

EMPLOYMENT INSURANCE ACT

Act No. 4644, Dec. 27, 1993

Amended by Act No. 4826, Dec. 22, 1994
Act No. 5226, Dec. 30, 1996
Act No. 5399, Aug. 28, 1997
Act No. 5514, Feb. 20, 1998
Act No. 5566, Sep. 17, 1998
Act No. 6099, Dec. 31, 1999
Act No. 6124, Jan. 12, 2000
Act No. 6509, Aug. 14, 2001
Act No. 6850, Dec. 30, 2002
Act No. 7048, Dec. 31, 2003
Act No. 7565, May 31, 2005
Act No. 7705, Dec. 7, 2005
Act No. 8050, Oct. 4, 2006
Act No. 8118, Dec. 28, 2006
Act No. 8135, Dec. 30, 2006
Wholly amended by Act No. 8429, May 11, 2007
Act No. 8781, Dec. 21, 2007
Act No. 8959, Mar. 21, 2008
Act No. 9315, Dec. 31, 2008
Act No. 9792, Oct. 9, 2009
Act No. 9990, Jan. 27, 2010
Act No. 9999, Feb. 4, 2010
Act No. 10337, May 31, 2010
Act No. 10338, May 31, 2010
Act No. 10339, Jun. 4, 2010
Act No. 10719, May. 24, 2011

CHAPTER I

General Provisions

Article 1 (Purpose)

The purpose of this Act is, through the enforcement of employment insurance, to seek to prevent unemployment, promote employment and develop and improve the vocational skills of workers, to strengthen the nation's vocational guidance and job placement capacity and to stabilize the livelihood of workers and promote their job-seeking activities by granting necessary benefits when they are out of work, thereby contributing to the economic and social development of the nation.

Article 2 (Definition)

Terms used in this Act are defined as follows: *<Amended by Act No. 9990, Jan. 27, 2010>*

1. The term “the insured” refers to workers who are insured or deemed to be insured pursuant to Articles 5 (1) and (2), 6 (1), and 8 (1) and (2) of the Act on the Collection, etc. of Premiums for Employment Insurance and Industrial Accident Compensation Insurance (hereinafter referred to as “the Insurance Premium Collection Act”)
2. The term “separation” means the termination of the employment relationship between the insured and the employer;
3. The term “unemployment” means the situation in which a person remains unemployed in spite of the fact that he/she has the will and ability to work; <Amended by Act No. 9315, Dec. 31, 2008>
4. The term “recognition of unemployment” means that the head of an Employment Security Office recognizes that an eligible recipient prescribed in Article 43 is actively engaging in finding jobs during unemployment;
5. The term “remuneration” means an amount of money obtained by subtracting the money and valuables prescribed by the Presidential Decree from the earned income under Article 20 of the Income Tax Act; and
6. The term “daily worker” refers to a person who is employed for less than one month.

Article 3 (Management of Insurance)

The Minister of Employment and Labor shall take charge of managing employment insurance (hereinafter referred to as “insurance”). <Amended by Act No. 10339, Jun. 4, 2010>

Article 4 (Employment Insurance Activities)

(1) In order to achieve the purpose of Article 1, employment insurance activities (hereinafter referred to as “insurance activities”:) shall be conducted in the areas of employment security, vocational skills development, unemployment benefits, child-care leave benefits, maternity leave benefits, etc.

(2) The insurance year for employment insurance activities shall be the same as the fiscal year of the Government.

Article 5 (Assistance from State Treasury)

(1) The State may bear a part of the expenses required annually for insurance activities through its general account.

(2) The State may bear the expenses required for the management and operation of insurance activities within the limits of its annual budget.

Article 6 (Premium)

(1) The premiums and other charges to be collected to finance the expenses required for insurance activities under this Act shall be subject to the conditions prescribed by the Insurance Premium Collection Act.

(2) The premiums for employment security programs, premiums for vocational skills development programs and premiums for unemployment benefits collected under Article 13 (1) 1 of the Insurance Premium Collection Act shall be appropriated for the expenses required for each of these programs : Provided that premiums for unemployment benefits may be appropriated for child-care leave benefits and maternity leave benefits.

Article 7 (Employment Insurance Committee)

(1) The Employment Insurance Committee (hereinafter referred to as "Committee") shall be set up in the Ministry of Employment and Labor in order to deliberate on major matters (limited to matters concerning insurance) concerning the enforcement of this Act and the Insurance Premium Collection Act. *<Amended by Act No. 10339, Jun. 4, 2010>*

- (2) The Committee shall deliberate on the following matters:
1. Matters concerning the insurance system and the improvement of insurance activities;
 2. Matters concerning the determination of insurance premiums under the Insurance Premium Collection Act;
 3. Matters concerning the assessment of insurance activities under Article 11-2;
 4. Matters concerning the establishment of the fund management plan and the results of fund management under Article 81; and
 5. Other matters relating to the insurance system and insurance activities, which the chairperson deems necessary to be deliberated on by the Committee

(3) The Committee shall be composed of less than 20 members including a chairperson.

(4) The Committee shall be chaired by the Vice Minister of Employment and Labor and consist of an equal number of members appointed or commissioned by the Minister of Employment and Labor from among people described in each of the following subparagraphs: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Those representing workers;
2. Those representing employers;
3. Those representing the public interests; and
4. Those representing the government

(5) The Committee may have an expert committee in order to examine and coordinate in advance the matters to be deliberated on.

(6) The composition and operation of the Committee and the expert committee and other necessary matters shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9315, Dec. 31, 2008>

Article 8 (Scope of Application)

This Act shall apply to all businesses or workplaces (hereinafter referred to as “businesses”) that hire workers : Provided that it shall not apply to those businesses separately provided for in the Presidential Decree in consideration of their size, industrial characteristics, etc.

Article 9 (Establishment and Termination of Insurance Relationships)

The establishment and termination of insurance relationships under this Act shall be subject to the conditions prescribed by the Insurance Premium Collection Act.

Article 10 (Workers Excluded from Application)

This Act shall not apply to workers falling under any of the following subparagraphs : Provided that this shall not apply to employment security projects and vocational skills development projects for workers described in subparagraph 1 : *<Amended by Act No. 8959, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

1. Those aged 65 or older;
2. Those whose contractual working hours are less than those prescribed in the Presidential Decree;
3. Government officials under the State Public Officials Act and the Local Public Officials Act: Provided that public officials in special services and contract-based public officials may subscribe to employment insurance (limited to CHAPTER IV) of their own free will under the conditions prescribed by the Presidential Decree;
4. Those who are subject to the Private School Teachers Pension Act; and
5. Other persons prescribed in the Presidential Decree.

Article 11 (Surveys and Research relating to Insurance)

(1) The Minister of Employment and Labor may conduct surveys and research in order to study the labor market, occupations and vocational skills development and support insurance-related work. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor, if it is deemed necessary, may entrust part of the functions referred to in paragraph (1) to be carried out by a person prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 11-2 (Assessment of Insurance Activities)

(1) The Minister of Employment and Labor shall assess insurance activities regularly and systematically. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may refer the assessment under paragraph (1) to an organization prescribed by the Presidential Decree in order to secure the expertise of the assessment under paragraph (1). *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The Minister of Employment and Labor shall adjust insurance activities and establish the fund management plan under Article 81 in a way to reflect the results of the assessment under paragraphs (1) and (2). *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Newly Inserted by Act No. 9315, Dec. 31, 2008>

Article 12 (International Exchange and Cooperation)

The Minister of Employment and Labor may carry out exchange and cooperation programs with international organizations and governments or agencies of other countries with regard to insurance activities. *<Amended by Act No. 10339, Jun. 4, 2010>*

CHAPTER II

Management of the Insured

Article 13 (Date of Acquisition of Qualification of the Insured)

The insured shall acquire the qualification of the insured on the date they are employed by a business subject to this Act : Provided that in the following cases, they shall be regarded as acquiring the qualification of the insured on the pertinent date :

1. The date this Act begins to apply, if the worker excluded from application under Article 10 becomes subject to this Act; and
2. The date of the establishment of the insurance relationship if the worker was employed before the establishment of

the insurance relationship pursuant to Article 7 of the Insurance Premium Collection Act.

Article 14 (Date of Loss of Qualification of the Insured)

The insured lose the qualification of the insured on any of the following dates:

1. The date they are categorized as such if the insured are categorized as workers excluded from application under Article 10;
2. The date of the termination of the insurance relationship if the insurance relationship is terminated pursuant to Article 10 of the Insurance Premium Collection Act;
3. The day after the leaving date if the insured leave their jobs; and
4. The day after the death if the insured die.

Article 15 (Report, etc. on Qualification of the Insured)

(1) Employers shall report to the Minister of Employment and Labor about their workers' acquisition, loss, etc. of the qualification of the insured as prescribed by Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) If an original contractor has become an employer under Article 9 of the Insurance Premium Collection Act, in regards to workers engaged in the business other than those employed by the original contractor, any subcontractor listed in the following subparagraphs hiring such workers shall report as prescribed in paragraph (1). In this case, the original contractor shall submit materials on the subcontractor to the Minister of Employment and Labor as prescribed by Ordinance of the Ministry of Employment and Labor: *<Amended by Act No. 9999, Feb. 4, 2010 and Act No. 10339, Jun. 4, 2010 and Act No. 10719, May 24, 2011>*

1. A constructor under subparagraph 7 of Article 2 of the Framework Act on the Construction Industry;
2. A housing builder under Article 9 of the Housing Act;
3. A constructor under subparagraph 3 of Article 2 of the Electricity Construction Business Act;
4. An information and communication construction business operator under subparagraph 4 of Article 2 of the Information and Communications Work Business Act;
5. A fire-fighting system constructor under Article 2 (1) 2 of the Fire-fighting System Installation Business Act; and
6. A businessperson engaged in repairing cultural properties under Article 14 of the Act on the Repair, etc., of Cultural Properties.

(3) If an employer fails to report matters concerning qualification of the insured under paragraph (1), the worker concerned may report these matters as prescribed by Presidential Decree.

(4) The Minister of Employment and Labor shall inform related persons, such as the insured person, original contractor, etc., of matters concerning the acquisition, loss, etc., of the qualification of the insured, reported pursuant to paragraphs (1) through (3), as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) The employer, original contractor or subcontractor under paragraph (1) or (2) may make the report prescribed in the same paragraph using electronic means prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(6) The Minister of Employment and Labor may provide support, including necessary equipment, etc., to the employer, original contractor or subcontractor who intends to make a report using electronic means pursuant to paragraph (5), as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<Enforcement Date: Nov. 25, 2011>

Article 16 (Confirmation of Separation)

(1) When reporting his/her worker's loss of qualification of the insured pursuant to Article 15 (1), an employer shall, if the loss of qualification of the insured is due to separation, prepare and submit documents (hereinafter referred to as the "confirmation documents on separation") proving such specific matters as the unit period of insurance, reasons for separation and wages (referring to wages under the Labor Standards Act; hereinafter the same shall apply), retirement pay, etc., paid before separation to the Minister of Employment and Labor : Provided that this shall not apply to those (excluding daily workers) who have lost the qualification of the insured but do not want to apply for the recognition of their eligibility for benefits pursuant to Article 43 (1). *<Amended by Act No. 9990, Jan. 27, 2010 and Act No. 10339, Jun. 4, 2010>*

(2) A person who has lost the qualification of the insured due to separation may request his/her employer to issue the confirmation documents on separation to apply for the recognition of his/her eligibility for unemployment benefits. In this case, the employer receiving the request shall issue the confirmation documents on separation.

