

ACT ON EQUAL EMPLOYMENT AND SUPPORT FOR WORK-FAMILY RECONCILIATION

Act No. 3989, Dec. 4, 1987

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Act No. 8372, Apr. 11, 2007
Act No. 8781, Dec. 21, 2007
Act No. 9792, Oct. 9, 2009
Act No. 9795, Oct. 9, 2009
Act No. 9998, Feb. 4, 2010
Act No. 10339, Jun. 4, 2010

CHAPTER I

General Provisions

Article 1 (Purpose)

The purpose of this Act is to realize gender equality in employment in accordance with the principle of equality proclaimed in the Constitution of the Republic of Korea by ensuring equal opportunities and treatment in employment between men and women and protecting maternity and promoting female employment, and to contribute to the improvement of all the people's quality of life by supporting the reconciliation of work and family life for workers.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 2 (Definition)

The definition of terms used in this Act shall be as follows:

(1) The term "discrimination" means that an employer applies different hiring and working conditions to workers, or takes any other disadvantageous measures against them without any justifiable reasons on account of sex, marriage, status within family, pregnancy, or child-birth, etc. (including cases where even if an employer applies the same hiring or working conditions, the number of men or women who can meet the conditions is

considerably less than that of the opposite sex, thus causing a disadvantageous result to the opposite sex, and the said conditions cannot be proved justifiable): Provided that this shall not apply to cases falling under any one of the following items:

- A. Where a specific sex is inevitably required in view of the nature of duties; and
- B. Where measures are taken to protect maternity, such as pregnancy, childbirth and lactation of female workers, etc.; and
- C. Other cases where affirmative action measures are taken under this Act or other Acts.

(2) The term "sexual harassment at work" refers to a situation where an employer, a superior, or a worker causes another worker to feel sexually humiliated or offended by sexually charged words or actions by using their position in the workplace or in relation to work, or gives disadvantages in employment for disregarding sexual words or actions or any other demands, etc.

(3) The term "affirmative action measure" means a measure to favorably treat a specific sex temporarily in order to eliminate existing employment discrimination between men and women or to promote equal employment.

(4) The term "worker" means a person employed by an employer and a person having the intention to be employed.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 3 (Scope of Application)

(1) This Act shall apply to all businesses or workplaces (hereinafter referred to as "business") that employ workers; Provided that all or part of this Act may not apply to business prescribed by the Presidential Decree.

(2) Unless otherwise provided for by other Acts, the realization of gender equality in employment and reconciliation of work and family life shall be governed by this Act.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 4 (Responsibility of State and Local Governments)

(1) The State and local governments shall, in order to achieve the purposes of this Act, promote the people's interest and understanding, support women's vocational skills development and employment promotion for them, and make necessary efforts to eliminate all elements undermining the realization of equal employment between men and women.

(2) The State and local governments shall support workers and employers' efforts to reconcile work and family life, and make efforts to raise financial resources and prepare conditions necessary for the reconciliation of work and family life.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 5 (Responsibility of Workers and Employers)

(1) Workers shall make efforts to create a workplace culture, where men and women are equally respected based on mutual understanding.

(2) Employers shall make efforts to create a working environment where male and female workers can display their abilities under equal conditions by improving practices and institutions undermining the realization of gender equality in employment.

(3) Employers shall make efforts to improve practices and institutions in the workplace undermining the reconciliation of work and family life, and create a working environment that can support the reconciliation of work and family life.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 6 (Establishment of Measures, etc.)

(1) The Minister of Employment and Labor shall establish and carry out the policies falling under any of the following subparagraphs to realize gender equality in employment and the reconciliation of work and family life: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Publicity for spreading awareness about gender equality in employment;
 2. Selection of and administrative and financial support for companies with an exemplary practice of gender equality in employment (including excellent companies in affirmative action measures under Article 17-4);
 3. Establishment and implementation of a campaign period for gender equality in employment;
 4. Survey and research to eliminate gender discrimination and expand the employment of women;
 5. Improvement of institutions and administrative and financial support for maternity protection and the reconciliation of work and family life; and
 6. Other measures necessary to realize equal employment and the reconciliation of work and family life
- (2) The Minister of Employment and Labor shall make efforts

to reflect opinions of the interested parties in establishing and implementing policies under paragraph (1), and if it is deemed necessary, he may ask for cooperation from the heads of relevant administrative agencies, local governments and other public organizations. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 6-2 (Establishment of Basic Plan)

(1) The Minister of Employment and Labor shall establish a basic plan on the realization of equal employment and the reconciliation of work and family life (hereinafter referred to as "basic plan"). *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The basic plan as referred to in paragraph (1) shall include the following matters: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Matters on the promotion of female employment;
2. Matters on the guarantee of equal opportunities and treatment for men and women;
3. Matters on the entrenchment of the principle of equal pay for work of equal value;
4. Matters on the development of women's vocational skills;
5. Matters on maternity protection for female workers;
6. Matters on support for the reconciliation of work and family life;
7. Matters on the installation and operation of welfare facilities for female workers; and
8. Other matters deemed necessary by the Minister of Employment and Labor for the realization of gender equality in employment and reconciliation of work and family life.

