters concerning employment insurance, the Committee may have less than five survey or research members.

(2) The survey or research members shall be commissioned by the chairperson of the Committee from among those with plenty of knowledge and experience in employment insurance.

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

#### **Article 1-9 (Request for Cooperation)**

The Committee or expert committees (hereinafter referred to as "Committee, etc."), if it is deemed necessary for deliberating on their agenda items, may ask a related administrative agency or organization to submit materials, or a related person, such as public officials, experts, etc., to show up and give his/her opinions.

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

#### **Article 1-10 (Secretary)**

The Committee, etc., shall each have one secretary appointed by the chairperson from among public officials of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

#### **Article 1-11 (Allowances for Members)**

A member who attends a meeting of the Committee, etc., or submits his/her opinions after reviewing the meeting agenda may be paid allowances and travel expenses within the limits of available budgets : Provided that if the member is a public official directly related to the work he/she is responsible for, such allowances and travel expenses shall not be paid.

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

#### **Article 1-12 (Detailed Rules for Operation)**

Matters necessary for the operation of the Committee, etc., except those provided by this Decree, shall be determined by the chairperson of the Committee after decision by the Committee.

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

#### **Article 2 (Scope of Application)**

(1) The “business designated by the Presidential Decree” in the proviso of Article 8 of the Act means a business which falls under any of the following subparagraphs: *<Amended by Presidential Decree No. 21015, Sept. 18, 2008; Presidential Decree No. 21348, Mar. 12, 2009>*

1. Business in the fields of agriculture, forestry, fishery or hunting, for which four workers or less are employed by a person who is not a corporation;
2. Construction work falling under any of the following items : Provided that the construction work undertaken by a person falling under any of the subparagraphs of Article 15 (2) of the Act shall be excluded :
  - A. Construction work whose total construction amount (hereinafter in this Article referred to as “total construction amount”) under Article 2 (1) 2 of the Enforcement Decree of the Act on the Collection, etc., of Premiums for Employment Insurance and Industrial Accident Compensation Insurance is less than 20 million won; and
  - B. Construction work which is undertaken to construct a building with a total floor area of 100 square meters or less or to repair on a large scale a building with a total floor area of 200 square meters or less.
  - C. Housekeeping service

(2) The scope of business falling under any of the subparagraphs of paragraph (1) is based on the standard classification of industries (hereinafter referred to as “the Korean Standard Industrial Classification”) which is announced by the Administrator of the National Statistical Office pursuant to Article 22 of the Statistics Act, except as otherwise prescribed by the Act and this Decree.

(3) If construction work whose total construction amount is less than 20 million won turns out to be the one whose total construction amount exceeds 20 million won due to a change of the design (including the case where the design is actually changed), or becomes subject to blanket application under Article 8 (1) and (2) of the Act on the Collection, etc. of Premiums for

Employment Insurance and Industrial Accident Compensation Insurance (hereinafter referred to as "the Insurance Premium Collection Act"), all the provisions of the Act shall apply from the time thereof.

**Article 3 (Workers Excluded from Application)**

(1) The "person whose contractual working hours are less than the ones prescribed by the Presidential Decree" in subparagraph 2 of Article 10 of the Act refers to a person (including those whose contractual working hours per week is less than 15 hours) whose contractual working hours per month is less than 60 hours : Provided that any person who, among those working for the purpose of making their living, has worked continuously for three months or more and any daily worker under subparagraph 6 of Article 2 of the Act shall be excluded.

(2) The "persons prescribed by the Presidential Decree" under subparagraph 5 of Article 10 of the Act refer to those described in the following subparagraphs :<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

1. Foreign workers : Provided that a person who falls under any of the following items shall be excluded:
  - A. A person who holds a status of residency(D-7), corporate investment(D-8) and trade management(D-9) from among the statuses of sojourn for foreigners under Article 12 of the Enforcement Decree of the Immigration Control Act (excluding the case where the laws of the home country of the foreigner concerned, which govern insurance premiums and benefits corresponding to those of the employment insurance under this Act, do not apply to nationals of the Republic of Korea);
  - B. A person (limited to those who have applied to join insurance under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor) who holds a status of sojourn permitting employment activities under Article 23 (1) of the Enforcement Decree of the Immigration Control Act;
  - C. A person falling under subparagraphs 1 and 2 of Article 23 (2) of the Enforcement Decree of the Immigration Control Act;
  - D. A person (limited to those who have applied to join insurance under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor) who holds a status of overseas ethnic Korean (F-4) from among the statuses of sojourn for foreigners under Article 12 of the Enforcement Decree of the Immigration Control Act; and <Amended by Presidential Decree No. 22269, Jul. 12, 2010>
  - E. A person (limited to those who have applied to join

- insurance under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor) who holds a status of permanent residency (F-5) from among the statuses of sojourn for foreigners under Article 12 of the Enforcement Decree of the Immigration Control Act;
2. Special post office staffs under the Special Post Office Act.

**Article 3-2 (Subscription to Insurance by Public Officials in Special or Contractual Service)**

(1) The head of the administrative agency (hereinafter referred to as "assigned agency") which appoints a public official in special or contractual service (hereinafter referred to as "public official eligible for coverage"), in case a public official eligible for coverage is appointed to the assigned agency for the first time, shall find out the intention of that public official without delay under the proviso of subparagraph 3 of Article 10 of the Act. *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(2) For public official eligible for coverage, who are found to have the intention to join the insurance, the head of the assigned agency shall apply for the insurance to the head of the competent employment security office (hereinafter referred to as "competent employment security office") pursuant to paragraph (1): Provided that the public official eligible for coverage, if he/she wants to, may directly apply to join the insurance during the same period, and in this case, the head of the competent employment security office shall inform the fact to the head of the assigned agency. *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(3) If an application is made to join the insurance pursuant to paragraph (1) or (2), the public official eligible for coverage shall be deemed to acquire insured status the day after the application is made. In this case, if the public official who has acquired insured status is appointed to another position for public officials in special or contractual service as a result of a change of his/her status as public officials, he/she shall maintain insured status under employment insurance even in case he/she does not make a separate application to join the insurance.

(4) If a public official who has joined employment insurance intends to withdraw from it, he/she shall apply for such withdrawal to the head of the competent employment security office. In this case, he/she shall be deemed to lose insured status the day after the application for withdrawal is made.

(5) A person shall not be allowed to join employment insurance



again while continuing to serve as a public official eligible for coverage after withdrawing from employment insurance pursuant to paragraph (4), and shall not be recognized as entitled to receive benefits after his/her withdrawal from employment insurance : Provided that if a public official who has withdrawn from the insurance acquires insured status again in accordance with the Act and this Decree after leaving the position of a public official eligible for coverage (including cases where he/she is reappointed to the position of a public official who is not eligible for coverage), in calculating the unit period of insurance referred to in Article 40 (1) 1 of the Act, during the period over which he/she was insured while previously serving as a public official eligible for coverage, the numbers of days used as the basis for making remuneration payments under Article 41 (1) of the Act shall be added together, and in calculating the insured period referred to in Article 50 of the Act, the insured period before the withdrawal shall be included in the insured period prescribed in the same Article. *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(6) The insurance premium rate for public officials eligible for coverage shall be the one for unemployment benefits under Article 12 (1) 3 of the Enforcement Decree of the Insurance Premium Collection Act, and borne equally by the assigned agency and the public official covered by employment insurance.

(7) The procedures for joining and withdrawing from the insurance under paragraphs (1) through (4) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

*<This Article Newly Inserted by Presidential Decree No. 21015, Sept. 18, 2008>*

#### **Article 4 (Agent)**

(1) An employer may appoint his/her agent and have the agent implement the matters that he/she is required to implement pursuant to the Act and this Decree.

(2) When an employer appoints or dismisses his/her agent, he/she shall report this to the Minister of Employment and Labor under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 5 (Administration, etc. of Employment Insurance Statistics)**

(1) The Minister of Employment and Labor shall systematically administer and operate the statistics related to employment insurance (hereinafter referred to as "employment insurance statistics") that are obtained through surveys and research under

Article 11 of the Act and the operation of employment insurance.  
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

(2) The Minister of Employment and Labor may have personnel specializing in employment insurance statistics in order to systematically manage and operate employment insurance statistics.  
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

(3) Necessary matters concerning qualifications, services and remunerations for the personnel specializing in employment insurance statistics shall be determined by the Minister of Employment and Labor. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

#### **Article 6 (Execution of Affairs by Proxy)**

(1) The Minister of Employment and Labor, pursuant to Article 11 (2) of the Act, may have insurance-related research institutes established pursuant to Article 8 of the Act on the Establishment, Operation and Fosterage of Government-Invested Research Institutions or the Korea Employment Information Service established pursuant to Article 18 of the Framework Act on Employment Policy carry out surveys and research programs to support labor market research and work related to employment insurance (hereinafter referred to as the "insurance"). <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

(2) Where the Minister of Employment and Labor has an agent execute affairs pursuant to paragraph (1), he/she may support the expenses required for the necessary survey, research, management and operation, etc., from the employment insurance fund (hereinafter referred to as the "fund"). <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

#### **Article 6-2 (Insurance Activity Assessment Institution)**

(1) "An organization prescribed by Presidential Decree" in Article 11-2 (2) refers to an institution (hereinafter referred to as "assessment institution") designated by the Minister of Employment and Labor from among the institutions in the following subparagraphs: <Amended by Presidential Decree No. 22269, Jul. 12, 2010 and Presidential Decree No. 22603, Dec. 31, 2010>

1. Government-invested research institutions under the Act on the Establishment, Operation and Fosterage of Government-Invested Research Institutions
2. Public institutions designated and announced under the provisions of Article 4 through Article 6 of the Act on the Management of Public Institutions.
3. Schools (including affiliated research institutions) that meet the conditions set forth by subparagraphs 1 through 6 of Article 2 of the Higher Education Act.
4. Private research institutions

(2) The Minister of Employment and Labor may support the assessment institution with the necessary costs of performing its work within the limits of available budgets. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) The assessment institution may request an institution performing duties by proxy or entrusted with duties under Article 6 (1), Article 57 (1) and Article 145 (2) through (6) to submit necessary materials for assessment.

(4) Necessary matters concerning the specific work, designation period, etc., of the assessment institution shall be determined and announced by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

## CHAPTER II

### Management of the Insured

#### **Article 7 (Report, etc. on Acquisition or Loss of Insured Status)**

(1) An employer or a subcontractor shall, if he/she intends to report the acquisition or loss of insured status involving workers employed by the business concerned to the Minister of Employment and Labor pursuant to Article 15 of the Act or to submit a document (hereinafter referred to as "document confirming separation from employment") specifying the unit period of insurance, reasons for separation from employment, and details of wages, retirement pay, etc., prior to separation to the Minister of Employment and Labor pursuant to Article 16 of the Act, make that report or submission no later than the 15th of the month (without delay, in case the worker asks the employer or subcontractor to make that report and submission before the date mentioned) following the date on which the reason to do so occurs. In this case, if the employer or subcontractor has submitted a report confirming employment details which contains the number of working days, wages, etc., for daily workers employed during the month concerned to the Minister of Employment and Labor no later than the 15th of the month following the date on which the reason occurs, he/she shall be considered to have reported the acquisition or loss of insured status or submitted the document confirming separation from employment. *<Amended by Presidential Decree No.*

*22269, Jul. 12, 2010>*

(2) An employer who makes a report on the commencement and discontinuation of business pursuant to Article 11 (3) of the Insurance Premium Collection Act shall make a report on the acquisition or loss of insured status to the Minister of Employment and Labor before the report deadline as referred to in paragraph (1). *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) The Minister of Employment and Labor who receives a document confirming separation from employment pursuant to Article 16 (1) of the Act shall confirm the unit period of insurance, reasons for separation, wage payment details, etc. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) If when confirming the contents entered in a document confirming separation from employment, the Minister of Employment and Labor finds that the separated person concerned did not receive wages for 30 days or more consecutively in the 18 months before the date of separation due to the reasons referred to in Article 40 (2) of the Act, he/she may demand the separated person to submit a doctor's written diagnosis or other documents which can prove the reason. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 8 (Report by Workers on Insured Status)**

In the event that a worker reports matters concerning the acquisition or loss, etc. of insured status pursuant to Article 15 (3) of the Act, he/she shall submit a document proving employment relationship such as his/her labor contract, etc.

#### **Article 9 (Report on Transfer of the Insured)**

If an employer transfers the insured from his/her one business to another, he/she shall report this to the Minister of Employment and Labor within 14 days of the transfer date. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 10 (Report on Changes of Name, etc., of the Insured)**

An employer shall, if the name or resident registration number of the insured is changed or corrected, report this to the Minister of Employment and Labor within 14 days of the change or correction date. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 11 (Request for and Notification of Confirmation)**

(1) If a person who is or was the insured intends to confirm the acquisition or loss of insured status pursuant to Article 17 (1) of the Act, he/she shall make a request for this to the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) The Minister of Employment and Labor shall notify the person who has acquired or lost insured status, and the employer or subcontractor who employs or used to employ that person of the result of confirming the acquisition or loss of his/her eligibility for the insured pursuant to Article 17 (3) of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

### *CHAPTER III*

#### **Employment Security and Vocational Skills Development Projects**

##### **Article 12 (Scope of Preferentially Supported Enterprises)**

(1) Enterprises which meet the criteria set forth by the Presidential Decree under Article 19 (2) refer to those (hereinafter referred to as "preferentially supported enterprises") for which the number of workers by industry falls under any of the following subparagraphs: *<Amended by Presidential Decree No. 21348, Mar. 12, 2009>*

1. Mining : 300 persons or fewer;
2. Manufacturing : 500 persons or fewer;
3. Construction : 300 persons or fewer;
4. Transport and communications : 300 persons or fewer; and
5. Industries other than those listed in subparagraphs 1 through 4 : 100 persons or fewer.

(2) An enterprise which does not fall under any of the subparagraphs of paragraph (1) and which meets the standards referred to in Article 2 (1) and (3) of the Framework Act on Small and Medium Enterprises shall, notwithstanding the provisions of paragraph (1), be regarded as a preferentially supported enterprise.

(3) In cases where a preferentially supported enterprise under paragraph (1) no longer meets the criteria to be a preferentially supported enterprise due to reasons such as expansion of size, etc., it shall be deemed a preferentially supported enterprise for three years from the year following the year the reason occurs. *<Newly Inserted by Presidential Decree No. 22603, Dec. 31, 2010>*

(4) Notwithstanding the provisions of paragraphs (1) through (3), any enterprise which is notified of its designation as an enterprise group subject to limitations on mutual investment in accordance with Article 14 (1) of the Monopoly Regulation and Fair Trade Act and with total assets of five trillion won or more, shall not be regarded as a preferentially supported enterprise starting from the insurance year following the insurance year

to which the date of notification belongs. *<Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

(5) The standards for determining whether an enterprise is a preferentially supported enterprise under paragraph (1) of this Article are as follows: *<Amended by Presidential Decree No. 21348, Mar. 12, 2009><Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

1. The number of workers who are ordinarily employed shall be calculated by dividing the total number of workers in all the businesses operated by the employer as of the last day of every month of the previous year (daily workers are excluded in the construction industry), by the number of operating months of the previous year: provided that, in cases where a business manages collective housing under the Housing Act, the number of workers shall be calculated by each business; and
2. The industrial classification referred to in each subparagraph of paragraph (1) shall be applied on the basis of the major groups (minor groups in the case of the communications industry under subparagraph 4 of paragraph (1)) of the Korea Standard Industrial Classification Table: Provided that if an employer runs business in two or more industries, it shall be on the basis of the industry where the number of workers is larger and if the number of workers in each industry is the same, the standard shall be applied on the basis of the order of the total amount of wages and sales.

(6) Notwithstanding paragraph (5), with regard to an employer whose insurance relationship was established during the insurance year, whether his/her business is a preferentially supported enterprise shall be determined on the basis of the starting date of the insurance relationship. *<Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

**Article 13** Deleted *<Presidential Decree No. 23139, Sep. 15, 2011>*

**Article 14** Deleted *<Presidential Decree No. 22603, Dec.31, 2010>*

**Article 15** Deleted *<Presidential Decree No. 22603, Dec.31, 2010>*

**Article 16** Deleted *<Presidential Decree No. 22603, Dec.31, 2010>*

**Article 17 (Support for Employment Creation)**

- (1) The Minister of Employment and Labor may provide partial wage support to employers falling under any of the

following subparagraphs pursuant to Article 20 of the Act.  
<Amended by Presidential Decree No. 23139, Sep. 15, 2011>

1. Where the unemployed are hired through regular education and training, granting of sabbatical leave, shift work or reduction of working hours, thereby increasing the number of workers.
2. Where the unemployed are hired by improving the employment environment through installing and operating facilities designated by the Minister of Employment and Labor, thereby increasing the number of workers. In this case, assistance with part of the facility installment costs may be provided.
3. If the unemployed are newly hired for part-time employment without a set contract period through ways such as splitting of duties, reorganizing the work system or development of new part-time duties, etc.
4. If the unemployed are hired by a start-up company in an industry with growth potential deliberated on and decided by the Committee.
5. If a preferentially supported enterprise that falls under the industry list deliberated on and decided by the Committee hires a professional workforce (hereinafter referred to as "professional workforce"), as determined by the Minister of Employment and Labor, or uses a professional workforce supplied by enterprises other than preferentially supported enterprises.

(2) In cases where support is provided pursuant to paragraph (1), qualifications for support, scope of eligible employers, level of support, period of support, application and payment methods of support, other matters necessary for support shall be determined by the Minister of Employment and Labor.

<This Article Newly Inserted by Presidential Decree No. 22603, Dec. 31, 2010>

#### **Article 18 (Support Measures, etc. for Employment Adjustment)**

(1) For an employer who takes measures for workers' employment security pursuant to Article 21 (1) and (2) of the Act, subsidies or grants shall be provided.

(2) An employer who is eligible for preferential support under the provisions of Article 21 (3) of the Act shall be an employer falling under any of the following subparagraphs: <Amended by Presidential Decree No. 21928, Dec. 30, 2009>

1. The employer of a business which belongs to the designated industries in need of employment adjustment support, etc., (hereinafter in this Article referred to as "designated

- industries”) under subparagraph 1 of Article 29 (1) of the Enforcement Decree of the Framework Act on Employment Policy;
2. An employer who carries out manufacturing, repairing, etc., under a contract for business belonging to the designated industries, awarded by the employer prescribed in subparagraph 1, and with more than half of its sales related to the designated industries; and
  3. The employer of a business which is located at a designated site in need of support for employment adjustment (hereinafter referred to as “designated site”) under the provisions of Article 29 (1) 2 or 3 of the Enforcement Decree of the Framework Act on Employment Policy.

(3) If an employer who falls under any of the subparagraphs of paragraph (2) takes employment retention measures or provides outplacement services, the Minister of Employment and Labor may, notwithstanding the provisions of Articles 19 through 22, set the different eligibility requirements and subsidy levels after deliberation of the Employment Policy Council (hereinafter referred to as the “Employment Policy Council”) under the Framework Act on Employment Policy. *<Amended by Presidential Decree No. 21015, Sept. 18, 2008> <Amended by Presidential Decree No. 21928, Dec. 30, 2009> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 19 (Those Entitled to Employment Retention Subsidy)**

(1) If an employer who inevitably needs to adjust employment under Article 21 (1) of the Act, takes the measures (hereinafter referred to as “employment retention measures”) described in any of the following subparagraphs for insured persons (excluding daily workers, those given a notice of dismissal in advance under Article 26 of the Labor Standards Act and those due to retire for managerial reasons following recommendation by an employer; hereinafter in this Chapter, the same shall apply) employed in the business concerned and thus does not dismiss any insured person due to employment adjustment during implementation of employment retention measures (except in the cases falling under subparagraph 4) and one month following, the Minister of Employment and Labor shall provide the employer with a subsidy (hereinafter referred to as “the Employment Retention Subsidy”). However, in cases where the employer hires a new worker during implementation of employment retention measures (except for cases falling under subparagraph 4) or implements employment retention measures in the same month for three or more consecutive years, subsidies shall not be provided for the month concerned, unless the head of the



competent local employment and labor office acknowledges that this was inevitable. <Amended by Presidential Decree No. 20775, Apr. 30, 2008; Presidential Decree No. 21348, Mar. 12, 2009; Presidential Decree No. 21510, May 28, 2009> <Amended by Presidential Decree No. 22269, Jul. 12, 2010><Amended by Presidential Decree No. 22603, Dec. 31, 2010>

1. Where the employer temporarily shuts down his/her business to the extent that the ratio of the number of temporary shutdown days for the insured to the number of their contractual work days during a one-month unit period (hereinafter referred to as the "unit period") exceeds 20/100, and pays allowances for the shutdown during the temporary shutdown period. In this case, the method of calculating the unit period and the method of calculating the number of temporary shutdown days if the business is shut down for part of contractual daily working hours shall be prescribed by the Ordinance of the Ministry of Employment and Labor;
2. Where the employer provides training in a bid to retain employment under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor;
3. Where the employer grants leave with or without pay for one month or longer;
4. Where the employer installs or maintains facilities or equipment necessary to change his/her business into a business which belongs to a different industrial group in the industrial groups listed under the Korean Standard Industrial Classification and reassigns to the new business 50/100 or more of the number of the insured at the time when the plan for employment retention measures is reported pursuant to Article 20 (2) : Provided that in case the employer has changed his/her business after obtaining approval for a business transformation plan pursuant to Article 8 of the Special Act on the Promotion of the Business Transformation of Small and Medium Enterprises, cases of changing the business into a business which belongs to a different industrial class or sub-class in the industrial classes or sub-classes listed under the Korean Standard Industrial Classification shall be included; and
5. Deleted <Presidential Decree No. 22026, Feb.8, 2010>

(2) Notwithstanding the provisions of paragraph (1), if the sum of the number of days of extended work and the number of days of holiday work in the business concerned during the implementation of the employment retention measures as prescribed in paragraph (1) 1 exceeds the number of days prescribed by the

Ordinance of the Ministry of Employment and Labor, the employment retention subsidy shall not be provided for the implementation period. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) Necessary matters concerning the method of calculating the number of days of extended work and the number of days of holiday work, etc., pursuant to paragraph (2) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential <sup>1)</sup>Decree No. 22269, Jul. 12, 2010>*

*<Paragraph (1) 4 of this Article shall remain effective until Dec. 31, 2013 under the provisions of Article 2 of the Addenda of Presidential Decree No. 22603, Dec. 31, 2010.>*

#### **Article 20 (Establishment and Implementation of Plans for Employment Retention Measures)**

(1) An employer who intends to receive the employment retention subsidy shall establish plans for employment retention measures meeting the following conditions and implement the employment retention measures according to the plans under the conditions prescribed by Ordinance of the Ministry of Employment and Labor. The same shall apply if he/she intends to modify the plan for employment retention measures. *<Amended by Presidential Decree No. 21348, Mar. 12, 2009; Presidential Decree No. 21510, May 28, 2009; Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

1. The employer shall undergo consultations with the workers' representative of the business concerned when establishing plans for employment retention measures: Provided that this shall not apply unless changes to be made to the plan for employment retention measures are unfavorable to workers, such as by reducing the duration of employment retention measures or the number of people whose employment is to be retained, etc. in order to restore the employment situation to what it was before business deterioration ; and
2. The employer shall keep documents containing the implementation status of the plan for employment retention measures, and the payment status of allowances for temporary shutdown/leave and wages.