Article 17 (Confirmation of Qualification of the Insured)

(1) The insured or those who were once insured may at any

time request the Minister of Employment and Labor to confirm the acquisition or loss of their qualification as the insured. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor shall accept the request made pursuant to paragraph (1) or confirm, by virtue of his/her authority, the acquisition or loss of the qualification of the insured. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The Minister of Employment and Labor shall inform the insured person, the employer, etc., of the results confirmed under paragraph (2), as prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 18 (Restriction on Dual Acquisition of Qualification of the Insured)

If a worker is employed simultaneously by two or more businesses with which the insurance relationship has been established, he/she shall acquire the qualification of the insured as a worker of one of the businesses, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

CHAPTER III

**Employment Security and Vocational Skills
Development Projects**

Article 19 (Implementation of Employment Security and Vocational Skills Development Projects)

(1) The Minister of Employment and Labor shall implement employment security and vocational skills development projects to prevent the unemployment of the insured, those once insured and other people willing to be employed (hereinafter referred to as "the insured, etc."), promote their employment, expand their employment opportunities, provide opportunities and support for them to develop and improve vocational skills, provide other supports for employment security and to help employers to secure workforce. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) When implementing employment security and vocational skills development projects pursuant to paragraph (1), the Minister of Employment and Labor shall give priority to enterprises which meet the criteria set forth by the Presidential

Decree, such as the number of workers, measures taken for employment security and vocational skills development and outcomes thereof, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 20 (Support for Employment Creation)

The Minister of Employment and Labor may provide necessary support to employers who have expanded employment opportunities by improving employment environments, changing work arrangements, etc., as prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 21 (Support for Employment Adjustment)

(1) If an employer for whom employment adjustment is unavoidable due to business downsizing, closure or transfer resulting from economic fluctuations or changes in industrial structure temporarily suspends workers from work, provides vocational skills development training necessary for their job transfer, reassigns workers or takes other measures to ensure their employment security, the Minister of Employment and Labor may provide necessary support to the employer as prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may provide necessary support for employers who take measures for the employment security of workers whose employment is insecure, such as by employing workers separated from jobs due to employment adjustment under paragraph (1), etc., as prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The Minister of Employment and Labor may, in providing the support referred to in paragraph (1), give priority to employers who are engaged in industries or are located in regions prescribed in Article 32 of the Framework Act on Employment Policy.

<Amended by Act No. 9792, Oct. 9, 2009 and Act No. 10339, Jun. 4, 2010>

Article 22 (Promotion of Local Employment)

The Minister of Employment and Labor may provide necessary support to employers who move their businesses to, or begin or expand businesses in regions where employment opportunities are obviously insufficient or employment situations are rapidly deteriorating due to changes in industrial structure, etc., thereby contributing to the prevention of unemployment and promotion of reemployment and to employers who take necessary measures to expand local employment opportunities, as prescribed by the

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

Article 23 (Employment Promotion for the Aged, etc.)

In order to promote the employment of the aged and others (hereinafter referred to as "the aged, etc.") who have special difficulties in finding employment under the normal conditions of the labor market, the Minister of Employment and Labor may, under the conditions prescribed by the Presidential Decree, provide necessary support to employers who newly employ the aged, etc., or take measures necessary for their employment security or to the workers subject to the employment security measures taken by the employers. <Amended by Act No. 10339, Jun. 4, 2010>

Article 24 (Support for Employment Security for Construction Workers, etc.)

(1) The Minister of Employment and Labor may provide necessary support for an employer who carries out projects described in the following subparagraphs for construction workers, etc., in an unstable employment situation, according to the conditions prescribed in the Presidential Decree: <Amended by Act No. 10339, Jun. 4, 2010>

1. Projects to improve employment situations;
2. Employment security projects such as those to provide opportunities for continued employment, etc.; and
3. Other employment security projects prescribed in the Presidential Decree.

(2) The Minister of Employment and Labor may also provide support to an employers' association in connection with the projects listed in any of the subparagraphs of paragraph (1), in cases where it is difficult for an employer alone to carry out employment security projects and prescribed in the Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

Article 25 (Employment Security and Employment Promotion)

(1) The Minister of Employment and Labor may directly carry out projects described in the following subparagraphs or provide support or loans for necessary expenses to a person who carries out such projects for the employment security and employment promotion of the insured, etc. : <Amended by Act No. 10339, Jun. 4, 2010>

1. Support projects to improve employment, such as employment management diagnosis, etc.;
2. Support projects to promote business start-up by the insured, etc. ; and
3. Other projects for the employment security and employment

promotion of the insured, etc., which are prescribed in the Presidential Decree.

(2) Necessary matters concerning the implementation of projects and the provision of support and loans to cover expenses under paragraph (1) shall be prescribed in the Presidential Decree.

Article 26 (Support for Employment Promotion Facilities)

The Minister of Employment and Labor may, pursuant to the conditions prescribed by Presidential Decree, provide necessary support to a person who establishes and operates counseling facilities, child-care facilities and other employment promotion facilities described by Presidential Decree to assist in employment security and employment promotion for the insured, etc., and the securing of a workforce by employers. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 27 (Support for Vocational Skills Development Training Provided by Employers)

The Minister of Employment and Labor may provide support for the expenses of vocational training to an employer who carries out the vocational skills development training prescribed in the Presidential Decree to develop and improve the vocational skills of the insured, etc., under the conditions prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 28 (Standards, etc. for Support for Expenses)

If the Minister of Employment and Labor provides support for expenses to an employer pursuant to Article 27, the amount of such support shall be the one obtained by multiplying the amount of insurance premiums for employment security and vocational skills development projects out of the employment insurance premiums of the year concerned under Article 16-3 of the Insurance Premium Collection Act or the estimated employment insurance premiums of the year concerned under Article 17 of the same Act by the ratio prescribed in the Presidential Decree, and the limit thereto shall be prescribed by the Presidential Decree. *<Amended by Act No. 9990, Jan. 27, 2010 and Act No. 10339, Jun. 4, 2010>*

Article 29 (Support for Vocational Skills Development for the Insured, etc.)

(1) If the insured, etc., receive vocational skills development training or make other efforts to develop or improve their vocational skills, the Minister of Employment and Labor may

support the necessary expenses under the conditions prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor, if it is deemed necessary, may conduct vocational skills development training to promote the employment of the insured, etc., under the conditions prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If a low-income insured person, etc., prescribed by the Presidential Decree receives vocational skills development training, the Minister of Employment and Labor may make loans for his/her living costs under the conditions prescribed by the Presidential Decree.

<Newly Inserted by Act No. 9315, Dec. 31, 2008 and Amended by Act No. 10339, Jun. 4, 2010>

Article 30 (Support, etc., for Vocational Skills Development Training Facilities)

If it is deemed necessary for the development and improvement of the vocational skills of the insured, etc., the Minister of Employment and Labor may, under the conditions prescribed by the Presidential Decree, loan the expenses necessary to install vocational skills development training facilities and to purchase the equipment thereof, and provide support for the expenses necessary to install other vocational skills development training facilities determined by the Minister of Employment and Labor and to purchase and operate the equipment thereof. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 31 (Promotion of Vocational Skills Development)

(1) The Minister of Employment and Labor may carry out activities described in the following subparagraphs to develop or improve the vocational skills of the insured, etc., or may provide support for necessary expenses to a person who carry out the activities : *<Amended by Act No. 10338, May 31, 2010 and Act No. 10339, Jun. 4, 2010>*

1. Activities of providing technical assistance and making evaluations relating to vocational skills development projects;
2. Activities of administering qualification tests and encouraging technical skills under the Act on the Encouragement of Technical Skills; and
3. Other activities prescribed in the Presidential Decree.

(2) The Minister of Employment and Labor may, if it is deemed necessary for the development or improvement of vocational skills or smooth labor supply and demand, entrust others to provide vocational skills development training in the occupations determined by the Minister of Employment and Labor, under the conditions prescribed in the Presidential Decree. *<Amended*

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

Article 32 (Support for Vocational Skills Development of Construction Workers, etc.)

(1) The Minister of Employment and Labor may provide support for necessary expenses to an employer who implement projects prescribed in the Presidential Decree to develop or improve the vocational skills of workers in unstable employment situations such as construction workers, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may provide support to an employers' association in connection with the projects mentioned in paragraph (1) in cases where it is difficult for an employer alone to carry out the vocational skills development projects and where this is in accordance with the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 33 (Provision of Employment Information, Establishment of Foundation for Employment Support, etc.)

(1) The Minister of Employment and Labor may carry out activities for employers and the insured, etc., such as providing employment information on job offers, job seekers, training, etc., offering vocational guidance including vocational and training counseling, etc., providing job placement services, building the foundation for employment security and vocational skills development and assigning professional manpower needed for this, etc., under the conditions prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may, if it is deemed necessary, get the private job counselor prescribed in Article 4-4 of the Employment Security Act to perform part of the services under paragraph (1). *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 34 (Support for Local Governments, etc.)

If a local government or a not-for-profit cooperation or organization prescribed in the Presidential Decree carries out projects for the employment security, employment promotion and vocational skills development of the insured, etc., in its region, the Minister of Employment and Labor may provide necessary support as prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 35 (Restriction, etc., on Support due to Fraudulent Acts)

(1) If a person received or intends to receive support for employment security and vocational skills development projects under this Chapter in a false or other fraudulent manners, the

Minister of Employment and Labor may restrict the support or order a return of the support received in a false or other fraudulent manners under the conditions prescribed in the Presidential Decree. *<Amended by Act No. 9315, Dec. 31, 2008 and Act No. 10339, Jun. 4, 2010>*

(2) In the case of ordering a return pursuant to paragraph (1), the Minister of Employment and Labor may, in addition to what has already been provided, collect an amount up to five times the amount received in a false or other fraudulent manners, in accordance with the standards prescribed in the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 9315, Dec. 31, 2008 and Act No. 10339, Jun. 4, 2010>*

(3) Notwithstanding paragraphs (1) and (2), the provisions of Article 55 (1) and (2) and Article 56 (1) through (3) of the Workers Vocational Skills Development Act shall apply mutatis mutandis to restrictions on, the return and additional collection of, support for a person who has received or intends to receive, such support for vocational skills development projects in a false or other fraudulent manners. *<Newly Inserted by Act No. 9315, Dec. 31, 2008 and amended by Act No. 10337, May 31, 2010>*

(4) If a person is in arrears with insurance premiums, the Minister of Employment and Labor may not provide support for employment security and vocational skills development projects as provided in the provisions of this Chapter, under the conditions prescribed by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 36 (Performing Duties by Proxy)

The Minister of Employment and Labor may, if it is deemed necessary, entrust a part of his/her work under Articles 19, 27 through 31 to a person prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

CHAPTER IV

Unemployment Benefits

SECTION 1

General Provisions

Article 37 (Types of Unemployment Benefits)

(1) Unemployment benefits are divided into job-seeking benefits and employment promotion allowances.

(2) Types of employment promotion allowances are described in the following subparagraphs :

1. Early reemployment allowances;
2. Vocational skills development allowances;
3. Wide-area job-seeking allowances; and
4. Moving allowance.