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

Article 6-3 (Conducting Research on Actual Conditions)

(1) The Minister of Employment and Labor shall regularly conduct a survey to find out the current status of the elimination of gender discrimination, maternity protection, and reconciliation of work and family life in the workplace. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Necessary matters, such as the target people, period, details, etc., of the survey 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. 8781, Dec. 21, 2007>

CHAPTER II

Guarantee of Equal Opportunities, and Treatment, etc. in Employment of Men and Women

SECTION I

Guarantee of Equal Opportunities and Treatment for Men and Women

Article 7 (Recruitment and Hiring)

(1) An employer shall not discriminate on grounds of gender in recruitment and hiring of workers.

(2) When recruiting and hiring female workers, an employer shall not present nor demand certain physical conditions, such as appearances, height, weight, etc., and unmarried conditions not required for performing the relevant duties, and any other 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. 8781, Dec. 21, 2007>

Article 8 (Wages)

(1) An employer shall provide equal pay for work of equal value in the same business.

(2) The criteria for work of equal value shall be skills, efforts, responsibility and working conditions, etc., required to perform the work. And in setting the criteria, an employer shall listen to opinions of the member representing the workers at the Labor-Management Council as prescribed in Article 25.

(3) A separate business established by an employer for the purpose of wage discrimination shall be considered the same business.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 9 (Money, Valuables, etc. Other Than Wages)

An employer shall not discriminate on grounds of gender in providing welfare, such as providing money, goods or loans, etc. in order to support the living of his/her workers aside from wages.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 10 (Education, Assignment and Promotion)

An employer shall not discriminate on grounds of gender in education, assignment and promotion of his/her workers.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 11 (Retirement Age, Retirement and Dismissal)

(1) An employer shall not discriminate on grounds of gender in retirement age limit, retirement and dismissal of his/her workers.

(2) No employer shall make a labor contract that stipulates marriage, pregnancy or childbirth of female workers as grounds for retirement.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

SECTION II

Prohibition and Prevention of Sexual Harassment at Work

Article 12 (Prohibition of Sexual Harassment at Work)

No employer, superior or worker shall engage in sexual harassment at work.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 13 (Education to Prevent Sexual Harassment at Work)

(1) An employer shall conduct education in order to prevent sexual harassment at work (hereinafter referred to as the "education to prevent sexual harassment") and to create a safe working environment for workers.

(2) Matters necessary for the contents, method, frequency, etc. of education to prevention sexual harassment shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 13-2 (Entrustment of Education to Prevent Sexual Harassment at Work)

(1) An employer may conduct education to prevent sexual harassment by entrusting it to the institution designated by the Minister of Employment and Labor (hereinafter referred to as the "education institution for sexual harassment prevention").

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

(2) The education institution for sexual harassment prevention

shall be designated among the institutions provided by the Ordinance of the Ministry of Employment and Labor, and it shall have one or more of the lecturers provided by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(3) The education institution for sexual harassment prevention shall conduct education under the conditions provided by the Ordinance of the Ministry of Employment and Labor, keep data relating to execution of education, including education completion certificate or the roster of persons completing the education, etc., and deliver such data to employers or educatees. *<Amended by Act No 10339, Jun. 4, 2010>*

(4) The Minister of Employment and Labor may cancel relevant designation in cases where the education institution for sexual harassment prevention falls under any of the following subparagraphs: *<Amended by Act No 10339, Jun. 4, 2010>*

1. Where the designation has been obtained in a false or other unlawful ways; and
2. Where the lecturer under paragraph (2) has not been placed for 6 consecutive months or longer without any justifiable reasons.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 14 (Measures to Be Taken in case of Sexual Harassment at Work)

(1) An employer shall take without delay disciplinary measures or any other equivalent actions against the sexual harasser if an occurrence of sexual harassment at work has been verified.

(2) No employer shall dismiss or take any other disadvantageous measures against a worker who has been damaged with regard to sexual harassment at work or claimed damage occurred from sexual harassment.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 14-2 (Prevention of Sexual Harassment by Clients, etc.)

(1) If a person closely related to the duties, such as a client, etc., causes a worker to feel sexually humiliated or offended by sexual words, actions, etc., during the performance of duties, and such worker requests resolution of the grievances thereby, the employer shall make efforts to take all possible measures,

such as the change of the place of work, relocation, etc.

