

This translation of Korea's labor laws is intended mainly as a convenience to the non-Korean-reading public. If any questions arise related to the accuracy of the information contained in the translation, please refer to the official Korean version of the laws. Any discrepancies or differences created in the translation are not binding and have no legal effect for compliance or enforcement purposes.

** This Act reflects only the amendments made until June 30, 2013.*

ACT ON FOREIGN WORKERS' EMPLOYMENT, ETC.

Act No. 6967, Aug. 16, 2003

Amended by Act No. 7327, Dec. 31, 2004
Act No. 7567, May 31, 2005
Act No. 7829, Dec. 30, 2005
Act No. 8218, Jan. 3, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9795, Oct. 9, 2009
Act No. 9798, Oct. 9, 2009
Act No. 10339, Jun. 4, 2010
Act No. 11276, Feb. 1, 2012
Act No 11690, Mar. 23, 2013

CHAPTER I

General Provisions

<Amended by Act No. 9798, Oct. 9, 2009>

Article 1 (Purpose)

The purpose of this Act is to promote a smooth supply and demand of manpower and the balanced development of the national economy by introducing and managing foreign workers systematically.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 2 (Definition of Foreign Worker)

The term "foreign worker" in this Act refers to a person who does not have the nationality of the Republic of Korea and works or intends to work in a business or workplace located in the Republic of Korea for the purpose of earning wages: However, the following foreigners who are granted a status of sojourn eligible for employment pursuant to Article 18 (1) of the Immigration Control Act shall be excluded; those designated by the Presidential Decree taking into consideration the area of employment, period of stay, etc.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 3 (Scope of Application, etc.)

(1) This Act shall apply to foreign workers and businesses or workplaces which employ or intend to employ foreign

workers: Provided that this Act shall not apply to seamen who work on board any ship under the Seamen Act and do not have the nationality of the Republic of Korea and ship owners who employ or intend to employ the said seamen.

(2) Except as provided for in this Act, matters concerning the entry, stay, departure, etc. of foreign workers shall be governed by the Immigration Control Act.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 4 (Foreign Workforce Policy Committee)

(1) To deliberate and decide on important matters concerning the employment management and protection of foreign workers, the Foreign Workforce Policy Committee (hereinafter referred to as "Policy Committee") shall be established under the control of the Prime Minister.

(2) The Policy Committee shall deliberate and decide on matters that fall under the following subparagraphs:

1. Matters concerning the establishment of basic plans on foreign workers;
2. Matters concerning the types of industries eligible to introduce foreign workers, the number of foreign workers to be introduced, etc.;
3. Matters concerning the designation of countries eligible to send foreign workers (hereinafter referred to as "sending countries") and cancelation of such designation; and
4. Other matters prescribed by the Presidential Decree.

(3) The Policy Committee shall consist of not more than twenty members including one chairperson.

(4) The Chief of the Office for Government Policy Coordination shall assume chairpersonship of the Policy Committee, and the committee membership comprises the Vice Minister of Strategy and Finance; the Vice Minister of Foreign Affairs, the Vice Minister of Justice, the Vice Minister of Industry, Trade, and Resources, the Vice Minister of Employment and Labor, the head of the Small and Medium Business Administration and Vice Ministers of the relevant central administrative agencies prescribed by the Presidential Decree.
<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 11690, Mar. 23, 2013>

(5) To deliberate in advance on matters concerning the operation of the employment system for foreign workers and the protection of the rights and interests of foreign workers, the Working Committee for Foreign Workforce Policy (hereinafter

referred to as "Working Committee") shall be established under the Policy Committee.

(6) Necessary matters concerning the composition, functions and operation of the Policy Committee and the Working Committee shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 5 (Announcement etc. of Foreign Worker Introduction Plan)

(1) The Minister of Employment and Labor shall establish a foreign worker introduction plan including matters described in each subparagraph of Article 4 (2) after deliberation and decision by the Policy Committee and announce the plan by March 31 every year in accordance with the method prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Notwithstanding paragraph (1), the Minister of Employment and Labor may, if deemed necessary to change the foreign worker introduction plan under paragraph (1) due to drastic changes in the employment situation, such as an increase in domestic unemployment, etc., change the plan after deliberation and decision by the Policy Committee. In this case, paragraph (1) shall apply mutatis mutandis to the method of announcing the changed plan. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The Minister of Employment and Labor may, if necessary, conduct a survey or research project in order to support foreign worker-related work and necessary matters related thereto shall be prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

CHAPTER II

Employment Procedures for Foreign Workers

<Amended by Act No. 9798, Oct. 9, 2009>

Article 6 (Efforts to Employ Native Workers)

(1) An employer who intends to employ a foreign worker shall first file an application for seeking native workers with an employment security office (hereinafter referred to as "employment security office") under subparagraph 1 of Article 2-2 of the Employment Security Act.