(2) A person who intends to establish plans for employment retention measures as prescribed in paragraph (1) shall report

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1) Temporary shutdown allowances are allowances which are paid by an employer to his/her worker if the business is temporarily shut down due to reasons attributable to the employer.

this in a one-month unit according to the calendar month (excluding cases in Article 19 (1) 4) to the Minister of Employment and Labor in advance. The same shall apply in case he/she intends to modify the scheduled date, eligible workers, and wages to be paid in the plan for employment retention measures : Provided that in case there are inevitable reasons as prescribed in the Ordinance of the Ministry of Employment and Labor, the employer may report within three days (within 20 days in case the employer of a business located in an area declared as a special disaster zone under Article 60 of the Countermeasures against Natural Disasters Act takes employment retention measures due to the special disaster) from the date of implementing or modifying the plan for employment retention measures. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

(3) In implementing a plan for employment retention measures pursuant to paragraph (1), an employer falling under subparagraph 4 of Article 19 (1) shall complete the reassignment of workforce within one and a half years from the date of reporting the plan for employment retention measures, and report this to the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) Deleted *<Presidential Decree No. 22026, Feb. 8, 2010>*

(5) The Minister of Employment and Labor shall not provide employment retention subsidies to employers identified as having violated obligations of the plan for employment retention measures pursuant to paragraph (1), in accordance with the categories listed in the following subparagraphs. *<Newly Inserted by Presidential Decree No. 22603, Dec. 31, 2010>*

1. If there are no violations within one year prior to the date the violation was identified, then payment of employment retention subsidies for the implemented employment retention measures shall be restricted in the month concerned for those identified as having violated the employment retention measures.
2. If there are violations within one year prior to the date the violation was identified, then payment of employment retention subsidies for the implemented employment retention measures shall be restricted for one year beginning from the date the additional violation was identified.

*<Paragraph (3) of this Article shall be effective until Dec. 31, 2013 under the provisions of Article 2 of the Addenda of Presidential Decree No. 22603, Dec. 31, 2010.>*

## **Article 21 (Amount and Scope of Employment Retention Subsidy)**

- (1) The amount of employment retention subsidy shall be

the amount described in any of the following subparagraphs:  
<Amended by Presidential Decree No. 20775, Apr. 30, 2008; Presidential Decree No. 21348, Mar. 12, 2009; Presidential Decree No. 21510, May 28, 2009; Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22269, Jul. 12, 2010.>

1. In cases falling under subparagraphs 1 and 3 of Article 19 (1), two-thirds [1/2 in cases where companies are not preferentially supported enterprises (hereinafter referred to as "large-scale enterprises")] of the allowances for temporary shutdown/leave and wages paid to the insured by the employer during the implementation of employment retention measures. In this case, if the leave is unpaid leave prescribed in subparagraph 3 of Article 19 (1), the amount of subsidy shall be the amount prescribed by the Ordinance of the Ministry of Employment and Labor in consideration of labor costs borne by the employer during the leave period, and if the leave is paid leave prescribed in subparagraph 3 of Article 19 (1) and the amount of employment retention subsidy to be paid for paid leave is less than that to be paid for unpaid leave, the amount of subsidy shall be the amount to be provided in cases where the worker is on unpaid leave;
  2. In cases falling under subparagraph 2 of Article 19 (1), the sum of three-fourths (two-thirds for large-scale enterprises) of the wages paid to the insured trainee by the employer during the training and the amount obtained by multiplying the standard training expenses announced by the Minister of Employment and Labor by the rate announced by the Minister of Employment and Labor;
  3. In case the employer additionally provides training pursuant to subparagraph 2 of Article 19 (1) during a period of unpaid leave prescribed in subparagraph 3 of Article 19 (1), the sum of the amount obtained by multiplying the standard training expenses announced by the Minister of Employment and Labor by the rate announced by the Minister of Employment and Labor and the amount of training allowances prescribed by the Ordinance of the Ministry of Employment and Labor;
  4. In cases falling under Article 19 (1) 4, three-fourths (two-thirds for large-scale enterprises) of the wages paid to the insured by the employer during the implementation of employment retention measures; or
  5. Deleted <Presidential Decree No. 22026, Feb. 8, 2010>
- (2) The extent to which the employment retention subsidy referred to in paragraph (1) is paid shall be as follows : <Amended

*by Presidential Decree No. 21510, May 28, 2009; Presidential Decree No. 22269, Jul. 12, 2010>*

1. If the employment retention measures referred to in Article 19 (1) 1 through 3 are implemented, the employment retention subsidy shall be provided for each employment retention measure until the total number of days (If two measures or more are implemented on the same day, it shall be counted as one day.) when the measures are implemented reaches 180 : Provided that if the employment situation deteriorates due to a rapid increase in unemployment, etc., and it is deemed necessary for employment security, the Minister of Employment and Labor, if a person who has received the subsidy for up to 180 days for implementing an employment retention measure additionally carries out the employment retention measures under Article 19 (1) 2 during the period determined and announced by the Minister of Employment and Labor, may provide the employment retention subsidy until the total number of days when the additional employment retention measures are implemented reaches 90;
2. If the employment retention measures referred to in Article 19 (1) 4 are implemented, the employment retention subsidy shall be provided for up to one year from the date (referring to the date one and a half years later in case the reassignment of the workforce is not completed within one and a half years) on which the reassignment of the workforce is completed, but in case any insured worker assigned to the new business through the reassignment of the workforce is dismissed as a result of employment adjustment, the employment retention subsidy shall not be provided from the date of the dismissal; and
3. Deleted *<Presidential Decree No. 22026, Feb. 8, 2010>*
  - (3) If an employer receives the employment retention subsidy pursuant to subparagraph 3 of paragraph (1), the employment retention subsidy paid pursuant to the latter part of subparagraph 1 of paragraph (1) shall not be provided during the payment of the employment retention subsidy under subparagraph 3 of paragraph (1). In this case, the employer who receives the employment retention subsidy shall pay workers who receive training an equivalent amount of the training allowances out of the employment retention subsidy.
  - (4) The amount of employment retention subsidy provided pursuant to paragraph (1) shall not exceed the amount determined and announced by the Minister of Employment and Labor for every worker eligible for employment retention measure.

*<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

*<The latter part of subparagraph 1 of paragraph (1) of this Article and subparagraphs 3 and 4 of the same paragraph and subparagraph 2 of paragraph (2) of this Article shall remain effective until Dec. 31, 2013 under the provisions of Article 2 of the Addenda of Presidential Decree No. 22603, Dec. 31, 2010.>*

**Article 22 (Support for Reemployment such as Persons Due to Leave Job etc.)**

If an employer who inevitably has to adjust employment under Article 21 (1) of the Act, alone or jointly establishes direct facilities, or entrusts other organizations equipped with these sorts of facilities, to provide services necessary for reemployment of the persons described in any of the following subparagraphs, the Minister of Employment and Labor may partially support the costs in accordance with the conditions designated by the Ministry of Employment and Labor:

1. A person who is the insured of the business concerned and due to leave his/her job because of employment adjustment, retirement age limits, or the expiry of his/her employment contract period; and
2. A person who was the insured of the business concerned and has left his/her job because of employment adjustment, retirement age limits, or the expiry of his/her employment contract period.

*<This Article Wholly Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

**Article 23 Deleted.** *<Presidential Decree No. 21015, Sept. 18, 2008>*

**Article 24 (Subsidy for Promotion of Local Employment)**

(1) The Minister of Employment and Labor, pursuant to Article 22 of the Act, shall provide a Subsidy for Promotion of Local Employment to an employer who transfers his/her business to a designated area or newly sets up or expands his/her business in a designated area after meeting all the following conditions:

*<Amended by Presidential Decree No. 22269, Jul. 12, 2010 and Presidential Decree No. 21928, Dec. 30, 2009 and Presidential Decree No. 22603, Dec. 31, 2010>*

1. Within the period of support, etc. for employment adjustment announced pursuant to Article 29 (2) of the Enforcement Decree of the Framework Act on Employment Policy (hereinafter referred to as the “designated period”), the employer shall establish plans for local employment on the transfer, set-up, or expansion of the business and subsequent hiring of workers, and report these plans to

the Minister of Employment and Labor.

2. The plans for local employment reported to the Minister of Employment and Labor pursuant to subparagraph 1 shall be implemented as planned.
3. Within one and half years after the date of the submission of a local employment plan, the transferred, newly-set up or expanded business shall begin its operation;
4. As of the beginning date (hereinafter referred to as the "operation starting date" in this Article) of operation of the transferred, newly set-up or expanded business, the employer shall hire job seekers who have resided in the designated area or other designated areas for three months or more, as the insured of the transferred, newly set-up or expanded business;
5. The need for the business shall be recognized by the Employment Policy Council under Article 10 of the Framework Act on Employment Policy; and
6. The business shall be started after preparing documents about the implementation status of the local employment plan and the status of wage payment to insured workers.
  - (2) If an employer who intends to receive the Subsidy for Promotion of Local Employment shall start business operations, pursuant to subparagraph 3 of paragraph (1), he/she shall report this to the Minister of Employment and Labor *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*
  - (3) The amount of the Subsidy for Promotion of Local Employment shall be one-half ( $1/3$  for large-scale enterprises) of the amount of wages paid to the insured who were hired in accordance with subparagraph 4 of paragraph (1), but will not exceed the amount announced by the Minister of Employment and Labor under Article 21 (4). *<Amended by Presidential Decree No. 22603, Dec. 31, 2010>*
  - (4) The Subsidy for Promotion of Local Employment shall be provided for one year from the date of starting operations. *<Amended by Presidential Decree No. 22603, Dec. 31, 2010>*
  - (5) If the number of the insured who were hired in one designated period in accordance with subparagraph 4 of paragraph (1) exceeds 200, the Subsidy for Promotion of Local Employment shall be provided only to 30/100 of the excess number of workers.
  - (6) If the employment period of the insured worker hired pursuant to paragraph (1) 4 is less than six months, the Subsidy for Promotion of Local Employment shall not be provided. *<Newly Inserted by Presidential Decree No. 22603, Dec. 31, 2010>*
  - (7) The Subsidy for Promotion of Local Employment shall be provided to employers who do not dismiss workers due to

employment adjustment from three months prior to the date of starting operation up to one year after the operation starting date. *<Newly Inserted by Presidential Decree No. 22603, Dec. 31, 2010>*

(8) Necessary matters concerning the application for and payment of the Subsidy for Promotion of Local Employment shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

#### **Article 25 (Subsidy for Employment Extension of the Aged)**

(1) The Minister of Employment and Labor shall provide a subsidy for employment extension of the aged to employers who meet the conditions described in any of the following subparagraphs pursuant to Article 23 of the Act: *<Amended by Presidential Decree No. 21230, Dec. 31, 2008; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

1. Deleted *<Presidential Decree No. 22603, Dec. 31, 2010>*

2. The retirement age shall be abolished or the existing retirement age shall be raised by one year or more to 56 years or older: provided that, if the workplace concerned abolishes the retirement age and then sets a new retirement age or lowers the existing retirement age within three years before the abolishment or extension of the retirement age, the subsidy for employment extension of the aged shall not be provided.

3. Employers who set a workplace's retirement age at 57 or above shall retain a worker who reaches the retirement age after 18 months or more of employment or employ a worker within three months after he/she left his/her job at the retirement age (hereinafter referred to as "reemployment" in this Article and Article 28) and not dismiss any worker due to employment adjustment for three months before to six months after the reemployment. However, if reemployment is for a set period of less than one year or the retirement age of the workplace was lowered within three years before reemployment, the subsidy for employment extension of the aged shall not be provided.

(2) Deleted *<Presidential Decree No. 22603, Dec. 31, 2010>*

(3) Deleted *<Presidential Decree No. 22603, Dec. 31, 2010>*

(4) The amount of the subsidy for employment extension of the aged to be paid to an employer meeting the conditions described in paragraph (1) 2 shall be calculated by multiplying the amount announced by the Minister of Employment and Labor annually in consideration of wage increase rates, labor



market conditions, etc., by the number of workers (excluding those who receive wage peak system subsidies pursuant to Article 28) reaching retirement age after 18 months or more of employment and have been continuously employed due to abolishment or extension of the retirement age, and the subsidy shall be provided for the period given in the following subparagraphs. In this case, the subsidy shall be provided only to workers who reach the previous retirement age limit less than five years after the date on which the retirement age limit is abolished or extended and then are continuously employed due to abolishment or extension of the retirement age. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

1. If retirement age is abolished: Provided for one year from the following day after one year has passed since the worker concerned reached the previous retirement age (the day the worker turns 56 in cases where the previous retirement age was lower than 56).
2. If retirement age is extended: Provided for one year from the following day after the date of the previous retirement age of the worker whose retirement age was extended.
- (5) The amount of the subsidy for employment extension of the aged to be paid to an employer meeting the conditions described in paragraph (1) 3 shall be calculated by multiplying the amount announced by the Minister of Employment and Labor annually in consideration of wage increase rates, labor market conditions, etc., by the number of workers reemployed after reaching the retirement age (excluding those who receive wage peak system subsidies pursuant to Article 28) and the subsidy shall be provided for six months (twelve months for employers of businesses falling under Article 12 (1) 2). *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*
- (6) Necessary matters concerning application for and payment of the subsidy for employment extension of the aged shall be prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*  
*<Title of this Article Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

## **Article 26 (Employment Promotion Subsidy)**

- (1) If an employer hires for six months or more as an insured worker an unemployed person who has registered as a job-seeker with an employment security office or other

organization prescribed by Ordinance of the Ministry of Employment and Labor (hereinafter referred to as the "employment security office, etc." in this Article) and falls under any of the following subparagraphs, the Minister of Employment and Labor shall provide the employment promotion subsidy in order to promote the employment of those having special difficulty finding employment under the normal conditions of the labor market such as the disabled or female heads of households etc., pursuant to Article 23 of the Act.

1. A person who has completed the employment support program for those having special difficulty finding employment under the normal conditions of the labor market as announced by the Minister of Employment and Labor.
  2. A person who is unemployed for one month or more and has severe disabilities pursuant to subparagraph 2 of Article 2 of the Employment Promotion and Vocational Rehabilitation of Disabled Persons Act.
  3. A female responsible for supporting the family who is unemployed for one month or more, as prescribed by Ordinance of the Ministry of Employment and Labor, and is eligible for employment pursuant to the former part of Article 11 (2) of the Enforcement Decree of the National Basic Living Security Act or is eligible for protection pursuant to Article 5 and Article 5-2 of the Single-Parent Family Support Act.
  4. A person who is unemployed for one month or more, who lives on one of the islands (referring to the islands announced by the Minister of Employment and Labor under subparagraph 8 of Article 65) and thereby finds it difficult to participate in the employment support program in subparagraph 1.
- (2) The employment promotion subsidy, as prescribed in paragraph (1), shall not be provided to employers in any of the following cases:
1. When hiring workers who fall under the conditions prescribed by Ordinance of the Ministry of Employment and Labor, such as those under short-term employment contracts, etc.
  2. When hiring a person who was eligible for the employment promotion subsidy at another workplace and voluntarily left the job, within one year from the date of separation.
  3. When an enterprise other than a preferentially supported

enterprise hires a person who is aged 29 or younger and unemployed, as determined by the Minister of Employment and Labor.

4. When the employer dismisses any workers (excluding workers hired after the worker eligible for the employment promotion subsidy) due to employment adjustment from three months before to twelve months after hiring a worker eligible for the employment promotion subsidy .
5. When the employer hiring a worker eligible for the employment promotion subsidy pursuant to paragraph (1) is the same employer at the time of the relevant worker's final separation.
6. When the employer who hired the worker eligible for the employment promotion subsidy pursuant to paragraph (1) is related to the business at the time of the relevant worker's final separation through such things as merger or takeover of the previous employer's business etc., and is prescribed by Ordinance of the Ministry of Employment and Labor.

(3) The employment promotion subsidy under paragraph (1) shall be the amount calculated by multiplying the amount announced by the Minister of Employment and Labor annually in consideration of wage increase rates, labor market conditions, etc., by the number of workers employed. In this case, the employment promotion subsidy may not exceed 75/100 of the wage borne by the employer, and shall be paid for six months if the employment period is six months or longer but less than 12 months, and for 12 months if the employment period is 12 months or longer.

(4) The number of the insured eligible for payment of the employment promotion subsidy pursuant to paragraph (1) shall be up to 20/100 of the number of the insured as of the last day of the previous insurance year of the business concerned (30/100 for preferentially supported enterprises, and any numbers after the decimal point shall be disregarded in calculation).

(5) Notwithstanding paragraph (4), the employment promotion subsidy shall be provided under any of the following subparagraphs up to the limit for the number of the insured described in the following subparagraphs.

1. If the number of the insured who are newly hired pursuant to paragraph (1) is 30 workers or more: 30 workers
2. If the number of the insured is one worker or more and

- less than 10 workers as of the last day of the previous insurance year of the business concerned: 3 workers
3. If there are no insured workers as of the last day of the previous insurance year of the business concerned: 30/100 of the number of the insured based on the starting date of the insurance relationship of the year the worker was newly hired (3 workers if the number of the insured is one worker or more and less than 10 workers; 30 workers if 30/100 of the insured exceeds 30 workers).
- (6) Necessary matters concerning application for and payment of the employment promotion subsidy shall be prescribed by Ordinance of the Ministry of Employment and Labor.
- <This Article Wholly amended by Presidential Decree No. 22603, Dec.31, 2010>*

**Article 27** Deleted. *<Presidential Decree No. 21015, Sept. 18, 2008>*

**Article 28 (Wage Peak System Subsidy)**

- (1) The Minister of Employment and Labor shall pay wage peak system subsidies to workers pursuant to Article 23 of the Act in any of the situations listed in the following subparagraphs (hereinafter referred to as the "wage peak system" in this Article).
- <Amended by Presidential Decree No. 22603, Dec.31, 2010>*
1. If an employer implements a system that cuts a worker's wages based on a particular age, consecutive service period or wage after 50 years of age and extends the retirement age to 56 years or older with the consent of the workers' representative.
  2. If an employer implements a system pursuant to subparagraph 1, or reemploys or employs retired workers pursuant to subparagraphs 3, 4 while reducing working hours, and the contractual working hours after the reduction is less than 50/100 of the contractual working hours at the time of the peak wage (referring to the wage given the year prior to the year of the day when wages were first cut according to the wage peak system).
  3. If an employer who has set the retirement age to 57 or older intends to reemploy a person reaching retirement age (excluding reemployment of less than one year) while reducing wages from age 55 .
  4. If the employer who has set the retirement age to 57 or older employs (excluding an employment period of less than one year) a person within three months after retirement due to reaching retirement age and reduces wages after the age of retirement compared to the amount at the age of retirement.

(2) The Wage Peak System Subsidy under paragraph (1) shall be paid to workers the employer has hired and employed for 18 months or more, whose wages for the year in which the wage peak system is applied have been lowered by more than the levels categorized in the following subparagraphs, when compared to peak wages (excluding cases where the amount of wages in the year in which the wage peak system begins to be applied is not less than the amount announced by the Minister of Employment and Labor). *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec.31, 2010>*.

1. In cases falling under paragraph (1) 1 or 3: 20/100
2. In cases falling under paragraph (1) 2: 50/100
3. In cases falling under paragraph (1) 4: 30/100

(3) The Wage Peak System Subsidy under paragraph (1) shall be of an amount announced by the Minister of Employment and Labor in consideration of the difference between the worker's peak wages and wages cut under the wage peak system, wage increase rates, etc. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec.31, 2010>*

(4) The Wage Peak System Subsidy under paragraph (1) shall be paid for the period given in the following subparagraphs (in cases where the employment period is shorter than the periods listed here, it shall refer to the employment period). *<Amended by Presidential Decree No. 22603, Dec.31, 2010>*

1. In case of paragraph (1) 1 or 2 (excluding cases of reemployment or employment): 10 years from the date the wage peak system is applied.
2. In case of reemployment or employment with reduced working hours and where contractual working hours after the reduction have been decreased to less than 50/100 of the peak wage contractual working hours before the reduction under paragraph (1) 2 or paragraph (1) 3 or 4: Five years from the date of reemployment or employment.: Provided that in the case of reemployment or employment under paragraph (1) 3 or 4 after implementing the wage peak system under paragraph (1) 1, the support period shall be up to a total of 10 years.

(5) Necessary matters concerning the calculation of, application for, and payment of the Wage Peak System Subsidy under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22603, Dec.31, 2010>*

*<Title of this Article Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

## **Article 29 (Subsidy for Employment Security of Pregnant Women)**

**and Women after Childbirth)**

(1) The subsidy for employment security of pregnant women and women after childbirth shall be provided to employers falling under any of the following subparagraphs pursuant to Article 23 of the Act.