(2) No employer shall dismiss or take any other disadvantageous measures against the worker on account of his/her claim for any damage under paragraph (1) or of disregard for sexual demands from clients, etc.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

SECTION III

Skills Development and Employment Promotion for Women

Article 15 (Vocational Guidance)

The Employment Security Office prescribed in subparagraph 1 of Article 2-2 of the Employment Security Act shall take measures necessary for vocational guidance, such as offering employment information and survey and research materials on jobs, etc., in order to enable women to choose a job according to their aptitude, competency, experience and skills, and adapt themselves with ease to such jobs. *<Amended by Act No. 9795, Oct. 9, 2009>*

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 16 (Skills Development)

The State, local governments and employers shall guarantee equal opportunities for men and women in all forms of skills development training in order to develop and improve women's vocational competency.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 17 (Employment Promotion for Women)

(1) The Minister of Employment and Labor may support all or part of the expenses incurred by non-profit corporations and organizations which establish and operate facilities to promote women's employment. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may support all or part of the expenses incurred by employers who conduct business to promote the employment of women, or who intend to improve their working environments in the workplace, such as establishing a resting place for women, lactation facility, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 17-2 (Skills Development and Employment Promotion

Support for Career-Break Women)

(1) The Minister of Employment and Labor shall select occupations with good employment prospects and develop specialized training and employment promotion programs for career-break women who leave their jobs for such reasons as pregnancy, childbirth, childcare, etc. but have an intention to be reemployed (hereinafter referred to as "career-break women"). *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor shall provide career-break women with information on jobs, vocational training, etc., and services, such as professional vocational guidance, counseling, etc., through the Employment Security Office prescribed in subparagraph 1 of Article 2-2 of the Employment Security Act. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

SECTION IV

Affirmative Action Measures

Article 17-3 (Establishment, Submission, etc. of Implementation Plans for Affirmative Action Measures)

(1) The Minister of Employment and Labor may request employers falling under any of the following subparagraphs whose employed female workers' ratio by occupation is short of the employment standard for each industry and scale, provided for by the Ordinance of the Ministry of Employment and Labor, to establish and submit implementation plans for affirmative action measures to improve discriminative employment practices and systems (hereinafter referred to as "implementation plans"). In this case, the relevant employer shall submit the implementation plans: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Heads of public agencies and organizations prescribed by the Presidential Decree; and
2. Employer of business employing more workers than the scale prescribed by the Presidential Decree.

(2) An employer falling under any subparagraph of paragraph (1) shall submit a report on the current status of male and female workers by occupation and by position to the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) An employer not falling under any subparagraph of paragraph (1) who intends to take affirmative action measures

may prepare a report on the current status of male and female workers by occupation and the implementation plans, and submit them to the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) The Minister of Employment and Labor shall examine the implementation plans submitted under paragraphs (1) and (3), and in cases where the relevant details are not clear or the efforts to improve discriminative employment practice are insufficient, thus deemed inappropriate as implementation plans, he/she may request the relevant employer to supplement the implementation plans. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) Matters necessary for implementation plans under paragraphs (1) and (2), items to be entered in a report on the current status of male and female workers, time and procedures for submission, etc. 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. 8781, Dec. 21, 2007>

Article 17-4 (Evaluation of Performance Results and Support, etc.)

(1) A person who has submitted an implementation plan under Article 17-3 (1) and (3) shall submit the performance results to the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor shall evaluate the performance results submitted under paragraph (1), and notify the employer of the results. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The Minister of Employment and Labor may commend an enterprise with excellent performance results based on the evaluation results under paragraph (2) (hereinafter referred to as "enterprise of excellent affirmative action measure"). *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) The State and local governments may render administrative and financial support to enterprises with excellent affirmative action measures.

(5) The Minister of Employment and Labor may urge employers with poor performance results based on the evaluation results under paragraph (2) to carry out their implementation plans. *<Amended by Act No. 10339, Jun. 4, 2010>*

(6) The Minister of Employment and Labor may entrust evaluation duties under paragraph (2) to institutions or organizations prescribed by the Presidential Decree. *<Amended by*

Act No 10339, Jun. 4, 2010>

(7) Necessary matters concerning items to be entered in the performance results under paragraph (1), time and procedures for submission, and notification procedures for evaluation results under paragraph (2) 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. 8781, Dec. 21, 2007>

Article 17-5 (Posting of Implementation Plans, etc.)