(2) The head of an employment security office shall, upon receiving an application for seeking native workers pursuant to paragraph (1), provide counseling and assistance for the employer to present adequate job requirements, and actively provide job placement services so that native workers who meet the job requirements can be hired preferentially.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 7 (Preparation of Roster of Foreign Job Seekers)

(1) The Minister of Employment and Labor shall prepare a roster of foreign job seekers, as prescribed by the Presidential Decree, in consultation with the head of the government agency in charge of labor administration in a sending country designated pursuant to subparagraph 3 of Article 4 (2): Provided that in case there is no independent government agency in charge of labor administration in the sending country, the Minister of Employment and Labor shall designate a department which performs the closest function and consult with the head of the department after deliberation by the Policy Committee. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) When preparing a roster of foreign job seekers pursuant to paragraph (1), the Minister of Employment and Labor shall administer a test for the evaluation of proficiency in the Korean language (hereinafter referred to as "Korean language proficiency test") to use the results of the test as criteria, etc., for selecting qualified foreign job seekers, and the selection of an agency responsible for administering the Korean language proficiency test, the cancelation of such selection, the testing methods, and other necessary matters shall be prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The Minister of Employment and Labor may assess qualification requirements that meet the manpower demand, such as skill levels, etc., if necessary for using them as criteria, etc., for selecting qualified foreign job seekers under paragraph (1). *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) The agency responsible for assessing qualification requirements pursuant to paragraph (3) shall be the Human Resources Development Services of Korea under the Act on the Human Resources Development Service of Korea and other necessary matters such as the method of assessing qualification requirements, etc. shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 8 (Foreign Worker Employment Permit)

(1) An employer who has filed an application for seeking native workers pursuant to Article 6 (1) shall, if he/she fails to hire workers despite receiving job placement services under paragraph (2) of the same Article, apply for employment permit for foreign workers to the head of an employment security office as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) The effective term of applications for employment permit under paragraph (1) shall be three months, and may be extended only once, as prescribed by the Presidential Decree, if it is impossible to hire any new worker due to a temporary deterioration in business, etc.

(3) Upon receiving an application under paragraph (1), the head of an employment security office shall recommend qualified candidates from among those registered in the roster of foreign job seekers under Article 7 (1) to the employer who meets the conditions prescribed by the Presidential Decree, such as the types of industries eligible to introduce foreign workers and the number of foreign workers to be introduced, etc.

(4) The head of an employment security office shall grant, without delay, employment permission to an employer who has selected a qualified foreign worker from among those recommended under paragraph (3), and issue to the employer an employment permit bearing the name and other matters of the selected foreign worker.

(5) Necessary matters concerning the issuance and management, etc., of foreign worker employment permits under paragraph (4) shall be prescribed by the Presidential Decree.

(6) No person or organization other than employment security offices shall intervene in the selection, placement and hiring of foreign workers.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 9 (Labor Contract)

(1) An employer who intends to employ a foreign worker selected pursuant to Article 8 (4) shall enter into a labor contract using the standard labor contract form prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) An employer who intends to enter into a labor contract pursuant to paragraph (1) may have the Human Resources Development Service of Korea under the Act on the Human Resources Development Service of Korea carry out the task on

his/her behalf .

(3) An employer who has obtained an employment permit under Article 8 and the relevant foreign worker may enter into or renew a labor contract under the mutual agreement within the period specified in Article 18. *<Amended by Act No. 11276, Feb. 1, 2012>*

(4) A foreign worker whose employment period is extended pursuant to Article 18-2 and an employer may enter into a labor contract containing the term not exceeding the extended employment period.

(5) Necessary matters concerning the procedure for entering into a labor contract under paragraph (1), the time such labor contract takes effect, and so on shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 10 (Visa Issuance Certificate)

An employer who has entered into a labor contract with a foreign worker pursuant to Article 9 (1) may apply for a visa issuance certificate to the Minister of Justice on behalf of the foreign worker pursuant to Article 9 (2) of the Immigration Control Act.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 11 (Employment Training for Foreign Workers)

(1) Every foreign worker, after he/she enters the Republic of Korea and within the period prescribed by the Ordinance of the Ministry of Employment and Labor, shall receive training provided by an institution designated by the Presidential Decree to learn matters necessary for employment in the Republic of Korea (hereinafter referred to as "employment training for foreign workers"). *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) An employer shall let foreign workers receive employment training for foreign workers.