1. If an employer (including the using employer under the Act on the Protection, etc., of Dispatched Workers in the case of dispatch workers prescribed in item B) signs an employment contract lasting one year or more with an insured female worker who falls under any of the following items, and whose employment contract or dispatch contract expires during the protection leave prescribed in Article 74 of the Labor Standards Act or pregnancy, immediately after the end of her employment contract or dispatch contract period, or within one year after the worker giving birth.
  - A. An worker who has an employment contract with a period of one year or less;
  - B. A dispatched worker under the Act on the Protection, etc., of Dispatched Workers.
2. If an employer allows an insured worker to take child-care leave (excluding a period overlapping the 90 days of maternity leave before and after childbirth prescribed in Article 74 of the Labor Standards Act) under Article 19 of the Act on Equal Employment and Support for Work-Family Reconciliation or to work shorter working hours for a child-rearing period under Article 19-2 of the same Act (hereinafter referred to as "child-care leave, etc.") for 30 days or more and employs the insured worker continuously for 30 days or more after the end of the child-care leave, etc.
3. If an employer allows an insured worker to take child-care leave, etc. for 30 days or more and hires a replacement workforce, and meets all the conditions in the following items.
  - A. The employer newly hired a replacement worker 30 days before the beginning date of child-care leave, etc., (30 days before the beginning date of maternity leave in case the child-care leave, etc., starts immediately after maternity leave) and has continued to employ the worker for 30 days or more since then;
  - B. The employer has continued to employ the worker who took the child-care leave, etc., for 30 days or more after the end of the child-care leave; and
  - C. The employer should not dismiss any workers due to

employment adjustment from three months before to six months after hiring the new replacement worker

(2) The subsidy for employment security of pregnant women and women after childbirth under paragraph (1) 1 shall be paid for six months in the amount determined and announced by the Minister of Employment and Labor. Provided that, the subsidy shall be paid for one year in cases where an employer signs an employment contract without a fixed period.

(3) The amount of the subsidy for employment security of pregnant women and women after childbirth under paragraph (1) 2 shall be calculated by multiplying the amount announced by the Minister of Employment and Labor according to business size in consideration of an employer's labor costs from allowing child-care leave, etc., by the number of months for which the worker has used child-care leave, etc. (including the paid leave period after childbirth under Article 74 of the Labor Standards Act in cases where the worker is not employed at a preferentially supported enterprise). In this case, 50/100 of the subsidy for employment security of pregnant women and women after childbirth shall be paid if the employer continues to employ the insured worker for six months or more after the ending date of the child-care leave etc.

(4) The amount of the subsidy for employment security of pregnant women and women after childbirth under paragraph (1) 3 shall be calculated by multiplying the amount announced by the Minister of Employment and Labor according to business size in consideration of an employer's labor costs resulting from the hiring of a replacement workforce by the number of months for which the employer has employed the replacement worker from the beginning date of the child-care leave, etc., (referring to the beginning date of maternity leave in case the child-care leave, etc., starts immediately after maternity leave) to the ending date of the child-care leave, etc.

(5) Necessary matters concerning application for and payment of the subsidy for employment security of pregnant women and women after childbirth under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor.

*<This Article Wholly Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

**Article 30** Deleted *<Presidential Decree No. 22603, Dec.31, 2010>*

**Article 31** Deleted *<Presidential Decree No. 22603, Dec.31, 2010>*

**Article 32 (Subsidy for Managing Employment Insurance for Construction Workers)**

(1) The Minister of Employment and Labor shall pay a subsidy for managing employment insurance for construction workers to employers who meet all of the following conditions in accordance with Article 24 of the Act. Provided that, employers whose reports are intentionally or negligently different from the facts, pursuant to Article 15 (1) of the Act, may not be paid the subsidy for managing employment insurance for construction workers for the month in which reports differed from the facts. *<Amended by Presidential Decree No. 20775, Apr. 30, 2008; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec.31, 2010>*

1. He/she shall be an employer provided for in subparagraph 1 of Article 2 of the Act on the Employment Improvement, etc. of Construction Workers;
2. He/she shall designate a person in charge of employment management provided for in Article 5 of the Act on the Employment Improvement, etc., of Construction Workers; and
3. The person in charge of employment management under subparagraph 2 shall deal with insurance work, including making a report by electronic means to confirm the content of labor service pursuant to Article 15 (5) of the Act within the period set under Article 7 (1), for daily workers whose number is in excess of the number determined and announced by the Minister of Employment and Labor.

(2) The amount of the subsidy for managing employment insurance for construction workers under paragraph (1) shall be an amount announced by the Minister of Employment and Labor every year according to the scale of the administration of the insured, such as a report of the acquisition or loss, etc. of the insured status of daily workers and the subsidy shall be paid semi-annually. In this case, if the employer makes a report confirming employment details pursuant to the latter part of Article 7 (1) using the construction worker employment insurance card prescribed by the Ordinance of the Ministry of Employment and Labor, the level of subsidy for managing employment insurance for construction workers may be set higher in consideration of the costs of purchasing equipment, such as construction worker employment insurance card readers, etc., a past record of making a report confirming employment details using the construction worker employment insurance card, etc. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec.31, 2010>*



(3) Necessary matters concerning the application for and payment of the subsidy for managing employment insurance for construction workers shall be prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

*<This Article shall remain effective until Dec. 31, 2013 under the provisions of Article 2 of the Addenda of Presidential Decree No. 22603, Dec. 31, 2010.>*

**Article 32-2** Deleted *<Presidential Decree No. 22026, Feb.8, 2010>*

**Article 33 (Support for Diagnosis, etc., of Employment Management)**

(1) The Minister of Employment and Labor may, if an employer or an employers' or workers' organization receives diagnosis services from a professional organization with regard to the reform of wage system, redesigning of work, etc., to ensure employment security or promote employment for those who are or were insured or other persons who have the willingness to be employed (hereinafter referred to as "the insured, etc."), support part of the costs needed for the diagnosis within the limits of the budget pursuant to Article 25 (1) 1 of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Matters concerning the selection of those eligible for the support under paragraph (1), the level of support, and other necessary matters shall be determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 34** *<Presidential Decree No. 22603, Dec. 31, 2010>*

**Article 35 (Employment Security and Employment Promotion)**

"Projects prescribed by Presidential Decree" in Article 25 (1) 3 of the Act refer to the following projects: *<Amended by Presidential Decree No. 21348, Mar. 12, 2009; Presidential Decree No. 21510, May 28, 2009; Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22603, Dec.31>*

1. Education projects and public relations projects for the employment security and employment promotion of the insured, etc.;
2. Employment support projects, such as job placement services, career guidance, internship support and out-placement support services, etc. to promote employment of the insured, etc.;
3. Employment environment improvement projects for the insured, etc., such as the aged, women and the disabled; and
4. Support projects for employment security etc. of construction workers.
5. Deleted *<Presidential Decree No. 22603, Dec.31, 2010>*

**Article 36 (Support for Employment Support Projects)**

(1) The Minister of Employment and Labor may support costs required for the employment support projects conducted by a person described in any of the following subparagraphs pursuant to Article 25 of the Act and subparagraph 2 of Article 35 of this Decree: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. A person who engages in non-fee-charging job placement services under Article 18 of the Employment Security Act and a person who engages in fee-charging job placement services under Article 19 of the same Act;
2. A person who engages in services providing job information under Article 23 of the Employment Security Act; and
3. Other persons recognized by the Minister of Employment and Labor as being capable of conducting employment support projects.

(2) The Minister of Employment and Labor shall, if intending to provide support pursuant to paragraph (1), publish beforehand the types and contents of eligible services, the scope of eligible insured people, etc., the contents and level of the support, the method of applying for the support, etc. *<Amended by Presidential Decree No. 21348, Mar. 12, 2009> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 37 (Support for Employment Environment Improvement for the Aged, etc.)**

(1) The Minister of Employment and Labor may, if an employer intends to install or improve related facilities and equipment to ensure employment security and promote employment for the insured, etc., who are the aged, women or the disabled, provide support or loans within the limits of the budget to cover part of the necessary costs pursuant to Article 25 of the Act and Article subparagraph 3 of Article 35 of this Decree. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Matters concerning the selection of those eligible for the support or loans under paragraph (1), the conditions for the selection and other necessary matters concerning the support and loans shall be determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 37-2 Deleted** *<Presidential Decree No. 22026, Feb.8, 2010>*

**Article 38 (Support for Employment Promotion Facilities)**

(1) The “employment promotion facilities prescribed by Presidential Decree” in Article 26 of the Act refer to the following facilities: *<Amended by Presidential Decree No. 21928, Dec. 30,*

*2009; Presidential Decree No. 22269, Jul. 12, 2010>*

1. Facilities necessary to provide employment services to vulnerable groups, that are set up and operated by local government pursuant to Article 11 (4) of the Framework Act on Employment Policy;
2. Employment support facilities operated by a school designated by the Minister of Employment and Labor from among the schools under subparagraphs 1, 2 and 4 of Article 2 of the Higher Education Act;
3. Schools designated by the Minister of Employment and Labor from among the vocational high schools under Article 80 (1) 1 of the Enforcement Decree of the Elementary and Secondary Education Act;
4. The Aged Talent Bank under Article 11 of the Aged Employment Promotion Act; and
5. Employment promotion facilities intended to ensure employment security and promote employment for the insured, etc., and to secure workforce for employers and prescribed by the Ordinance of the Ministry of Employment and Labor.

(2) Pursuant to Article 26 of the Act, the Minister of Employment and Labor may provide support for part of the costs needed for the establishment and operation of employment promotion facilities to a person who establishes and operates employment promotion facilities. *<Amended by Presidential Decree No. 21928, Dec. 30, 2009; Presidential Decree No. 22269, Jul. 12, 2010>*

(3) Necessary matters concerning the support for employment promotion facilities under paragraph (1) shall be determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) Pursuant to Article 26 of the Act, the Minister of Employment and Labor may support part of the costs of operating the child-care facilities established and operated by an employer, alone or jointly with other employers, under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(5) Pursuant to Article 26 of the Act, the Minister of Employment and Labor may, if an employer or an employers' organization intends to establish child-care facilities, independently or jointly with other employers, provide loans or support to cover part of the establishment costs under the conditions determined by the Minister of Employment and Labor. In such case, for employers of preferentially supported enterprises (including employers' organizations in which the number of preferentially supported enterprises is 50/100 or more of the total.) and for

employers or employers' organizations that intend to establish child-care facilities for disabled children or infants, the level of loans or support may be set higher. *<Amended by Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 39 (Special Cases of Business Subject to Blanket Application)**

In the case of businesses which are subject to blanket application pursuant to Article 8 of the Insurance Premium Collection Act, each individual business shall be considered as a single business in the application of Article 17, Article 19, Article 24 through 26 and Article 29. *<Amended by Presidential Decree No. 21015, Sept. 18, 2008; Presidential Decree No. 22603, Dec. 31, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

**Article 40 (Mutual Adjustment between Subsidies etc.)**

(1) If an employer who meets the conditions for receiving the employment retention subsidy as prescribed in Article 19 takes measures which meet the conditions for receiving the support for expenses under Article 17, subsidy for employment extension for the aged under Article 25 (1) 3 or employment promotion subsidy under Article 26 while taking employment retention measures, the employment retention subsidy under Article 19 shall be provided, but other subsidies shall not. *<Amended by Presidential Decree No. 21015, Sept. 18, 2008; Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22603, Dec. 31, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

(2) If a worker simultaneously falls under the conditions for receiving the support for expenses under provisions of Article 17 (1) 3 through 5, Subsidy for Promotion of Local Employment under Article 24, subsidy for employment extension for the aged under Article 25 or the employment promotion subsidy under Article 26, one subsidy only shall be provided upon application by the employer concerned. *<Amended by Presidential Decree No. 21015, Sept. 18, 2008; Presidential Decree No. 22603, Dec. 31, 2010>*

(3) If an employer simultaneously falls under the conditions for receiving the support for expenses under Article 17 (1) 1 and 2, one subsidy only shall be provided upon application by the employer concerned. *<Amended by Presidential Decree No. 21015, Sept. 18, 2008; Presidential Decree No. 22603, Dec. 31, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

(4) If an employer who receives any of the subsidies listed in paragraph (3) meets the conditions to receive any of the subsidies in paragraph (2) while receiving the subsidy concerned, an amount calculated by multiplying the amount of the subsidy

concerned from those prescribed in paragraph (2) by the rate determined and announced by the Minister of Employment and Labor shall be provided upon application by the employer.  
<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>

(5) Deleted <Presidential Decree No. 22026, Feb. 8, 2010>  
<Title of This Article Amended by Presidential Decree No. 22603, Dec. 31, 2010>

#### **Article 40-2 (Restrictions on Support)**

The term “the cases prescribed by the Presidential Decree” used in Article 26-2 of the Act refers to those in which an employer newly employs a worker or takes employment retention measures which falls under any of the following subparagraphs:

1. Where an employer receives financial support such as subsidy, etc. under the Act on the Protection and Settlement Support of Residents Escaping from North Korea;
2. Where an employer receives financial support such as subsidy, etc. under the Industrial Accident Compensation Insurance Act;
3. Where an employer receives financial support such as subsidy, etc. under the Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons;
4. Other cases where an employer receives financial support from a nation or a local government.

<This Article Newly Inserted by Presidential Decree No. 23139, Sep. 15, 2011>

#### **Article 41 (Support for Vocational Skills Development Training Costs to Employers)**

(1) The term “vocational skills development training prescribed by the Presidential Decree” in Article 27 of the Act refers to training courses recognized or designated pursuant to Article 24 of the Workers Vocational Skills Development Act and falling under any of the following subparagraphs:

1. Vocational skills development training undertaken for the insured;
2. Vocational skills development training undertaken for those employed by the employer but not insured;
3. Vocational skills development training undertaken at the business concerned or a business related to the business concerned for those due to be employed;

4. Vocational skills development training undertaken for those who are registered as a job seeker with an Employment Security Office; and
  5. Vocational skills development training undertaken for the insured [(excluding the self-employed under Article 113 of the Act (hereinafter referred to as "the self-employed")) employed in the business concerned during paid leave [referring to the leave which is not annual paid leave prescribed in Article 60 of the Labor Standards Act and during which an amount of wages equal to or higher than ordinary wages under Article 6 of the Enforcement Decree of the Labor Standards Act (hereinafter referred to as "ordinary wages") is paid.] falling under any of the following items:
    - A. The employer of a preferentially supported enterprise or an employer who ordinarily employs less than 150 workers shall grant seven consecutive days or more of paid leave to his/her workers and provide not less than 30-hour training to these workers during that leave;
    - B. An employer who falls under item A shall grant continuously 30 days or more of paid leave to the workers concerned and provide not less than 120 hours of training to these workers during that leave, and shall hire replacement workers; and
    - C. An employer who does not fall under item A shall grant continuously 60 days or more of paid leave to workers with an employment period of one year or longer, and shall provide not less than 180 hours of training to these workers.
    - D. An employer shall grant paid leave to workers engaged in production or similar work and announced by the Minister of Employment and Labor, and provide not less than 20-hour training to these workers during that leave to encourage their skills and techniques.
- (2) The amount of subsidy for the vocational skills development training prescribed in paragraph (1) shall be calculated by multiplying the training expenses (restricted to the expenses meeting the standards announced by the Minister of Employment and Labor) by the rate announced by the Minister of Employment and Labor in consideration of business size, etc., but in the case of paragraph (1) 3 and 4, the amount of training allowances announced by the Minister of Employment and Labor shall be added, and in case of paragraph (1) 5, part of the amount of wages (restricted to item B of paragraph (1) 5) paid to the replacement workforce (the

level of support shall be determined and announced by the Minister of Employment and Labor) and the wages provided during the paid leave shall be added. In this case, if the vocational skills development training is conducted for workers engaged in production or similar work and announced by the Minister of Employment and Labor to encourage development of their skills or techniques or if workers subject to a shift work system after the employer newly implements a shift work system where workers are divided into crews and work in shifts or increases the number of crews and implements a shift work system (restricted to cases with four crews or less) under Article 20 of the Act under Article 20 of the Act and announced by the Minister of Employment and Labor, the level of support may be set higher. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

(3) For employers who conduct vocational skills development training for a person falling under any of the following subparagraphs, the level of support may be set higher under the conditions determined and announced by the Minister of Employment and Labor notwithstanding the provision of paragraph (2). In this case, part or all of the amount of wages paid during the training period may be subsidized :*<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Fixed-term workers under subparagraph 1 of Article 2 of the Act on the Protection, etc., of Fixed-term or Part-time Employees;
2. Part-time workers under Article 2 (1) 8 of the Labor Standards Act;
3. Dispatched workers under the Act on the Protection, etc., of Dispatched Workers; and
4. Daily workers

(4) Necessary matters concerning the scope of support for training expenses and training allowances for vocational skills development training, the maximum amount of subsidy, the application procedures and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 42 (Limits to Support for Expenses)**

(1) The annual total amount of vocational skills development training expenses which an employer is entitled to be paid in accordance with Article 28, shall be 100/100 (240/100 in case of preferentially supported enterprises) of the premiums for employment security and vocational skills development programs from among the employment insurance premiums the employer covers during the year concerned pursuant to Article 13 (1) 1

and Article 16-3 of the Insurance Premium Collection Act or the premiums for employment security and vocational skills development programs from among the estimated employment insurance premiums the employer is liable to pay during the year concerned pursuant to Article 13 (1) 1 and Article 17 (1) of the Insurance Premium Collection Act: provided that, the annual total amount of expenses that can be paid to an employer falling under any subparagraph of Article 18 (2) may be limited to 130/100 (300/100 in case of preferentially supported enterprises) of the insurance premiums for the employment security and vocational skills development programs from among the employment insurance premiums the employer covers during the year concerned or the premiums for employment security and vocational skills development programs from among the estimated employment insurance premiums which the employer is liable to pay during the year concerned. *<Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

(2) If an employer provides training whose courses recognized in accordance with Article 24 of the Workers Vocational Skills Development Act for workers hired in a business other than his/her business, the employer may be paid up to 80/100 of the premiums for employment security and vocational skills development programs from among the employment insurance premiums the employer covers during the year concerned or the premiums for employment security and vocational skills development programs from among the estimated employment insurance premiums which the employer is liable to pay during the year concerned. *<Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

(3) Notwithstanding the provisions of paragraph (1) and (2), when the amount of subsidy is less than the minimum amount determined by the Minister of Employment and Labor in consideration of size and type of enterprise, the amount of subsidy shall be the minimum amount determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) The subsidy for vocational skills development training under subparagraphs 3 and 4 of Article 41 (1) and subsidy for vocational skills development under items A and B of subparagraph 5 of the same paragraph (restricted to an amount that is a part of the wages provided during the paid leave or wages provided to the replacement workforce under paragraph 2 of Article 41), is not included within the limits of the budget for the subsidy for vocational skills development that the employer concerned may be paid as prescribed in paragraphs



(1) through (3). <Amended by Presidential Decree No. 22603, Dec. 31, 2010>

**Article 43 (Support for Job Ability Improvement of Workers)**

(1) If an insured person who falls under any of the following subparagraphs receives the vocational skills development training prescribed in subparagraph 1 of Article 2 of the Workers Vocational Skills Development Act (hereinafter referred to as the "vocational skills development training") at his/her own expenses, the Minister of Employment and Labor may support all or part of the necessary expenses under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor pursuant to Article 29 (1) of the Act. <Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010; Presidential Decree No. 23139, Sep. 15, 2011>

1. A person employed by a preferentially supported enterprise;
2. A person who is falling under any of the subparagraphs of Article 41 (3); and
3. A person who is self-employed or regarded as self-employed under Article 144.

(2) Deleted <Presidential Decree No. 20775, Apr. 30, 2008>

(3) Necessary matters concerning the scope of and application procedures for the training courses for which training expenses can be supported pursuant to paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Presidential Decree No. 20775, Apr. 30, 2008> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

<Title of this Article Amended by Presidential Decree No. 23139, Sep. 15, 2011>

**Article 44** Deleted <Presidential Decree No. 23139, Sep. 15, 2011>

**Article 45 (Loans for Skills Development Expenses)**

(1) If an insured person enters or attends a school or facility falling under any of the following subparagraphs at his/her own expenses, the Minister of Employment and Labor may provide loans for all or part of tuition fees within the limits of the budgets pursuant to Article 29 (1) of the Act: <Amended by Presidential Decree No. 20799, Jun. 5, 2008; Presidential Decree No. 21348, Mar. 12, 2009; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22356, Aug. 25, 2010>

1. The polytechnic college under the Workers Vocational Skills Development Act;
2. The cyber college-type lifelong educational institution, the

graduates of which are recognized as having academic attainments and degrees equal to those of the graduates of the junior college or the university under Article 33 (3) of the Lifelong Education Act; and

3. The school under Article 2 of the Higher Education Act.

(2) If an insured person receives vocational skills development training, the Minister of Employment and Labor may provide loans for all or part of the training fees within the limits of the budgets: Provided that this shall not apply, in case the worker takes a course falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Information exchange activities such as seminars, symposiums, etc., or liberal arts courses to obtain general knowledge, knowledge of current affairs, etc.;
2. Courses intended to enjoy hobbies, recreation, sports, etc. ; and
3. Other courses recognized by the Minister of Employment and Labor as unsuitable as vocational skills development training courses

(3) The scope of those who are eligible to receive loans for training fees for foreign language courses from among the vocational skills development training under paragraph (2) shall be determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) Loan conditions, such as interest rates and repayment periods of the loans, etc. prescribed in paragraphs (1) through (3) shall be determined by the Minister of Employment and Labor in consultation with the Minister of Strategic Planning and Finance. *<Amended by Presidential Decree No. 20681, Feb. 29, 2008> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(5) The selection of those eligible for loans, application procedures, frequency of loans and other necessary matters on the loans prescribed in paragraphs (1) through (3) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 46 (Support for Skills Development Expenses)**

(1) The Minister of Employment and Labor may, if the insured (excluding the self-employed) of a preferentially supported enterprise who enter or attend a school or facility falling under any of the subparagraphs of Article 45 (1) show an excellent academic performance, support all or part of the school expenses within the limits of the budget pursuant to Article 29 (1) of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Necessary matters concerning the selection of those eligible for the support under paragraph (1), the amount of

support, the method of support, etc., shall be determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 47 (Support for Employment Training)**

(1) Pursuant to Article 29 (2) of the Act, the Minister of Employment and Labor may execute employment training for insured persons, etc. falling under any of the following subparagraphs recognized as needing to receive vocational skills development training to start up business, transfer to another job or be employed: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

1. Those who fall under any of the subparagraphs of Article 41 (3);
2. The unemployed;
3. Those due to transfer to another job in 90 days prior to the date of applying for employment training to the head of an Employment Security Office; and
4. Those who cannot return to work after unpaid leave or temporary shutdown of business without pay for 90 days or more for managerial reasons.