Article 38 (Protection of Right to Receive Benefits)

The right to receive unemployment benefits shall neither be transferable nor be offered as a security nor be subject to attachment.

Article 39 (Extension of Application Period of Unemployment Benefits)

When an insured person, who left his/her job before the age of 65, reaches the age of 65 without job, resulting from the job loss concerned, the provisions of this Chapter shall apply notwithstanding the provisions of subparagraph 1 of Article 10.

SECTION 2

Job-seeking Benefits

Article 40 (Eligibility Requirements for Job-Seeking Benefits)

(1) Job-seeking benefits shall be paid to the insured, in case where they have been separated from their post and meet all the requirements described in the following subparagraphs : Provided that the provisions of subparagraphs 5 and 6 shall apply only to those who were daily workers at the time of final separation.

1. The unit period of insurance under Article 41 in the 18 months (hereinafter referred to as "base period") prior to the date of separation shall add up to not less than 180 days ;
2. Despite their will and ability to work, the insured shall be out of employment (including cases where they operate business for the purpose of making profits. The same applies in this Chapter) ;
3. The reasons for separation shall not fall under any of the reasons for restricting eligibility for benefits pursuant to

Article 58;

4. The insured shall actively make efforts to be reemployed;
5. Working days during the one month before applying for the recognition of eligibility for benefits pursuant to Article 43 shall be less than 10 days; and
6. If during the 180-day unit period of insurance in a base period prior to the date of final separation, the insured have ever been separated from their post at another business due to any of the reasons for restricting eligibility for benefits under Article 58, they shall have been employed as daily workers for at least 90 days during the unit period of insurance.

(2) In case an insured person was unable to receive remuneration for 30 days or more consecutively during the 18 month period prior to the date of separation due to diseases, injuries, and other reasons prescribed by the Presidential Decree, the base period (If the base period exceeds 3 years, it shall be three years) shall be a period calculated by adding the number of days during which remuneration was not received due to the reasons concerned to the 18 months. *<Amended by Act No. 9990, Jan. 27, 2010>*

Article 41 (Unit Period of Insurance)

(1) The unit period of insurance shall be obtained by adding up the total number of days based on which remuneration is paid during the insured period. *<Amended by Act No. 9990, Jan. 27, 2010>*

(2) In calculating the unit period of insurance pursuant to paragraph (1), if job-seeking benefits have ever been received prior to the date of acquiring the qualification of the insured, the days before separation which are relating to the job-seeking benefits and based on which remuneration is paid shall not be included in the unit period of insurance.

<Amended by Act No. 9315, Dec. 31, 2008 and Act No. 9990, Jan. 27, 2010>

Article 42 (Report of Unemployment)

(1) A person who intends to be paid job-seeking benefits shall present himself at an Employment Security Office immediately after separation, and shall report unemployment.

(2) The report of unemployment referred to in paragraph (1) shall include an application for job and an application for the recognition of eligibility for benefits referred to in Article 43.

Article 43 (Recognition of Eligibility for Benefits)

(1) A person who intends to receive job-seeking benefits

shall obtain a recognition from the head of an Employment Security Office that he/she meets eligibility requirements to receive job-seeking benefits (hereinafter referred to as the "eligibility for benefits") pursuant to subparagraphs 1 through 3, 5 and 6 of Article 40 (1).

(2) If the head of an Employment Security Office shall receive an application for the recognition of eligibility for benefits pursuant to paragraph (1), he/she shall decide whether or not to recognize eligibility for benefits and then notify the applicant of the results of the decision.

(3) If the applicant under paragraph (2) meets all the requirements described in the following subparagraphs, the recognition of his/her eligibility for benefits shall be determined on the basis of business from which the last separation is made : Provided that if the applicant was a daily worker whose unit period of insurance is less than one-month, at the time of the last separation and thus is not eligible for benefits, it shall be determined on the basis of business from which the last separation is made as a worker other than a daily worker :

1. He/she shall be separated from employment as an insured worker before being hired by the business from which the last separation is made; and
2. He/she shall not have received job-seeking benefits in relation to a separation prior to the last separation.

<Amended by Act No 9315, Dec. 31, 2008>

(4) If a person (hereinafter referred to as the "eligible recipient") who obtained the recognition of eligibility for benefits pursuant to paragraph (2) obtains a new recognition for eligibility for benefits within the period prescribed in Article 48 and 54, the job-seeking benefits shall be provided on the basis of the newly recognized eligibility for benefits.

Article 44 (Recognition of Unemployment)

(1) Job-seeking benefits shall be provided for the days recognized by the head of an Employment Security Office as days of unemployment from among the days when an eligible recipient has been unemployed.

(2) An eligible recipient who wants to obtain the recognition of unemployment shall present themselves on a date (hereinafter referred to as "date of recognition of unemployment") designated by the head of an Employment Security Office over the course of an one-to four-week period counted from the date of reporting unemployment under Article 42 and report the efforts made to be reemployed, and the head of the Employment Security Office

shall recognize his/her unemployment every day from the day after the date of the previous recognition of unemployment until the date of recognition of unemployment : Provided that the methods of recognizing unemployment for a person who falls under any of the following subparagraphs shall be in accordance with the standards prescribed in the Ordinance of the Ministry of Employment and Labor: <Amended by Act No 10339, Jun. 4, 2010>

1. Eligible recipients who are receiving vocational skills development training, etc.;
2. Eligible recipients for whom causes prescribed in the Presidential Decree, such as natural disasters or mass unemployment, have occurred, etc. ; and
3. Other eligible recipients prescribed in the Presidential Decree.

(3) Notwithstanding the provisions of paragraph (2), if an eligible recipient falls under any of the following subparagraphs, he/she may obtain the recognition of unemployment by submitting a certificate describing reasons preventing his presence at the Employment Security Office:

1. In case presence at the Employment Security Office was impossible due to disease or injury and the period is less than 7 consecutive days;
2. In case presence at the Employment Security Office was impossible due to an interview with a job offerer through placement service by the Employment Security Office;
3. In case presence at the Employment Security Office was impossible in order to receive the vocational skills development training, etc., directed by the head of the Employment Security Office; and
4. In case presence at the Employment Security Office was impossible due to natural disasters or other unavoidable causes.

(4) The head of an Employment Security Office shall take necessary measures prescribed by the Presidential Decree, such as support for setting up plans for reemployment activities, job placement, etc., to promote the employment of eligible recipients, when recognizing unemployment pursuant to paragraph (1). In this case, the eligible recipients shall follow the measures taken by the head of the Employment Security Office unless reasonable causes do exist.

Article 45 (Basic Daily Wages for Benefits)

- (1) The amount of daily wages which is the basis for the

calculation of job-seeking benefits (hereinafter referred to as "basic daily wages") shall be the average wages calculated pursuant to Article 2 (1) 6 of the Labor Standards Act on the date of the last separation relevant to the recognition of eligibility for benefits referred to in Article 43 (1) : Provided that in case the worker acquires the qualification of the insured twice or more in the three months prior to the date of the last separation, the basic daily wages shall be calculated by dividing the total wages paid to the worker concerned for three months prior to the date of the last separation (in the case of daily workers, the first three months of a four-month period prior to the date of the last separation) by the total number of days in the three months.

(2) In case the amount of money calculated by the provisions of paragraph (1) is less than the ordinary wages of the concerned worker under the Labor Standards Act, the amount of his ordinary wage shall be the basic daily wage : Provided that this shall not apply to those who were daily workers in the last workplace at the time of separation.

(3) In case it is difficult to calculate basic daily wages in accordance with paragraphs (1) and (2), and in case premiums have been paid based on the standard remuneration (hereinafter referred to as "standard remuneration") prescribed in Article 3 of the Insurance Premium Collection Act, the standard remuneration shall become the basic daily wages : Provided that this shall not apply even in case the premiums have been paid based on the standard remuneration, if the amount of the basic daily wage calculated pursuant to paragraphs (1) and (2) is larger than that of the standard remuneration. *<Amended by Act No 9990, Jan. 27, 2010>*

(4) Notwithstanding the provisions of paragraphs (1) through (3), in case where the basic daily wages calculated as provided in these provisions are less than the amount (hereinafter referred to as "minimum basic daily wages") calculated by multiplying the number of contractual working hours per day prior to the eligible recipient's separation by the hourly minimum wages prescribed by the Minimum Wage Act, which is applied at the time of separation, the minimum basic daily wages shall be the basic daily wages.

(5) Notwithstanding the provisions of paragraphs (1) through (3), in case where the basic daily wages calculated as provided in these provisions exceed the wages which are prescribed in the Presidential Decree in consideration of the purpose of insurance and the wage levels of ordinary workers, etc., the

amount of money prescribed in the Presidential Decree shall be that of basic daily wages.

Article 46 (Daily Amount of Job-seeking Benefits)

(1) The daily amount of job-seeking benefits shall be the amount described in the following subparagraphs :

1. In case of paragraphs (1) through (3) and (5) of Article 45, the amount shall be calculated by multiplying the basic daily wages of the eligible recipient concerned by 50/100; and
2. In case of Article 45 (4), the amount shall be calculated by multiplying the basic daily wages of the eligible recipient concerned by 90/100 (hereinafter referred to as "minimum daily job-seeking benefits").

(2) In cases where the daily amount of job-seeking benefits calculated in accordance with subparagraph 1 of paragraph (1) is less than the minimum daily job-seeking benefits, the minimum daily job-seeking benefits shall be the daily amount of job-seeking benefits of the eligible recipient concerned.

Article 47 (Report on Work during Unemployment Period)

(1) In case an eligible recipient has provided work during the period (hereinafter referred to as the "Period Subject to Recognition of Unemployment") for which he wished to obtain the recognition of unemployment, he/she shall report the fact to the head of an Employment Security Office.

(2) The head of an Employment Security Office may, if deemed necessary, investigate whether an eligible recipient has provided work during the period subject to recognition of unemployment.

Article 48 (Period and Days of Benefit Payment)

(1) Job-seeking benefits, unless otherwise provided in this Act, shall be provided for not more than the number of days of benefit payment prescribed in Article 50 (1), within 12 months from the day following the date of separation relevant to the recognition of eligibility for the job seeking benefits.

(2) In case a recipient is unable to find employment due to pregnancy, childbirth, child care or other causes provided for by the Presidential Decree during the 12-month period under paragraph (1) and reports the fact to an Employment Security Office within the period of benefit payment, the job-seeking benefits shall be paid for not more than the number of days of benefit payment prescribed in 50 (1), within the 12-month period plus the period(4 years in case of exceeding four years)

during which the recipient could not find employment.

(3) If a person falls under any of the following subparagraphs, he/she shall be deemed to have made the report under paragraph (2) on the first day of medical care: *<Newly Inserted by Act No. 9315, Dec. 31, 2008>*

1. Where the person received the medical care benefits under Article 40 of the Industrial Accident Compensation Insurance Act; and
2. Where the person left his/her job because he/she needed to receive medical care of three months or longer due to a disease or an injury and it is confirmed by observations of the physician in charge, which clearly states the medical care period and condition of the person, that he/she was unable to work during the separation period, and by the employer's opinions that he/she left his/her job to receive medical care.

Article 49 (Waiting Period)

Notwithstanding the provisions of Article 44, job-seeking benefits shall not be paid for 7 days beginning from the date of the report of unemployment under Article 42, which is considered a waiting period.

