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ACT ON THE EMPLOYMENT OF FOREIGN WORKERS

[Enforcement Date 11. Dec, 2022.] [Act No.18929, 10. Jun, 2022., Partial
Amendment]

고용노동부 (외국인력담당관)044-202-7151

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고용노동부 (외국인력담당관) 044-202-7151

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to contribute to smooth supply of and demand for human resources and the balanced development of the national economy through the systematic introduction and management of foreign workers.

[This Article Wholly Amended on Oct. 9, 2009]

Article 2 (Definition of Foreign Workers) The term "foreign worker" in this Act means a person who does not have the nationality of the Republic of Korea and who provides or desires to provide his or her labor in return for wages in any business or place of business situated within the Republic of Korea: Provided, That persons prescribed by Presidential Decree, taking into consideration the fields of employment, the period of stay, or any other relevant fact, among foreigners who have status of stay eligible for employment activities pursuant to Article 18 (1) of the Immigration Act shall be excluded herefrom.

[This Article Wholly Amended on Oct. 9, 2009]

Article 3 (Scope of Application) (1) This Act shall apply to foreign workers and the businesses or places of business that employ or intend to employ foreign workers: Provided, That this Act shall not apply to any seafarer who works on a ship governed by the Seafarers' Act but who does not have the nationality of the Republic of Korea, or to any owner of a ship who employs or intends to employ such seafarer.

(2) Except as otherwise provided in this Act, the entry into, the stay in, and the departure from the Republic of Korea of foreign workers shall be governed by the Immigration Act.

[This Article Wholly Amended on Oct. 9, 2009]

Article 4 (Foreign Workforce Policy Committee) (1) There is hereby established a Foreign Workforce Policy Committee is installed at the Prime Minister's Office (hereinafter referred to as the "Policy Committee") under the jurisdiction of the Prime Minister in order to deliberate, and adopt resolutions, on important matters pertaining to the management and protection of employment of foreign workers.

(2) The Policy Committee shall deliberate and resolve on the following: <Amended on Apr. 13, 2021>

1. Matters relating to the formulation of master plans for foreign workers;

2. Matters relating to the types and size of business eligible for the introduction of foreign workers;
3. Matters relating to the designation of countries eligible to send foreign workers (hereinafter referred to as "sending countries") and the revocation of such designation;
4. Matters relating to the extension of period of employment activities of foreign workers under Article 18-2 (2);
5. Other matters prescribed by Presidential Decree.

(3) The Policy Committee shall be comprised of no more than 20 members, including one chairperson.

(4) The Minister of the Office for Government Policy Coordination shall take the chair of the Policy Committee, and the Vice Minister of Economy and Finance, the Vice Minister of Foreign Affairs, the Vice Minister of Justice, the Vice Minister of Trade, Industry and Energy, the Vice Minister of Employment and Labor, the Vice Minister of the Small and Medium-sized Enterprises (SMEs) and Startups, and the Vice Ministers of the relevant central administrative agencies prescribed by Presidential Decree shall serve as committee members. <Amended on Jun. 4, 2010; Mar. 23, 2013; Jul. 26, 2017>

(5) There is hereby established a working committee for policy on foreign workforce (hereinafter referred to as the "working committee") in the Policy Committee to deliberate in advance on matters relating to the operation of the employment system for foreign workers, the protection of rights and interests of foreign workers, and others.