(2) The expenses required for the employment training referred to in paragraph (1) may be paid either to the person who receives the training or the institution which provides the training; Provided that if the person who receives the training has settled the training expenses using a credit card prescribed in Article 2 of the Specialized Financial Credit Business Act and the credit card business which issued the credit card has paid the training expenses, the Minister of Employment and Labor may pay the training expenses to the credit card business on behalf of the person who receives the training. *<Amended by Presidential Decree No. 21152, Dec. 3, 2008> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) If an unemployed person who receives the vocational skills development training executed to promote the employment of the unemployed pursuant to paragraph (1) 2 is not eligible to receive job-seeking benefits under Article 42 (1) of the Act, the Minister of Employment and Labor may provide training allowances. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

(4) The Minister of Employment and Labor may loan all or part of the training expenses to the unemployed who were formerly insured and receive reemployment training for the unemployed as prescribed in paragraph (1) 2. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

(5) Matters concerning the selection of those eligible for the

loans under paragraph (4), loan procedures, and the frequency of loans, and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(6) Institutions conducting employment training under paragraph (1) and other necessary matters concerning the implementation of employment training shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

*<Title of this Article Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

**Article 47-2 (Provision of Loans for Living Costs During Vocational Skills Development Training)**

(1) "A low-income insured person, etc.," prescribed by the Presidential Decree" in Article 29 (3) of the Act refers to a person falling under any of the following subparagraphs :*<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. An insured person who falls under each subparagraph of Article 41 (3) and meets the selection criteria determined and announced by the Minister of Employment and Labor after taking into consideration the income levels, previous loan records, etc.; and
2. A person (excluding those who are receiving unemployment benefits pursuant to Article 4 of the Act) who was an insured person in unemployment when applying for loans for living costs pursuant to Article 29 (3) of the Act and meets the selection criteria determined and announced by the Minister of Employment and Labor after taking into consideration the income levels of the spouse, relations with lineal descendants and ascendants, previous loan records, etc.

(2) Loans for the living costs referred to in Article 29 (3) of the Act may be provided within the limits of available budgets.

(3) With regard to a person who applies for loans for living costs as he/she receives vocational skills development training, the Minister of Employment and Labor shall decide whether or not to provide loans after finding out if he/she is a person eligible for such loans under paragraph (1). *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) Matters concerning the procedures for the loan application and decision referred to in paragraph (3), matters concerning the cancelation of loan decisions, the loan amount and repayment method and other necessary matters for the operation of the loan system shall be determined and announced by the Minister of

Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

**Article 48 (Loans for Expenses of Vocational Skills Development Training Facilities, etc.)**

(1) The Minister of Employment and Labor may provide loans, within the limit of the budgets, for the expenses required to set up vocational skills development training facilities and purchase equipment, to an employer, an employers' organization or a workers' organization that provides or intends to provide vocational skills development training pursuant to Article 30 of the Act, a vocational skills development training corporation which is established with the permission of the Minister of Employment and Labor pursuant to Article 32 of the Workers Vocational Skills Development Act, and a person who installs and operates a vocational skills development training facility designated pursuant to subparagraph 3 B of Article 2 of the Workers Vocational Skills Development Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) The loan conditions, such as interest rates, loan periods, etc., for the loans under paragraph (1) shall be determined by the Minister of Employment and Labor in consultation with the Minister of Strategic Planning and Finance. In this case, the interest rate may be set differently for employers of preferentially supported enterprises or employers' organizations to which the enterprises belong and employers or employers' organizations that conduct or intend to conduct the vocational skills development program under Article 52 (1) 6. *<Amended by Presidential Decree No. 20681, Feb. 29, 2008> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) Necessary matters concerning the maximum loans for the expenses under paragraph (1), loan procedures, etc., shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 49 (Support for Vocational Skills Development Training Facilities, etc.)**

(1) If an employer, an employers' organization or a confederation of such organizations alone or jointly installs vocational skills development training facilities or purchase vocational skills development training equipment to conduct training in the types of occupations announced by the Minister of Employment and Labor, including the preferentially selected types of occupations under Article 53 (2), or a public organization which installed

public vocational training facilities pursuant to subparagraph 3 A of Article 2 of the Workers Vocational Skills Development Act renovates or repairs decrepit facilities or purchase equipment, the Minister of Employment and Labor may support part of the expenses for installing the facilities and purchasing the equipment within the limit of the budgets pursuant to Article 30 of the Act. In this case, preferential treatment can be given for employers of preferentially supported enterprises or employers' organizations to which the enterprises belong and employers or employers' organizations that conduct the vocational skills development program under Article 52 (1) 6. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Necessary matters concerning the maximum amount of the support for expenses under paragraph (1) and procedures for the support shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 50** Deleted. *<Presidential Decree No. 20775, Apr. 30, 2008>*

**Article 51 (Support for Qualification Test Projects)**

(1) With regard to those who undertake a project falling under any of the following subparagraphs, the Minister of Employment and Labor may support all or part of the expenses necessary for the project pursuant to Article 31 (1) 2. : *<Amended by Presidential Decree No. 21015, Sept. 18, 2008> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. A qualification test project carried out by an employer to improve workers' skills; and
2. A project carried out by a national technical qualification test agency under the National Technical Qualification Act to make it convenient for the insured to acquire a qualification;

(2) The qualification test project under paragraph (1) 1 shall meet all of the following requirements :

1. The qualification test project shall be undertaken by an employer alone or jointly for workers of the business concerned or a business related to the business concerned;
2. The qualification test project shall be directly related to knowledge and skills needed in the business concerned;
3. Regulations giving preferential treatment to workers who have acquired the qualification in terms of promotion, pay raises, remunerations, etc., shall be established and implemented;
4. In relation to the test project, any expenses, including test fees, shall not be collected from workers who intend to acquire the qualification;
5. The qualification test shall not be for profits; and

6. The qualification test project shall meet other requirements prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*
- (3) Necessary matters concerning the application for and method of the support under paragraph (1), etc., shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 52 (Promotion of Vocational Skills Development)**

(1) The "other activities prescribed in the Presidential Decree" in Article 31 (1) 3 of the Act refer to the following activities : *<Amended by Presidential Decree No. 21348, Mar. 12, 2009 and Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22356, Aug. 25, 2010>*

1. Research and studies related to vocational skills development programs;
2. Educational and public relations activities for vocational skills development programs;
3. Development, publication and distribution of training media for vocational skills development programs;
4. Vocational skills development programs conducted in cooperation by an employer's organization, a workers' organization or a confederation of such organizations;
5. Programs to support the system of certifying the best companies for human resources development;
6. Vocational skills development programs that an employer, an employers' organization, schools under Article 2 of the Higher Education Act etc. conducts jointly with small and medium enterprises for the workers, etc. of such small and medium enterprises;
7. Education and training programs implemented to cultivate vocational skills development training instructors under Articles 36 and 37 of the Workers Vocational Skills Development Act and human resources managers under Article 19 (1) 6 of the Enforcement Decree of the same Act and to develop their skills;
8. Vocational skills development training provided pursuant to Article 12 of the Workers Vocational Skills Development Act;
9. Education and training provided as the education and training courses polytechnic colleges shall offer pursuant to Article 40 of the Workers Vocational Skills Development Act;
10. Vocational skills development training (limited to excellent training courses recognized by the Minister of Employment and Labor) provided to improve the core job skills of

- employers or workers of preferentially supported enterprises;  
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>
11. Vocational skills development programs implemented to promote learning organization, such as expanding opportunities for workers of preferentially supported enterprises to acquire job knowledge or enabling them to accumulate and share job knowledge within their companies, etc.;
  12. Vocational skills development programs implemented to increase the capabilities of employers or human resources managers of preferentially supported enterprises to develop human resources;
  13. Vocational skills development programs implemented for a short period to improve the job skills of workers in preferentially supported enterprises and of workers falling under each subparagraph of Article 41 (3);
  14. Deleted <Presidential Decree No. 22603, Dec.31, 2010>
  15. Other activities to promote vocational skills development
- (2) Necessary details concerning the application for and method of the support for expenses referred to in paragraph (1) shall be determined by the Minister of Employment and Labor. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

**Article 53 (Entrustment of Vocational Skills Development Training Programs)**

(1) If the Minister of Employment and Labor intends to entrust the implementation of vocational skills development training programs pursuant to Article 31 (2) of the Act, he/she shall establish a plan for the vocational skills development training programs to be entrusted every year. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

(2) The vocational skills development training programs prescribed in paragraph (1) shall be regarded as vocational skills development training for national key and strategic industry occupations (hereinafter referred to as "national key and strategic industry occupation training") under Article 15 of the Workers Vocational Skills Development Act. <Amended by Presidential Decree No. 22603, Dec. 31, 2010>

(3) The provision of national key and strategic industry occupation training shall be entrusted to a facility or an institution prescribed in each paragraph of Article 12 of the Enforcement Decree of the Workers Vocational Skills Development Act. <Amended by Presidential Decree No. 22603, Dec. 31, 2010>

(4) Necessary matters concerning the provision of national key and strategic industry occupation training etc., such as targeted trainees, training procedures and support for training expenses and allowances for national key and strategic industry occupation training, etc. shall be prescribed by Ordinance of the



Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

**Article 54 (Support for Vocational Skills Development of Construction Workers)**

(1) Pursuant to Article 32 of the Act, the Minister of Employment and Labor may, if an employer or an employers' organization in the construction industry conducts vocational skills development training to develop or improve the vocational skills of construction workers who are not employed in a specified workplace and are determined and announced by the Minister of Employment and Labor, support part of the costs, and if they provide training allowances to the construction workers during the training, support the expenses required. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) The provisions of Article 41 (2) shall apply mutatis mutandis to the support for vocational skills development training costs under paragraph (1).

**Article 55 (Support for Local Governments, etc.)**

(1) The "not-for-profit corporation or organization prescribed by the Presidential Decree" in Article 34 of the Act refers to a not-for-profit corporation established by the law or established after obtaining approval or permission from the State or a local government or a not-for-profit organization registered under the Assistance for Non-profit Non-governmental Organizations Act.

(2) The Minister of Employment and Labor may, if a local government or the not-for-profit corporation or organization under paragraph (1) carries out a project for the employment security, employment promotion and vocational skills development of the insured, etc., support all or part of the costs within the limits of the budget pursuant to Article 34 of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) The Minister of Employment and Labor shall, if he/she intends to support the costs pursuant to paragraph (2), shall announce the types and contents of projects eligible for the support, the conditions for, contents and level of, and application method of the support, etc., in advance. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 56 (Restrictions on Payment of Subsidies, etc., for Fraudulent Acts)**

(1) If an employer receives or intends to receive the subsidies prescribed in Article 17, Article 19, Article 22, Article 24 through 26, Article 28, Article 29, Article 32, Article 33, Article 37, Article 38 and Article 55 in false or other fraudulent ways,

the Minister of Employment and Labor shall not provide the remaining unpaid amount or the subsidies the employer intends to receive from among the subsidies concerned and shall order a return of the subsidies already received in false or other fraudulent ways pursuant to Article 35 (1) of the Act. *<Amended by Presidential Decree No. 22603, Dec. 31, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

(2) If an employer receives or intends to receive any one of the subsidies from among each subsidy described in paragraph (1) in a false or other fraudulent ways, the Minister of Employment and Labor shall restrict the payment of newly supported subsidies falling under any one of the subsidies described in paragraph (1) for the period pursuant to Table 1 within the scope of one year from the order of return prescribed in paragraph (1) or from the date that payment was restricted pursuant to Article 35 (1) of the Act. Provided that, up to one third of the payment restriction period may be shortened with consideration of the extent, motive and results etc. of the fraudulent ways. *<Amended by Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

(3) A person who received a return order (including the additional collection under Article 35 (2) of the Act; hereinafter the same shall apply) under paragraph (1) shall pay the notified amount within 30 days from the date on which he/she received the notification. In such case, the notified amount shall, in principle, be paid in a lump sum, but if the amount exceeds 10 million won, it may be paid in installments under the conditions determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

(4) If a person who received a return order pursuant to paragraphs (1) and (3) or Article 56 of the Workers Vocational Skills Development Act (restricted to return orders for the amount subsidized or loaned from the Employment Insurance Fund) fails to return payment by the set deadline, subsidies under this Act or vocational skills development training expenses under the Workers Vocational Skills Development Act shall not be provided from the date the set deadline expires until the date the obligation is fulfilled. *<Amended by Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22356, Aug. 25, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

#### **Article 57 (Performing Duties by Proxy)**

(1) The “person prescribed by Presidential Decree” in Article 36 of the Act refers to the following persons: *<Amended by Presidential Decree No. 22356, Aug. 25, 2010>*

1. Human Resources Development Service of Korea under the Act on the Human Resources Development Service of Korea;
2. Polytechnic colleges under the Workers Vocational Skills Development Act; and
3. Vocational skills development organizations under Article 23 of the Workers Vocational Skills Development Act

(2) The Minister of Employment and Labor shall, if performing duties by proxy pursuant to Article 36, financially support the expenses needed to perform duties from the Employment Insurance Fund. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

## *CHAPTER IV*

### **Unemployment Benefits**

#### **Article 58 (Determination and Notification of Unemployment Benefits)**

If the head of an Employment Security Office has decided whether to pay unemployment benefits, he/she shall inform the applicant of the decision : Provided that if the head of an Employment Security Office has decided to pay unemployment benefits, he/she may record the fact in the applicant’s employment insurance recipient qualification certificate pursuant to Article 62 and deliver it to the applicant instead of giving the notification.

#### **Article 59 (Drawing Up Original Register of Benefits)**

(1) The head of an Employment Security Office shall, if he/she pays unemployment benefits, draw up an original register of benefits for each recipient of unemployment benefits.

(2) At the request of a person who is related to the insurance, the head of an Employment Security Office shall make the original register of benefits available to the person and issue the person with a certificate if it is deemed necessary.

#### **Article 60 (Causes for Extension of Base Period)**

The “other reasons prescribed by the Presidential Decree” in Article 40 (2) refer to the following causes : Provided that this shall not apply in case money or other valuables determined by the Minister of Employment and Labor are given pursuant to the proviso of subparagraph 5 of Article 2 of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Shutdown of business;
2. Leave due to pregnancy, childbirth, and child care; and
3. Leave or other similar causes determined and announced by the Minister of Employment and Labor.

**Article 61 (Job-seeking Application and Application for Recognition of Recipient Qualification)**

(1) A person who intends to report his/her unemployment pursuant to Article 42 of the Act shall make a job-seeking application as referred to in Article 9 of the Employment Security Act through the electronic network. *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(2) A person who has made a job-seeking application pursuant to paragraph (1) shall submit an application for the recognition of recipient qualification to the head of the Employment Security Office who has jurisdiction over his/her residential area: Provided that in cases falling under any of the following subparagraphs, he/she may submit it to the head of the Employment Security Office concerned. In this case, it shall be accompanied by a benefit period extension report as referred to in Article 71, if it is issued: *<Newly Inserted by Presidential Decree No. 23139, Sep. 15, 2011>*

1. In case a person intends to submit it to the head of the Employment Security Office who has jurisdiction over the area where he/she wants to be employed;
2. In case a person intends to submit it to the head of the Employment Security Office who has jurisdiction over the workplace before transferring to another job; and
3. In case a person intends to submit it to the head of the competent Employment Security Office in a neighboring area whose transportation is recognized more convenient than the competent Employment Security Office in the residential area.

(3) If a person who intends to report his/her unemployment pursuant to paragraph (1) is issued with a confirmation document on separation by the employer pursuant to Article 16 (2) of the Act, he/she shall submit it to the head of the competent Employment Security Office in the residential area: Provided that this shall not apply in case where it is difficult to issue a confirmation document on separation due to obscurity of the whereabouts of the employer who has employed the separated person or other inevitable reasons. *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(4) The head of an Employment Security Office who receives an application for the recognition of recipient

qualification pursuant to paragraph (2) (hereinafter referred to as the "head of the competent Employment Security Office in the application area") shall designate a date on which the reporter shall be present at the Employment Security Office to obtain the recognition of his/her unemployment (hereinafter referred to as the "unemployment recognition date") pursuant to Article 44 (2) of the Act, and shall notify the reporter of it. *<Amended by Presidential Decree No 23139, Sep 15, 2011>*

#### **Article 62 (Recognition of Recipient Qualification)**

(1) If the head of an Employment Security Office receives an application for the recognition of recipient qualification pursuant to Article 61, he/she shall give an employment insurance recipient qualification certificate (hereinafter referred to as the "recipient qualification certificate") to the applicant on the date when the unemployment is first recognized, if the applicant is recognized as being eligible to receive job-seeking benefit under Article 43 (1) of the Act.

(2) If a person who has submitted an application for the recognition of recipient qualification is not recognized as being eligible to receive job-seeking benefits under Article 43 (1) of the Act, the head of the Employment Security Office shall inform the applicant concerned of this.

(3) If a recipient qualification certificate issued pursuant to paragraph (1) is worn out or lost, the eligible recipient shall apply to the head of the competent Employment Security Office in the application area for the re-issuance. *<Amended by Presidential Decree No 23139, Sep 15, 2011>*

(4) If an eligible recipient changes or corrects his/her name, resident registration numbers, address or dwelling place, he/she shall report this fact to the head of the competent Employment Security Office in the application area. In this case, the head of the Employment Security Office shall modify the related details in the recipient qualification certificate and return it. *<Amended by Presidential Decree No 23139, Sep 15, 2011>*

(5) A person issued with a recipient qualification certificate pursuant to paragraph (1) may request the head of the Employment Security Office who has recognized his/her recipient qualification to issue a document containing particulars that are the basis for the recognition of the recipient qualification.

#### **Article 63 (Recognition of Unemployment)**

(1) If an eligible recipient is to have his/her unemployment recognized pursuant to Article 44 (2) of the Act, he/she shall present himself/herself at the competent Employment Security Office in his/her application area on the unemployment

recognition date, record on an application for recognition of unemployment the contents of his/her reemployment activities carried out from the next day of his/her previous unemployment recognition day to the unemployment recognition date concerned, and submit it together with his/her recipient qualification certificate. *<Amended by Presidential Decree No 23139, Sep. 15, 2011>*

(2) If the head of an Employment Security Office recognizes unemployment as provided in paragraph (1), he/she shall record this in the recipient qualification certificate and return it.

(3) The standards for the recognition of reemployment activities referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No 22269, Jul. 12, 2010>*

#### **Article 64 (Special Causes for Recognition of Unemployment)**

The "causes prescribed by the Presidential Decree" in subparagraph 2 of Article 44 (2) refer to causes falling under any of the following subparagraphs:

1. In case natural disasters occur;
2. In case the ratio of the monthly number of those who apply for recognition of eligibility to receive job-seeking benefits to the number of the insured at the end of each month (hereinafter referred to as "the ratio of application for recipient qualification") exceeds 1% for two consecutive months; and
3. In case a decision to pay special extended benefits pursuant to Article 53 of the Act is made.

#### **Article 65 (Special Cases of Recognition of Unemployment)**

The "other eligible recipients prescribed by Presidential Decree" in Article 44 (2) 3 refer to persons falling under any of the following subparagraphs: *<Amended by Presidential Decree No 22269, Jul. 12, 2010; Presidential Decree No 22603, Dec. 31, 2010; Presidential Decree No 23139, Sep. 15, 2011>*

1. A person who is unable to be present at the Employment Security Office on the unemployment recognition date due to employment, an interview with a job offerer or other unavoidable reasons and has applied for a change of the unemployment recognition date to the competent Employment Security Office in his/her application area at least one day prior to the unemployment recognition date;
2. A person who was unable to be present on the unemployment recognition date or until the day before the unemployment recognition date due to employment, an interview with a job offerer or other unavoidable reasons, and has applied for a change of the unemployment recognition date to the

- competent Employment Security Office in his/her application area within 14 days after the reason ceases to exist;
3. A person who was unable to be present at the Employment Security Office on the employment recognition date or until the day before it due to seven days or more of employment, but makes an application, along with a document proving his/her employment date, for the recognition of his/her unemployment within one month of the employment date, In this case, the application may be made by mail, fax or over the electronic communications network;
  4. A person who was unable to be present at the Employment Security Office on the unemployment recognition date due to his/her mistake but presents himself/herself at the Employment Security Office within 14 days of the unemployment recognition date to make an application for a change of the unemployment recognition date (For the eligible recipient, this is permitted only once during the benefit period under Article 48 of the Act);
  5. A person for whom the head of an Employment Security Office deems it appropriate to change the unemployment recognition date for reasons falling under any of the following items :
    - A. In case the benefit period under Article 48 of the Act expires;
    - B. In case the unemployment recognition date falls on a holiday for government agencies in accordance with the Regulations on Holidays for Government Agencies; or
    - C. In case there are other inevitable reasons.
  6. A person for whom a decision on unemployment benefits has been canceled or changed as a result of an examination, re-examination or litigation under Article 87 (1) of the Act or by virtue of the authority of the head of the Employment Security Office;
  7. A person who is certain to be employed within 30 days from the unemployment recognition date; and
  8. A person who lives in the islands determined and announced by the Minister of Employment and Labor and applies for special cases of recognition of his/her unemployment.
  9. A person whom the head of an Employment Security Office deems able to directly carry out reemployment activities and report accrued income on the Internet.