Article 50 (Prescribed Number of Benefit Payment Days)

(1) The number of days (hereinafter referred to as the "prescribed number of benefit payment days") for which an eligible recipient is entitled to receive job-seeking benefits shall be counted beginning from the day following the end of a waiting period until it reaches the number of days determined according to insured period and age as shown in the attached Table.

(2) In case an eligible recipient extends a benefit payment period due to pregnancy, childbirth, child care and other reasons prescribed in the Presidential Decree within the number of benefit payment days pursuant to Article 48 (2), the payment of job-seeking benefits shall be deferred for as long as the extended period.

(3) The insured period referred to in paragraph (1) shall be the period of employment at the applicable enterprise at the time of separation related to the eligibility for benefits (The period during which he/she is employed as a worker falling under any of the subparagraphs of Article 8 shall be excluded; hereinafter the same shall apply in this Article) : Provided that

in case the recipient was separated from employment at an enterprise other than the applicable enterprise and re-acquired the qualifications of the insured within one year from the date of separation, the period of employment at the applicable enterprise before the separation shall be included in the insured period.

(4) In calculating the insured period under the proviso of paragraph (3), in case the payment of job-seeking benefits was made before the qualification of the insured was re-acquired at the applicable enterprise at the time of separation, the period of employment prior to the separation shall not be included in the insured period for the job-seeking benefits.

(5) In case the date of becoming the insured in a single insured period is three years earlier than the date of confirming the acquisition of the qualification of the insured pursuant to Article 17, the qualification of the insured shall be considered to have been acquired three years before the date of the confirmation and the insured period shall be calculated accordingly.

Article 51 (Benefit for Extended Training)

(1) The head of an Employment Security Office may instruct an eligible recipient to take training if vocational skills development training is necessary for re-employment given his/her age and experience.

(2) The head of an Employment Security Office, instructing an eligible recipient to take vocational skills development training pursuant to paragraph (1), may make an extended payment of job-seeking benefits in excess of the prescribed number of benefit payment days for the days recognized as days of unemployment during the period of the eligible recipient receiving the vocational skills development training concerned. In this case, the payment period of extended job-seeking benefits (hereinafter referred to as the "benefits for extended training") shall be limited to the period prescribed in the Presidential Decree.

(3) Training participants and training courses under paragraph (1) and other necessary matters shall be prescribed in the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 52 (Individual Extended Benefit)

(1) The head of an Employment Security Office may, with respect to an eligible recipient who is particularly difficult to

get employment and leads a hard life and is prescribed in the Presidential Decree, make an extended payment of job-seeking benefits in excess of the prescribed number of benefit payment days for the days during which he/she is recognized as being unemployed.

(2) Job-seeking benefits (hereinafter referred to as the "individual extended benefit") which are paid for an extended period as provided by paragraph (1) shall be paid for a period prescribed in the Presidential Decree not exceeding 60 days.

Article 53 (Special Extended Benefit)

(1) The Minister of Employment and Labor may make an extended payment of job-seeking benefits not in excess of 60 days for the days for which an eligible recipient remains unemployed for a period exceeding the prescribed number of benefit payment days, in case where causes prescribed in the Presidential Decree, such as sharp increases in unemployment, etc., have occurred : Provided that the extended job-seeking benefits shall not be paid to an eligible recipient, etc., prescribed in the Ordinance of the Ministry of Employment and Labor, who earns a certain level of income for livelihood stability after separation. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The Minister of Employment and Labor shall designate a certain period during which he/she intends to offer extended job-seeking benefits (hereinafter referred to as the "special extended benefit") as provided by the main text of paragraph (1). <Amended by Act No. 10339, Jun. 4, 2010>

Article 54 (Duration of Extended Benefits and Daily Amount of Job-Seeking Benefit)

(1) If extended benefits referred to in Article 51 through 53 are paid, the payment duration of the eligible recipient shall be calculated by adding the extended number of days of job-seeking benefits to the payment duration of the eligible recipient under the provision of Article 48.

(2) If benefits for extended training referred to in Articles 51 are paid, the daily amount shall be 100/100 of the daily job-seeking benefit of the eligible recipient concerned, and if individual extended benefits or special extended benefits referred to in Articles 52 and 52 are paid, the daily amount shall be 70/100 of the daily job-seeking benefit of the eligible recipient. <Amended by Act No. 8959, Mar. 21, 2008>

(3) If the daily job-seeking benefit calculated pursuant to the

provision of paragraph (2) is lower than the minimum daily job-seeking benefit under of Article 46 (2), the minimum daily job-seeking benefit shall be the daily job-seeking benefit of the eligible recipient concerned.

Article 55 (Mutual Adjustment, etc., of Extended Benefits)

(1) Extended benefit provided in Articles 51 through 53 shall be offered after the termination of the payment of job-seeking benefit to which the eligible recipient is entitled under the provisions of Article 48.

(2) Individual extended benefit and special extended benefit shall not be offered to an eligible recipient with entitlement to benefit for extended training unless the payment of benefit for extended training is terminated.

(3) Either individual extended benefit or special extended benefit shall not be offered in case where an eligible recipient who receives either of them acquires an entitlement to benefit for extended training.

(4) Individual extended benefit shall not be offered to an eligible recipient who receives special extended benefit, until the payment of the special extended benefit is terminated, and special extended benefit shall not be offered to an eligible recipient who receives individual extended benefit, until the payment of the individual extended benefit is terminated.

(5) Other matters necessary for mutual adjustment between extended benefits shall be prescribed in the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

Article 56 (Date and Method of Payment)

(1) Job-seeking benefit shall be paid for the recognized number of days of unemployment under the conditions prescribed by the Presidential Decree.

(2) The head of an Employment Security Office shall decide the date on which job-seeking benefit is to be paid and notify the eligible recipient of it.

Article 57 (Unpaid Job-seeking Benefit)

(1) In case an eligible recipient dies and there remains any unpaid part of job-seeking benefit which should be paid to the eligible recipient, the unpaid job-seeking benefit shall be paid at the request of his/her spouse (including a de facto spouse), children, parents, grandchildren, grandparents, or brothers and sisters who have shared the same livelihood with the eligible recipient.

(2) For the days no recognition of unemployment is obtained due to the death of the eligible recipient, such recognition shall be obtained by a person who requests the payment of unpaid benefit in accordance with paragraph (1). In this case if the eligible recipient falls under paragraph (1) of Article 47, the person who requests such payment shall report matters provided by paragraph (1) of the same Article to the head of an Employment Security Office.

(3) The order of priority among those eligible to receive unpaid job-seeking benefit pursuant to paragraph (1) shall be the same as that enumerated in the same paragraph. In this case, if two persons or more have the same priority, one of them shall be considered to have requested for all of them, and payment made to that person shall be considered as payment made to all.

Article 58 (Restrictions on Eligibility for Benefits due to Causes of Separation)

(1) Notwithstanding the provisions of Article 40, if the head of an Employment Security Office recognizes that an insured person falls under any of the following subparagraphs, the insured person shall be considered ineligible to receive benefits :

1. In case he/she is an insured person dismissed for reasons attributable to him/herself and falls under any of the following items :
 - A. In case he/she is sentenced to imprisonment without prison labor or more severe punishment for violating the Criminal Act or laws relating to jobs ;
 - B. In case he/she caused considerable difficulties to business or inflicted property damages and falls under the criteria prescribed in the Ordinance of the Ministry of Employment and Labor ; and *<Amended by Act No. 10339, Jun. 4, 2010>*
 - C. In case he/she has been absent from work for a long time without due notice and justifiable reasons in violation of his/her labor contract or employment rules.
2. In case he/she is an insured person separated from employment for his/her personal reasons and falls under any of the following items :
 - A. In case he/she has left his/her job to transfer to another job or become self-employed;
 - B. In case he/she, though not dismissed for reasons attributable to him/herself under subparagraph 1, is separated from employment following the advice of the employer; and

C. In case he/she is separated from employment for reasons other than the justifiable reasons prescribed in the Ordinance of the Ministry of Employment and Labor.
<Amended by Act No. 10339, Jun. 4, 2010>

Article 59 (Deferment of Job-Seeking Benefit Payment due to Receipt of Large Amount of Money and Valuables)

(1) Notwithstanding the provision of Article 48 (1), the payment of job-seeking benefits may be deferred for 3 months from the unemployment report date according to the provision of Article 42 if the eligible recipient(including persons certain to receive the payment under the Presidential Decree) received as retirement pay, etc., money and valuables exceeding the amount prescribed in the Presidential Decree in consideration of economic circumstances etc., at the time of separation.

(2) An eligible recipient for whom the period of the deferment of job-seeking benefit payment under paragraph (1) ends shall be considered to have gone through the waiting period prescribed in Article 49.

(3) The duration of benefit payment for an eligible recipient whose job-seeking benefit payment is deferred in accordance with paragraph (1) shall be calculated by adding 3 months to the duration of benefit for the eligible recipient concerned as prescribed by Article 48.

Article 60 (Restrictions on Benefit Payment due to Refusal to Receive Training, etc.)

(1) In case an eligible recipient refuses to accept the job introduced by the head of an Employment Security Office or to receive the vocational skills development training, etc., designated by the head of an Employment Security Office, the payment of job-seeking benefits shall be suspended under the conditions prescribed in the Presidential Decree: Provided that if there are justifiable reasons described in any of the following subparagraphs, this shall not apply :

1. In case the job offered or the kind of occupation in which the vocational skills development training, etc., is designated, is not suitable to the ability of the eligible recipient;
2. In case moving a house is necessary to accept the employment or to receive the vocational skills development training, etc., but such house moving is difficult;
3. In case the wage level of the offered job falls under the criteria determined by the Minister of Employment and Labor, such as when it is 20 percent or more lower than

that of ordinary wages for the same kind of occupation or the same level of skill in the same region, etc.; and
<Amended by Act No. 10339, Jun. 4, 2010>

4. In case there are other justifiable reasons.

(2) In case an eligible recipient refuses without a justifiable reason to receive the vocational guidance for the promotion of reemployment conducted by the head of an Employment Security Office in accordance with the standards set by the Minister of Employment and Labor, the payment of job-seeking benefits shall be suspended under the conditions prescribed in the Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

(3) Whether there are justifiable reasons under the proviso of paragraph (1) and paragraph (2) shall be decided by the head of an Employment Security Office in accordance with the standards determined by the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(4) The suspension period of job-seeking benefit as provided by the provisions of paragraphs (1) and (2) shall be determined and notified by the Minister of Employment and Labor, and not exceed one month. <Amended by Act No. 10339, Jun. 4, 2010>

Article 61 (Restrictions on Benefit Payment due to Fraudulent Acts)

(1) In case a person intends to receive or received unemployment benefits in false or other fraudulent ways, job-seeking benefit shall not be paid beginning from the date on which he/she intends to receive or received the benefits : Provided that this shall not apply to job-seeking benefits to which he/she newly acquires his/her entitlement after separation related to the benefits.

(2) Notwithstanding the provisions of paragraph (1), in case the false or other fraudulent ways fall under the reasons prescribed by the Presidential Decree, such as failures to fulfill the obligation to report under Article 47 (1) or false report, etc., job-seeking benefits shall not be paid for the recognized unemployment period. However, in case two or more violations are committed, the provisions of paragraph (1) shall be applied.

(3) In case a person who intends to receive or received unemployment benefits in false or other fraudulent ways is denied job-seeking benefits pursuant to paragraph (1) or (2), the person shall be considered to have received the job-seeking benefits concerned in applying Article 50 (3) and (4).