(3) The hours and contents of employment training for foreign workers and other matters necessary for employment training for foreign workers shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

<Amended by Act No. 10339, Jun. 4, 2010>

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 12 (Special Cases for Employment of Foreign Workers)

(1) The employer of a business or workplace falling under any of the following subparagraphs may, after obtaining

confirmation on exceptionally permissible employment pursuant to paragraph (3), employ a foreigner who has entered in the Republic of Korea on a visa specified by the Presidential Decree and intends to be employed. In this case, Article 9 shall apply mutatis mutandis to the conclusion of the labor contract.

1. A Business or workplace in the construction industry as specified by the Policy Committee in consideration of labor market situations for daily workers, possibility of undermining employment opportunities for native workers and the size of workplace, etc.; and

2. A Business or workplace in the service, manufacturing, agricultural or fishery industry as specified by the Policy Committee in consideration of industry-specific characteristics.

- (2) A foreigner under paragraph (1) who intends to be employed in a business or workplace that fall under any subparagraph of paragraph (1) shall submit a job application to the head of an employment security office after completing employment training for foreign workers, and the Minister of Employment and Labor shall prepare and manage a roster of foreign job seekers in relation to such application. *<Amended by Act No 10339, Jun. 4, 2010>*

- (3) An employer who has filed an application for seeking native workers pursuant to Article 6 (1) may, if he/she fails to hire workers despite job placement services provided by the head of an employment security office pursuant to paragraph (2) of the same Article, apply for confirmation on exceptionally permissible employment to the head of an employment security office as prescribed by the Ordinance of the Ministry of Employment and Labor. In this case, the head of an employment security office shall grant confirmation on exceptionally permissible employment to an employer who meets the qualifications prescribed by the Presidential Decree, such as the types of industries eligible to introduce foreign workers and the number of foreign workers to be introduced, etc. *<Amended by Act No 10339, Jun. 4, 2010>*

- (4) An employer who has obtained confirmation on exceptionally permissible employment pursuant to paragraph (3) shall hire a foreign worker from among those registered in the roster of foreign job seekers under paragraph (2), and shall, upon commencement of the foreign worker's employment, report to the head of an employment security office under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(5) The effective term of the confirmation on exceptionally permissible employment shall be three years : Provided that if a business or workplace falls under paragraph (1) 1 and the construction period is less than three years, the construction period shall be the effective term.

(6) If the head of an employment security office grants confirmation on exceptionally permissible employment pursuant to paragraph (3), he/she shall issue a certificate of exceptionally permissible employment to the relevant employer, as prescribed by the Presidential Decree.

(7) Article 21 of the Immigration Control Act shall not apply to foreign workers under paragraph (1).

(8) The Minister of Employment and Labor may, if a foreigner under paragraph (1) wants to be employed, provide him/her employment information prior to his/her entry to the Republic of Korea. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

CHAPTER III

Employment Management for Foreign Workers

<Amended by Act No. 9798, Oct. 9, 2009>

Article 13 (Departure Guarantee Insurance and Trust)

(1) The employer of a business or workplace employing a foreign worker (hereinafter referred to as "employer") shall take out insurance or trust (hereinafter referred to as "departure guarantee insurance, etc.") with the foreign workers as the insured or beneficiaries in order to provide retirement pay to the foreign worker due to his/her departure, etc. In this case, insurance premiums or trust installments shall be paid or deposited every month.

(2) If an employer takes out departure guarantee insurance, etc., he/she shall be deemed to have set up a retirement pay system under Article 8 (1) of the Employee Retirement Benefit Security Act.

(3) Necessary matters concerning the employers subject to departure guarantee insurance, etc., the subscription method, contents, management and payment of departure guarantee insurance, etc., shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 14 (Health Insurance)

In applying the National Health Insurance Act to employers and foreign workers employed by them, employers and foreign workers employed by them shall be regarded as employers under Article 3 of the same Act and workplace-based policy holders under Article 6 (1) of the same Act, respectively.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 15 (Return Cost Insurance and Trust)

(1) Every foreign worker shall take out insurance or trust in order to finance the costs of returning to his/her home country.