An employer who has submitted an implementation plan under Article 17-3 (1) shall take necessary measures, such as posting the implementation plan and the implementation results, etc. under Article 17-4 (1) so that workers can peruse them.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 17-6 (Cooperation on Affirmative Action Measures)

The Minister of Employment and Labor may request the heads of related administrative agencies to take necessary measures for correction or prevention of discrimination if deemed necessary for the efficient implementation of affirmative action measures. In this case, the heads of related administrative agencies shall comply with such request unless they have any special reasons. *<Amended by Act No 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 17-7 (Deliberation on Important Matters concerning Affirmative Action Measures)

The following matters concerning affirmative action measures shall be subject to deliberation by the Employment Policy Council under Article 10 of the Framework Act on Employment Policy:

1. Matters concerning standards for employment of female workers under Article 17-3 (1);
2. Matters concerning examination of implementation plans under Article 17-3 (4);
3. Matters concerning evaluation of performance results of affirmative action measures under Article 17-4 (2);
4. Matters concerning commendation and support for enterprises with excellent affirmative action measures under Article 17-4 (3) and (4); and
5. Other matters referred for discussion by the chairman of the Employment Policy Council on affirmative action measures

<This Article Wholly Amended by Act No. 9792, Oct. 9, 2009>

Article 17-8 (Survey and Research etc. of Affirmative Action Measures)

(1) The Minister of Employment and Labor may perform projects, including surveys, research, education and publicity, in order to efficiently perform duties of affirmative action measures. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may entrust part of the duties under paragraph (1) to persons prescribed by the Presidential Decree, if deemed necessary. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

CHAPTER III

Maternity Protection

Article 18 (Support for Maternity Leave)

(1) The State shall provide those meeting certain requirements among the workers who have taken maternity leave or miscarriage and stillbirth leave pursuant to Article 74 of the Labor Standards Act with an amount equivalent to the ordinary wages (hereinafter referred to as "maternity leave benefits, etc.") for the period of the relevant leave.

(2) Maternity leave benefits, etc. paid under paragraph (1) shall be considered to have been paid by the employer within the limits of the said amount under Article 74 (3) of the Labor Standards Act.

(3) Expenses required for paying maternity leave benefits, etc., may be borne by public finances or the social insurance under the Framework Act on Social Security.

(4) If a female worker intends to receive maternity leave benefits, etc., she shall actively cooperate in all the procedures, such as preparation or verification of the relevant documents, etc.

(5) Necessary matters concerning the requirements, duration and procedures for payment of maternity leave benefits, etc. shall be prescribed by a separate Act.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 18-2 (Paternity Leave)

(1) If a worker requests leave on grounds of his spouse's childbirth, the employer shall grant him three-day leave.

(2) The leave referred to in paragraph (1) may not be requested after the lapse of thirty days from the date when the worker's spouse gave birth.

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

CHAPTER III-2

Support for Work-Family Reconciliation

Article 19 (Childcare Leave)

(1) An employer shall grant childcare leave, if a worker asks for leave to take care of his/her child (including an adopted child) aged 6 and under who is not enrolled into elementary school (hereinafter referred to as "childcare leave") : Provided that this shall not apply in such cases as prescribed by the Presidential Decree. *<Amended by Act No. 9998, Feb. 4, 2010>*

(2) The period of childcare leave shall be one year or less.

(3) An employer shall not dismiss or give any other unfavorable treatment to a worker on account of taking childcare leave, nor dismiss the worker concerned during the childcare leave period; Provided that this shall not apply if the employer is not able to continue his/her business.

(4) After end of childcare leave, the employer shall restore the worker to the same work as before leave or any other work paying the same level of wages. The period of childcare leave under paragraph (2) shall be included in the worker's continuous service period.

(5) Necessary matters concerning methods, procedures, etc. of application for childcare leave shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 19-2 (Reduction of Working Hours for Childcare Period)

(1) If a worker eligible to ask for childcare leave pursuant to Article 19 (1) requests working hour reduction (hereinafter referred to as "working hour reduction for childcare period") instead of childcare leave, the employer may grant it.

(2) If the employer does not grant working hour reduction for childcare period, he/she shall notify the worker of the reason in writing and have him/her take childcare leave or consult with the worker as to whether to support him/her

through other measures.

(3) If the employer grants working hour reduction for childcare period to the relevant worker under paragraph (1), the working hours after reduction shall be 15 hours or more a week but shall not exceed 30 hours a week.

(4) The period of working hour reduction for childcare period shall be one year or less.

(5) An employer shall not dismiss or give any other disadvantageous treatment to the relevant worker on account of working hour reduction for childcare period.

(6) After the period of working hour reduction for childcare period is over, the employer shall restore the worker to the same work or the work paying the same level of wages as before working hour reduction for childcare period.

(7) Necessary matters concerning methods, procedures, etc. of application for working hour reduction for childcare period shall be prescribed by the Presidential Decree.

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

Article 19-3 (Working Conditions, etc., during Working Hour Reduction for Childcare Period)

(1) No employer shall unfavorably apply working conditions to a worker who works reduced working hours for childcare period pursuant to Article 19-2, on grounds of working hour reduction, except when applying them in proportion to working hours.

(2) Working conditions for a worker who has reduced working hours for childcare period pursuant to Article 19-2, (including working hours after working hour reduction for childcare period is over) shall be determined between the employer and the worker in writing.