**Article 66 (Recognition of Unemployment by Certificate)**

- (1) If an eligible recipient is to obtain recognition of unemployment pursuant to subparagraphs 1, 2 and 4 of Article 44 (3), he/she shall present himself/herself at the competent

Employment Security Office in his/her application area on the unemployment recognition date and submit an application for recognition of unemployment, along with his/her recipient qualification certificate and a certificate stating the reasons for not having presented himself/herself previously, within 14 days after the reason ceases to exist. *<Amended by Presidential Decree No 23139, Sep. 15, 2011>*

(2) Necessary matters concerning the details and issuer to be stated in the certificate referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) If an eligible recipient is to obtain recognition of unemployment pursuant to subparagraph 3 of Article 44 (3) of the Act, he/she shall submit, directly or through an agent, an application for recognition of unemployment, together with his/her recipient qualification certificate and other certificates issued by job-training or other institutions, to the head of the competent Employment Security Office.

#### **Article 67 (Measures to Promote Employment of Eligible Recipients)**

The "measures prescribed by the Presidential Decree, such as support for setting up plans for reemployment activities, job placement, etc.," in the former part of Article 44 (4) of the Act refer to the following measures necessary to promote the employment of eligible recipients :

1. Measures to provide support in setting up a plan for reemployment activities;
2. Measures to provide information and education about the insurance, including unemployment benefits;
3. Measures to provide in-depth counseling or guidance about things to be prepared in advance for reemployment, such as providing job aptitude tests and job information, etc.;
4. Measures to instruct ways of reemployment activities, including techniques of searching for and using employment information, such as job openings, training, etc., and resume writing and interview techniques;
5. Measures to provide job information and job placement services, accompany an applicant to an interview, and provide opportunities to participate in employment-related events; and
6. Measures necessary to promote reemployment, such as providing counseling over the need for training, providing information on suitable training courses and instructing training, etc.

#### **Article 68 (Ceiling Amount of Basic Daily Wage for Benefits)**

- (1) If in accordance with Article 45 (5) of the Act, the basic



daily wage which is the basis for the calculation of job-seeking benefits, exceeds eighty thousand won, the basic daily wages shall be eighty thousand won.

(2) The Minister of Employment and Labor shall, if it is deemed necessary to make an adjustment given price increase rates, economic fluctuations, wage increase rates, etc., after an amount is applied pursuant to paragraph (1), consider changing the amount concerned *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 69 (Provision of Services, etc.)**

(1) If an eligible recipient actually offered services in accordance with Article 47 (1) of the Act, he/she shall state this in an application for recognition of unemployment that is submitted on the first unemployment recognition date since the date on which he/she offered the services concerned.

(2) The criteria for judging whether the provision of services referred to in paragraph (1) is considered a state of employment shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 70 (Reasons for Extension of Benefit Period)**

The "other causes provided for by the Presidential Decree" in Article 48 (2) of the Act refer to the following causes: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

1. Injuries or diseases of the recipient (excluding injuries or diseases for which injury and disease benefits are being paid pursuant to Article 63 of the Act);
2. Injuries or diseases of the recipient's spouse (limited to the case in which full-time care by the recipient is needed);
3. Injuries or diseases of the lineal ascendants or descendants of the recipient or his/her spouse;
4. Change of residence for living together followed by overseas assignment of the recipient's spouse, etc.;
5. Mandatory military service under the Military Service Act;
6. Detention or execution of sentence on criminal charges (excluding those not eligible to receive benefits pursuant to subparagraph 1 A of Article 58); and
7. Reasons equivalent to the causes under subparagraphs 1 through 6 and prescribed by the Ordinance of the Ministry of Employment and Labor

**Article 71 (Report for Extension of Benefit Period)**

(1) A person who is to report the fact that he/she is unable to find employment pursuant to Article 48 (2) of the Act, shall, directly or through an agent, submit an application for extension of benefit period along with his/her recipient qualification

certificate (limited to the case where he/she is issued with a recipient qualification certificate) to the competent Employment Security Office in his/her application area during the benefit period; Provided that in the case of a natural disaster, mandatory military service under the Military Service Act, or other unavoidable reasons, they shall be submitted within 30 days from the date on which the cause ceases to exist. *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(2) Notwithstanding the provisions of paragraph (1), if a person receives medical-care benefits in accordance with Article 40 of the Industrial Accident Compensation Insurance Act, he/she shall be deemed to have made a report pursuant to Article 48 (2) of the Act on the first day of the medical care. *<Amended by Presidential Decree No. 20875, Jun. 25, 2008>*

(3) The head of an Employment Security Office shall, if the report under paragraph (1) is deemed to have the cause for extension of benefit period, give a benefit period extension notice to the person who reported, record necessary details in the recipient qualification certificate and return it.

(4) A person who receives a benefit period extension notice pursuant to paragraph (3) shall, if the cause for extension of benefit period ceases to exist, or changes are made to matters prescribed by the Ordinance of the Ministry of Employment and Labor in the report for extension of benefit period, report this to the head of the competent Employment Security Office in his/her application area without delay, and submit his/her benefit period extension notice and recipient qualification certificate. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

(5) The head of an Employment Security Office shall, if he/she receives a report pursuant to paragraph (4), record the related matters in the benefit period extension notice and recipient qualification certificate and return them.

#### **Article 72 (Payment of Benefits for Extended Training)**

The "period prescribed by the Presidential Decree" in the latter part of Article 51 (2) of the Act shall be two years.

#### **Article 73 (Payment, etc. of Individual Extended Benefits)**

(1) The "person prescribed by Presidential Decree" in Article 52 (1) of the Act refers to an eligible recipient who meets all of the following conditions: *<Amended by Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22269, Jul. 12, 2010>*

1. A person who fails to find a job even after applying at least three times for jobs placed by the head of an Employment Security Office (including cases of

participating in-depth counseling or group counseling held by the head of an Employment Security Office) from the unemployment report date under Article 42 (1) of the Act until the expiry of the job-seeking benefits period and has dependent family members falling under any of the following items:

- A. A person aged under 18 or person aged 65 or older;
  - B. The disabled under the Act on Employment Promotion and Vocational Rehabilitation for the Disabled; and
  - C. A patient requiring one month or more of medical care;
  - D. A spouse without income;
  - E. A person engaged in studies determined and announced by the Minister of Employment and Labor.
2. Deleted <Presidential Decree No. 22026, Feb. 8, 2010>
3. A person for whom the sum of his/her basic daily wage for calculating benefits and the value of properties of the person and his/her spouse is less than the level announced by the Minister of Employment and Labor.

(2) The payment days of individual extended benefits under Article 52 (2) of the Act shall be up to 60 days, and the payment period may be set to less than 60 days with consideration of the extent of repeatedly receiving unemployment benefits for a certain period pursuant to the standards determined by the Minister of Employment and Labor. <Amended by Presidential Decree No. 22603, Dec. 31, 2010>

(3) If an eligible recipient is to receive individual extended benefits under Article 52 of the Act, he/she shall submit an application for individual extended benefits, along with his/her recipient qualification certificate, to the head of the competent Employment Security Office in his/her application area no later than the expiry date of the job-seeking benefits. <Amended by Presidential Decree No. 23139, Sep. 15, 2011>

(4) Necessary matters concerning the payment of individual extended benefits provided for in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

#### **Article 74 (Payment of Special Extended Benefits)**

The "causes prescribed by the Presidential Decree" mentioned in Article 53 (1) of the Act refer to cases falling under any of the following subparagraphs : Provided that in the case of subparagraphs 1 through 3, they shall be limited to cases where such situation is expected to continue :<Amended by Presidential Decree No. 21348, Mar. 12, 2009>

1. Where the ratio of the monthly number of those who receive job-seeking benefits (excluding those who receive

- benefits for extended training, individual extended benefits or special extended benefits in accordance with Articles 51 through 53 of the Act) to the number of the insured as of the end of the month concerned exceeds 3% for three consecutive months;
2. Where the monthly rate of application for recipient qualification exceeds 3% for three consecutive months;
  3. Where the monthly unemployment rate exceeds 6% for three consecutive months; and
  4. Where the Employment Policy Council decides that it is needed to pay the special extended benefits referred to in Article 53 of the Act due to the rapid deterioration of the employment situation, such as a sharp increase in unemployment, etc.

**Article 75 (Procedures for Payment of Job-seeking Benefits)**

(1) An eligible recipient shall, on the first unemployment recognition date when he presents himself/herself at the competent Employment Security Office in his/her application area, designate and report a financial institution and an account through which he/she wants to receive job-seeking benefits. The same shall apply in the case of changing a financial institution and an account. *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(2) Job-seeking benefits shall be paid by sending them to an account in the financial institution designated by the eligible recipient.

**Article 76 (Claim for Unpaid Job-seeking Benefits)**

(1) A person who is to claim payment of unpaid job-seeking benefits under Article 57 (1) of the Act (hereinafter referred to as the “unpaid benefit claimant”) shall submit a claim for the unpaid unemployment benefits to the head of the competent Employment Security Office in the application area of the deceased eligible recipient.

*<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(2) If an unpaid benefit claimant is to obtain recognition of unemployment of the deceased eligible recipient pursuant to Article 57 (2) of the Act, he/she shall present himself at the competent Employment Security Office in the application area of the deceased eligible recipient and submit a written claim for the unpaid unemployment benefits and obtain recognition of unemployment of the eligible recipient.

*<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(3) When an unpaid benefit claimant submits a written claim for unpaid unemployment benefits, he/she shall submit

the report or documents which would have to be submitted if the deceased eligible recipient was to receive job-seeking benefit.

**Article 77 (Mutatis Mutandis Application)**

The provisions of Article 75 shall apply mutatis mutandis to the procedures for payment of job-seeking benefits to the unpaid benefit claimant. In this case, the term “competent Employment Security Office in his/her application area” shall be read as “the competent Employment Security Office in the application area of the deceased eligible recipient”, and the term “eligible recipient” shall read “unpaid benefit claimant.”

*<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

**Article 78 (Scope, etc., of Large Amount of Money and Valuables)**

(1) The “money and valuables exceeding the amount prescribed by the Presidential Decree” in Article 59 (1) of the Act refer to money and valuables(excluding wages) of 100 million won or more received at the time of separation from jobs, by whatever name they are called, whether of retirement pay, retirement consolation allowances, etc.

(2) The “person certain to receive the payment under the Presidential Decree” in Article 59 (1) refers to a person who was separated from an organization or a business falling under any of the following subparagraphs : Provided that this shall not apply in case the organization or business concerned is faced with the situations prescribed by the Ordinance of the Ministry of Employment and Labor, such as a declaration of bankruptcy, etc. under the Debtor Rehabilitation and Bankruptcy Act, curing a period from one year prior to the eligible recipient’s separation to the date of his/her unemployment report after the separation:

*<Amended by Presidential Decree No. 21152, Dec. 3, 2008; Presidential Decree No. 22269, Jul. 12, 2010>*

1. A public institution under Article 4 of the Act on the Management of Public Institutions;
2. A local public corporation and local public industrial complex under Articles 49 and 76 of the Local Public Enterprise Act;
3. Deleted. *<Presidential Decree No. 21152, Dec. 3, 2008>*
4. A business which has never delayed wage payment over the one year prior to the date of separation.

**Article 79 (Procedures for Suspending Payment of Job-seeking Benefits)**

(1) The head of an Employment Security Office shall notify a person who falls under any of the following subparagraphs in advance that the payment of his/her job-seeking benefits may be suspended, under the conditions prescribed by the Ordinance

of the Ministry of Employment and Labor : <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

1. An eligible recipient who refuses to take a job placed by the head of an Employment Security Office pursuant to Article 60 (1) of the Act;
2. An eligible recipient who refuses to receive vocational skills development training dictated by the head of an Employment Security Office pursuant to Article 60 (1); and
3. An eligible recipient who refuses to receive vocational guidance provided by the head of an Employment Security Office to promote his/her reemployment pursuant to Article 60 (2).

(2) Notwithstanding the notification given under paragraph (1), if the eligible recipient has refused twice or more to take a job, vocational skills development training, etc., provided under Article 60 (1) and (2) of the Act, the payment of his/her job-seeking benefits shall be suspended.

(3) The head of an Employment Security Office shall, if suspending the payment of job-seeking benefits pursuant to paragraph (2), notify the eligible recipient of the reason for and period of the suspension no later than the day before the next unemployment recognition date and his/her unemployment shall not be recognized during the period of suspension.

#### **Article 80 (Fraudulent Acts Mitigating Restrictions on Payment of Job-Seeking Benefits)**

The "reasons prescribed by the Presidential Decree" in Article 61 (2) of the Act refer to any of the following reasons which the eligible recipient has:

1. In case the person fails to report the fact that he/she worked during the period (hereinafter in this Article referred to as "period subject to unemployment recognition") which is desired to be recognized as his/her unemployment period or makes a false report, when applying for unemployment recognition; and
2. In case the person makes a false report on his/her reemployment activities conducted during the period subject to unemployment recognition when applying for unemployment recognition.

#### **Article 81 (Return, etc., of Job-Seeking Benefits)**

(1) Pursuant to Articles 61 or 62 of the Act, when the head of an Employment Security Office has decided to restrict payment of job-seeking benefits, order a return of already paid job-seeking benefits or to collect an amount equivalent to the job-seeking benefits, he/she shall notify the eligible recipient(including an

employer under Article 62 (2) of the Act) of this without delay.

(2) A person who is ordered to return his/her job-seeking benefits or pay an amount equivalent to the job-seeking benefits pursuant to paragraph (1) shall pay them within 30 days from the date on which the notification is received: Provided that in case the amount to be paid exceeds the amount determined by the Minister of Employment and Labor, the Minister of Employment and Labor may allow the installment payment at the request of the person himself/herself. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) The procedure for and period of the installment payment pursuant to paragraph (2) shall be determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 82 (Request for and Exceptions to Payment of Injury and Disease Benefits)**

(1) An eligible recipient shall, in case he/she intends to request the payment of injury and disease benefits under Article 63 (1) of the Act, directly or through an agent, submit a written application for injury and disease benefits, together with his/her recipient qualification certificate and a certificate of disease, injury or childbirth to the head of the competent Employment Security Office in his/her application area within 14 days of the date on which the reason for not to be able to work ceases to exist (within 30 days after the end of the benefit period, if the benefit period under Article 48 of the Act expires during the period he/she is unable to work) : Provided that in the case of a natural disaster or other inevitable reasons, they shall be submitted within seven days from the date on which the reason ceases to exist. *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

(2) The “compensations or benefits prescribed by the Presidential Decree” in Article 63 (4) of the Act refer to the following compensations or benefits :

1. Compensations for shutdown of business under subparagraph 2 of Article 3 (2) of the National Compensation Act; and
2. Compensations under Article 8 of the Act on the Honorable Treatment of and Support for Persons Killed or Wounded for Righteous Causes.

#### **Article 83 (Mutatis Mutandis Application)**

The provisions of Article 69 and Articles 75 through 81 shall apply mutatis mutandis to injury and disease benefits. In this case, the term “application for unemployment recognition” in Article 69 shall be read as “application for injury and disease

benefits” and “job-seeking benefits” in Articles 75 through 81 shall be read as “injury and disease benefits”.

**Article 84 (Standards for Paying Early Reemployment Allowances)**

(1) The “standards prescribed by Presidential Decree” under Article 64 (1) of the Act refer to cases where an eligible recipient is reemployed at least 30 days before the end of the prescribed number of benefit days under Article 50 of the Act, calculated from the day before the reemployment date after the waiting period under Article 49 of the Act, and falls under any of the following subparagraphs: *<Amended by Presidential Decree No 22026, Feb. 8, 2010; Presidential Decree No 22269, Jul. 12, 2010>*

1. In case an eligible recipient is employed continuously for six months or more by the employer where he/she has been reemployed. Provided that any cases falling under any of the following items shall be excluded.
  - A. In case the eligible recipient is reemployed by an employer prescribed by the Ordinance of the Ministry of Employment and Labor, who is his/her last employer or is related to the last employer, or by an employer who promised to hire him/her before the date of the report of unemployment under Article 42 of the Act; and
  - B. In case he/she is employed at a workplace providing a job for a short period of one year or less pursuant to welfare policies and unemployment measures etc. of the State or a local government.
2. In case an eligible recipient runs his/her own business continuously for six months or more. This shall apply only in case the eligible recipient reports his/her preparatory activities for running the business concerned as part of his/her job-seeking activities during the benefit period pursuant to Article 44 (2) of the Act and is recognized as being unemployed.

(2) The “period prescribed by the Presidential Decree” in Article 64 (2) of the Act shall be two years.

**Article 85 (Amount of Early Reemployment Allowances)**

(1) The amount of the early reemployment allowances under Article 64 (3) of the Act shall be calculated by multiplying the daily amount of his/her job-seeking benefits by one half of the number of unpaid days.

(2) Notwithstanding the provisions of paragraph (1), if an eligible recipient falls under any of the following subparagraphs, the amount of the early reemployment allowances shall be calculated by multiplying the daily amount of his/her job-seeking



benefits by two-thirds of the number of unpaid days.

1. The person is aged 55 or older at the time of reemployment.
2. The person is a disabled under the Employment Promotion and Vocational Rehabilitation of Disabled Persons Act.

*<This Article Wholly Amended by Presidential Decree No. 22026, Feb 8, 2010>*

#### **Article 86 (Request, etc. for Early Reemployment Allowances)**

(1) If an eligible recipient is to receive early reemployment allowances pursuant to Article 64 of the Act, he/she shall submit a written application for early reemployment allowances, together with the documents prescribed by the Ordinance of the Ministry of Employment and Labor, such as his/her recipient qualification certificate, etc., to the head of the competent Employment Security Office in his/her application area. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

(2) The written application for early reemployment allowances under paragraph (1) shall be submitted after six months from the date on which he/she gets reemployed in a stable job or begins to run his/her own business for profit in accordance with Article 64 (1) of the Act. *<Amended by Presidential Decree No. 22026, Feb 8, 2010>*

(3) The provisions of Article 75 shall apply mutatis mutandis to the procedures for payment of early reemployment allowances.

#### **Article 87 (Subsidy for Reemployment Promotion Activities)**

(1) The Minister of Employment and Labor may, if one of the staff of an Employment Security Office takes a measure prescribed in Article 67 so that the eligible recipient can be reemployed in a stable job with some benefit days left, assess his/her relevant performance and provide subsidy for reemployment promotion activities within the limits of the budget pursuant to Article 64 (5). *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Necessary matters concerning the performance assessment for the payment of the subsidy for reemployment promotion subsidy under paragraph (1), selection of those to be paid the subsidy, payment method, amount of subsidy, etc., shall be determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 88 (Vocational Skills Development Allowances)**

(1) The vocational skills development allowances referred to in Article 65 (3) of the Act shall be paid on the day when the

eligible recipient receives job training, etc., designated by the head of an Employment Security Office, and which is designated for payment of job-seeking benefits.

(2) The amount of the vocational skills development allowances under paragraph (1) shall be an amount determined and announced by the Minister of Employment and Labor in consideration of necessary expenses for job training, etc., such as transport and meal expenses, etc. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) Vocational skills development allowances shall be paid on the date on which the job-seeking benefits of the eligible recipient are paid. In this case the provisions of Article 75 shall apply mutatis mutandis to the procedures for the payment of vocational skills development allowances.

(4) The procedures for application for vocational skills development allowances shall be determined by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 89 (Wide-Area Job-seeking Allowances)**

(1) The wide-area job-seeking allowances under Article 66 (1) of the Act shall be paid if the eligible recipient meets all of the following conditions: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. The expenses required for job-seeking activities shall not be paid by the employer of a business which the eligible recipient visits for job-seeking activities, and even if paid, they shall be less than the amount of the wide-area job-seeking allowances; and
2. The distance from the eligible recipient's residence to the place of the business visited for job-seeking activities shall be the same as or farther than the distance prescribed by the Ordinance of the Ministry of Employment and Labor. In this case, the distance shall be measured by the usual route from the residence to the business place, and a waterway shall be considered double the actual distance.

(2) The procedures for application for wide-area job-seeking allowances shall be prescribed by the Ordinance of the Ministry of Employment and Labor. In this case, the provisions of Article 75 shall apply mutatis mutandis to the procedures for payment of wide-area job-seeking allowances. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 90 (Moving Allowances)**

(1) The moving allowances prescribed in Article 67 (1) of the Act shall be paid if the eligible recipient meets all of the

following conditions: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

1. The eligible recipient shall be employed or come to receive vocational training, and the head of the competent Employment Security Office in his/her application area shall deem it necessary to change the residence in accordance with the standards determined by the Minister of Employment and Labor;
2. The costs of moving the residence shall not be paid by the employer who employs the eligible recipient, and even if paid, the amount shall be less than the moving allowances; and
3. The move shall be aimed at getting employment and the eligible recipient shall be employed on a fixed-term labor contract whose period is one year or longer.

(2) The procedures for application for moving allowances shall be prescribed by the Ordinance of the Ministry of Employment and Labor. In this case, the provisions of Article 75 shall apply mutatis mutandis to the procedure for payment of moving allowances. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 91 (Fraudulent Acts Mitigating Restrictions on Payment of Employment Promotion Allowances)**

The "reasons prescribed by the Presidential Decree" in Article 68 (2) refer to cases falling under any of the subparagraphs of Article 80.

**Article 92 (Mutatis Mutandis Application)**

The provisions of Article 76 (1) and (3) and Article 81 shall apply mutatis mutandis to the employment promotion allowances referred to in Articles 64 through 67. In this case, the term "job-seeking benefits" shall be read as "employment promotion allowances", "eligible recipient" as "person eligible to receive employment promotion allowances", and "amount of job-seeking benefits" as "amount of employment promotion allowances".