(2) Necessary matters concerning the subscription method, contents, management and payment of the insurance or trust under paragraph (1) shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 16 (Measures Necessary for Returning Home)

Every employer shall, if a foreign worker is to return to his/her home country due to the termination of employment relationships, expiration of a period of sojourn, etc., take necessary measures, such as paying money and other valuables such as wages, etc., before his/her return.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 17 (Employment Management for Foreign Workers)

(1) An employer shall, if any cause specified by the Presidential Decree arises, such as when he/she terminates a labor contract with a foreign worker or makes a change to any important matter related to employment, etc., report to the head of relevant employment security office as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Necessary matters concerning the proper management of employment of foreign workers, etc. shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 18 (Restrictions on Employment Period)

A foreign worker may be employed for up to three years from the date on which he/she enters the Republic of Korea.

<This Article Wholly Amended by Act No. 11276, Feb. 1, 2012>

Article 18-2 (Special Cases for Restrictions on Employment Period)

(1) Notwithstanding Article 18, a foreign worker who falls under any of the following subparagraphs may have his/her employment period extended only once by less than two years:
<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 11276, Feb. 1, 2012>

1. A foreign worker employed by an employer who has obtained an employment permit pursuant to Article 8 (4) and for whom the employer has requested permission for reemployment to the Minister of Employment and Labor before the foreign worker departs from the Republic of Korea due to expiration of the three-year employment period under Article 18; and
2. A foreign worker employed by an employer who has obtained confirmation on exceptionally permissible employment pursuant to Article 12 (3) and for whom the employer has requested permission for reemployment to the Minister of Employment and Labor before the foreign worker departs from the Republic of Korea due to expiration of the three-year employment period under Article 18.

(2) The procedures an employer has to follow when requesting permission for reemployment under paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 11276, Feb. 1, 2012>

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 18-3 (Restrictions on Employment After Re-entry)

A foreigner worker (excluding foreign workers under Article 12 (1)) who departs from the Republic of Korea after working in the Republic of Korea shall not be reemployed under this Act unless six months have passed since the date of his/her departure.

<This Article Newly Inserted by Act No. 11276, Feb. 1, 2012>

Article 18-4 (Special Cases for Restrictions on Employment After Re-entry)

(1) Notwithstanding Article 18-3, if for a foreign worker who meets all of the following conditions, the employer applies for an employment permit to employ that foreign worker after re-entry to the Republic of Korea before his/her departure due to the expiration of the employment period extended under

Article 18-2, the Minister of Employment and Labor may allow the foreign worker to be reemployed if three months have passed since the date of his/her departure :

1. The foreign worker has never transferred to another business or workplace during the employment period under Article 18 and Article 18-2 (If the foreign worker has transferred to another business or workplace under Article 25 (1) 2, the period of his/her labor contract made with the employer who applies for an employment permit to employ that foreign worker after re-entry shall be one year or longer until the expiration date of the employment period);

2. The foreign worker is working in such businesses or workplaces as the Policy Committee deems difficult to employ native Korean workers, taking into account the types of industries eligible to introduce foreign workers, the number of foreign workers to be introduced, etc.; and

3. The foreign worker has made an one-year or longer labor contract with the relevant employer, which will take effect from the date on which he/she starts to work after re-entry.

(2) Articles 6, 7 (2) and 11 shall not apply with regard to the application for employment permits after re-entry and the employment after re-entry under paragraph (1).

(3) Employment after re-entry under paragraph (1) shall be permitted only once, Article 9 shall apply mutatis mutandis with regard to the conclusion of a labor contract for employment after re-entry, and Articles 18, 18-2 and 25 shall apply mutatis mutandis with regard to the employment of foreign workers who re-enter the Republic of Korea.

(4) The procedures an employer has to follow when applying for an employment permit under paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

<This Article Newly Inserted by Act No. 11276, Feb. 1, 2012>

Article 19 (Cancellation of Employment Permit or Confirmation on Exceptionally Permissible Employment for Foreign Worker)

(1) For any employer falling under any of the following subparagraphs, the head of an employment security office may cancel an employment permit under Article 8 (4) or confirmation on exceptionally permissible employment under Article 12 (3), as prescribed by the Presidential Decree:

1. Where the employer obtains an employment permit or

- confirmation on exceptionally permissible employment in a false or other fraudulent ways;
2. Where the employer violates wages or other labor conditions which had been agreed to before the foreign worker's entry to the Republic of Korea; and
 3. Where it is deemed difficult to maintain the labor contract due to the employer's delay in payment of wages or violation of other labor laws, etc.
- (2) An employer whose employment permit or confirmation on exceptionally permissible employment for a foreign worker is cancelled pursuant to paragraph (1) shall terminate the labor contract with the foreign worker within fifteen days from the date of cancellation.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 20 (Restrictions on Employment of Foreign Workers)

(1) The head of an employment security office may restrict any employer who falls under any of the following subparagraphs from employing foreign workers for three years from the date of the incident:

1. A person who employs a foreign worker without obtaining an employment permit or confirmation on exceptionally permissible employment pursuant to Article 8 (4) or Article 12 (6);
2. A person whose employment permit or confirmation on exceptionally permissible employment for a foreign worker is cancelled pursuant to Article 19 (1);
3. A person who has been punished for violating this Act or the Immigration Control Act;
4. A person who has any other reason specified by the Presidential Decree.

