

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 Decree reflects only the amendments made until June 30, 2013*

ENFORCEMENT DECREE OF THE ACT ON THE ESTABLISHMENT, OPERATION, ETC., OF TRADE UNIONS FOR TEACHERS

Presidential Decree No. 16389, Jun. 8, 1999

Amended by Presidential Decree No. 17115, Jan. 29, 2001
Presidential Decree No. 17873, Dec. 31, 2002
Presidential Decree No. 18966, Jul. 27, 2005
Presidential Decree No. 20681, Feb. 29, 2008
Presidential Decree No. 22269, Jul. 12, 2010
Presidential Decree No. 23375, Dec. 14, 2011
Presidential Decree No. 24447, Mar. 23, 2013

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Act on the Establishment, Operation, etc., of Trade Unions for Teachers and those necessary for the enforcement thereof.

<This Article Wholly Amended by Presidential Decree No. 23375, Dec. 14, 2011>

Article 2 (Report of Subsidiary Organizations)

Among trade unions for teachers (hereinafter referred to as "trade unions"), unit trade unions covering two or more special cities, metropolitan cities, provinces or special self-governing provinces (hereinafter referred to as "cities and provinces") may make a report on the establishment of a trade union under Article 4 (2) of the Act on the Establishment, Operation, etc., of Unions for Teachers (hereinafter referred to as the "Act") only for their city/provincial-level chapters or branches.

<This Article Wholly Amended by Presidential Decree No. 23375, Dec. 14, 2011>

Article 3 (Bargaining Procedure)

(1) If the representative of a trade union intends to conduct collective bargaining with his/her counterpart (in case of a person who establishes or operates a private school, referring to the representative of an organization consisting of such persons if there is such an organization; the same shall apply hereinafter in this paragraph) pursuant to Article 6 (1) of the Act, he/she shall inform his/her counterpart in writing of such

intention at least 30 days before the scheduled start date of negotiation. *<Amended by Presidential Decree No. 17873, Dec. 31, 2002>*

(2) A person who establishes or operates a private school shall, upon receiving a notification of negotiation pursuant to paragraph (1), organize a negotiating team at the national or city/provincial level.

(3) If a notification of negotiation has been given pursuant to paragraph (1), the parties to labor relations shall have a person designated from among their members consult on the agenda of negotiation, the number of negotiating members, the date and place of negotiation and other matters necessary for negotiation by the scheduled start date of negotiation.

(4) The parties to labor relations shall appoint negotiating members by the scheduled start date of negotiation. *<Amended by Presidential Decree No. 17873, Dec. 31, 2002>*

<This Article Wholly Amended by Presidential Decree No. 23375, Dec. 14, 2011>

Article 4 (Gathering of Public Opinion, etc.)

(1) The parties to labor relations may conduct a public opinion survey or hold a public hearing, etc., to gather public opinion and that of the students' parents pursuant to Article 6 (4) of the Act.

(2) Public opinion surveys and public hearings, etc., under paragraph (1) may be conducted jointly by the parties to labor relations.

<This Article Wholly Amended by Presidential Decree No. 23375, Dec. 14, 2011>

Article 5 (Notification of Implementation of Collective Agreement)

The Minister of Education, the superintendent of a city and provincial office of education, or a person who establishes or operates a private school shall inform his/her counterpart in writing of the results of the implementation of the provisions of a collective agreement which do not have the effect of a collective agreement under Article 7 (1) of the Act before the start of the next negotiation. In such cases, if there is an organization consisting of persons who establish or operate a private school, then the representative of the organization shall inform his/her counterpart in writing of the results. *<Amended by Presidential Decree No. 17115, Jan. 29, 2001, Presidential No. 20681, Feb. 29, 2008, and Presidential Decree No. 24447, Mar. 23, 2013>*

*<This Article Wholly Amended by Presidential Decree No. 23375,
Dec. 14, 2011>*

Article 6 (Mediation, etc. of Labor Disputes)

(1) When requesting mediation or arbitration pursuant to Article 9 or Article 10 of the Act, the parties to labor relations shall make that request to the National Labor Relations Commission under Article 2 of the Labor Relations Commission Act (hereinafter referred to as "the National Labor Relations Commission"), as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Presidential Decree No. 22269, Jul. 12, 2010>*

(2) If the National Labor Relations Commission has received a request pursuant to paragraph (1) and deems the contents of the request not subject to arbitration or mediation under Article 9 or Article 10 of the Act, it shall inform the person who requested of the reason along with an alternative solution other than mediation or arbitration.

(3) The National Labor Relations Commission shall, if it mediates or arbitrates a labor dispute pursuant to Article 9 or Article 10 of the Act, inform the relevant parties in writing of this without delay, and organize the Labor Relations Adjustment Committee for Teachers under Article 11 of the Act.

*<This Article Wholly Amended by Presidential Decree No. 23375,
Dec. 14, 2011>*

Article 7 (Payment of Allowances, etc)

A person designated as a member of the Labor Relations Adjustment Committee for Teachers under the proviso of Article 11 (2) of the Act may be given allowances and travel expenses equivalent to those provided to a member of the Labor Relations Commission under Article 2 of the Labor Relations Commission Act (hereinafter referred to as "the Labor Relations Commission") within the limits of the budget to perform his/her duties.