**Article 93 (Entrustment of Business)**

The head of an Employment Security Office may, if it is deemed necessary, and at the request of an eligible recipient, entrust unemployment benefits-related affairs for that person to the head of another Employment Security Office.

## *CHAPTER V*

### **Child-care Leave Benefits, etc.**

**Article 94 (Reasons for Extension of Application Period for Child-care Leave Benefits)**

The “causes prescribed by the Presidential Decree” in the proviso of Article 70 (1) 3 of the Act refer to the following causes:

1. Natural disasters;
2. Diseases or injuries of the principal or spouse;
3. Diseases or injuries of the lineal ascendants and descendants of the principal or his/her spouse;
4. Mandatory military services under the Military Service Act; and
5. Detention or execution of sentence on criminal charges

**Article 95 (Amount of Child-care Leave Benefits)**

(1) The child-care leave benefits under Article 70 (2) of the Act shall be 40/100 of the monthly ordinary wages calculated pursuant to the Labor Standards Act from the start date of child-care leave. Provided that in the case the payment period of child-care leave benefits is less than one month, it shall be 40/100 of the amount calculated by multiplying the number of child-care leave days by the daily ordinary wages calculated pursuant to the Labor Standards Act.

(2) The maximum and minimum level of child-care leave benefits under paragraph (1) are as follows:

1. If paid pursuant to the main part of paragraph (1)
  - A. Maximum: one million won per month
  - B. Minimum: 500,000 won per month
2. If paid pursuant to the proviso of paragraph (1)
  - A. Maximum: amount calculated by multiplying the number of child-care benefit days by the amount calculated by dividing a monthly one million won by the days of the month concerned.
  - B. Minimum: amount calculated by multiplying the number of child-care benefit days by the amount calculated by dividing a monthly 500,000 won by the days of the month concerned.

(3) In case the amount remaining after subtracting 15/100 of the child-care leave benefits pursuant to paragraph (1) and (2) is less than 500,000 won, the amount divided under the following subparagraphs shall be paid.

1. If paid pursuant to the main part of paragraph (1) and subparagraph 1 of paragraph (2): 500,000 won per month
2. If paid pursuant to the proviso of paragraph (1) and subparagraph 2 of paragraph (2): amount calculated by multiplying the number of child-care benefit days by the amount calculated by dividing 500,000 won by the days of the month concerned.

(4) The 15/100 of the child-care leave benefits under

paragraph (1) and (2) (if paragraph (3) applies, the amount remaining after the amount under each subparagraph of paragraph (3) from the child-care leave payment under paragraph (1) and (2) has been subtracted) shall be paid in a lump-sum after calculating the sum in the case the worker returns to the workplace concerned after the child-care leave ends and continues to be employed for six months or more.

*<This Article Wholly Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

**Article 96 (Report, etc on Employment during Period of Child-Care Leave Benefits)**

When an insured person makes a report on his/her separation from employment or employment under Article 72 (1) of the Act, he/she shall state this in a written application for child-care leave benefits first submitted after the date of separation or employment.

**Article 97 (Mutatis Mutandis Application)**

The provisions of Article 81 shall apply mutatis mutandis to restrictions on the payment of child-care leave benefits paid pursuant to Article 70 (1) of the Act, an order to return them, etc. In this case, "job-seeking benefits" shall be read as "Child-Care Leave Benefits."

**Article 98 (Reduction of Child-Care Leave Benefits)**

If an insured person receives money or other valuables from the employer during the child-care leave period prescribed in Article 19 of the Act on Equal Employment and Support for Work-Family Reconciliation on account of child-care leave and the monthly sum of the money or other valuables paid during that child-care leave period and the amount that accounts for 85/100 of the child-care leave benefits under Article 95 (1) and (2) (in case that amount is less than 500,000 won, the amount that falls under each subparagraph of Article 95 (3)) exceeds the amount of his/her monthly ordinary wages calculated from the beginning date of the child-care leave, the Minister of Employment and Labor shall pay him/her an amount left after subtracting the excess amount from 85/100 of child-care leave benefits under Article 95 (1) and (2) (in case that amount is less than 500,000 won, the amount that falls under each subparagraph of Article 95 (3)). *<Amended by Presidential Decree No. 20775, Apr. 30, 2008; Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

**Article 99 (Entrustment of Affairs for Child-care Leave Benefits)**

The head of an Employment Security Office may, if deemed necessary, and at the request of an insured worker, deal with affairs related to child-care leave benefits by entrusting them to

the head of another Employment Security Office.

**Article 100 (Reasons for Extension of Application Period for Maternity Leave Benefits, etc.)**

The provisions of Article 94 shall apply mutatis mutandis to reasons for the extension of the application period for maternity leave benefits prescribed in the proviso of subparagraph 2 of Article 75 of the Act.

**Article 101 (Maximum or Minimum Amount of Maternity Leave Benefits, etc.)**

The maximum or minimum amount of the maternity leave benefits, etc., to be paid to an insured person under Article 76 (2) of the Act is as follows: *<Amended by Presidential Decree No. 20775, Apr. 30, 2008>*

1. Maximum amount : 4,050,000 won in case the amount of ordinary wages corresponding to 90 days of maternity leave or miscarriage or stillbirth leave exceeds 4,050,000 won : Provided that in case the period of payment of maternity leave benefits, etc., is less than 90 days, the amount shall be calculated based on the number of the leave days; and
2. Minimum amount : an amount equivalent to ordinary wages for the period of payment of the maternity leave benefits, etc., calculated using the hourly minimum wage as the hourly ordinary wages of the worker in case the hourly ordinary wages of the worker are lower than the hourly minimum wage (hereinafter referred to as "hourly minimum wage") applied on the beginning date of maternity leave or miscarriage or stillbirth leave in accordance with the Minimum Wage Act

**Article 102 (Mutatis Mutandis Application)**

The provisions of Article 96 shall apply mutatis mutandis to the report, etc. on employment during maternity leave or miscarriage or stillbirth leave. In this case, "child-care leave benefits" shall be read as "maternity leave benefits".

**Article 103 (Mutatis Mutandis Application)**

The provisions of Article 81 shall apply mutatis mutandis to restrictions on the payment of maternity leave benefits, etc., paid pursuant to Article 75 of the Act, an order to return them, etc. In this case, "job-seeking benefits" shall be read as "maternity leave benefits."

**Article 104 (Reduction of Maternity Benefits, etc.)**

If an insured person receives money or other valuables equivalent to ordinary wages from the employer during the protection leave period prescribed in Article 74 of the Labor Standards Act and the sum of the amount of the money or

other valuables paid by the employer and the amount of maternity leave benefits, etc., prescribed in Article 75 of the Act exceeds the amount of his/her ordinary wages calculated from the beginning date of the maternity leave, the Minister of Employment and Labor shall pay him/her an amount left after subtracting the excess amount from the maternity leave benefits, etc. pursuant to Article 77 of the Act. : Provided that this shall not apply in case the ordinary wages of the insured person were raised during the protection leave and the employer paid the person the amount of difference between the increased ordinary wages and the maternity leave benefits, etc. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 104-2 (Benefits for Working Hour Reduction During Child-Rearing Periods)**

(1) With respect to the cause for extension of application period for benefits for working hour reduction during a child-rearing period under the proviso to Article 73-2 (2) of the Act, Article 94 shall apply mutatis mutandis. In this case, the term "child-care leave benefits" shall be read as "benefits for working hour reduction during a child-rearing period."

(2) The amount of benefits for working hour reduction during child-rearing periods under Article 73-2 (3) of the Act shall be determined according to the following formula:

<p>The amount of child-care leave benefits under Article 95 (1) and (2)</p>	$\times \frac{(\text{Contractual working hours before reduction}) - (\text{Contractual working hours after reduction})}{\text{Contractual working hours before reduction}}$
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*<This Article Newly Inserted by Presidential Decree No. 23139, Sep. 15, 2011>*

**Article 104-3 (Mutatis Mutandis Application)**

(1) With respect to payment restriction, return order, etc. of benefits for working hour reduction during child-rearing periods under Article 73-2 (1) of the Act, Article 81 shall apply mutatis mutandis. In this case, the term "job-seeking benefits" shall be read as "benefits for working hour reduction during child-rearing periods."

(2) With respect to report, etc. on employment while working hour reduction period during the child-rearing period, Article 96 shall apply mutatis mutandis. In this case, the term "child-care leave benefits" shall be read as "benefits for working

hour reduction during child-rearing periods.”

*<This Article Newly Inserted by Presidential Decree No. 23139, Sep. 15, 2011>*

**Article 104-4 (Reduction of Benefits for Working Hour Reduction During Child-Rearing Periods)**

In case, pursuant to Article 74 (2) of the Act, the combined amount of the money or other valuables that an insured person is monthly paid by an employer (wage and money or other valuables paid on account of working hour reduction during the child-rearing period) while working hour reduction period during the child-rearing period under Article 19-2 of the Act on Equal Employment and Support for Work-Family Reconciliation, and benefits for working hour reduction during child-rearing periods under Article 73-2 of the Act, exceeds the amount of his/her monthly ordinary wages calculated from the previous month of the beginning date of the working hour reduction during the child-rearing period, the Minister of Employment and Labor shall pay him/her an amount left after subtracting the excess amount from benefits for working hour reduction during child-rearing periods.

*<This Article Newly Inserted by Presidential Decree No. 23139, Sep. 15, 2011>*

## *CHAPTER VI*

### **Employment Insurance Fund**

**Article 104-5 (Expert Member for Administration and Management of Fund)**

(1) The Minister of Employment and Labor may assign an expert member for fund management in order to administer and manage the fund in a systematic and stable manner pursuant to Article 79 of the Act. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Matters concerning the qualifications, duties, remunerations, etc., of the expert member for fund management shall be determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

*<This Article Newly Inserted by Presidential Decree No. 21348, Mar. 12, 2009>*

**Article 105 (Management Business, etc., of Fund)**

(1) The “methods to increase the fund, prescribed by the



Presidential Decree" in Article 79 (3) 5 of the Act refer to a purchase of securities under Article 4 of the Capital Markets and Financial Investment Business Act. *<Amended by Presidential Decree No. 20947, Jul. 29, 2008>*

(2) The "certain level prescribed by the Presidential Decree" in Article 79 (4) of the Act refers to the rate of return determined by the Minister of Employment and Labor in consideration of the interest rates for regular savings accounts with a maturity of one year (referring to the interest rates applied by banks with nationwide business areas among the banks established under the Banking Act), expected price increase rates, etc. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22493, Nov. 15, 2010>*

#### **Article 106 (Fund Accounting)**

The employment insurance fund(hereinafter referred to as the "fund") shall be accounted for according to Article 11 of the National Accounting Act. *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

#### **Article 107 (Use, etc. of Fund)**

(1) The "expenses prescribed by the Presidential Decree" in Article 80 (1) 7 of the Act refer to the following expenses:

1. Expenses required for the management and operation of the insurance business;
2. Expenses required for the management and operation of the fund;
3. Payments made to an insurance work service agency under Article 33 of the Insurance Premium Collection Act; and
4. Consignment fees paid for business or affairs under the Act and the Insurance Premium Collection Act

(2) With regard to the contributions referred to in Article 80 (1) 6 of the Act, if a person who is entitled to receive the contributions on a monthly basis applies for the amount of contributions to be used for the following month, the Minister of Employment and Labor shall consider that amount and pay an amount accepted as reasonable. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(3) A person (hereinafter referred to as "the contributed person") who receives the contributions referred to in Article 80 (1) 6 of the Act shall set up and manage a separate account for the contributions and return any interest gains arising from that account to the Minister of Employment and Labor: Provided that the gains may be used for the projects (hereinafter referred to as "target projects") carried out by or entrusted to, the contributed person with the approval of the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(4) Contributions left unused for the target projects within the insurance year shall be given back to the Minister of Employment and Labor unless otherwise prescribed by other Acts or subordinate statutes : Provided that the remaining contributions may be carried over to the following year and used for target projects with the approval of the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(5) If the contributed person uses the contributions for purposes other than target projects, the Minister of Employment and Labor may demand him/her to return the amount concerned. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(6) The contributed person shall report the results of the execution of quarterly contributions to the Minister of Employment and Labor no later than the tenth of the month following the end of each quarter. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

*<This Article Wholly Amended by Presidential Decree No. 21015, Sep. 18, 2008>*

#### **Article 108 (Entrustment of Payment by Fund)**

The Minister of Employment and Labor may execute business related to the payment of grants and subsidies from the fund, provision of loans, payment of training expenses and training allowances, or payment of unemployment benefits by entrusting the business to any of the following institutions or a postal agency: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010 and Presidential Decree No. 22493, Nov. 15, 2010>*

1. Banks approved under Article 8 of the Banking Act;
2. The National Agricultural Cooperatives Federation under the Agricultural Cooperatives Act;
3. The National Federation of Fishery Cooperatives under the Fishery Cooperatives Act;
4. Mutual savings banks under the Mutual Savings Bank Act;
5. Community credit cooperatives under the Community Credit Cooperatives Act; and
6. Credit cooperatives under the Credit Cooperatives Act

*<This Article Wholly Amended by Presidential Decree No. 20775, Apr. 30, 2008>*

#### **Article 109 (Fund Operation Plan)**

The fund operation plan under Article 81 (1) of the Act shall include the following matters:

1. Matters concerning incomes and expenditures of the fund;
2. Matters concerning business plans, plans on actions causing expenditures and funding plans for the year concerned;
3. Matters concerning the disposition of the funds carried

- over from the previous year;
- 4. Matters concerning the reserve funds; and
- 5. Other matters necessary for fund operation.

**Article 110 (Public Announcement of Fund Operation Results)**

Pursuant to Article 81 (2) of the Act, the Minister of Employment and Labor shall publicly announce the results of fund operation every year in one or more special daily financial newspapers or general daily newspapers headquartered in Seoul.  
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

**Article 111 (Accounting Institution of Fund)**

(1) The Minister of Employment and Labor shall appoint a fund revenue collector, fund financial officer, fund disbursement officer and fund accounting officer from among relevant public officials to carry out affairs concerning the revenues and disbursements of the fund. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

(2) The fund revenue collector and fund financial officer shall be in charge of contracts resulting from the management and operation of the fund, actions causing revenues and disbursements, and affairs concerning the collection and determination of fund revenues, and the fund disbursement officer and fund accounting officer shall be in charge of revenues and disbursements resulting from the management and operation of the fund.

(3) When the Minister of Employment and Labor has appointed a fund revenue collector, fund financial officer, fund disbursement officer and fund accounting officer, he/she shall notify the Chairperson of the Board of Audit and Inspection and the Governor of the Bank of Korea of this. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

**Article 112 (Designation of Bank Responsible for Transaction)**

The fund disbursement officer shall designate the Bank of Korea located in the local area concerned (including its main office, branch office, agency or national agency; hereinafter the same shall apply.), or if there is no Bank of Korea located in the local area concerned, the nearest Bank of Korea as the payer of checks issued by him/her.

**Article 113 (Procedure for Receipt of Fund Revenues)**

(1) If the fund revenue collector is to collect fund revenues, he/she shall notify the person responsible for the payment that the person should pay it to the fund's account in the Bank of Korea: Provided that this shall not apply in case the employer makes a voluntary payment within a set period.

(2) When the Bank of Korea receives fund revenues, it shall

issue a receipt to the payer and send a notice of the receipt to the fund revenue collector without delay.

(3) The Bank of Korea shall gathered the revenues of the fund received under paragraph (2) together into the fund account established in the headquarters of the Bank of Korea according to handling procedures for national funds.

#### **Article 114 (Procedure for Disbursement from Fund)**

(1) When the fund financial officer executes a disbursement-causing action, he/she shall send the documents related to the disbursement-causing action to the fund disbursement officer.

(2) When the fund disbursement officer disburses money from the fund due to the disbursement-causing action of the fund financial officer, he/she shall have the Bank of Korea make that payment by transferring money to the savings account in the financial institution of the creditor or a person entrusted to handle the affairs of paying national funds under the conditions prescribed by laws and regulations.

(3) The amount, which has not been disbursed during the fiscal year concerned due to inevitable reasons after the fund financial officer has executed disbursement-causing actions, may be disbursed by carrying it forward to the following year.

#### **Article 115 (Prohibition of Cash Dealings)**

The fund disbursement officer and fund accounting officer may not keep or handle cash : Provided that this shall not apply in cases prescribed in Article 22 (4) and 24 of the Management of the National Funds Act.

#### **Article 116 (Assignment of Amount Limit to Fund Disbursement-causing Actions)**

(1) The Minister of Employment and Labor shall assign to each fund financial officer a limit on the amount of funds to be used for disbursement-causing actions within the scope of the quarterly plan on disbursement-causing actions under Article 109 (2). *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) The Minister of Employment and Labor shall assign funds according to a detailed monthly funding plan prepared pursuant to Article 49 (2) of the Enforcement Decree of the Management of the National Funds Act to each fund disbursement officer within the scope of the monthly funding plan under subparagraph 2 of Article 109. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

**Article 117 (Report on State of Fund Operation)**

(1) The fund revenue collector, the fund financial officer and the fund disbursement officer shall prepare a report on the amount of funds collected, a report on the amount of funds used for disbursement-causing actions and a report on the amount of funds disbursed, respectively, all of which are dated the last day of each month, and shall submit them to the Minister of Employment and Labor by the 20th of the following month. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Other necessary matters concerning the report on fund operation and management, besides the reports prescribed in paragraph (1), shall be determined by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 118 (Report on Settlement of Accounts of Fund)**

The Minister of Employment and Labor shall prepare the following documents about the settlement of accounts of the fund for each fiscal year, and shall submit them to the Minister of Strategic Planning and Finance after review at the Council by the end of February of the following fiscal year : *<Amended by Presidential Decree No. 20681, Feb. 29, 2008>* *<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

1. Documents on the overview and analysis of the statements of accounts of the fund;
2. Financial statements such as position statement, financial operating statement, statement of changes in net assets, etc.;
3. List of comparisons between fund operation plans and actual achievements;
4. Statement of revenues and expenditures; and
5. Other documents necessary to clarify the contents of the settlement of accounts.

**Article 119 (Receipts and Disbursements of Reserve Fund, etc.)**

Necessary matters concerning receipts and disbursements of the reserve fund and spare money of the fund under Article 84 of the Act shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 120 (Mutatis Mutandis Application of the State Financial Act and the Management of the National Funds Act)**

Matters not prescribed by the provisions of the Act or this Decree regarding the operation or management of the fund,

shall be subject to the State Financial Act and the Management of the National Funds Act.

## *CHAPTER VII*

### **Request for Examination and Reexamination**

#### **Article 121 (Qualifications of Examiner)**

The employment insurance examiner (hereinafter referred to as “the examiner”) under Article 89 of the Act shall be appointed from among the public officials of the Ministry of Employment and Labor who fall under any of the following subparagraphs :  
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

1. A general public official of Grade 5 or higher in the Ministry of Employment and Labor or a general public official in the Senior Civil Service who has worked on affairs related to examinations or requests for re-examinations on employment insurance for one year or more;
2. A general public official of Grade 5 or higher in the Ministry of Employment and Labor or a general public official in the Senior Civil Service who has worked in employment insurance affairs for two years or more; and
3. Other persons who are recognized by the Minister of Employment and Labor as having the qualifications listed in subparagraph (1) or (2).

#### **Article 122 (Placement and Duty of Examiner)**

(1) The examiner shall be placed in the Ministry of Employment and Labor. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

(2) The examiner shall be in charge of examination affairs and studying cases of requests for examination designated by the Minister of Employment and Labor. <Amended by Presidential Decree No. 22269, Jul. 12, 2010>

#### **Article 123 (Method of Application for Challenge)**

(1) An application for challenge against the examiner made pursuant to Article 89 (4) of the Act shall be made in writing with the reasons clearly indicated.

(2) When the Minister of Employment and Labor receives the application for challenge under paragraph (1), he/she shall make a decision within 15 days and notify the applicant of it.  
<Amended by Presidential Decree No. 22269, Jul. 12, 2010>

#### **Article 124 (Report on Succession to Status of Claimant)**

The person who succeeds to the status of a claimant for

examination pursuant to Article 89 (5) of the Act shall report this to the examiner in writing, attaching documents proving the succession.

**Article 125 (Method of Request for Examination)**

(1) The following matters shall be stated in a written request for examination under Article 91 of the Act :

1. Name and address of the claimant;
2. Name of the office which has make the decision as the claimee;
3. Contents of the decision which is the subject of the request for examination;
4. Date of coming into knowledge of the decision;
5. Existence and contents of the notification regarding the request for examination by the office which has made the decision as the claimee;
6. Purport and reasons for examination request; and
7. Date of the request for examination.

(2) If the request for examination is instituted by a selected representative or agent, the name and address of the selected representative or agent in addition to the matters described in paragraph (1) shall be stated, and the qualifications of the selected representative or agent shall be provided in writing.  
<Amended by Presidential Decree No. 22603, Dec. 31, 2010>

(3) The written documents described in paragraph (1) shall be signed and sealed by the claimant or the agent.

**Article 126 (Correction of Request for Examination)**

(1) The correction of a request for examination under Article 92 (2) of the Act shall be ordered using a written document containing the following contents:

1. Matters to correct;
2. Reasons for demanding the correction;
3. Period of correction; and
4. Other necessary matters.

(2) If the examiner revises a request for examination by virtue of his/her authority pursuant to the proviso of Article 92 (2) of the Act, he/she shall notify the person concerned of this.

**Article 127 (Notification about Suspension of Execution of Original Decisions)**

The following matters shall be stated in a written notification about the suspension of execution under Article 93 (2) of the Act:

1. Case name of the request for examination;
2. Decision subject to the suspension of execution and contents of the suspension of execution;
3. Name and address of the claimant;
4. Name of the office which has made the decision as the

- claimee; and
5. Reasons for the suspension of execution.