(3) No employer shall request a worker whose working hours are reduced during childcare period pursuant to Article 19-2 to do overtime work : Provided that if the worker requests such overtime work specifically, the employer may have him/her do overtime work not exceeding 12 hours a week.

(4) In cases where the average wages of a worker whose working hours are reduced during childcare period are calculated in accordance with subparagraph 6 of Article 2 of the Labor Standards Act, the period of working hour reduction for childcare period for the worker shall be excluded from the period based on which the worker's average wages are calculated.

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

Article 19-4 (Forms of Using Childcare Leave and Working Hour Reduction during Childcare Period)

If a worker intends to take childcare leave or reduce working hours during childcare leave under Articles 19 and 19-2, she/he may choose and use one of the following methods. In this case, the total period shall not exceed one year irrespective of any method:

1. One-time use of childcare leave;
2. One-time use of working hour reduction during childcare leave;
3. Divided use of childcare leave (only once);
4. Divided use of working hour reduction during childcare leave; and
5. One-time use of childcare leave and one-time use of working hour reduction during childcare leave

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

Article 19-5 (Other Measures to Support Childcare)

(1) An employer shall make efforts to take measures falling under any of the following subparagraphs in order to support childcare of a worker who rears a preschool-child:

1. Adjustment of time to start and finish duties;
2. Restriction on overtime work;
3. Adjustment of working hours, such as reduction or flexible operation of working hours, etc.; and
4. Other necessary measures for supporting childcare of the worker concerned.

(2) If an employer takes measures stipulated in paragraph (1), the Minister of Employment and Labor may provide necessary support in consideration of employment effects, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

Article 19-6 (Employer's Support for Return-to-work)

An employer shall make efforts to develop and improve vocational skills of workers on childcare leave under this Act, and provide support so that workers who return to work after end of maternity leave, childcare leave or working hour reduction for childcare period may adapt with easy to working life.

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

Article 20 (Support for Work-Family Reconciliation)

- (1) If an employer has granted a worker childcare leave or

working hour reduction during childcare period, the State may support part of the living expenses of the worker concerned and part of the employment retention costs of the employer concerned.

(2) The State may support employers who introduce measures to support reconciliation of work and family life for their workers through taxation and public finances.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 21 (Establishment of, Support for, etc. of Workplace Childcare Facilities)

(1) An employer shall establish childcare facilities necessary for child-rearing, such as lactation and daycare, etc., (hereinafter referred to as "workplace childcare facilities"), to support the employment of workers.

(2) Matters concerning the establishment and operation of workplace childcare facilities, such as the scope of employers required to establish workplace childcare facilities, etc., shall be governed by the Infant Care Act.

(3) The Minister of Employment and Labor shall provide such support and guidance as required for the establishment and operation of workplace childcare facilities in order to promote the employment of workers. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 21-2 (Other Support related to Childcare)

If an employer, except for an employer required to establish workplace childcare facilities under Article 21, intends to establish workplace childcare facilities, the Minister of Employment and Labor may provide necessary support, such as information necessary for the establishment and operation of workplace childcare facilities, counseling and part of the expenses, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

Article 22 (Establishment of Public Welfare Facilities)

(1) The State or local governments may establish public welfare facilities, such as education, childcare and housing, etc., for female workers.

(2) Necessary matters concerning standards for and the operation of public welfare facilities under paragraph (1) shall be determined by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 22-2 (Support for Workers' Family Care, etc.)

(1) If a worker needs to take care of his/her family on account of illness, accident, old age, etc., the employer shall make efforts to take measures falling under any of the following subparagraphs:

1. Leave to nurse family;
2. Adjustment of time to start and finish duties;
3. Restriction on overtime work;
4. Adjustment of working hours, such as reduction and flexible operation of working hours, etc.; and
5. Other support measures appropriate for workplace conditions

(2) An employer shall make efforts to provide necessary psychological counseling services to help his/her workers maintain a sound work and family life.

(3) If an employer takes measures under paragraph (1), the Minister of Employment and Labor may provide necessary support in consideration of employment effects, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

Article 22-3 (Creation of Foundation for Supporting Work-Family Reconciliation)

(1) In order to support the introduction and spread of work-family reconciliation programs, smooth operation of maternity protection measures, etc., the Minister of Employment and Labor shall conduct projects, such as surveys, research and publicity, and provide employers and workers with professional counseling services and relevant information, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may perform the duties under paragraph (1) and the duties for support for the establishment and operation of workplace childcare facilities under Articles 21 and 21-1 by entrusting them to public agencies or private organizations under the conditions prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The Minister of Employment and Labor may subsidize expenses incurred in performing the duties to agencies entrusted with the duties under paragraph (2). *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Newly Inserted by Act No. 8781, Dec. 21, 2007>