*<This Article Wholly Amended by Presidential Decree No. 23375,
Dec. 14, 2011>*

Article 8 (Notification of Receipt of Request for Remedy)

When the Labor Relations Commission receives a request for remedy pursuant to Article 13 of the Act, it shall inform the Appeals Commission for Teachers of this without delay.
<Amended by Presidential Decree No. 18966, Jul. 27, 2005>

*<This Article Wholly Amended by Presidential Decree No. 23375,
Dec. 14, 2011>*

Article 9 (Relations with Other Enforcement Decrees)

(1) Except as prescribed in paragraph (2), matters not provided for in this Decree with regard to trade unions and labor relations adjustments applicable to teachers shall be governed by the Enforcement Decree of the Trade Union and Labor Relations Adjustment Act. In this case, "Minister of Employment and Labor, special city mayor, metropolitan city mayor, provincial governor, governor of special self-governing province or head of Si/Gun/Gu (hereinafter referred to as "administrative authorities")" in parts other than each subparagraph of Article 9 (1) of the same Decree shall be read as "Minister of Employment and Labor", "employer of the relevant business or workplace or employers' association related thereto" in Article 9 (3) and Article 13 (4) of the same Decree as "Minister of Education, superintendent of the city and provincial office of education, or person who establishes and operates the private school (if there is an organization consisting of such persons, the representative of that organization)", "area falling under the jurisdiction of another administrative authorities" and "administrative authorities which have jurisdiction over the new location" in Article 10 (2) of the same Decree as "area falling under the jurisdiction of another local employment and labor office" and "Minister of Employment and Labor", respectively, "paragraph (1) 3 and 4" and "employer of the relevant business or workplace or employers' association related thereto" in Article 11 (2) of the same Decree as "paragraph (1) 3" and "Minister of Education, superintendent of the city and provincial office of education or person who establishes and operates the private school (if there is an organization consisting of such persons, the representative of that organization)", respectively, "Labor Relations Commission" in Article 29 (1) of the same Decree as "National Labor Relations Commission", "Arbitration Committee" in Article 30 (1) of the same Decree as "Labor Relations Adjustment Committee for Teachers", respectively, and "worker", "employer" and "administrative authorities" in the same Decree as "teacher", "Minister of Education, superintendent of the city and provincial office of education, person who establishes and operates the private school, or person who acts on behalf of the Minister of

Education, the superintendent of the city and provincial office of education, or the person who establishes and operates the private school" and "Minister of Employment and Labor", respectively. *<Amended by Presidential Decree No. 17115, Jan. 29, 2001, Presidential Decree No. 20681, Feb. 29, 2008, Presidential Decree No. 22269, Jul. 12, 2010, and Presidential Decree No. 24447, Mar. 23, 2013>*

(2) Article 7, Article 11 (1) 4, Articles 11-2 through 11-6, Article 14, Articles 14-2 through 14-12, Article 17, Article 18, Articles 20 through 22, Articles 22-2 through 22-4, Articles 23 through 26, Article 28, Article 29 (2), Article 31, Article 32 and Article 33 (1) 10, 12, 13, 17, and 18 of the Enforcement Decree of the Trade Union and Labor Relations Adjustment Act shall not apply with regard to trade unions for teachers.

<This Article Wholly Amended by Presidential Decree No. 23375, Dec. 14, 2011>

Addenda

<Presidential Decree No. 20681, Feb. 29, 2008>

Article 1 (Enforcement Date) This Decree shall enter into force on the date of its promulgation. Proviso Omitted.

Articles 2 through 4 Omitted.

Article 5 (Revision of Other Decrees)

(1) through (4) Omitted.

(5) Parts of the Enforcement Decree of the Act on the Establishment, Operation, etc. of Trade Unions for Teachers shall be amended as follows:

"The Minister of Education and Human Resources Development" in Article 5 and Article 9 (1) shall be changed to "the Minister of Education, Science and Technology".

(6) through (20) Omitted.

Addenda

<Presidential Decree No. 22269, Jul. 12, 2010>

Article 1 (Enforcement Date) This Decree shall enter into force on the date of its promulgation. *<Proviso Omitted.>*

Article 2 (Revision of Other Decrees)

(1) through (26) Omitted.

(27) Parts of the Enforcement Decree of the Act on the Establishment, Operation, etc. of Trade Unions for Teachers shall be amended as follows:

"Ordinance of the Ministry of Labor" in Article 6 (1) shall be changed to "Ordinance of the Ministry of Employment and Labor".

"Minister of Labor" and "local labor office" in the latter part of Article 9 (1) shall be changed to "Minister of Employment and Labor" and "local employment and labor office" respectively.

(28) through (136) Omitted.

Addendum

<Presidential Decree No. 23375, Dec. 14, 2011>

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

Addenda

<Presidential Decree No. 24447, Mar. 23, 2013>

Article 1 (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

Article 2 Omitted.

Article 3 (Revision of Other Decrees)

(1) through (4) Omitted.

(5) Parts of the Enforcement Decree of the Act on the Establishment, Operation, etc. of Trade Unions for Teachers shall be amended as follows:

"Minister of Education, Science and Technology" in Article 5 and the latter part of Article 9 (1) shall be changed to "Minister of Education" respectively.

(6) through (11) Omitted.