**Article 128 (Investigation for Review)**

(1) An application for an investigation conducted pursuant to Article 94 (1) of the Act to review a request for examination shall be made in writing with the following matters stated:

1. Case name of the request for examination;
2. Purport and reasons of the application;
3. Name and address of related persons who are required to be present (restricted to the case of Article 94 (1) 1 of the Act.);
4. Name and address of the owner or custodian of documents, and other materials required to be submitted (restricted to the case of Article 94 (1) 2 of the Act);
5. Matters requiring legal consultation and reasons therefor (restricted to the case of Article 94 (1) 3 of the Act); and
6. Workplaces and other places to enter, employers, employees and other related persons to be questioned, documents and other materials to be inspected (restricted to the case of Article 94 (1) 4 of the Act.)

(2) If the examiner investigates evidence pursuant to Article 94 (1) of the Act, he/she shall prepare a report on evidence. In this case, if he/she gets statements from the examination claimant or a related person under Article 94 (1) 1 of the Act, he/she shall prepare a statements protocol and annex it.

(3) The following matters shall be stated in the report on evidence under paragraph (2) and the examiner shall sign and seal it:

1. Indication of the case;
2. Date, time and place of the investigation;
3. Subject and method of the investigation; and
4. Result of the investigation.

**Article 129 (Written Decision)**

The decision on a request for examination under Article 96 of the Act shall be made by the written verdict with the following matters stated, and this shall be signed or sealed by the examiner:

*<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

1. Number and name of the case;
2. Name and address of the claimant;
3. Name of the office which has made the decision as the claimee;
4. Main text;
5. Objectives of the request;
6. Reasons; and



7. Date of decision.

**Article 130 (Commission and Appointment of Appeal Committee Members)**

(1) Among the members of the employment insurance appeal committee (hereinafter referred to as the “appeal committee”) under Article 99 (1) of the Act, members representing workers shall be recommended by a trade union which is a national level confederation, and members representing employers shall be recommended by a nationwide employers’ organization, each member shall be commissioned by the President upon nomination by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Other members of the appeal committee, excluding members representing workers, members representing employers and ex-officio members, shall be commissioned by the President upon nomination by the Minister of Employment and Labor from among those who fall under any of the following subparagraphs: Provided that standing members shall be appointed by the President upon nomination by the Minister of Employment and Labor from among those who fall under subparagraph 3 or 4: *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. A person licensed as a judge, a prosecutor or a lawyer;
2. A person who is serving or served as an assistant professor or higher position in a university under the Higher Education Act;
3. A person who is serving or served as a public official of Grade III or higher or as a general public official in the Senior Civil Service ;
4. A person who has engaged in labor-related work for fifteen years or more and is recognized by the Minister of Employment and Labor as a qualified person; and
5. A person with academic knowledge and experience with social insurance or employment matters, who is recognized by the Minister of Employment and Labor as a qualified person.

(3) The Minister of Employment and Labor shall appoint one ex-officio member by virtue of office from among public officials of Grade III in charge of employment matters in the Ministry of Employment and Labor or general public officials in the Senior Civil Service. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 131 (Term of Office of Members)**

(1) The term of appeal committee members shall be three years and may be renewed.

(2) When a vacancy occurs in the position of a member, the term of office of the substitute member who fills the vacancy

shall be the remaining term of office of his/her predecessor: Provided that when a vacancy occurs in the position of a standing member (including the chairperson), the term of office of the substitute member shall start anew.

(3) Even in case a member's term of office referred to in paragraph (1) expires, he/she may perform his/her duties until his/her successor is appointed.

*<This Article Wholly Amended by Presidential Decree No. 21015, Sept. 18, 2008>*

#### **Article 132 (Treatment of Members)**

Members other than standing members and ex officio member who attend an appeal committee meeting may be provided with allowances and travel expenses needed to perform their duties within the limits of the budget. In this case, the regulations on travel expenses for public officials shall apply mutatis mutandis to the payment of the travel expenses.

#### **Article 133 (Chairperson and Vice-Chairperson)**

(1) The appeal committee shall have one chairperson and one vice-chairperson.

(2) The chairperson of the appeal committee shall be appointed by the President upon nomination by the Minister of Employment and Labor from among the standing members and the vice-chairperson shall be elected from among the members.

*<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 134 (Duties)**

(1) The chairperson shall represent the appeal committee and shall oversee the affairs of the appeal committee.

(2) The vice-chairperson shall assist the chairperson and when the chairperson is unable to perform his/her duties for inevitable reasons, the vice-chairperson shall act on behalf of him/her.

#### **Article 135 (Meetings)**

(1) A meeting of the appeal committee shall be composed of not more than nine persons including the chairperson or vice-chairperson, ex officio member and two members designated by the chairperson for each meeting, each representing workers and employers.

(2) If the chairperson of the appeal committee intends to convene a meeting, he/she shall notify in writing the time and place and agenda of the meeting to each member at least 15 days before the meeting: Provided that this shall not apply in an emergency.

(3) A meeting of the appeal committee shall be opened with

the attendance of a majority of the members composed under paragraph (1) and shall make a decision by the concurring vote of a majority of the members present.

**Article 136 (Assignment of Expert Members)**

(1) The Minister of Employment and Labor may assign expert members to carry out professional surveys and research necessary for re-examination by the appeal committee as prescribed in Article 99 (8) of the Act. *<Amended by Presidential Decree No. 20775, Apr. 30, 2008> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) Necessary matters concerning the qualifications, jobs and pay of expert members shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 20775, Apr. 30, 2008> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 137 (Notification)**

The notification of the trial date and place under Article 101 (1) of the Act shall be given in writing, and be delivered directly or by registered mail.

**Article 138 (Application for Closed Proceedings)**

An application for closed proceedings under the proviso of Article 101 (3) of the Act shall be made in writing with the purport and reasons stated.

**Article 139 (Protocol of Trial)**

(1) The following matters shall be stated in the protocol of trial under Article 101 (4):

1. Name and number of the case;
2. Date, time and place of the trial;
3. Names of the members present;
4. Name of the person concerned or his/her agent;
5. Contents of the trial; and
6. Other necessary matters.

(2) The protocol of trial under paragraph (1) shall have the date of its writing and shall be signed or sealed by the chairperson.

(3) The inspection application under Article 101 (5) of the Act shall be made in writing.

**Article 140 (Method of Request for Re-examination)**

(1) The request for reexamination under Article 87 of the Act shall be made using a document with the following contents:

1. Name and address of the claimant;
2. Matters prescribed in Article 125 (1) 2 through 4;
3. Name of the examiner who made the decision;
4. Date on which the decision became known;

5. Existence of the notification of the request for re-examination by the examiner who made the decision and contents of the notification;
6. Purport of and reasons for the request for re-examination; and
7. Date of the request for re-examination.

(2) If the request for re-examination is instituted by a selected representative or agent, it shall state the name and address of the selected representative or agent in addition to the matters prescribed in paragraph (1), and the qualifications of the selected representative or agent shall be provided in writing. *<Amended by Presidential Decree No. 22603, Dec. 31, 2010>*

(3) The claimant or the agent shall sign and seal the documents under paragraph (1).

#### **Article 141 (Written Adjudication)**

A written adjudication on a request for re-examination shall have the following matters stated and the chairperson of the appeal committee and the members who participated in the re-examination shall sign or seal it: *<Amended by Presidential Decree No. 23139, Sep. 15, 2011>*

1. Name and number of the case;
2. Name and address of the claimant;
3. Name of the office which has made the original decision;
4. Name of the examiner who made the decision on the request for examination;
5. Main text;
6. Purport of the request;
7. Reasons; and
8. Date of the adjudication.

#### **Article 142 (Mutatis Mutandis Application)**

The provisions of Articles 123, 124, and 126 through 128 shall apply mutatis mutandis to the appeal committee and reexamination. In this case, the term "examiner" and "Minister of Employment and Labor" in Article 123 shall be read as "member of the appeal committee" and "chairperson of the appeal committee", "claimant for examination" in Articles 124 and 128 as "claimant for re-examination", "examiner" in Articles 124, 126 and 128 as "chairperson of the appeal committee" and "request for examination" in Articles 126 through 128 as "request for re-examination." *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

## *CHAPTER VIII*

## Supplementary Provisions

### **Article 143 (Expenses for Diagnosis)**

If the head of an Employment Security Office orders a diagnosis under Article 111 of the Act, he/she may pay necessary expenses for the diagnosis.

### **Article 144 (Scope of Voluntarily Insured Self-employed)**

(1) The "self-employed prescribed by the Presidential Decree" in Article 113 of the Act refer to self-employed employers who employ either no worker or less than five workers and have registered their business pursuant to Article 168 of the Income Tax Act or Article 5 of the Value-added Tax Act.

(2) If the self-employed referred to in paragraph (1) have come to employ five workers or more after subscription to the insurance, they shall be regarded as the self-employed who employ less than five workers, only in the year concerned.

### **Article 144-2 (Subjects for Implementation of Pilot Activities)**

The Minister of Employment and Labor may entrust support for employment creation under Article 17 to other organizations on a pilot basis under Article 114 of the Act.

*<This Article Newly Inserted by Presidential Decree No. 22603, Dec. 31, 2010>*

### **Article 145 (Delegation, etc., of Authorities)**

(1) The Minister of Employment and Labor delegates his/her authority over the following matters to the head of an Employment Security Office pursuant to Article 115 of the Act:  
*<Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23139, Sep. 15, 2011>*

1. Receipt of a report on insured status under Article 15 of the Act;
2. Receipt of a written confirmation of separation under Article 16 of the Act;
3. Confirmation of insured status under Article 17 of the Act;
4. Support for employment creation under Article 20 of the Act;
5. Support for employment adjustment under Article 21 of the Act
6. Promotion of local employment under Article 22 of the Act;
7. Support for employment promotion for the aged, etc., under Article 23 of the Act;
8. Support for employment security of construction workers under Article 24 of the Act;
9. Support for vocational skills development training for

- employers under Article 27 of the Act;
10. Provision of employment information, establishment of foundation for employment support, etc. pursuant to Article 33 of the Act.(building the foundation for employment security and vocational skills development and assigning professional manpower and the projects that have been entrusted pursuant to paragraph (6) are excluded.)
  11. Restriction, etc., of support due to fraudulent acts under Articles 35 of the Act;
  12. Payment of child-care leave benefits and restriction of their payment under Articles 70 and 73 of the Act;
  13. Payment of maternity leave benefits, etc., and restriction of their payment under Articles 75 and 77 of the Act;
  14. Request for reporting and submission of related documents and for presence under Article 108 of the Act (limited to cases where they are necessary to carry out delegated work);
  15. Office visit, questioning of related persons and investigation of documents under Article 109 of the Act and notification of an investigation related thereto and its results (limited to cases where they are needed to carry out delegated work);
  16. Request for the submission of materials under Article 110 of the Act (limited to cases where it is needed to carry out delegated work);
  17. Payment of reward money under Article 112 of the Act
  18. Imposition and collection of fines for negligence under Article 117 of the Act;
  19. Receipt of a report on appointment or dismissal of an agent under Article 4;
  20. Provision of subsidy for managing employment insurance for construction workers under Article 32;
  - 20-2 Programs to support the creation of part-time jobs under subparagraph 5 of Article 35;
  21. Support for employment support projects under Article 36;
  22. Financial support for employment promotion facilities under Article 38 (2) (limited to employment promotion facilities under subparagraphs 2 and 3 of Article 38 (1)) ;
  23. Support for the costs of operating child-care facilities under Article 38 (4);
  24. Support for job skills improvement of workers under Article 43; and
  25. *Deleted <Presidential Decree No. 23139, Sep. 15, 2011>*
  26. Support for employment training under Article 47.
  - (2) Pursuant to Article 115 of the Act, the Minister of

Employment and Labor entrusts his/her authority over the following matters to the Korea Labor Welfare Corporation (hereinafter referred to as the "Korea Labor Welfare Corporation") prescribed in the Industrial Accident Compensation Insurance Act :

*<Amended by Presidential Decree No. 21348, Mar. 12, 2009; Presidential Decree No. 21510, May 28, 2009; <Amended by Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

1. Request for reporting and submission of related documents and for presence under Article 108 of the Act (limited to cases where it is necessary for carrying out the entrusted work);
2. Office visit, questioning of related persons, and investigation of documents pursuant to Article 109 of the Act (limited to cases where it is necessary for carrying out the entrusted work);
3. Request for the submission of materials under Article 110 of the Act (limited to cases where it is necessary for carrying out the entrusted work);
4. *Deleted <Presidential Decree No. 22603, Dec. 31, 2010>*
- 4-2. *Deleted <Presidential Decree No. 22026, Feb. 8, 2010>*
5. Matters concerning the provision of loans and subsidies for the costs of establishing child-care facilities under Article 38 (5) and the management and operation of the loans and subsidies; and
- 5-2 Matters concerning the provisions of loans for the costs of skills development under Article 45;
6. Matters concerning the provision of loans for living costs during vocational skills development training under Article 47-2 and the administration and management of the loans.

(3) The Minister of Employment and Labor entrusts his/her authority over the following matters to the Human Resources Development Service of Korea pursuant to Article 115 of the Act: *<Amended by Presidential Decree No. 21348, Mar. 12, 2009>*  
*<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Support for the costs of private-sector skills competitions among skill and technology promotion activities under Article 31 (1) 2 of the Act;
2. Provision of vocational skills development training under Article 31 (2) of the Act;
3. Request for reporting and submission of related documents and for presence under Article 108 of the Act (limited to cases where it is necessary for carrying out the entrusted work);
4. Office visit, questioning of related persons and investigation of documents under Article 109 of the Act (limited to cases where it is necessary for carrying out the entrusted work);
5. Request for submission of materials under Article 110 of

the Act (limited to cases where it is necessary for carrying out the entrusted work);

6. *Deleted <Presidential Decree No. 22603, Dec. 31, 2010>*
7. Matters concerning the provision of support for skills development expenses under Article 46;
8. Matters concerning the provision of loans for vocational skills development training facilities under Article 48 and the management and operation of the loans;
9. Matters concerning the provision of subsidy for vocational skills development training facilities under Article 49 and the management and operation of the subsidy (excluding matters concerning subsidy decision);
10. *Deleted. <Presidential Decree No. 20775, Apr. 30, 2008>*
11. Matters concerning support for the costs of qualification tests projects under Article 51 (1) 1;
- 11-2. Projects to develop, publish and distribute training media under Article 52 (1) 3;
12. Programs to support the system of certifying the best companies for human resources development under Article 52 (1) 5;
13. Vocational skills development programs which employers, employers' organizations, etc., conduct jointly with small and medium enterprises for workers of such small and medium enterprises under Article 52 (1) 6;
14. Vocational skills development training provided to improve the core job skills of employers or workers of preferentially supported enterprises under Article 52 (1) 10;
15. Vocational skills development programs implemented to promote learning organization in preferentially supported enterprises under Article 52 (1) 11;
16. Vocational skills development programs implemented to increase the HRD capabilities of employers or human resources managers of preferentially supported enterprises under Article 52 (1) 12;
17. Vocational skills development programs implemented for a short period to improve the job skills of workers under Article 52 (1) 13; and
18. *Deleted <Presidential Decree No. 22603, Dec. 31, 2010>*

(4) Pursuant to Article 115 of the Act, the Minister of Employment and Labor may entrust part of the authority to provide support for employment creation programs under Article 17, support for improvement of employment environments for the aged, etc., under Article 37, support for costs for employment promotion facilities (limited employment promotion facilities prescribed in Article 38 (1) 5) under Article 38 (2), support for



vocational skills development programs conducted in cooperation by an employer's organization, a workers' organization or a confederation of such organizations under Article 52 (1) 4, and support for local governments, etc., under Article 55 to the Korea Occupational Safety and Health Agency under the Act on Korea Occupational Safety and Health Agency, the Korea Labor Welfare Corporation, the Human Resources Development Service of Korea, the Korea Employment Agency for the Disabled (hereinafter referred to as the "Korea Employment Agency for the Disabled") under the Act on Employment Promotion and Vocational Rehabilitation for the Disabled, the Korea Labor Institute (hereinafter referred to as the "Korea Labor Institute") established pursuant to Article 8 of the Act on the Establishment, Operation and Fostering of Government-invested Research Institutions or other relevant professional organizations or non-profit corporations determined and announced by the Minister of Employment and Labor, and the criteria for the selection of entrusted organizations, etc., shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 21263, Jan. 14, 2009><Amended by Presidential Decree No. 21962, Dec. 31, 2009> <Amended by Presidential Decree No. 22269, Jul. 12, 2010><Presidential Decree No. 22603, Dec. 31, 2010>*

(5) Pursuant to Article 115 of the Act, the Minister of Employment and Labor entrusts the authority to provide support for the diagnosis , etc., of employment management under Article 33 to the Human Resources Development of Service of Korea, the Korea Employment Agency for the Disabled, the Korea Labor Institute or other relevant professional organizations etc. determined and announced by the Minister of Employment and Labor. *<Amended by Presidential Decree No. 21015, Sep. 18, 2008 and Presidential Decree No. 21962, Dec. 31, 2009; Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22269, Jul. 12, 2010>*

(6) Pursuant to Article 115 of the Act, the Minister of Employment and Labor entrusts the duties to provide support for equipment, etc., under Article 15 (6) of the Act, and the following authorities relating to the provision of employment information, establishment of the foundation for employment support, etc., under Article 33 of the Act to the Korea Employment Information Service established pursuant to Article 18 of the Framework Act on Employment Policy: *<Amended by Presidential Decree No. 21928, Dec. 30, 2009> <Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Collection and analysis of employment information and provision of this information to Employment Security Offices;

2. Research, development and distribution of vocational guidance techniques, such as vocational training and counseling, etc.;
3. Evaluation of and support for the provision of employment information, vocational guidance and job placement services;
4. Operation of the electronic networks for employment insurance activities among activities to establish the foundation for employment security and vocational skills development.

(7) Pursuant to Article 115 of the Act, the Minister of Employment and Labor entrusts the duties to provide support for the employment security of construction workers etc. under subparagraph 4 of Article 35, to the Mutual-Aid Association for Construction Workers under Article 9 of the Act on the Employment Improvement, etc. of Construction Workers. *<Newly Inserted by Presidential Decree No. 22026, Feb. 8, 2010><Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(8) The president of the Korea Labor Welfare Corporation, the president of the Human Resources Development Service of Korea and the president of the Korea Employment Agency for the Disabled shall appoint a director in charge of fund revenues and a director in charge of disbursement-causing actions from among their permanent directors, and a fund disbursement employee and a fund cashier from among their staff to carry out the work entrusted in accordance with paragraphs (2) through (5), and report this to the Minister of Employment and Labor. In this case, the duties to be performed by the person in each of these positions are as follows: *<Amended by Presidential Decree No. 21962, Dec. 31, 2009; Presidential Decree No. 22026, Feb. 8, 2010 and Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

1. Director in charge of fund revenues: duties of a fund revenue collector;
2. Director in charge of disbursement-causing actions: duties of a fund financial officer;
3. Fund disbursement employee: duties of a fund disbursement officer; and
4. Fund cashier: duties of a fund accounting officer

(9) The Minister of Employment and Labor shall notify the chairperson of the Board of Audit and Inspection and the Governor of the Bank of Korea of the appointment of the director in charge of fund revenues, the director in charge of disbursement-causing actions, the fund disbursement employee and the fund cashier under paragraph (8). *<Amended by Presidential Decree No. 22026, Feb. 8, 2010; Presidential Decree No. 22269, Jul. 12, 2010>*

#### **Article 145-2 (Review of Regulations)**

The Minister of Employment and Labor shall take measures, such as making improvements, etc., after examining if such conditions for providing the employment promotion subsidy as are prescribed in Article 26 (1) are appropriate no later than June 30th 2011.

*<This Article Newly Inserted by Presidential Decree No. 21626, Jul. 7, 2009; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

**Article 146 (Imposition of Fine for Negligence)**

The amount of the fine for negligence referred to in Article 118 (1) through (3) is shown in Table 2: Provided that the Minister of Employment and Labor may raise or reduce the amount concerned by up to half in consideration of the degree and frequency of the offense, the motive and results of the offense, etc. and in the case of raising the amount, it shall not exceed the maximum amount prescribed in Article 118 (1) through (3) of the Act.

*<This Article Wholly Amended by Presidential Decree No. 21015, Sept. 18, 2008; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 22603, Dec. 31, 2010>*

**Addenda** *<Presidential Decree No. 20875, Jun. 25, 2008>*

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2008.

**Articles 2 through 13** Omitted.

**Article 14 (Revision of Other Laws)**

(1) Parts of the Enforcement Decree of the Employment Insurance Act shall be revised as follows: "Article 27 of the Industrial Accident Compensation Insurance Act" in Article 71 (2) shall be changed to "Article 40 of the Industrial Accident Compensation Insurance Act".

(2) through (11) Omitted.

**Article 15** Omitted

**Addenda**

*<Presidential Decree No. 20947, Jul. 29, 2008; Revision of the Enforcement Decree of the Capital Markets and Financial Investment Business Act>*

**Article 1 (Enforcement Date)**

This Decree shall enter into force on February 2, 2009.  
<Proviso omitted>

**Articles 2 through 25** Omitted.

**Article 26 (Revision of Other Laws)**

(1) through (4) Omitted.

(5) Parts of the Enforcement Decree of the Employment Insurance Act shall be revised as follows:

“Securities under Article 2 (1) of the Securities and Exchange Act” in Article 105 (1) shall be changed to “securities under Article 4 of the Capital Markets and Financial Investment Business Act”.

(6) through (113) Omitted.

**Articles 27 and 28** Omitted.

**Addenda** *<Presidential Decree No. 21015, Sept. 18, 2008>*

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2009 :  
Provided that Article 3-2, Article 107, Article 131 and the amended provisions of Article 3 (2) of the Addenda of the Enforcement Decree of the Employment Insurance Act wholly amended by Presidential Decree no. 20330 shall enter into force on September 22, 2008.

**Article 2 (Application Example concerning Construction Work, etc. Subject to the Act)**

The amended provision of Article 2 (1) 2 B shall apply to construction work which is undertaken to construct or repair on a large scale a building after the enforcement of this Decree.

**Article 3 (Application Example concerning Subsidy for Working Hour Reduction by Small and Medium Enterprises)**

The amended provision of Article 13 (3) shall apply to workplaces where working hours are reduced pursuant to Article 13 (1) after the enforcement of this Decree.