(2) When restricting the employment of foreign workers pursuant to paragraph (1), the Minister of Employment and Labor shall notify the relevant employer thereof under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 21 (Projects Related to Foreign Workers)

The Minister of Employment and Labor shall carry out the following projects in order to facilitate the employment of foreign workers in the Republic of Korea and effectively manage their employment: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Projects to assist foreign workers with the entry and departure;
 2. Projects to educate foreign workers and their employers;
 3. Cooperation projects with related public agencies in sending countries and private organizations related to foreign workers;
 4. Projects to offer services, such as counseling, to foreign workers and their employers, etc;
 5. Projects to publicize the foreign worker employment system; and
 6. Other projects prescribed by the Presidential Decree, concerning employment management for foreign workers.
- <This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>*

CHAPTER IV

Protection of Foreign Workers

Article 22 (Prohibition of Discrimination)

No employer shall discriminate or unfairly treat any person on the grounds that he/she is a foreign worker.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 23 (Subscription to Guarantee Insurance, etc.)

(1) The employer of a business or workplace specified by the Presidential Decree in consideration of the size of business, the characteristics of each industry and so on shall take out guarantee insurance for foreign workers employed by him/her to cover them against overdue wages.

(2) A foreign worker employed in a business or workplace specified by the Presidential Decree in consideration of the characteristics of each industry, etc., shall take out personal injury insurance to cover him/herself against any illness, death, etc.

(3) Necessary matters concerning the subscription methods, contents, management and payment of the guarantee insurance and personal injury insurance under paragraphs (1) and (2) shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 24 (Support for Organizations, etc., Related to Foreign Workers)

(1) The State may provide support for institutions or organizations which provide counseling, education and other projects for foreign workers, prescribed by the Presidential Decree, to subsidize, within the limits of the budget, part of the costs of conducting such projects

(2) Necessary matters concerning the requirements, criteria, procedures, etc. for applications for the support prescribed in paragraph (1) shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 24-2 (Council for Protection of Rights and Interests of Foreign Workers)

(1) In order to discuss matters concerning the protection of rights and interests of foreign workers, an employment security office may establish a council for the protection of rights and interests of foreign workers in which workers' and employers' organizations under its jurisdiction participate.

(2) Necessary matter concerning the composition, operation, etc. of a council for the protection of rights and interests of foreign workers shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Newly Inserted by Act No. 9798, Oct. 9, 2009>

Article 25 (Permission for Change of Business or Workplace)

(1) A foreign worker (excluding foreign workers under Article 12 (1)) may apply for a transfer to another business or workplace to the head of an employment security office, as prescribed by the Ordinance of the Ministry of Employment and Labor, if a reason falling under any of the following subparagraphs arises: *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 11276, Feb. 1, 2012>*

1. Where his/her employer intends to terminate his/her labor contract during the contract period or to refuse to renew his/her contract after its expiration for a justifiable reason;
2. Cases announced by the Minister of Employment and Labor, where the foreign worker is deemed unable to continue to work in the business or workplace according to social norms due to a reason not attributable to him/her, such as temporary shutdown or permanent

closure of business, the cancellation of an employment permit under Article 19 (1), restrictions on employment under Article 20 (1), or violations of working conditions or unfair treatment by an employer;

3. Where any other cause specified by the Presidential Decree occurs.

(2) If an employer employs a foreign worker who intends to be reemployed after applying for a change of business or workplace under paragraph (1), Articles 6, 8 and 9 shall apply mutatis mutandis to the procedures for and methods of such employment.

(3) A foreign worker who fails to obtain permission for a change of workplace under Article 21 of the Immigration Control Act within three months from the date of applying for a transfer to another business or workplace pursuant to paragraph (1), or fails to apply for a transfer to another business or workplace within one month from the date on which his/her labor contract with the employer is terminated shall depart from the Republic of Korea: Provided that if a foreign worker fails to obtain permission or apply for a change of workplace due to a reason, such as occupational accident, disease, pregnancy and childbirth, etc., the period shall be calculated from the date on which such a reason ceases to exist.