(6) Matters necessary for the organization, functions, and operation of the Policy Committee and the working committee and other relevant matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended on Oct. 9, 2009]

Article 5 (Public Announcement of Plans for Introduction of Foreign Workers) (1) The Minister of Employment and Labor shall establish a plan for the introduction of foreign workers, including matters specified in the provisions of Article 4 (2), subject to deliberation and resolution by the Policy Committee, and shall officially announce such plan by March 31 of each year in the manner prescribed by Presidential Decree. <Amended on Jun. 4, 2010>

(2) Notwithstanding the provision of paragraph (1), the Minister of Employment and Labor may revise the plan for the introduction of foreign workers established under paragraph (1), subject to deliberation and resolution by the Policy Committee, if it is necessary to revise the plan due to a sudden change in employment conditions, such as an increase in domestic unemployment. In such cases, paragraph (1) shall apply mutatis mutandis to the method of official announcement. <Amended on Jun. 4, 2010>

(3) The Minister of Employment and Labor may, if necessary, conduct a survey or research designed to support foreign workers-related business, and matters necessary therefor shall be prescribed by Presidential

Decree. <Amended on Jun. 4, 2010>

[This Article Wholly Amended on Oct. 9, 2009]

CHAPTER II PROCEDURES FOR EMPLOYMENT OF FOREIGN WORKERS

Article 6 (Efforts to Employ Nationals) (1) Any person who intends to employ a foreign worker shall file an application for recruiting nationals first with an employment security office prescribed in subparagraph 1 of Article 2-2 of the Employment Security Act (hereinafter referred to as "employment security office").

(2) The head of an employment security office shall, upon receipt of an application for recruiting nationals under paragraph (1), counsel and assist the employer in offering appropriate terms and conditions of employment and shall actively provide a job referral so that a national who meets the terms and conditions of employment can be hired preferentially.

[This Article Wholly Amended on Oct. 9, 2009]

Article 7 (Preparation of List of Foreign Job-Seekers) (1) The Minister of Employment and Labor shall prepare a list of foreign job-seekers in consultation with the head of a governmental agency responsible for the administration of labor affairs of a sending country designated pursuant to Article 4 (2) 3, as prescribed by Presidential Decree: Provided, That if the sending country has no independent governmental agency responsible for the administration of labor affairs, the Minister of Employment and Labor shall designate a department that has the most similar function and shall have consultation with the head of the department after deliberation by the Policy Committee. <Amended on Jun. 4, 2010>

(2) When the Minister of Employment and Labor prepares a list of foreign job-seekers under paragraph (1), he or she shall conduct a test for the evaluation of proficiency in the Korean language (hereinafter referred to as "test of proficiency in Korean") so that the outcomes of the test can be utilized as selection criteria for foreign job-seekers, and matters necessary for the selection of an agency responsible for conducting the test of proficiency in Korean and the revocation of such selection, the testing methods, and other necessary matters shall be prescribed by Presidential Decree. <Amended on Jun. 4, 2010>

(3) The agency responsible for conducting the test of proficiency in Korean may collect and use fees from applicants for the test, as prescribed by Presidential Decree. In such cases, the fees shall be used to cover the expenses required for selection, etc. of foreign workers. <Newly Inserted on Jan. 28, 2014; May 26, 2020>

(4) The Minister of Employment and Labor may evaluate the level of skills and other eligibility requirements to meet the demand for human resources, if necessary for use as the criteria, etc. for selecting foreign job-seekers under paragraph (1). <Amended on Jun. 4, 2010>

(5) The institution responsible for evaluating eligibility requirements under paragraph (4) shall be the Human Resources Development Service of Korea under the Human Resources Development Service of Korea Act (hereinafter referred to as the "Human Resources Development Service of Korea"), and the methods of evaluating eligibility requirements and other necessary matters shall be prescribed by Presidential Decree.
<Amended on Jan. 28, 2014>

[This Article Wholly Amended on Oct. 9, 2009]

Article 8 (Permission to Employ Foreign Workers) (1) Any employer who has filed an application for recruiting Korean nationals in accordance with Article 6 (1) shall, if he or she fails to hire new personnel despite efforts made for a job referral under paragraph (2) of that Article, apply for permission to employ foreign workers to the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

(2) The effective term of an application for permission to employ under paragraph (1) shall be three months, but may be extended only once, as prescribed by Presidential Decree, if it is impossible to hire any new worker due to a temporary downturn in business conditions or any other reason.