**Article 4 (Application Example concerning Subsidy for Promoting New-hiring)**

The amended provisions in Table 1 shall apply to cases where a person eligible for the subsidy for promoting new-hiring is employed after the enforcement of this Decree.

**Article 5 (Transitional Measures concerning Subscription to Insurance by Public Officials in Special or Contractual Service)**

With regard to a person who is serving as a public official

in special or contractual service at the time of the enforcement of this Decree, the enforcement date of this Decree shall be considered as the date of his/her appointment in applying the amended provision of Article 3-2.

**Article 6 (Transitional Measures concerning Subsidy for Entry into New Business by Small and Medium Enterprises)**

An employer who reports a plan for entry into new business to the Minister of Employment and Labor in accordance with the previous provisions at the time of the enforcement of this Decree shall be paid the subsidy for entry into new business by small and medium enterprises in accordance with the previous provisions, notwithstanding the amended provision of Article 17, if he/she satisfies such payment conditions as are prescribed in the previous provisions. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Article 7 (Transitional Measures concerning Subsidy for Re-hiring)**

An employer who rehires a person who has left his/her job due to employment adjustment in accordance with the previous provisions at the time of the enforcement of this Decree shall be paid the subsidy for rehiring in accordance with the previous provisions, notwithstanding the amended provision of Article 23, if he/she satisfies such payment conditions as are prescribed in the previous provisions.

**Article 8 (Transitional Measures concerning Subsidy for Employment of the Middle-and Old-aged Completing Training)**

An employer who employs a middle- and old-aged person completing training in accordance with the previous provisions at the time of the enforcement of this Decree shall be paid the subsidy for employment of the middle- and old-aged completing training in accordance with the previous provisions, notwithstanding the amended provision of Article 27, if he/she satisfies the payment conditions.

**Article 9 (Transitional Measures concerning Subsidies or Grants for Businesses Subject to Blanket Application)**

In the case of businesses subject to blanket application under Article 8 of the Insurance Premium Collection Act, a decision on whether there arises any of the reasons for providing subsidies or grants referred to in Articles 6 through 8 of the Addenda after the enforcement of this Act shall be governed by the previous provision of Article 39.

**Article 10 (Transitional Measures concerning Mutual Adjustment**

**between Subsidies or Grants)**

Adjustments which should be made due to any of the reasons for providing subsidies or grants referred to in the previous provisions of Articles 17, 23 and 27 at the time of the enforcement of this Decree, or as there arises any of the reasons for providing subsidies or grants referred to in Articles 6 through 9 of the Addenda after the enforcement of this Decree shall be subject to the previous provision of Article 40.

**Article 11 (Transitional Measures concerning Restrictions on Payment of Subsidy, etc.)**

If there is any of the reasons for providing subsidies or grants referred to in the previous provisions of Article 17, 23 and 27 and Articles 6 through 9 of the Addenda and it is confirmed that there is the reason for restrictions on the payment referred to in the previous provision of Article 56, the Minister of Employment and Labor may restrict the payment in accordance with the previous provision. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

**Addenda** *<Presidential Decree No. 21152, Dec. 3, 2008>*

**Article 1 (Enforcement Date)**

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

**Article 2 (Application Example)**

The amended provision of Article 47 (2) shall apply to expenses for vocational skills development training for the unemployed, etc., which are paid after the enforcement of this Decree.

**Addenda**

*<Presidential Decree No. 21230, Dec. 31, 2008; Revision of the Enforcement Decree of the Act on Age Discrimination Prohibition in Employment and Aged Employment Promotion>*

**Article 1 (Enforcement Date)**

This Decree shall enter into force on March 22, 2009.

**Article 2 (Revision of Other Laws)**

(1) Parts of the Enforcement Decree of the Employment Insurance Act shall be revised as follows :

“Aged Employment Promotion Act” in Article 25 (1) 1 shall

be changed to “Act on Age Discrimination Prohibition in Employment and Aged Employment Promotion”.

“The aged under subparagraph 1 of Article 2 of the Aged Employment Promotion Act and the semi-aged under subparagraph 1-2 of Article 2 of the Act” in subparagraphs 1 and 4 in Table 1 shall be changed to “the aged under subparagraph 1 of Article 2 of the Act on Age Discrimination Prohibition in Employment and Aged Employment Promotion and the semi-aged under subparagraph 2 of the same Article”.

(2) through (6) Omitted.

**Article 3 Omitted.**

**Addenda**

*<Presidential Decree No. 21263, Jan. 14, 2009; Revision of the Enforcement Decree of the Act on Korea Occupational Safety and Health Agency>*

**Article 1 (Enforcement Date)**

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

**Article 2 (Revision of Other Laws)**

(1) through (2) Omitted.

(3) Parts of the Enforcement Decree of the Employment Insurance Act shall be revised as follows :

“Korea Occupational Safety and Health Agency under the Act on Korea Occupational Safety and Health Agency” in Article 145 (4) shall be changed to “Korea Occupational Safety and Health Agency under the Act on Korea Occupational Safety and Health Agency”.

(4) through (10) Omitted.

**Addenda** *<Presidential Decree No. 21348, Mar. 12, 2009>*

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation : Provided that the amended provisions of Article 47-2 and Article 145 (2) 6 shall enter into force on April 1, 2009 and the amended provisions of Article 1-2 through Article 1-11 and Article 6-2 shall enter into force on July 1, 2009.

**Article 2 (Application Example)**

The amended provisions of Article 19 and Article 21 shall apply to employment retention measures, for which an employment retention plan is reported after the enforcement of this Decree.

**Article 3 (Transitional Measures)**

If vocational skills development training received by an insured person, for which the subsidy for taking training courses could be provided at the time of the enforcement of this Decree, is excluded from the subsidy in accordance with the amended provision of Article 43 (1) 3, the subsidy for taking training courses shall be provided for such vocational skills development training in accordance with the previous provision.

**Addenda** *<Presidential Decree No. 21510, May 28, 2009>***Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation : Provided that the amended provisions of subparagraph 4 of Article 35, Article 37-2, Article 56 (1) 1 (limited to parts concerning Article 37-2) and Article 145 (2) 4-2 shall enter into force on June 1, 2009.

**Article 2 (Validity Period)**

The amended provisions of Article 19 (1) 5, the main part of Article 20 (1) 1, Article 20 (4), Article 21 (1) 5, Article 21 (2) 3, subparagraph 4 of Article 35, Article 37-2, Article 56 (1) 1 (limited to parts concerning Article 37-2) and Article 145 (2) 4-2 shall remain valid until December 31, 2009.

**Article 3 (Transitional Measures concerning Application After End of Validity Period)**

With regard to matters relating to fraudulent acts and matters relating to plans for employment retention measures and plans for continuous employment reported at the expiration of the validity period provided for in Article 2 of the Addenda, each respective provision shall apply even after the end of its validity period until the necessary affairs are concluded.

**Addenda** *<Presidential Decree No. 21590, Jun. 30, 2009; Revision of the Enforcement Decree of the Building Act, etc., for the temporary*



*postponement of administrative regulations>*

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2009. *<Proviso Omitted>*

**Articles 2 through 4** Omitted.

**Article 5 (Transitional Measures to Revision of the Enforcement Decree of the Employment Insurance Act)**

The amended provision of Article 13 (1) 2 shall apply to workplaces where working hours are reduced in accordance with Article 13 (1) of the Enforcement Decree of the Employment Insurance Act after the enforcement of this Decree.

**Articles 6 through 9** Omitted.

**Addendum**

*<Presidential Decree No. 21626, Jul. 7, 2009; Revision of the Enforcement Decree of the Outdoor Advertisements Control Act, etc., for the application of sunset clauses>*

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

**Addenda** *<Presidential Decree No. 22603, Dec. 31, 2010>*

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2011 :  
Provided that the amended provisions of Article 43 (1) shall enter into force on April 1, 2011.

**Article 2 (Validity Period)**

The amended provisions of Article 19 (1) 4, Article 20 (3), the latter part of Article 21 (1) 1, Article 21 (1) 3 and 4, Article 21 (2) 2 and Article 32 shall remain valid until December 31, 2013.

**Article 3 (Application Example concerning Preferentially Supported Enterprises)**

The amended provisions of Article 12 (3) shall apply to workplaces when the reason for no longer meeting the criteria for preferentially supported enterprises occurred after the year 2010.

**Article 4 (Application Example concerning Support for Expenses of Employment Creation)**

The amended provisions of Article 17 shall apply from cases where employers employ workers for the first time after the enforcement of this Decree.

**Article 5 (Application Example concerning Employment Retention Subsidy)**

(1) The amended provisions of Article 19(1) shall apply to cases after the plans for employment retention measures are first reported pursuant to Article 20 (1) after the enforcement of this Decree.

(2) The amended provisions of Article 20(2) shall apply to cases after the plans for employment retention measures are first reported pursuant to Article 20 (1) after the enforcement of this Decree.

(3) The amended provisions of Article 20(5) shall apply where the fact that violations of the obligations of the plans for employment retention measures have been identified for the first time after the enforcement of this Decree.

**Article 6 (Application Example concerning Subsidies for Local Employment Promotion)**

The amended provisions of Article 24 shall apply to cases when the area concerned is an area first determined and announced by the Minister of Employment and Labor as areas needing support etc. for employment adjustment under Article 29 (1) of the Enforcement Decree of the Framework Act on Employment Policy after the enforcement of this Decree.

**Article 7 (Application Example concerning Subsidy for Employment Extension of the Aged)**

(1) The amended provisions of Article 25(4) shall apply to cases where the retirement age is abolished or extended pursuant to the amended provisions of Article 25(1) 2 after the enforcement of this Decree.

(2) The amended provisions of Article 25(5) shall apply to cases where workers are reemployed pursuant to Article 25(1)3 after the enforcement of this Decree.

**Article 8 (Application Example concerning Employment Promotion Subsidy)**

The amended provisions of Article 26 shall apply to cases after an employer first hires an unemployed person falling under any of the amended provisions of each subparagraph of Article 26(1) after the enforcement of this Decree.

**Article 9 (Application Example concerning Subsidy for Managing Employment Insurance for Construction Workers)**

The amended provisions of Article 32 shall apply when an employer first applies for the subsidy for managing employment insurance for construction workers after the enforcement of this Decree.

**Article 10 (Application Example concerning Subsidy for Taking Courses)**

The amended provisions of Article 43(1) 1 shall apply from when an insured worker begins taking vocational skills development training for the first time after the enforcement of this Decree.

**Article 11 (Application Example concerning Restrictions on Payment of Subsidy, etc., for Fraudulent Acts)**

The amended provisions of Article 56(2) shall apply after cases of a return order or reason for restriction on payment of subsidy occurs for the first time after the enforcement of this Decree.

**Article 12 (Application Example concerning Payment of Individual Extended Benefits)**

The amended provisions of Article 73 shall apply after the first application for individual extended benefits after the enforcement of this Decree.

**Article 13 (Application Example concerning Reduction of Child-care Leave Benefits)**

The amended provisions of Article 98 shall apply from cases where child-care leave has begun after the enforcement of this Decree.

**Article 14 (Transitional Measures concerning Subsidy for Transforming Shift Work System)**

An employer who meets the payment conditions for the subsidy for transforming shift work system as prescribed in the previous provisions of Article 14 at the time of the enforcement of this Decree shall be paid the subsidy for transforming shift work system in accordance with the previous provisions, notwithstanding the amended provision of Article 14.

**Article 15 (Transitional Measures concerning Support for Improvement of Employment Environments by Small and Medium Enterprises)**

An employer who submits a plan following the procedures

determined by the Minister of Employment and Labor in accordance with the previous provisions of Article 15 at the time of the enforcement of this Decree shall be paid the support in accordance with the previous provisions, notwithstanding the amended provision of Article 15, if he/she satisfies such payment conditions prescribed in the previous provisions of Article 15.

**Article 16 (Transitional Measures concerning Subsidy for Use of Professional Workforce by Small and Medium Enterprises)**

An employer who meets the payment conditions for the subsidy for use of professional workforce by small and medium enterprises as prescribed in the previous provisions of Article 16 at the time of the enforcement of this Decree shall be paid the subsidy for use of professional workforce by small and medium enterprises in accordance with the previous provisions, notwithstanding the amended provision of Article 16.

**Article 17 (Transitional Measures concerning Subsidy for Out-placement Service)**

An employer who meets the payment conditions for the subsidy for out-placement service as prescribed in the previous provisions of Article 22 at the time of the enforcement of this Decree shall be paid the subsidy for out-placement service in accordance with the previous provisions, notwithstanding the amended provision of Article 22.

**Article 18 (Transitional Measures concerning Subsidy for Employment Extension of the Aged)**

An employer who has employed an aged worker as prescribed in the previous provisions of Article 25(1) 1 at the time of the enforcement of this Decree shall be paid the employment promotion subsidy of the aged for aged workers already employed at the workplace concerned in accordance with the previous provisions, notwithstanding the amended provision of Article 25(1) 1.

**Article 19 (Transitional Measures concerning Wage Peak System Subsidy)**

An employer who implements the wage peak system as prescribed in the previous provisions of Article 28 at the time of the enforcement of this Decree shall be paid the allowances for the wage peak system in accordance with the previous provisions, notwithstanding the amended provisions of Article 28.

**Article 20 (Transitional Measures concerning Subsidy for Employment Security of Pregnant Women and Women after Childbirth)**

(1) In case the subsidy for continuous employment after pregnancy and childbirth prescribed in the previous provisions of Article 29 are being provided at the time of the enforcement of this Decree, the previous provisions shall apply, notwithstanding the amended provisions of Article 29.

(2) In case the subsidy for child-care leave etc. and a replacement workforce prescribed in the previous provisions of Article 30 are being provided at the time of the enforcement of this Decree, the previous provisions shall apply, notwithstanding the amended provisions of Article 29 and 30.

**Article 21 (Transitional Measures concerning Support for Retirement Mutual-Aid Contributions for Construction Workers)**

In regards to an employer who subscribed to the retirement mutual aid scheme for construction workers and paid mutual-aid contributions, and who applied for or received support of mutual-aid contributions as prescribed in the previous provisions of Article 31 at the time of the enforcement of this Decree, the previous provisions shall apply, notwithstanding the amended provisions of Article 31.

**Article 22 (Transitional Measures concerning Support Projects to Promote Business Start-up by the Long-term Unemployed, etc.)**

In regards to an employer receiving support pursuant to the previous provisions of Article 34(1) at the time of the enforcement of this Decree, the previous provisions shall apply, notwithstanding the amended provisions of Article 34(1).

**Article 23 (Transitional Measures concerning Support Programs for Creating Part-Time Jobs)**

In regards to the direct implementation or those implementing the part-time job creation support program pursuant to the previous provisions of Article 35(5) at the time of the enforcement of this Decree, the previous provisions shall apply, notwithstanding the amended provisions of Article 35(5).

**Article 24 (Transitional Measures concerning Mutual Adjustment between Subsidies etc.)**

In regards to the mutual adjustment between subsidies and grants etc. where the reason for payment of the subsidies and

grants arose pursuant to the previous provisions of Article 14 through 16 at the time of the enforcement of this Decree, the previous provisions shall apply, notwithstanding the amended provisions of Article 40.

**Article 25 (Transitional Measures concerning Support for Vocational Skills Development Training Costs to Employers)**

In regards to vocational skills development training that is implemented under the conditions prescribed in the previous provisions of item B of Article 41(1) 5 at the time of the enforcement of this Decree, the employer shall be provided with support for vocational skills development training costs in accordance with the previous provisions, notwithstanding the amended provisions of item C of Article 41(1) 5.

**Article 26 (Transitional Measures concerning Restrictions on Payment of Subsidy, etc.)**

From among cases that fall under the reason for payment of subsidies or grants prescribed in the previous provisions of Article 14 through 16, Article 30 and 31, Addenda Article 14 through 16, Article 20(2) and 21 at the time of the enforcement of this Decree, if a return order or reason for restriction on payment of subsidy is identified in accordance with the previous provisions of Article 56 after the enforcement of this Decree, a return order or restrictions on payment of subsidy may be carried out pursuant to the previous provisions of Article 56.

**Article 27 (Transitional Measures concerning Amount of Child-care Leave Benefits)**

In the case of the insured during the child-care leave period at the time of the enforcement of this Decree, in regards to the amount of child-care leave benefits during a child-care leave period before the enforcement of this Decree, the previous provisions shall apply, notwithstanding the amended provisions of Article 95.

**Addenda** *<Presidential Decree No. 23139, Sep. 15, 2011>*

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation : Provided that the amended provisions of Article 40 (2) and Articles 104-2 through 104-4 shall enter into force on

September 22, 2011.

**Article 2 (Transitional Measures Concerning Subsidy for Working Hour Reduction by Small and Medium Enterprises)**

With regard to an employer who meets the conditions of subsidies for working hour reduction by small and medium enterprises prescribed in the previous Article 13 at the time of the enforcement of this Decree, the subsidy shall be provided according to the previous provisions.

**Article 3 (Transitional Measures Concerning Subsidy for Workers Taking Courses)**

With regard to a person to receive vocational skills development training prescribed in the previous Article 43 (1) 1 at the time of the enforcement of this Decree, the subsidy for workers taking courses shall be provided according to the previous provisions.

**Article 4 (Transitional Measures Concerning Support for Taking Courses Using Worker Skills Development Cards)**

With regard to a person to receive vocational skills development training prescribed in the previous Article 44 at the time of the enforcement of this Decree, the necessary expenses for vocational skills development training shall be provided according to the previous provisions.

**Article 5 (Revision of Other Decrees)**

Parts of the Enforcement Decree of the Income Tax Act shall be revised as follows :

“Subsidy for workers taking courses” in Article 110-3 (7) shall be changed to “support for job ability improvement of workers.”

[Table 1] <Amended on Dec. 31 2010>

Period of Restrictions on Payment of Subsidy for Fraudulent Acts

(Relating to Article 56 (2))

Classification		Restriction Period
The amount of subsidies an employer received or intended to receive in a false or other fraudulent way	Less than 3 million won	3 months
	3 million won or more ~less than 5 million won	6 months
	5 million won or more ~ less than 10 million won	9 months
	10 million won or more	12 months



[Table 2] <Amended on Dec. 31, 2010>

**Criteria for Imposition of Fines for Negligence by Type of Violations**

(Relating to Article 146)

V i o l a t i o n s	Provisions Concerned	Amount of fine for Negligence
1. Anyone who failed to report or made a false report in violation of Article 15 of the Act	Article 118 (1) 1 of the Act	
A. Failing to report or making a false report habitually		100,000 won per insured person. However, the total amount of fine for negligence shall not exceed 3 million won.
B. Failing to report intentionally or making a false report		80,000 won per insured person. However, the total amount of fine for negligence shall not exceed 2 million won.
C. Other cases including being negligent in reporting		50,000 won per insured person. However, the total amount of fine for negligence shall not exceed 1 million won.
2. Anyone who failed to submit the "document confirming	Article 118 (1) 2 of the Act	

separation from employment" or submit a false document in violation of Article 16 (1) of the Act		
A. Failing to submit the document or submitting a false document habitually		3 million won
B. Failing to submit the document intentionally or submitting a false document		2 million won
C. Other cases including being negligent in submitting the document		1 million won
3. Anyone who refused to issue the "document confirming separation from employment" in violation of the latter part of Article 16 (2) of the Act	Article 118 (1) 3 of the Act	
A. Refusing to issue the document habitually		3 million won
B. Refusing to issue the document intentionally		2 million won
C. Being negligent in issuing the document		1 million won
4. Anyone who failed to make a report or made a false report or failed to submit a document or submitted a false document in violation of Article 108 (1) of the Act	Article 118 (1) 4 of the Act	

A. Failing to report or to submit a document or making a false report or submitting a false document habitually		3 million won
B. Failing to report or to submit a document intentionally or making a false report or submitting a false document		2 million won
C. Other cases including failing to report or to submit a document		1 million won
5. Anyone who refused to issue a certificate in violation of Article 108 (2) of the Act	Article 118 (1) 5 of the Act	
A. Avoiding or refusing to issue a certificate habitually		3 million won
B. Avoiding or refusing to issue a certificate intentionally		2 million won
C. Other cases including avoiding or refusing to issue a certificate		1 million won
6. Anyone who failed to reply to questions, made a false statement or refused, obstructed or evaded the investigation under Article 109 (1) of the Act	Article 118 (1) 6 of the Act	
A. Refusing to answer, making a false statement or refusing, obstructing or evading the investigation habitually		3 million won

B. Refusing to answer, making a false statement intentionally or refusing, obstructing or evading the investigation		2 million won
C. Other cases including refusing to answer or refusing, obstructing or evading the investigation		1 million won
7. Anyone who failed to report or made a false report or failed to submit a document or submitted a false document or failed to be present in violation of Article 108 (3) of the Act	Article 118 (2) 1 of the Act	
A. Refusing to report, to submit a document or to be present or avoiding them habitually or making a false report or submitting a false document habitually		1 million won
B. Refusing to report, to submit a document or to be present or avoiding them intentionally or making a false report or submitting a false document		500,000 won
C. Other cases including refusing or evading the report, the submission of documents or the presence		300,000 won

8. Anyone who failed to reply to questions, made a false statement or refused, obstructed or evaded the investigation under Article 109 (1) of the Act	Article 118 (2) 2 of the Act	
A. Refusing to answer, making a false statement or obstructing the investigation habitually		1 million won
B. Refusing to answer, making a false statement intentionally or obstructing the investigation		500,000 won
C. Other cases including refusing to answer, or refusing or evading the investigation		300,000 won
9. Anyone who failed to reply to the questions of the examiner or the appeal committee examining or reexamining the request submitted under Article 87 of the Act or gave a false answer or refused, obstructed or evaded the investigation	Article 118 (3) of the Act	
A. Refusing to answer intentionally, making a false statement or obstructing the investigation		1 million won
B. Other cases including refusing to answer or refusing or evading the investigation		500,000 won