(4) A foreign worker shall not, in principle, make a change of business or workplace under paragraph (1) more than three times during the period under Article 18, and more than two times during the extended period prescribed in Article 18-2 (1)(excluding cases where a foreign worker makes a change of business or workplace due to the reason prescribed in Article 25 (1) 2): Provided that this shall not apply if any inevitable reason prescribed by the Presidential Decree exists. *<Amended by Act No. 11276, Feb. 1, 2012>*

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

CHAPTER V

Supplementary Provisions

<Amended by Act No. 9798, Oct. 9, 2009>

Article 26 (Report and Investigation, etc.)

(1) The Minister of Employment and Labor may, if deemed necessary, order an employer, a foreign worker or a foreign workers-related organization that receives support under Article 24 (1) to make a report, submit related documents and do other necessary things, and have a public official under his/her control ask questions to a related person or investigate or examine related books, documents, etc. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) A public official who conducts an investigation or examination pursuant to paragraph (1) shall carry a certificate indicating his/her identity and show it to the person concerned.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 27 (Collection of Fees, etc.)

(1) A agent who provides the service of entering into a labor contract between an employer and a foreign worker on their behalf pursuant to Article 9 (2) (including cases where the conclusion of a labor contract is applied mutatis mutandis pursuant to the latter part of the sentences other than each subparagraph of Article 12 (1), Article 18-4 (3) and Article 25 (2); hereinafter the same shall apply in this Article) may receive fees and other necessary expenses from the employer as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010 and Act No 11276, Feb. 1, 2012>*

(2) The Minister of Employment and Labor may, if deemed necessary for carrying out projects related to foreign workers pursuant to Article 21, receive fees and other necessary expenses from employers under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(3) A person who carries out work concerning the employment of foreign workers on behalf of others pursuant to Article 27-2 (1) may receive fees and other necessary expenses from the employer under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(4) Any person other than those falling under any of the following subparagraphs shall not receive any money and valuables in return for conducting the signing a labor contract as a proxy, undertaking works regarding the employment of foreign workers as a proxy or carrying out projects related to foreign workers.

1. A person who carries out the work of signing a labor contract between employer and foreign worker on behalf of them pursuant to Article 9 (2);
 2. A person who carries out work concerning the employment of foreign workers on behalf of others pursuant to Article 27-2 (1);and
 3. A person who exercises the authority of the Minister of Employment and Labor under Article 21, which has been delegated or entrusted to him/her under Article 28
- <This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>*

Article 27-2 (Filing of Various Applications, etc. Though Agency)

(1) An employer or a foreign worker may have a person (hereinafter referred to as "agency") designated by the Minister of Employment and Labor carry out work concerning the employment of foreign workers, such as filing an application or receiving documents, etc., as specified under each of the following subparagraphs: *<Amended by Act No. 11276, Feb. 1, 2012>*

1. Filing an application for seeking native workers under Article 6 (1) (including cases applied mutatis mutandis under Article 25 (2));
2. Filing an application for reemployment permit under Article 18-2;
3. Filing an application for employment permit after re-entry under Article 18-4 (1);
4. Filing an application for a transfer to another business or workplace under Article 25 (1); and
5. Other work prescribed by the Ordinance of the Ministry of Employment and Labor concerning the employment, etc., of foreign workers.

(2) Necessary matters concerning the designation requirements, work scope, designation procedures and vicarious performance of the agency under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Newly Inserted by Act No. 9798, Oct. 9, 2009>

Article 27-3 (Revocation, etc., of Designation of Agency)

(1) The Minister of Employment and Labor may, if an agency falls under any of the following subparagraphs, revoke the designation, suspend business thereof for a period not exceeding six month, or issue an correction order: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where the agency obtains designation in a false or other fraudulent ways;

2. Where the agency fails to meet the designation requirements;
 3. Where the agency carries out work beyond the designated scope of work; and
 4. Other cases where the agency fails to pay due attention as a good manager or violates the work processing procedures.
- (2) The Minister of Employment and Labor shall hold a hearing when revoking the designation of an agency pursuant to paragraph (1). *<Amended by Act No. 10339, Jun. 4, 2010>*
<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 28 (Delegation and Entrustment of Authority)

The Minister of Employment and Labor may delegate part of the authority under this Act to the heads of local employment and labor offices or entrust it to the Human Resources Development Service of Korea under the Act on the Human Resources Development Service of Korea or to a person prescribed by the Presidential Decree, as prescribed by the Presidential Decree : Provided that a project specified in subparagraph 1 of Article 21 shall be entrusted to the Human Resources Development Services of Korea. *<Amended by Act No. 10339, Jun. 4, 2010>*
<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