CHAPTER IV

Prevention and Settlement of Disputes

Article 23 (Counselling Support)

(1) The Minister of Employment and Labor may provide a private organization conducting counselling services on discrimination, sexual harrasment at work, maternity protection, work-family reconciliation, etc. with part of the necessary expenses within the limits of the budget. <Amended by Act No 10339, Jun. 4, 2010>

(2) Necessary matters concerning requirements for selection of organizations, criteria and procedures for expense support, interruption of support, etc. 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 Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 24 (Honorary Equal Employment Inspector)

(1) The Minister of Employment and Labor may commission a person recommended by both labor and management from among workers in the workplace concerned as an honorary equal employment inspector (hereinafter referred to as "honorary inspector") in order to promote equal employment in the workplace. <Amended by Act No 10339, Jun. 4, 2010>

(2) An honorary inspector shall perform the following duties: <Amended by Act No 10339, Jun. 4, 2010>

1. Providing counselling and advice to workers who are victims in the event of discrimination or sexual harassment at work in the workplace;
2. Participating in autonomous inspection and guidance conducted to see the status of compliance with equal employment in the workplace;
3. Recommending improvements to the employer on matters against Acts and subordinate statutes, and reporting violations to the supervisory agency;
4. Conducting publicity activities and raising awareness on the equal employment system; and
5. Other duties prescribed by the Minister of Employment and Labor to realize gender equality in employment.

(3) No employer shall take any disadvantageous measures, such as personnel ones, etc., against a worker on grounds that such worker has performed justifiable duties as an honorary

inspector.

(4) Necessary matters concerning the commissioning, decommissioning, etc., of an honorary inspector 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. 8781, Dec. 21, 2007>

Article 25 (Autonomous Settlement of Disputes)

An employer shall strive for autonomous settlement, such as entrusting the settlement of grievances to the labor and management council established in the workplace under the Act on the Promotion of Workers Participation and Cooperation, etc., when a worker files a report on grievances on matters under Articles 7 through 13, 13-2, 14-2, 18 (4), 18-2, 19, Articles 19-2 through 19-6, 21, and 22-2.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Articles 26 through 29 Deleted. *<Act No. 7822, Dec. 30, 2005>*

Article 30 (Burden of Proof)

The burden of proof in settling disputes related to this Act shall be borne by the employer.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

CHAPTER V

Supplementary Provisions

Article 31 (Report and Inspection, etc.)

(1) The Minister of Employment and Labor may, if it is deemed necessary for the enforcement of this Act, order an employer to make a report and submit relevant documents, or have a relevant public official enter the workplace concerned to question persons concerned or inspect relevant documents.

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

(2) In cases under paragraph (1), the public official shall carry a certificate verifying his/her authority and produce it to persons concerned.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 32 (Publication of Current Status, etc. of Equal Employment)

The Minister of Employment and Labor may, if it is deemed necessary for securing the effective enforcement of this Act,

publish the current status of equal employment and other survey results : Provided that this shall not apply if a publication is restricted by other Acts. <Amended by Act No 10339, Jun. 4, 2010>

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 33 (Keeping of Related Documents)

An employer shall preserve such documents as prescribed by the Presidential Decree concerning matters under this Act for three years. In this case, the documents prescribed by the Presidential Decree may be prepared and preserved in the form of electronic documents under subparagraph 1 of Article 2 of the Framework Act on Electronic Commerce. <Amended by Act No. 9998, Feb. 4, 2010>

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 34 (Application to Dispatched Workers)

In applying Article 13 (1) to workplaces where dispatched workers are used under the Act on the Protection, etc. of Dispatched Workers, an using employer prescribed in Article 2 (4) of the same Act shall be regarded as the employer prescribed in this Act.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 35 (Subsidy for Expenses)

(1) The State, local governments and public agencies may subsidize all or part of the expenses for projects related to the promotion of women's employment and welfare within the limits of the budget.

(2) The State, local governments and public agencies may, if a person who has received subsidy in accordance with paragraph (1) falls under any of the following subparagraphs, wholly or partially revoke the decision to provide subsidy, and order a return of all or part of the subsidy already paid:

1. Where he/she used the subsidy for purposes other than intended projects;
2. Where he/she violated the terms (including the conditions if they are attached thereto.) of the decision to provide subsidy; and
3. Where he/she received the subsidy in a false or other fraudulent ways.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 36 (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 authorities or local governments, or entrust it to public agencies under the conditions prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*
<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

CHAPTER VI

Penal Provisions

Article 37 (Penal Provisions)

(1) If an employer discriminates on grounds of gender in retirement age limit, retirement and dismissal of his/her workers or concludes a labor contract which stipulates female workers' marriage, pregnancy and childbirth as grounds for retirement, in violation of Article 11, he/she shall be punished by imprisonment of up to 5 years or a fine not exceeding 30 million won.