(3) The head of an employment security office shall, upon receipt of an application under paragraph (1), recommend an eligible person, from among those registered on the list of foreign job-seekers under Article 7 (1) to an employer who meets the requirements prescribed by Presidential Decree in terms of the types and size of business, etc. eligible for the introduction of foreign workers.

(4) The head of an employment security office shall grant employment permission without delay to an employer who has selected an eligible person as recommended pursuant to paragraph (3) and issue an employment permit stating the name of such foreign worker and relevant matters.

(5) Matters necessary for the issuance and management of employment permits for foreign workers under paragraph (4) and other matters shall be prescribed by Presidential Decree.

(6) No person, other than an employment security office, shall intervene in the selection, referral, or any other employment of foreign workers.

[This Article Wholly Amended on Oct. 9, 2009]

Article 9 (Labor Contract) (1) An employer who intends to employ a foreign worker selected in accordance with Article 8 (4) shall enter into a labor contract in the standard labor contract form prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

(2) Any employer who intends to enter into a labor contract under paragraph (1) may authorize the Human Resources Development Service of Korea to enter into the contract on his or her behalf. <Amended on Jan. 28, 2014>

(3) An employer who has obtained employment permission pursuant to Article 8 and a relevant foreign worker may enter into or renew a labor contract, by mutual agreement, for the period prescribed in Article 18. <Amended on Feb. 1, 2012>

(4) A foreign worker whose period of employment activities is extended under Article 18-2 and the relevant employer may enter into a labor contract for a term not exceeding the extended period of employment activities.

(5) Matters relating to the procedure for entering into labor contracts under paragraph (1), the timing when such labor contracts enter into force, and other relevant matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended on Oct. 9, 2009]

Article 10 (Certificates for Conformation of Visa Issuance) Any employer who has entered into a labor contract with a foreign worker in accordance with Article 9 (1) may file, on behalf of the foreign worker, an application for conformation of visa issuance with the Minister of Justice pursuant to Article 9 (2) of the Immigration Act.

[This Article Wholly Amended on Oct. 9, 2009]

Article 11 (Employment Training for Foreign Workers) (1) Every foreign worker shall receive training provided by the Human Resources Development Service of Korea or an employment training center for foreign workers designated under Article 11-3 for making him or her acquainted with matters necessary for employment activities in the Republic of Korea (hereinafter referred to as "employment training for foreign workers") within a period prescribed by Ordinance of the Ministry of Employment and Labor after his or her entry into the Republic of Korea. <Amended on Jun. 4, 2010; Jun. 10, 2022>

(2) Every employer shall provide foreign workers with an opportunity to receive employment training for foreign workers.

(3) The hours and content of employment training for foreign workers and other matters necessary therefor shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

[This Article Wholly Amended on Oct. 9, 2009]

Article 11-2 (Employer Training) (1) An employer who has obtained permission to employ foreign workers for the first time pursuant to Article 8 shall undergo training on labor-related statutes, human rights, etc. (hereinafter referred to as "employer training").

(2) The details and hours of the employer education and other matters necessary therefor shall be prescribed by Ordinance of the Ministry of Employment and Labor.

[This Article Newly Inserted on Apr. 13, 2021]

Article 11-3 (Designation of Employment Training Centers for Foreign Workers) (1) The Minister of Employment and Labor may designate an employment training center for foreign workers (hereinafter referred to as "employment training center for foreign workers") in order to provide professional and efficient employment training for foreign workers.

(2) An entity that seeks to be designated as an employment training center for foreign workers pursuant to paragraph (1) shall file an application with the Minister of Labor and Employment after satisfying the designation requirements prescribed by Presidential Decree for professional human resources, facilities, etc.