(4) In case a person who intends to receive or received unemployment benefits in false or other fraudulent ways is denied job-seeking benefit pursuant to paragraph (1) or (2), the person shall be considered to have received the job-seeking

benefits corresponding to the number of days during which the person is ineligible to receive the benefits, in applying Article 63 (2).

Article 62 (Return Order, etc.)

(1) The head of an Employment Security Office may order a person who receives job-seeking benefits in false or other fraudulent ways to return all or part of the job-seeking benefits and may, in addition to this, levy the amount of money equivalent to or less than the amount of job-seeking benefit paid in false or other fraudulent ways in accordance with the standards determined by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) In case the false or fraudulent ways mentioned in paragraph (1) are due to false notification, report or certification by the employer (including his agent, servant or other employees), the employer shall take responsibility jointly with the person who has received the job-seeking benefits.

(3) In case job-seeking benefits are wrongly paid to an eligible recipient or a person who was an eligible recipient, the head of an Employment Security Office may collect the paid amount.

Article 63 (Special Case on Disease, etc.)

(1) In case an eligible recipient becomes unable to take employment on account of sickness, injury or child birth after he reported separation from employment in accordance with Article 42 and cannot obtain the recognition of unemployment, an amount equivalent to the daily job-seeking benefit (hereinafter referred to as "injury and disease benefit") under Article 46 may be paid in substitution for his/her job-seeking benefit, notwithstanding the provisions of Article 44 (1), at the request of the eligible recipient : Provided that the injury and disease benefit shall not be paid for the period during which the payment of job-seeking benefit is suspended pursuant to paragraphs (1) and (2) of Article 60.

(2) The number of days entitled to injury and disease benefit shall be limited to the number of days obtained by subtracting the number of days for which job-seeking benefit is paid according to the entitlement from the prescribed number of benefit payment days for the eligible recipient. In this case, the amount of job-seeking benefit corresponding to the number of days for which the injury and disease benefit is paid shall be considered to have been paid in the application of the provisions of this Act (excluding the provisions of Articles 61 and 62).

(3) The injury and disease benefit under paragraph (1) shall

be paid on the first day job-seeking benefit has been paid since the removal of reasons preventing the recipient from taking employment (the day decided by the head of an Employment Security Office, if there is no day job-seeking benefit is paid): Provided that the payment may, if deemed necessary, be made as otherwise prescribed by the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(4) Notwithstanding the provisions of paragraph (1), injury and disease benefit shall not be paid, if the eligible recipient is eligible to receive the compensation for suspension of work under Article 79 of the Labor Standards Act, wage replacement benefits under Article 39 of the Industrial Accident Compensation Insurance Act or other equivalent compensation or benefits prescribed in the Presidential Decree.

(5) With regard to the payment of injury and disease benefit, the provisions of Articles 47, 49 and 57 and paragraphs (1) through (3) of Article 61 and Article 62 shall apply mutatis mutandis. In this case, "the period subject to recognition of unemployment" in Article 47 shall be considered "the days for which the recognition of unemployment cannot be obtained".

SECTION 3

Employment Promotion Allowances

Article 64 (Early Reemployment Allowance)

(1) Early reemployment allowances shall be paid when the eligible recipient is reemployed in a stable job or does his/her own business to make profits and meets the standards prescribed by the Presidential Decree.

(2) Notwithstanding the provisions of paragraph (1), early reemployment allowances shall not be paid if the eligible recipient has received early reemployment allowances within the period prescribed by the Presidential Decree, before he/she is reemployed in a stable job or does his/her own business to make profits.

(3) The amount of early reemployment allowances shall be calculated, in accordance with the standards prescribed by the Presidential Decree, based on the proportion of the number of days for which the payment is not yet made in the prescribed number of job-seeking benefit payment days.

(4) In applying this Act (excluding the provisions of Articles 61 and 62) to a person who has received early reemployment allowances, job-seeking benefits shall be considered to have been

paid in the amount corresponding to the number of days obtained by dividing the amount of early reemployment allowances by the daily job-seeking benefits under Article 46.

(5) A subsidy may, under the conditions prescribed in the Presidential Decree, be paid to a person who reemploys an eligible recipient on an earlier date so as to shorten the period of paying the job-seeking benefits.

Article 65 (Vocational Skills Development Allowance)

(1) Vocational skills development allowances shall be paid for the period of vocational skills development training, etc., if the eligible recipient receives the vocational skills development training, etc., designated by the head of an Employment Security Office.

(2) Notwithstanding the provisions of paragraph (1), vocational skills development allowances shall not be paid for the period during which the payment of job-seeking benefit is suspended under paragraphs (1) and (2) of Article 60.

(3) The requirements for and amount of vocational skills development allowances shall be prescribed in the Presidential Decree. In this case, the amount of vocational skills development allowances may be differently set for the vocational skills development training, etc., in the kinds of occupations recognized and announced as especially essential by the Minister of Employment and Labor in consideration of the situations of manpower supply and demand. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 66 (Wide-Area Job-Seeking Allowance)

(1) Wide-area job-seeking allowances may be paid if the eligible recipient engages in job-seeking activities in a wide area offered by an Employment Security Office and the head of the Employment Security Office deems it necessary in accordance with the standards prescribed by the Presidential Decree.

(2) The amount of wide-area job-seeking allowances shall be the expenses normally required for the job-seeking activities under paragraph (1), but calculated as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 67 (Moving Allowance)

(1) Moving allowances may be paid, if the eligible recipient moves to other places to be employed or to receive the vocational skills development training, etc., designated by the head of an Employment Security Office and the head of the Employment Security Office deems it necessary in accordance with the standards prescribed by the Presidential Decree.

(2) The amount of moving allowances shall be the expenses normally required for moving the household of the eligible recipient, but calculated as prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 68 (Restrictions on Payment of Employment Promotion Allowance)

(1) In case a person intends to receive or received unemployment benefits in false or other fraudulent ways, employment promotion allowances shall not be paid beginning from the date on which he/she intends to receive or received the said benefits: Provided that this shall not apply to employment promotion allowances to which he/she newly acquires his/her entitlement after separation related to the benefits.

(2) Notwithstanding the provisions of paragraph (1), in case the false or other fraudulent ways fall under the reasons prescribed in the Presidential Decree, such as failures to fulfill the obligation to report under Article 47 (1) or false report, the payment of employment promotion allowances shall not be restricted. However, in case two or more violations are committed, the provisions of paragraph (1) shall be applied.

(3) In case a person who intends to receive or received unemployment benefits in false or other fraudulent ways is denied employment promotion allowances pursuant to paragraph (1) or (2) and as a consequence denied early re-employment allowances, the person shall be considered to have received early re-employment allowances in applying the provisions of Article 64 (4).

Article 69 (Mutatis Mutandis Application)

The provisions of Article 57 (1) and (3) and Article 62 shall apply mutatis mutandis to employment promotion allowances. In this case, the term "eligible recipient" in Article 57 (1) shall be read as "person eligible for employment promotion allowances".

CHAPTER V

Child-care Leave Benefit, etc.

SECTION I

Child-care Leave Benefits

Article 70 (Child-care Leave Benefits)

(1) If an insured person who is granted 30 days or more of child-care leave (excluding a period overlapping with the 90 day-maternity leave under Article 74 of the Labor Standards Act) under Article 19 of the Act on Equal Employment and Support for Work-Family Reconciliation meets all the requirements prescribed in the following subparagraphs, the Minister of Employment and Labor shall pay child-care leave benefits : *<Amended by Act No. 8781, Dec. 21, 2007 and Act No. 10339, Jun. 4, 2010>*

1. The unit period of insurance under Article 41 prior to the beginning date of the child-care leave shall be 180 days or more in total ;
2. The spouse who is an insured person shall not take child-care leave(excluding less than 30 days of child-care leave) for the same child; and
3. The application shall be made within one month after the beginning date of the child-care leave or 12 months after the end of the child-care leave : Provided that a person who was not able to apply for child-care leave benefits within the said period due to the causes prescribed in the Presidential Decree shall make the application within 30 days after the causes disappear.

(2) The amount of child-care leave benefits under paragraph 1 shall be prescribed in the Presidential Decree.

(3) Necessary matters as to the application for and payment of child-care leave benefits shall be prescribed in the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 71 (Confirmation of Child-care Leave)

If an employer shall, when an insured person intends to receive child-care leave benefits pursuant to Article 70, cooperate actively on all the procedures such as the confirmation, etc. of the facts as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 72 (Notification, etc. of Employment)

(1) An insured person who leaves his/her job, finds a new job (excluding a case where the number of contractual weekly working hours is less than 18 ; Hereinafter the same shall apply in this Chapter) or receives money and goods from an employer during a period of child-care leave benefits shall notify the head of an Employment Security Office of the facts.

(2) The head of an Employment Security Center may, if he/she

deems it necessary, investigate matters such as job-leaving, new job take-up etc. of the insured during a period of child-care leave benefits

Article 73 (Restriction, etc. on Benefits Payment)

(1) In case an insured person is separated from the business or finds a new job during a period of child-care leave benefits, child-care leave benefits shall not be paid beginning from the time of job-leaving or new job take-up.

(2) In case an insured person receives money and goods from his/her employer on account of child-care leave, child-care leave benefits may be paid in an reduced amount as prescribed in the Presidential Decree.

(3) Child-care leave benefits shall not be paid to those who received or intends to receive child-care leave benefits in false or other fraudulent ways starting from the date of the receipt of the benefits concerned or the date of intending to receive the benefits : Provided that in case the person meets newly the conditions for child-care leave benefits after taking the child-care leave related to the benefits concerned, the above provision shall not apply to the child-care leave benefits paid pursuant to the new conditions.

Article 74 (Mutatis Mutandis Application)

The provision of Article 62 shall apply mutatis mutandis to child-care leave benefits. In this case, "job-seeking benefits" shall be considered as "child-care leave benefits".

SECTION II

Maternity Leave Benefits, etc.

Article 75 (Maternity Leave Benefits, etc.)

The Minister of Employment and Labor shall pay maternity leave benefits, etc., (hereinafter referred to as "maternity leave benefits, etc.") in case, pursuant to Article 18 of the Act on Equal Employment and Support for Work-Family Reconciliation, an insured person is granted maternity leave before and after childbirth or miscarriage or stillbirth leave prescribed in Article 74 of the Labor Standards Act and meets all the conditions described in the following subparagraphs : <Amended by Act No. 8781, Dec. 21, 2007 and Act No. 10339, Jun. 4, 2010>

1. The total unit period of insurance under Article 41 until the last day of leave shall be 180 days or more ; and
2. The application shall be made within one month after the first day of leave (the sixtieth day since the start of leave in case of enterprises which fail to meet the criteria set forth by the Presidential Decree, in terms of the number of workers, etc. pursuant to Article 19 (2)) or 12 months after the last day of leave : Provided that a person who was not able to make an application for maternity leave benefits etc., during the period mentioned above due to the causes prescribed in the Presidential Decree shall make the application within 30 days after the causes disappear.

Article 75-2 (Right to Maternity Leave Benefits by Subrogation)

(1) If an employer provided a worker with money and valuables equivalent to maternity leave benefits, etc., for the same reason he/she has to provide such benefits, etc., and the money and valuables are deemed to have been paid in substitution for maternity leave benefits, etc., the employer shall be able to claim the worker's right to maternity leave benefits, etc., by subrogation with regard to the amount (not exceeding the maximum amount under Article 76 (2)) paid by the employer.