(2) If an employer commits an offense falling under any of the following subparagraphs, he/she shall be punished by imprisonment of up to 3 years or a fine not exceeding 20 million won:

1. Where an employer fails to provide equal pay for work of equal value in the same business in violation of Article 8 (1);
2. Where an employer dismisses or takes other disadvantageous measures against a worker who has been damaged in relation to sexual harassment at work or claimed for an occurrence of sexual harassment in violation of Article 14 (2);
3. Where an employer dismisses or takes other disadvantageous measures against a worker on grounds of taking childcare leave in violation of Article 19 (3), or dismisses the worker concerned during the childcare leave although no reason is provided for in the proviso to the same paragraph;
4. Where an employer dismisses or takes other disadvantageous measures against a worker on grounds of working hour reduction for childcare period in violation of Article 19-2 (5); and
5. Where an employer unfavorably applies working conditions to

a worker who has reduced working hours during childcare period on grounds of such reduction in violation of Article 19-3 (1), except when applying them in proportion to working hours.

(3) If an employer requests his/her worker whose working hours are reduced during childcare period to do overtime work although such worker has not requested such overtime work specifically in violation of Article 19-3 (3), he/she shall be punished by a fine not exceeding 10 million won.

(4) If an employer commits an offense falling under any of the following subparagraphs, he/she shall be punished by a fine not exceeding 5 million won:

1. Where an employer discriminates on grounds of gender in recruitment and hiring of a worker, or when recruiting and hiring a female worker, presents or demands physical conditions, such as appearances, height, weight, etc., and unmarried status, etc., which are not required to perform the relevant duties, in violation of Article 7;
2. Where an employer discriminates on grounds of gender in providing welfare, such as money, goods, loans, etc., in order to support the living of his/her workers besides wages, in violation of Article 9;
3. Where an employer discriminates on grounds of gender in education, assignment and promotion of his/her workers, in violation of Article 10,;
4. Where an employer fails to grant childcare leave after receiving an application therefor, or fails to restore his/her worker to the same work as before leave or any other work paying the same level of wages after end of childcare leave, in violation of Article 19 (1) and (4),;
5. Where an employer fails to restore his/her worker to the same work as before working hour reduction for childcare period or any other work paying the same level of wages after end of the period of such working hour reduction, in violation of Article 19-2(6),; and
6. Where an employer takes any disadvantageous measures, such as disadvantageous personnel measures, against his/her worker on grounds that such worker has performed justifiable activities as an honorary inspector in violation of Article 24(3).

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Article 38 (Joint Penal Provisions)

If the representative of a juristic person, or an agent, a

servant or any other employee of a juristic person or an individual commits such offenses as prescribed in Article 37 in connection with the affairs of the juristic person or individual, not only shall such offender be punished, but the juristic person or individual shall be punished by a fine under the same Article : Provided that this shall not apply unless the juristic person or individual neglects to give considerable attention and supervision to the affairs concerned in order to prevent such offenses.

<This Article Wholly Amended by Act No. 9998, Feb. 4, 2010>

Article 39 (Fine for Negligence)

(1) An employer who commits sexual harassment at work in violation of Article 12 shall be punished by a fine for negligence not exceeding 10 million won.

(2) An employer who commits an offense falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 5 million won:

1. Where an employer fails to take, without delay, a disciplinary measure or any other equivalent action against the relevant worker although an occurrence of sexual harassment at work has been verified, in violation of Article 14 (1);
2. Where an employer dismisses or takes any other disadvantageous measures against a worker on account of a claim for damage from sexual harassment from a client, etc., or of disregard for sexual demands from a client, etc., in violation of Article 14-2 (2);
3. Where an employer fails to grant three-day leave although a worker has requested leave on grounds of his spouse's childbirth, in violation of Article 18-2 (1);
4. Where an employer fails to grant a reduction of working hours for a childcare period and fails to notify the relevant worker of the reason in writing or fails to consult with the relevant worker whether to support him/her through use of childcare leave or other measures, in violation of Article 19-2 (2); and
5. Where an employer fails to determine, in writing, the working conditions of a worker whose working hours are reduced during childcare period, in violation of Article 19-3 (2).

(3) A person who falls under any one of the following subparagraphs shall be punished by a fine for negligence not exceeding 3 million won:

1. A person who fails to conduct education to prevent

- sexual harassment at work, in violation of Articles 13 (1);
2. A person who fails to submit an implementation plan in violation of Article 17-3 (1);
 3. A person who fails to submit a report on the current status of employment of male and female workers or submits a false report in violation of Article 17-3 (2);
 4. A person who fails to submit performance results or submits false results in violation of Article 17-4 (1) (excluding the cases where the person who submits implementation plans under Article 17-3 (3) fails to submit the performance results);
 5. A person who fails to actively cooperate in all the procedures, such as preparation and confirmation, etc. of relevant documents, in violation of Article 18 (4);
 6. A person who refuses to make a report or submit relevant documents in violation of Article 31 (1), or makes a false report or submits false documents;
 7. A person who refuses, obstructs, or evades an inspection in violation of Article 31 (1); and
 8. A person who fails to keep relevant documents for three years in violation of Article 33.