(3) Except as provided in paragraphs (1) and (2), procedures to designate employment training centers for foreign workers and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Jun. 10, 2022]

Article 11-4 (Revocation of Designation of Employment Training Centers for Foreign Workers)

(1) If an employment training center for foreign workers falls under any of the following cases, the Minister of Employment and Labor may revoke the designation of such center or issue an order to suspend business operations for up to six months or to take corrective measures, as prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That such designation shall be revoked in the case of subparagraph 1:

1. Where it has obtained the designation by fraud or other improper means;
2. Where it ceases to satisfy the designation requirements provided in Article 11-3 (2);
3. Where it fails to conduct business operations for one year or more without good cause;
4. Where any of its executive officers or employees has caused severe public criticism, such as being subject to criminal punishment related to training for the employment of foreigners;
5. Where it falls under the cases prescribed by Presidential Decree, such as unsatisfactory operational performance;
6. Other cases where it has violated this Act or any order issued under this Act.

(2) No employment training center for foreign workers, the designation of which is revoked under paragraph (1), shall apply for the designation as an employment training center for foreigners under Article 11-3 (2) unless one year elapses from the date the designation is revoked.

(3) Where the Minister of Employment and Labor revokes the designation of an employment training center for foreign workers pursuant to paragraph (1), he or she shall hold a hearing.

[This Article Newly Inserted on Jun. 10, 2022]

Article 12 (Special Cases for Employment of Foreign Workers) (1) An employer who runs any of the following business or uses any of the following places of business may, upon receipt of the certificate of special cases concerning employment under paragraph (3), employ a foreigner who entered the Republic of Korea with a visa prescribed by Presidential Decree and who desires to work as an employee in the Republic of Korea. In such cases, the provisions of Article 9 shall apply mutatis mutandis to the conclusion of labor contracts: <Amended on Apr. 13, 2021>

1. A business or place of business in the construction industry as specified by the Policy Committee, considering the current status of the labor market for daily workers, limitations on domestic workers' opportunities for employment, the size of the place of business, and other relevant facts;
2. A business or place of business in the service, manufacturing, agricultural, fishery, or mining industry as specified by the Policy Committee, considering the characteristics of each industry.

(2) Any foreigner who falls under paragraph (1) and who desires to work as an employee in a business or place of business falling under any subparagraph of paragraph (1) shall file a job application with the head of an employment security office after receiving employment training for foreign workers, and the Minister of Employment and Labor shall prepare and manage a list of foreign job-seekers in relation to such applications. <Amended on Jun. 4, 2010>

(3) An employer who has filed an application for recruiting nationals in accordance with Article 6 (1) may, if he or she fails to hire new personnel despite efforts made by the head of an employment security office for a job referral under Article 6 (2), file for certification of special cases concerning employment with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor. In such cases, the head of an employment security office shall certify such special cases concerning employment to the employer if he or she meets the requirements prescribed by Presidential Decree with regard to the types and size of business eligible for the introduction of foreign workers. <Amended on Jun. 4, 2010>

(4) An employer who has received certification of special cases concerning employment under paragraph (3) shall hire a foreign worker from among those registered on the list of job-seekers under paragraph (2), and shall, when a foreign worker begins his or her employment, report to the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

(5) The effective term of certification of special cases concerning employment shall be three years: Provided, That if the relevant business or place of business falls under paragraph (1) 1 and the construction period is less than three years, such period shall be the effective term.

(6) Where the head of an employment security office has certified special cases concerning employment under paragraph (3), he or she shall issue a certificate of special cases concerning employment to the relevant employer, as prescribed by Presidential Decree.

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

(8) Where any foreigner who falls under paragraph (1) desires to work as an employee, the Minister of Employment and Labor may provide him or her with information on employment before he or she enters the Republic of Korea. <Amended on Jun. 4, 2010>

[This Article Wholly Amended on Oct. 9, 2009]

CHAPTER III MANAGEMENT OF EMPLOYMENT OF FOREIGN WORKERS

Article 13 (Insurance and Trust for Departure Guaranty) (1) Any employer who runs a business or place of business hiring a foreign worker (hereinafter referred to as "employer") shall purchase an insurance policy or a trust deed with the foreign worker as the insured or beneficiary (hereinafter referred to as "insured person, etc.") in preparation for the payment of retirement benefits to the foreign worker when he or she leaves the Republic of Korea (hereinafter referred to as "insurance policy for departure guaranty, etc."). In such cases, insurance premiums or trust money shall be paid or deposited on a monthly basis. <Amended on Jan. 28, 2014>

(2) Where an employer has purchased an insurance policy for departure guaranty, etc., he or she shall be deemed to have established a retirement allowance system under Article 8 (1) of the Act on the Guarantee of Workers' Retirement Benefits.