<This Article Newly Inserted by Act No. 9315, Dec. 31, 2008>

Article 76 (Payment Period, etc.)

(1) Maternity leave benefits, etc., under Article 75 shall be paid in the amount corresponding to the ordinary wages (calculated based on the beginning day of leave) under the Labor Standards Act for the leave period under Article 74 of the Labor Standards Act: Provided that in case of enterprises which fail to meet the criteria set forth by the Presidential Decree, in terms of the number of workers, etc., pursuant to Article 19 (2), the payment period shall be limited to the number of leave days (up to 30 days) in excess of 60 days.

(2) The amount of maternity leave benefits, etc., paid pursuant to paragraph (1) may have the maximum and minimum amount as prescribed in the Presidential Decree.

(3) Necessary matters as to the application for and payment of maternity leave benefits, etc., pursuant to paragraphs (1) and (2) shall be prescribed in the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 77 (Mutatis Mutandis Application)

The provisions of Article 62 and 71 through 73 shall

apply mutatis mutandis to maternity leave benefits, etc. In this case, "job-seeking benefits" in Article 62 shall be considered as "maternity leave benefits, etc.", and "child-care leave" in Article 71 through 73 as "maternity leave or miscarriage or stillbirth leave".

CHAPTER VI

Employment Insurance Fund

Article 78 (Establishment and Formation of Fund)

(1) The Minister of Employment and Labor shall establish the employment insurance fund (hereinafter referred to as the "fund") in order to finance the expenses needed for insurance activities. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The fund shall be formed with collected premiums, reserve funds, profits derived from the operation of the fund and other revenues under this Act.

Article 79 (Management and Operation of Fund)

(1) The fund shall be operated and managed by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Details of the management and operation of the fund shall be provided by the National Finance Act.

(3) The Minister of Employment and Labor shall manage and operate the fund according to methods prescribed in the following subparagraphs: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Deposits in financial institutions;
2. Deposits in public financial funds;
3. Purchase of securities issued or guaranteed by the State or local governments or financial institutions;
4. Acquisition and disposal of real estates to carry out insurance activities or increase the fund; and
- 5 Other methods to increase the fund prescribed in the Presidential Decree.

(4) The Minister of Employment and Labor shall ensure that earnings from the management and operation of the fund will exceed a certain level prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 80 (Use of Fund)

The fund shall be used for the purposes described in the following subparagraphs :*<Amended by Act No. 8959, Mar. 21, 2008>*

1. Expenses needed for employment security and vocational skills development projects;

2. Payment of unemployment benefits;
 3. Payment of child-care leave benefits and maternity leave benefits, etc.
 4. Return of premiums;
 5. Repayment of loans and interests; and
 6. Contributions to those who carry out by proxy, or are entrusted with, work under this Act and the Insurance Premiums Collection Act; and
 7. Other expenses necessary for the enforcement of this Act and prescribed in the Presidential Decree and expenses incurred in carrying out the activities under subparagraphs 1 and 2.
- (2) Necessary matters concerning the payment standards, use and management of the contributions referred to in paragraph (6) 1 shall be prescribed by the Presidential Decree. *<Newly Inserted by Act No. 8959, Mar. 21, 2008>*

Article 81 (Fund Management Plan, etc.)

(1) The Minister of Employment and Labor shall make a fund management plan each year and the plan shall be approved by the President after deliberation at the Employment Insurance Committee under Article 7 and a cabinet meeting. *<Amended by Act No. 9315, Dec. 31, 2008 and Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor shall announce the results of fund management after deliberation at the Employment Insurance Committee under Article 7 each year. *<Amended by Act No. 9315, Dec. 31, 2008 and Act No. 10339, Jun. 4, 2010>*

Article 82 (Establishment of Fund Account)

(1) The Minister of Employment and Labor shall establish an employment insurance fund account in the Bank of Korea. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The employment insurance fund account under paragraph (1) shall be managed separately for employment security and vocational skills development projects and unemployment benefits.

Article 83 (Receipts and Disbursements of Fund)

Necessary details related to receipts and disbursements in the management and operation of the fund shall be prescribed in the Presidential Decree.

Article 84 (Accumulation of Fund)

(1) The Minister of Employment and Labor shall set aside extra funds as reserves to cope with massive unemployment or other kinds of employment insecurity. *<Amended by Act No.*

10339, Jun. 4, 2010>

(2) The optimum volume of the extra funds referred to in paragraph (1) shall be as follows :

1. Year-end amount of reserves for employment security and vocational skills development projects : the amount of expenditure for the year concerned or more but less than 1.5 times that amount; and
2. Year-end amount of reserves for unemployment benefits : 1.5 times the amount of expenditure for the year concerned or more but less than twice that amount

<Amended by Act No. 9315, Dec. 31, 2008>

Article 85 (Treatment of Surplus and Loss)

(1) If there is a surplus as a result of the settlement of accounts of the fund, it shall be put aside as a reserve fund.

(2) If there is any amount of loss resulting from the settlement of accounts of the fund, it shall be compensated using the reserve fund.

Article 86 (Loan)

In case where there is or is expected to be a lack of funds for spending, loans may be made from financial institutions, other funds and other financial resources on the security of the fund.

CHAPTER VII

Request for Examination and Reexamination

Article 87 (Examination and Reexamination)

(1) A person who has an objection to the confirmation of the acquisition or loss of the qualification of the insured referred to in Article 17 or to a decision (hereinafter referred to as "original decision, etc.") on unemployment benefits referred to in CHAPTER IV and child-care leave benefits and maternity leave benefits, etc., referred to in CHAPTER V may make a request for examination to the examiner referred to in Article 89, and a person who objects to resulting decisions may make a request for reexamination to the appeal committee referred to in Article 99.

(2) The request for examination prescribed in paragraph (1) shall be made within 60 days from the day on which it is known that a confirmation or decision under the same paragraph

is made and the request for reexamination shall be made within 60 days from the day on which it is known that a decision on the request for examination is made.

(3) As for the interruption of prescription, requests for examination and reexamination mentioned in paragraph (1), shall be considered as requests by trial.

Article 88 (Appointment of Agents)

A person requesting examination or reexamination may appoint a person falling under any of the following subparagraphs as an agent in addition to a legal agent.

1. The spouse, direct ascendants and descendants, or brothers and sisters of a person making the request;
2. Executives or employees of a corporation making the request;
3. Lawyers or certified labor affairs consultants; and
4. Persons authorized by the appeal committee pursuant to Article 99.

Article 89 (Employment Insurance Examiner)

(1) In order to conduct the examination provided for by Article 87, an employment insurance examiner (hereinafter referred to as "examiner") shall be assigned.

(2) In case where an examiner receives a request for examination pursuant to paragraph (1) of Article 87, he/she shall make a decision on the request within 30 days: Provided that where he cannot make the decision within that period for compelling causes, he may extend the period once by not more than 10 days.

(3) The number, qualifications, placement and duty of examiners shall be prescribed in the Presidential Decree.

(4) In case where circumstances are such that a party could hardly expect impartial review and decision from an examiner, he/she may lodge a motion of challenge against the examiner with the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(5) In case where the claimant for examination dies and is an eligible recipient of unemployment benefits and his/her bereaved family member is a person other than those referred to in Article 57, the heir or a person who succeeds to the rights or interests relating to an original decision, etc., which are subject to the request for examination shall succeed to the status of the claimant for examination.

Article 90 (Request for Examination, etc.)

(1) The request for examination referred to in paragraph (1) of Article 87 shall be made to an examiner through the Employment Security Office which has made an original decision, etc.

(2) An Employment Security Office shall send the request for examination to a competent examiner along with its written opinion within 5 days from the date on which it has received the request.

Article 91 (Mode of Request)

Requests for examination shall be made in writing under the conditions prescribed by the Presidential Decree.

Article 92 (Correction and Rejection)

(1) If a request for examination has missed the deadline referred to in paragraph (2) of Article 87 or if it violates the methods prescribed by law and is impossible to correct the violation, the examiner shall decide to reject the request.

(2) In case where a request for examination violates the methods prescribed by law but is possible to correct the violation, the examiner may set a reasonable period and order the claimant for examination to correct the violation within that period: Provided that if the matters to be corrected are minor, the examiner may correct them by virtue of its authority.

(3) If the claimant for examination fails to correct the violation within the period under paragraph (2), the examiner shall decide to reject the request for examination.

Article 93 (Suspension of Execution of Original Decisions)

(1) A request for examination shall not suspend the execution of an original decision, etc.: Provided that where it is deemed urgently necessary in order to avoid serious harm arising from the execution of an original decision, etc., the examiner may suspend the execution ex officio.

(2) The examiner shall, where he/she intends to suspend the execution pursuant to the proviso of paragraph (1), notify the head of an Employment Security Office of the causes in writing.

(3) The head of an Employment Security Office shall, upon receipt of the notification referred to in paragraph (2), without delay, suspend the execution.

(4) An examiner shall, if he/she suspended the execution of an original decision pursuant to paragraph (2), notify in writing, the fact immediately to the claimant for examination.

Article 94 (Authority of Examiners)

(1) An examiner may, at the request of an claimant for

examination or ex officio, conduct investigations described in the following subparagraphs, if it is deemed necessary for examination :

1. To have the claimant for examination or person concerned appear at a designated place and inquire or state his/her opinion;
2. To have the claimant for examination or person concerned present documents or other materials which may be used as evidence;
3. To have a third party with professional knowledge and experience appraise the situation; and
4. To visit the workplace or other places related to the case and question the employer, employees or other persons concerned or inspect documents and other materials.

(2) In case where an examiner undertakes the inquiries and inspections referred to in paragraph (1) 4 of this Article, he/she shall carry a certificate proving his/her authority and show it to the persons concerned.

Article 95 (Restitution of Actual Expenses)

A person who appears at a designated place pursuant to Article 94 (1) 1 and an expert who gives an appraisal pursuant to subparagraph 3. of the same paragraph shall be compensated for their actual expenses as determined by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 96 (Decision)

An examiner shall cancel all or part of an original decision, etc., or dismiss all or part of a request for examination when he/she completes the examination.

Article 97 (Methods of Decision)

(1) The decision under Article 89 shall be made in writing under the conditions prescribed in the Presidential Decree.

(2) An examiner shall, if making a decision, send an original copy of the decision to the claimant for examination and to the head of the Employment Security Office who has made the original decision, etc.

Article 98 (Effect of Decision)

(1) A decision shall take effect on the date on which an original copy of the decision is sent to the claimant for examination and to the head of the Employment Security Office.

(2) The decision shall be binding on the head of the Employment Security Office who has made the original decision, etc.

Article 99 (Employment Insurance Appeal Committee)

(1) In order to conduct the reexamination provided for in Article 87, the employment insurance appeal committee (hereinafter referred to as the "appeal committee") shall be established in the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The appeal committee shall be composed of 15 members or fewer including more than one representative from labor and management respectively.

(3) Two of the members mentioned in paragraph (2) shall be standing members.

(4) No person who falls under any of the following subparagraphs shall be appointed as member:

1. A person who has been declared incompetent, quasi-incompetent or bankrupt and has not been reinstated; and
2. A person who has been sentenced to a punishment heavier than imprisonment and for whom three years has not elapsed since the completion of the sentence or the final decision not to execute it.