(4) Fines for negligence under paragraphs (1) through (3) 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>*

(5) A person dissatisfied with an imposition of a fine for negligence under paragraph (4) may raise an objection against the Minister of Employment and Labor within thirty days from the date on which he/she is notified of such imposition. *<Amended by Act No. 10339, Jun. 4, 2010>*

(6) If a person subject to an imposition of a fine for negligence under paragraph (4) raises an objection in accordance with paragraph (5), the Minister of Employment and Labor shall without delay notify the competent court, which upon receiving the notification, shall proceed to a trial on a fine for negligence under the Non-Contentious Case Litigation Procedure Act. *<Amended by Act No. 10339, Jun. 4, 2010>*

(7) If neither an objection is raised nor a fine for negligence paid within the period prescribed in paragraph (5), the fine for negligence shall be collected pursuant to the practices of a recovery of national taxes in arrears.

<This Article Wholly Amended by Act No. 8781, Dec. 21, 2007>

Addenda *<Act No. 9792, Oct. 9, 2009; Revision of the Framework*

Act on Employment Policy>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2010.

Article 2 (Revision of Other Acts)

(1) Parts of the Act on Equal Employment and Support for Work-Family Reconciliation shall be revised as follows :

Article 17-7 shall be changed as follows :

Article 3 (Deliberation on Important Matters concerning Affirmative Action Measures)

The following matters concerning affirmative action measures shall be subject to deliberation by the Employment Policy Council under Article 10 of the Framework Act on Employment Policy:

1. Matters concerning standards for employment of female workers under Article 17-3 (1);
2. Matters concerning examination of implementation plans under Article 17-3 (4);
3. Matters concerning evaluation of performance results of affirmative action measures under Article 17-4 (2);
4. Matters concerning commendation and support for enterprises with excellent affirmative action measures under Article 17-4 (3) and (4); and
5. Other matters referred for discussion by the chairman of the Employment Policy Council on affirmative action measures.

(2) through (8) Omitted.

Article 4 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 its promulgation.

Articles 2 through 4 Omitted.

Article 5 (Revision of Other Acts)

(1) Omitted.

(2) Parts of the Act on Equal Employment and Support for Work-Family Reconciliation shall be revised as follows :

“Article 4 of the Employment Security Act” in Article 15 and Article 17-2 (2) shall be changed to “subparagraph 1 of

Article 2-2 of the Employment Security Act".
(3) through (7) Omitted.

Article 6 Omitted.

Addenda <Act No. 9998, Feb. 4, 2010>

Article 1 (Enforcement Date)

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

Article 2 (Application Example concerning Relaxation of Application Requirements for Chilcare Leave)

The amended provision of Article 19 shall apply to a worker who falls under any of the following subparagraphs:

1. A worker who has an infant born after January 1, 2008;
- or
2. A worker who has a child adopted after January 1, 2008.

Addenda <Act No. 10339, Jun. 4, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 3 Omitted.

Article 4 (Revision of Other Acts)

(1) through (36) Omitted.

(37) Parts of the Act on Equal Employment and Support for Work-Family Reconciliation shall be revised as follows :

"Minister of Labor" in parts other than each subparagraph of Article 6 (1), Article 6 (2), Article 6-2 (1), Article 6-2 (2) 8, Article 6-3 (1), Article 13-2 (1), parts other than each subparagraph of Article 13-2 (4), Article 17 (1) and (2), Article 17-2 (1) and (2), parts other than each subparagraph of Article 17-3 (1), Article 17-3 (2) through (4), Article 17-4 (1) through (3), (5) and (6), former parts of Article 17-6, Article 17-8 (1) and (2), Article 19-5 (2), Article 21 (3), Article 21-2, Article 22 (2), Article 22-2 (3), Article 22-3 (1) through (3), Article 23 (1), Article 24 (1), Article 24 (2) 5, Article 31 (1), Article 32, Article 36 and Article 39 (4) through (6) shall be changed to "Minister of Employment and Labor".

"Ordinance of the Ministry of Labor" in Article 6-3 (2), Article 7 (2), Article 13-2 (2) and (3), parts other than each subparagraph of Article 17-3 (1), Article 17-3 (5), Article 17-4

(7), Article 23 (2) and Article 24 (4) shall be changed to "Ordinance of the Ministry of Employment and Labor".

"Local labor authorities" in Article 36 shall be changed to "local employment and labor authorities".

(38) through (82) Omitted.

Article 5 Omitted.