CHAPTER VI

Penal Provisions

<Amended by Act No. 9798, Oct. 9, 2009>

Article 29 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment or confinement of up to one year or a fine not exceeding ten million won:

1. A person who intervenes in the selection, placement and hiring of foreign workers in violation of Article 8 (6);
2. A person who fails to take necessary measures required for foreign workers to return to their home country in violation of Article 16;
3. A person who fails to terminate a labor contract with a foreign worker in violation of Article 19 (2);
4. A person who obstructs a change of business or workplace prescribed in Article 25; and
5. A person who receives money and other valuables in

violation of Article 27 (4)
<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 30 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by a fine not exceeding five million won:

1. An employer who fails to take out departure guarantee insurance etc. in violation of the former part of Article 13 (1); and
2. A person who fails to take out the guarantee insurance or personal injury insurance prescribed in Article 23.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 31 (Joint Penal Provisions)

If the representative of a corporation or an agent, a servant or any other employee of a corporation or an individual commits an offense specified in Article 29 or 30 in connection with the business of the corporation or individual, the fine prescribed in the respective Article shall be imposed on the corporation or individual, in addition to punishment of the offender: Provided that this shall not apply to cases where the corporation or individual has not neglected to give considerable attention and supervision to the business concerned in order to prevent such offense.

<This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>

Article 32 (Fine for Negligence)

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding five million won:

1. A person who fails to use the standard labor contract form when entering into a labor contract in violation of Article 9 (1);
2. An employer who fails to allow foreign workers to receive employment training in violation of Article 11 (2);
3. An employer who employs a foreign worker issued with a visa under Article 12 (1) without obtaining confirmation on exceptionally permissible employment under Article 12 (3);
4. An employer who fails to hire a foreign worker from among those registered in the roster of foreign job seekers or an employer who fails to make a report or

- makes a false report to the head of an employment security office after a foreign worker starts to work, in violation of Article 12 (4);
5. An employer who delays payment of monthly insurance premium or trust installments for departure guarantee insurance, etc., three times or more, in violation of the latter part of Article 13 (1);
 6. A foreign worker who fails to take out insurance or trust in violation of Article 15 (1);
 7. An employer who fails to make a report or makes a false report in violation of Article 17 (1);
 8. An employer who, while under restriction on employment of foreign workers under Article 20 (1), employs a foreign worker issued with a visa under Article 12 (1)
 9. A person who fails to make a report or makes a false report or fails to submit related documents or submits false documents in defiance of an order issued under Article 26 (1) or refuses, obstructs or avoids questions or an investigation or inspection under the same paragraph; and
 10. A person who receives money and valuables other than fees and necessary expenses under Article 27 (1) (2) or (3)
- (2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Employment and Labor as prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*
- <This Article Wholly Amended by Act No. 9798, Oct. 9, 2009>*

Addenda

<Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided that ... (omitted) ... among the revised acts under Article 18-2 and Article 25 shall be enforced two months after the date of promulgation date of the act concerned.

Articles 2 through 5 Omitted.

Article 6 (Revision of Other Acts)

(1) through (534) Omitted.

(535) Parts of the Act on Foreign Workers' Employment, etc. shall be revised as follows:

"Minister of the Office for Government Policy Coordination" in Article 4 (4) shall be changed to "Minister of the Prime Minister's Office", and "Vice Minister of Finance and Economy, the Vice Minister of Foreign Affairs and Trade, the Vice Minister of Justice, the Vice Minister of Commerce, Industry and Energy, the Vice Minister of Labor" to "Vice Minister of Strategy and Finance, the Vice Minister of Foreign Affairs and Trade, the Vice Minister of Justice, the Vice Minister of Knowledge, Economy, the Vice Minister of Labor."

(536) through (760) Omitted.

Article 7 Omitted.

Addenda

<Act No. 9795, Oct. 9, 2009 ; Revision of the Employment Security Act>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

Article 5 (Revision of Other Acts)

(1) and (2) Omitted.

(3) Parts of the Act on Foreign Workers' Employment, etc., shall be revised as follows :

"Subparagraph 1 of Article 4 of the Employment Security Act" in Article 6 (1) shall be changed to "subparagraph 1 of Article 2-2 of the Employment Security Act".

(4) through (7) Omitted.

Article 6 Omitted.

Addenda

<Act No. 9798, Oct. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided that the amended provisions of Article 18-2 and 25 shall enter into force two months after the date of its promulgation.