(5) No member shall be dismissed from office against his will unless he is sentenced to punishment or it is difficult to discharge his duties due to mental breakdown or noticeable lack of ability.

(6) No standing member shall join a political party or participate in politics.

(7) The appeal committee shall, upon the receipt of a request for reexamination pursuant to paragraph (1) of Article 87, make an adjudication within 50 days. In this case, the provisions of the proviso of paragraph (2) of Article 89 shall apply *mutatis mutandis* with respect to the extension of a period of adjudication.

(8) The appeal committee shall have a secretariat office.

(9) Matters necessary for the organization, operation, etc., of the appeal committee shall be prescribed in the Presidential Decree.

Article 100 (Other Party to Reexamination)

The other party to a request for reexamination shall be the head of the Employment Security Office which has made the original decision, etc.

Article 101 (Trial)

(1) The appeal committee shall, upon the receipt of a request for reexamination, set a trial date and place for the request and shall notify them to the parties and to the examiner who has tried the case 3 days in advance of the trial date.

(2) Either party may state its opinion in writing or orally before the appeal committee.

(3) The trial for a request for reexamination shall be made public: Provided that it may be made non-public upon the request of either or both of the parties.

(4) The appeal committee shall draw up a protocol of trial.

(5) Either party or person concerned may make an application for inspection of the protocol of trial mentioned in paragraph (4).

(6) The committee shall not, upon the application for inspection referred to in paragraph (5) by the party or person concerned, refuse it without any justifiable causes.

(7) Articles 94 and 95 shall apply mutatis mutandis with respect to a trial for a request for reexamination. In this case, "examiner", "request for examination" and "claimant for examination" shall be read as "appeal committee", "request for reexamination" and "claimant for reexamination", respectively.

Article 102 (Applicable Provisions)

The provisions of paragraphs (4) and (5) of Article 89, Articles 91 through 93 and Articles 96 through 98 shall apply mutatis mutandis with respect to the appeal committee and reexamination. In this case, "examiner" in paragraph (4) of Article 89, "decision" in paragraph (4) of Article 89, Article 97 and Article 98, and "request for examination" in Articles 91, 93 and 96 shall be read as "member of the appeal committee", "adjudication" and "request for reexamination", respectively, and "examiner" in Articles 93, 96 and 97 and "claimant for examination" in Articles 93, 97 and 98 shall be read as "appeal committee" and "claimant for reexamination", respectively.

Article 103 (Notification)

In case where the head of an Employment Security Office makes an original decision, etc., or an examiner sends an original copy of a decision pursuant to paragraph (2) of Article 97, he/she shall inform the other party or claimant for examination whether a request for examination or reexamination can be made on the original decision, etc., or the decision, and of the procedures to go through in the case of such a request, and the period of request.

Article 104 (Relation to Other Acts)

(1) An adjudication on a request for reexamination shall, in applying Article 18 of the Administrative Litigation Act, be deemed a ruling on administrative appeals.

(2) Matters which are not provided in this Act with respect

to examination and reexamination shall be governed by the Administrative Appeals Act.

CHAPTER VIII

Supplementary Provisions

Article 105 (Prohibition of Disadvantageous Treatment)

An employer shall not dismiss or cause other disadvantages to a worker for reason of a request for confirmation as provided by Article 17.

Article 106 (Mutatis Mutandis Application)

The provisions of Articles 27 through 30, 32, 39, 41 and 42 of the Insurance Premium Collection Act shall apply mutatis mutandis to the collection of the charges under this Act.

Article 107 (Extinctive Prescription)

(1) If the rights to receive subsidies, unemployment benefits, child-care leave benefits, or maternity leave benefits, etc. as prescribed in Chapters III through V or the rights to get a refund thereof are not exercised for three years, they shall become extinctive by prescription : Provided that the right of an employer to receive subsidies as prescribed in Chapter III, which occurs during a period of exemption from paying insurance premiums pursuant to Article 22-3 of the Insurance Premium Collection Act, shall be considered to become extinctive on the first day of the insurance year immediately preceding the insurance year to which the date of joining insurance belongs.

(2) The provisions of Article 80 of the Industrial Accident Compensation Insurance Act shall apply mutatis mutandis to the interruption of extinctive prescription.

Article 108 (Reports, etc.)

(1) The Minister of Employment and Labor may, if deemed necessary, request an employer who employs or employed the insured or eligible recipients, an insurance work service agency (hereinafter referred to as "insurance work service agency") under Article 33 of the Insurance Premium Collection Act, and a person who was an insurance work service agency to make a report or submit related documents or request the presence of related persons, necessary for the enforcement of this Act, such as the confirmation of the qualification of the insured, investigation

of fraudulent receipts, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) In order to receive unemployment benefits, those who are separated from employment may request the insurance work service agency handling the insurance work entrusted to it by their previous or present employer to issue necessary certificates. In this case, the employer or the insurance work service agency shall issue such certificates as requested.

(3) The Minister of Employment and Labor may request the insured, an eligible recipient or those who request the payment of unpaid unemployment benefits to make a report or submit related documents or request the presence of related persons, necessary for the enforcement of this Act, such as the confirmation of the qualification of the insured, investigation of fraudulent receipts, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 109 (Investigation, etc.)

(1) The Minister of Employment and Labor may, if deemed necessary for the enforcement of this Act, such as the confirmation of the qualification of the insured, investigation of fraudulent receipts, etc., have his officials question relevant persons or investigate documents such as account books, etc. at the workplace of an employer who employs or employed the insured or eligible recipients, or the office of an insurance work service agency and a person who was an insurance work service agency. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor shall, when conducting an investigation pursuant to paragraph (1), inform the employer, etc., of necessary matters for the investigation, such as the date and contents of investigation, etc., in advance : Provided that this shall not apply if the case is urgent or it is deemed that advance notification may prevent the achievement of the goals. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) An official who conducts the investigation under paragraph (1) shall carry with him an identification card showing his status, and show it to related persons.

(4) The Minister of Employment and Labor shall inform the employer, etc., of the results of the investigation under paragraph (1) in writing. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 110 (Requests for Materials)

(1) The Minister of Employment and Labor may, if necessary, request related central administrative agencies, local governments and other public bodies, etc., to submit materials for the effective operation of employment insurance undertaking. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The person who is requested to submit such materials as provided by paragraph (1) shall comply with such a request unless there is a justifiable reason.

Article 111 (Order to Receive Diagnosis)

The head of an Employment Security Office may, if deemed necessary for the payment of unemployment benefits, order a person who falls under Article 44 (3) 1 and obtained or intends to obtain an unemployment recognition pursuant to paragraph (2) of the same Article or a person who received or intends to receive injury and disease benefits pursuant to Article 63 to take a medical examination at a medical institution designated by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 112 (Payment of Reward Money)

(1) The Minister of Employment and Labor may pay reward money to a person who reports fraudulent acts in connection with support for and entrustment of employment security and vocational skills development projects, payment of unemployment benefits, child-care leave benefits or maternity leave benefits, etc., within the limits of budgets. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Necessary matters concerning the report of fraudulent acts and payment of reward money under paragraph (1) shall be prescribed in the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 113 (Special Case on the Self-employed)

Notwithstanding the provisions of Article 8, the self-employed determined by the Presidential Decree in consideration of incomes, etc., may be subject to this Act (only the provisions of Chapter III) with themselves as the insured as prescribed by the Insurance Premium Collection Act.

Article 114 (Implementation of Pilot Activities)

(1) The Minister of Employment and Labor may, if difficulties are expected in across-the-board implementation or it is needed to test implementation methods in advance in order to ensure the effective implementation of insurance activities, implement the insurance activities prescribed in the Presidential Decree on a pilot basis. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may provide financial, administrative, technical and other supports to employers, the insured, etc., and vocational skills development training facilities that participate in the activities implemented on a pilot basis

pursuant to paragraph (1). *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) Necessary matters concerning for whom, where and how pilot activities are implemented pursuant to paragraph (1) and details of support under paragraph (2) shall be determined and announced by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 115 (Delegation or Entrustment of Authority)

The Minister of Employment and Labor may delegate a part of his/her authority as prescribed by this Act to the head of an Employment Security Office or entrust it to the persons prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 115-2 (Legal Fiction as Public Officials in Application of Penal Provisions)

If work is carried out by proxy or entrusted pursuant to Articles 36 and 115, the person engaged in such work shall be considered as a public official in applying the penal provisions of Articles 129 through 132.

<This Article Newly Inserted by Act No. 9315, Dec. 31, 2008>

CHAPTER IX

Penal Provisions

Article 116 (Penal Provisions)

(1) An employer who dismisses or gives other disadvantageous treatments to a worker against the provisions of Article 105 shall be punished by imprisonment of up to three years or by a fine not exceeding 10 million won.

(2) Those who receive unemployment benefits, child-care leave benefits and maternity leave benefits, etc., in false or other fraudulent ways shall be punished by imprisonment of up to one year or by a fine not exceeding three million won.

Article 117 (Joint Penal Provisions)

If a representative of a juristic person or, an agent, a servant or any other employee of a juristic person or an individual commits the offense prescribed in Article 116 in relation to the business of the juristic person or individual, the fine prescribed in the same Article shall be imposed on the juristic person or individual, in addition to the punishment of the offender : Provided that this shall not apply unless the juristic person or

individual neglects to give considerable attention and supervision to the business concerned in order to prevent such offence.

<This Article Amended by Act No. 9315, Dec. 31, 2008>

Article 118 (Fine for Negligence)

(1) An employer or a representative, an agent, a user or any other employee of an insurance work service agency who fall under any of the following subparagraphs shall be imposed with a fine for negligence not exceeding three million won :

1. A person who fails to make a report, or makes a false report in contravention of Article 15;
2. A person who fails to submit a confirmation document on separation or submits a false document in contravention of Article 16 (1);
3. A person who fails to issue a confirmation document on separation in contravention of the latter part of Article 16 (2);
4. A person who fails to make a report or makes a false report, who fails to submit a document or submits a false document, or who fails to be present, rejecting the request made pursuant to paragraph (1) of Article 108;
<Amended by Act No. 9315, Dec. 31, 2008>
5. A person who refuses to issue a certificate under paragraph (2) of Article 108; or *<Amended by Act No. 9315, Dec. 31, 2008>*
6. A person who fails to reply to questions asked under subparagraph (1) of 109 or makes a false statement, or a person who refuses, obstructs or evades an investigation.
<Amended by Act No. 9315, Dec. 31, 2008>

(2) If an insured person, an eligible recipient, or a person who requests the payment of unpaid unemployment benefits falls under any of the following subparagraphs, he/she shall be imposed with a fine for negligence not exceeding one million won:

1. A person who fails to make a report or makes a false report, a person who fails to submit a document or submits a false document or a person who fails to present him/herself as requested under paragraph (3) of Article 108;
or <Amended by Act No. 9315, Dec. 31, 2008>
2. A person who fails to reply to questions asked under paragraph (1) of Article 109 or makes a false statement, or a person who refuses, obstructs or evades an investigation. *<Amended by Act No. 9315, Dec. 31, 2008>*

(3) A person who fails to reply to, or makes a false statement about, questions asked by an examiner or the appeal committee that carries out an examination or a reexamination after receiving a request for examination or reexamination under

Article 87 or a person who refuses, obstructs or evades an investigation shall be imposed with a fine for negligence not exceeding one million won. <Amended by Act No. 9315, Dec. 31, 2008>

(4) A fine for negligence imposed pursuant to paragraphs (1) through (3) shall be imposed and collected by the Minister of Employment and Labor under the conditions prescribed by the Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

(5) Deleted. <Act No. 9315, Dec. 31, 2008>

(6) Deleted. <Act No. 9315, Dec. 31, 2008>

(7) Deleted. <Act No. 9315, Dec. 31, 2008>

Addenda <Act No. 8429, May.11, 2007>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures Concerning Collection of Additional Charges for Fraudulent Acts by Vocational Skills Development Training Providers)

If a person who provides vocational skills development training receives, or intends to receive, support for vocational skills development training in false or other fraudulent ways before enforcement of this Act, the previous provisions shall apply notwithstanding the **revised provisions of the proviso** of Article 35 (2).