Article 2 (Applicability concerning Assessment of Qualification

Requirements)

The amended provision of Article 7 (2) shall apply to the first preparation of a roster of foreign job seekers under the amended provision of Article 7 (1) after this Act enters into force.

Article 3 (Applicability concerning Special Cases for Restrictions on Employment Period)

The amended provision of Article 18-2 shall apply to cases where an employer requests permission for the re-employment of a foreign worker who is employed within the period prescribed in Article 18 (1) at the time this Act enters into force and who spends three years in employment after this Act enters into force.

Article 4 (Applicability concerning Reason for Postponing Period of Permission and Application for Change of Business or Workplace)

The amended provision of Article 25 (3) shall apply to a person whose period of permission and application for a change of business or workplace under the previous provision of Article 25 (3) is not terminated at the time this Act enters into force.

Article 5 (Transitional Measures concerning Upper Limit on Contract Period)

If an employer who entered into a labor contract under the previous provision of Article 9 (3) at the time this Act enters into force enters into a new labor contract or renews the existing labor contract under the amended provision of Article 9 (3) after this Act enters into force, he/she may enter into or renew a labor contract for a period obtained by subtracting the total labor contract period under the previous provision of Article 9 (3) from three years.

Article 6 (Transitional Measures concerning Penal Provisions and Fines for Negligence)

The application of penal provisions and fines for negligence to acts committed before this Act enters into force shall be governed by the previous provisions.

Addenda

<Act No. 10339, Jun. 4, 2010; Revision of the Government Organization Act>

Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation. <Proviso omitted>

Articles 2 and 3 Omitted.

Article 4 (Revision of Other Acts)

(1) and (54) Omitted.

(55) Parts of the Act on Foreign Workers' Employment, etc., shall be revised as follows :

"Ministry of Labor" in Article 4 (4) shall be changed to "Ministry of Employment and Labor".

"Minister of Labor" in Article 5 (1) through (3), Article 7 (1), (2) and (3), Article 12 (2) and (8), Article 18-2 (1) 1 and 2, Article 20 (2), parts other than each subparagraph of Article 21, Article 26 (1), Article 27 (2), Article 27 (4) 3, parts other than each subparagraph of Article 27-2 (1), parts other than each subparagraph of Article 27-3 (1), Article 27-3 (2), Article 28 and Article 32 (2) shall be changed to "Minister of Employment and Labor".

"Ordinance of the Ministry of Labor" in Article 8 (1), Article 9 (1), Article 11 (1) and (3), the former part of Article 12 (3), Article 12 (4), Article 17 (1), Article 18-2 (2), Article 20 (2), Article 24-2 (2), parts other than each subparagraph of Article 25 (1), Article 27 (1) through (3), Article 27-2 (1) 4, Article 27-2 (2) and parts other than each subparagraph of Article 27-3 (1) shall be changed to "Ordinance of the Ministry of Employment and Labor".

"Local labor offices" in Article 28 shall be changed to "local employment and labor offices".

(56) through (82) Omitted.

Article 5 Omitted.

Addenda

<Act No. 11276, Feb. 1, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Applicability concerning Special Cases for Restrictions on Employment After Re-entry)

(1) The amended provisions of Article 18-4 shall also apply to foreign workers for whom the expiration date of the employment period extended under Article 18-2 before the enforcement of this Act arrives after this Act enters into force.

(2) The amended provisions of Article 18-4 shall also apply to foreign workers who re-entered the Republic of Korea and are

employed under Article 18-2 of the previous Act on Foreign Workers Employment, etc., (referring to the Act on Foreign Workers Employment, etc., that existed before it was partially amended by Act no. 9798).

Article 3 (Applicability concerning Permission for Change of Business or Workplace)

The amended provisions of Article 25 (1) shall apply to the cases where a reason to transfer to another business or workplace arises after this Act enters into force.

Addenda

<Act No. 11690, Mar. 23, 2013; Revision of the Government Organization Act>

Article 1 (Enforcement Date)

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

(2) Omitted.

Article 2 and 5 Omitted.

Article 6 (Revision of Other Acts)

(1) through (524) Omitted.

(525) Parts of the Act on Foreign Workers' Employment, etc. shall be revised as follows :

"The Minister of the Prime Minister's Office" and "the Vice Minister of Foreign Affairs and Trade, the Vice Minister of Justice, the Vice Minister of Knowledge and Economy" in Article 4 (4) shall be changed to "Chief of the Office for Government Policy Coordination" and "the Vice Minister of Foreign Affairs, the Vice Minister of Justice, the Vice Minister of Industry, Trade, and Resources" respectively.

(526) through (710) Omitted.

Article 7 Omitted.