Article 3 (Effective Period)

The revised provisions of the proviso of Article 107 (1) shall remain effective until December 31, 2009.

Article 4 (General Transitional Measures Concerning Action, etc.)

Actions taken by or against administrative authorities pursuant to the previous provisions at the time of the enforcement of this Act shall be seen as actions taken by or against administrative authorities pursuant to the corresponding provisions of this Act.

Article 5 (Transitional Measures Concerning Penal Provisions or Fines for Negligence)

In applying **penalties or fines for negligence** in acts committed before the enforcement of this Act, the previous provisions shall apply.

Article 6 (Revision of Other Laws)

(1) Parts of the Act on the Employment Improvement, etc. of Construction Workers shall be revised as follows: "Article 13 of the Employment Insurance Act" in Article 5 (3) shall be changed to "Article 15 of the Employment Insurance Act."

(2) Parts of the Act on the Collection, etc. of Premiums for Employment Insurance and Industrial Accident Compensation Insurance shall be revised as follows:

"Proviso of Article 7 of the Employment Insurance Act" and "Article 8 of the Employment Insurance Act" in Article 5 (2) shall be changed to "proviso of Article 8 of the Employment Insurance Act" and "Article 10 of the Employment Insurance Act" respectively.

"Proviso of Article 7 of the Employment Insurance Act" in Article 6 (1) and "Article 8 of the Employment Insurance Act" in paragraph (3) of the same Act shall be changed to "proviso of Article 8 of the Employment Insurance Act" and "Article 10 of the Employment Insurance Act" respectively.

"Proviso of Article 7 of the Employment Insurance Act" in subparagraph 1 of Article 7 shall be changed to "proviso of Article 8 of the Employment Insurance Act".

"Article 8 of the Employment Insurance Act" in the main text of Article 17 (1) shall be changed to "Article 10 of the Employment Insurance Act."

"Article 83-2 of the Employment Insurance Act" in Article 49-2 (1) shall be changed to "Article 113 of the Employment Insurance Act."

(3) Parts of the National Pension Act shall be revised as follows: "Article 31 of the Employment Insurance Act" in Article 93-2 shall be changed to "Article 40 of the Employment Insurance Act."

(4) Parts of the Employee Skills Development Act shall be revised as follows:

"Article 15 (2)" in Article 20 (1) 3 shall be changed to "Article 19 (2)."

(5) Parts of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City shall be revised as follows:

"Articles 13 (including authority related to receipt of materials submitted by an original contractor), 13-2, 14, 16 through 18, 18-2 (including authority related to employment security support for construction workers), 22, 24, 26-3, 33-2 (1) and (2), 34 (1), (3), (4) 3 and (5), 37, 42 (1) and (2), 42-2 (1), 43 (2) and (3), 44 (2), 45 (2), 46 (1) through (3), 48 (1) and (3), 49 (3), 51 (1), 52 (1), 53 (1), 55-2, 55-4, 55-5, 55-5, 55-7, 55-9, 75-6 (3), 75-10 (2), 75-11, 76-5, 80 (limited

to cases where it is needed to handle business affairs concerning transferred authority) 82 and 86 (limited to imposition and collection of fines for negligence in relation to transferred authority) of the Employment Insurance Act" in Article 147 (4) 1 shall be changed to Articles 15 (including authority related to receipt of materials submitted by an original contractor), 16, 17, 21 through 23, 24 (including authority related to employment security support for construction workers), 27, 29, 33, 43 (1) and (2), 44 (1), (2), (3) 3 and (4), 47, 51 (1) and (2), 52 (1), 56 (2), 57 (2), 58, 60 (1) through (3), 62 (1) through (3), 63 (3), 65 (1), 66 (1), 67 (1), 70, 72, 73, 75, 77, 93 (3), 97 (2), 98, 103, 108 (limited to cases where it is needed to handle business affairs concerning transferred authority), 111 and 117 (limited to imposition and collection of fines for negligence in relation to transferred authority) of the Employment Insurance Act."

(6) Parts of the Special Act on Support for Areas, etc. Adjacent to Districts Granted to the United States Armed Forces in Korea shall be revised as follows:

"Article 15 of the Employment Insurance Act" in Article 23 (1) shall be changed to "Article 19 of the Employment Insurance Act."

(7) Parts of the Special Act on the Promotion of Business Conversion in Small and Medium Enterprises shall be revised as follows:

"Article 16 of the Employment Insurance Act" and "Article 24 of same Act" in Article 25 (2) 2 shall be changed to "Article 21 of the Employment Insurance Act" and "Article 29 of same Act", respectively.

(8) Parts of the Special Act on Support for Human Resources of Small and Medium Enterprises shall be revised as follows:

"Article 15 of the Employment Insurance Act" in Article 21 (1) shall be changed to "Article 19 of the Employment Insurance Act."

Article 7 (Relationship to Other Laws)

If the previous Employment Insurance Act or its provisions are cited in other Acts and subordinate statutes at the time of the enforcement of this Act and there are corresponding provisions in this Act, this Act or its corresponding provisions shall be considered to be cited in lieu of the previous provisions.

Addenda <Act No. 9315, Dec. 31, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its

promulgation : Provided that the amended provision of Article 29 (3) shall enter into force at the expiration of three months after its promulgation, and the amended provisions of Article 7, Article 11-2, Article 81 and Article 84 shall enter into force on July 1, 2009.

Article 2 (Application Example concerning Recognition of Entitlement)

The amended provisions of Articles 41 and 43 shall apply to decisions on whether to recognize benefit entitlement after this Act enters into force.

Article 3 (Application Example concerning Right to Maternity Leave Benefits by Subrogation)

The amended provision of Article 75-2 shall apply to the granting of maternity leave, etc., after this Act enters into force.

Article 4 (Transitional Measures concerning Restrictions, etc., on Support Due to Fraudulent Acts)

Notwithstanding the amended provisions of Article 35, restrictions, etc., on support for a person who has received or intends to receive such support in a false or other fraudulent ways shall be governed by the previous provisions.

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 Laws)

(1) and (2) Omitted.

(3) Parts of the Framework Act on Employment Policy shall be revised as follows :

“Article 26 under the Basic Employment Policy Act” in Article 21 (3) shall be changed to “Article 32 under the Framework Act on Employment Policy”.

(4) through (8) Omitted.

Article 3 Omitted.

Addendum <Act No. 9990, Jan. 27, 2010>

This Act shall enter into force on January 1, 2011.

Addenda <Act No. 9999, Feb. 4, 2010; Revision of the Act on the Repair, etc., of Cultural Properties>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

Article 8 (Revision of Other Laws)

(1) Omitted.

(2) Parts of the Employment Insurance Act shall be revised as follows :

“Article 27 of the Act on the Protection of Cultural Properties” in Article 15 (2) 6 shall be changed to “Article 14 of the Act on the Repair, etc., of Cultural Properties”.

Article 9 Omitted.

Addenda <Act No. 10337, May 31, 2010; Revision of the Workers Vocational Skills Development Act>

Article 1 (Enforcement Date)

This Act shall enter into force three months after its promulgation. <Proviso omitted>

Articles 2 through 6 Omitted.

Article 7 (Revision of Other Laws)

(1) Omitted.

(2) Parts of the Employment Insurance Act shall be revised as follows :

“Articles 16 (4) and (5) and 25 (3) and (4) of the Workers Vocational Skills Development Act” in Article 35 (3) shall be changed to “the provisions of Article 55 (1) and (2) and Article 56 (1) and (3) of the Workers Vocational Skills Development Act”.

(3) through (12) Omitted.

Article 8 Omitted.

Addenda <Act No. 10338, May 31, 2010; Revision of the Act on the Encouragement of Technical Skills>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1st, 2011.

Articles 2 through 4 Omitted.

Article 5 (Revision of Other Laws)

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

Article 31 (1) 2 shall be changed as follows :

2. Activities of administering qualification tests and encouraging technical skills under the Act on the Encouragement of Technical Skills

(2) through (5) Omitted.

Article 6 Omitted.

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 its promulgation. *<Proviso omitted>*

Article 2 through 3 Omitted.

Article 4 (Revision of Other Laws)

(1) through (11) Omitted.

(12) Parts of the Employment Insurance Act shall be revised as follows :

“Minister of Labor” in proviso of subparagraph 5 of Article 2, Article 3, Article 7 (4), Article 11 (1) and (2), Article 11-2 (1) through (3), Article 12, Article 15 (1), (2), (4) and (6), Article 16 (1), Article 17 (1) through (3), Article 19 (1) and (2), Article 20, Article 21 (1) through (3), Article 22, Article 23, Article 24 (1) and (2), Article 25 (1), Article 26, Article 27, Article 28, Article 29 (1) through (3), Article 30, Article 31 (1) and (2), Article 32 (1) and (2), Article 33 (1) and (2), Article 34, Article 35 (1), (2) and (4), Article 36, Article 53 (1) and (2), Article 60 (1) 3, Article 60 (2) through (4), proviso of Article 63 (3), Article 65 (3), Article 70 (1), Article 75, Article 78 (1), Article 79 (1) and (3), Article 109 (1), (2) and (4), Article 110 (1), Article 111, Article 112 (1), Article 114 (1) through (3), Article 115 and Article 118 (4) shall be changed to “Minister of Employment

and Labor”.

“Ministry of Labor” in Article 7 (1) and Article 99 (1) shall be changed to “Ministry of Employment and Labor”.

“Vice Minister of Labor” in Article 7 (4) shall be changed to “Vice Minister of Employment and Labor”.

“Ordinance of the Ministry of Labor” in Article 15 (2), Article 15 (4) through (6), Article 18, Article 35 (2), proviso of Article 44 (2), Article 51 (3), proviso of Article 53 (1), Article 55 (5), subparagraph 1 B and 2 C of Article 58, Article 62 (1), Article 66 (2), Article 67 (2), Article 70 (3), Article 71, Article 76 (3) and Article 112 (2) shall be changed to “Ordinance of the Ministry of Employment and Labor”.

(13) through (82) Omitted.

Article 5 Omitted.

[Table]

**Number of Payment Days of
Job-Seeking Benefit** (Relating to Article 50 (1))

(Unit : days)

		Insurance Period				
		year < 1	1 ≤ year < 3	3 ≤ year < 5	5 ≤ year < 10	year ≥ 10
Age at the time of separation	Age < 30	90	90	120	150	180
	30 ≤ age < 50	90	120	150	180	210
	Age ≥ 50 and the disabled	90	150	180	210	240

Note : The disabled refer to the individuals prescribed in the Act on Employment Promotion and Vocational Rehabilitation for the Disabled.