(3) Matters necessary concerning employers who are obligated to purchase an insurance policy for departure guaranty, etc., the method of purchasing, the details and management of, and the payment under, such insurance policy for departure guaranty, etc., and other relevant matters shall be prescribed by Presidential Decree, and the period of payment shall be within 14 days from the departure of the insured person, etc. from the Republic of Korea (if the payment application is filed based on a change in his or her status of stay, his or her death, etc. or on/after his or her departure from the Republic of Korea, within 14 days from such application). <Amended on Jan. 28, 2014>

(4) For the right to claim the amount of money that an insured person, etc. is entitled to receive upon occurrence of an event triggering payment under an insurance policy for departure guaranty, etc. (hereinafter referred to as "insurance money, etc."), the statute of limitation shall expire unless it is exercised within three years from the occurrence of the triggering event, notwithstanding Article 662 of the Commercial Act. In such cases, the financial institution that deals with the insurance policy for departure guaranty, etc. shall transfer the insurance money, etc. for which the statute of limitation has expired to the Human Resources Development Service of Korea within one month. <Newly Inserted on Jan. 28, 2014>

[This Article Wholly Amended on Oct. 9, 2009]

- Article 13-2 (Committee for Management of Dormant Insurance Money, Etc.)** (1) The Committee for Management of Dormant Insurance Money, Etc. shall be established under the Human Resources Development Service of Korea to deliberate on and decide matters necessary for the management and operation of insurance money, etc. transferred pursuant to Article 13 (4).
- (2) The insurance money, etc. transferred pursuant to Article 13 (4) shall be used, with priority, for the insured persons, etc.
- (3) The organization and operation of the Committee for Management of Dormant Insurance Money, Etc. and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Jan. 28, 2014]

- Article 14 (Health Insurance)** For the purposes of applying the National Health Insurance Act to employers and foreign workers employed by them, such employers shall be deemed employers under Article 3 of the aforesaid Act, while foreign workers employed by such employers shall be deemed employment-provided policy holders under Article 6 (1) of the same Act, respectively.

[This Article Wholly Amended on Oct. 9, 2009]

- Article 15 (Insurance and Trust for Expenses for Return to Home Country)** (1) Any foreign worker shall purchase an insurance policy or a trust deed to cover expenses necessary for their return to home country.
- (2) Matters necessary for the method of purchasing and the substance of the insurance or trust under paragraph (1), the management of and payment under such insurance or trust, and other relevant matters shall be prescribed by Presidential Decree.
- (3) With respect to the statute of limitation for the right to claim the amount of money that a policy holder is entitled to receive upon occurrence of an event triggering payment under an insurance policy or a trust deed under paragraph (1), and the transfer, management, operation, etc. of the amount of money for which the statute of limitation has expired, Articles 13 (4) and 13-2 shall apply mutatis mutandis. <Newly Inserted on Jan. 28, 2014>

[This Article Wholly Amended on Oct. 9, 2009]

- Article 16 (Measures Necessary for Return to Home Country)** Where a foreign worker returns to his or her home country upon termination of employment, expiration of the period of stay, or due to any other reason, the employer shall take such necessary measures as the settlement of payables and receivables, including wages, before the foreign worker leaves the Republic of Korea.

[This Article Wholly Amended on Oct. 9, 2009]

Article 17 (Management of Employment of Foreign Workers) (1) Every employer shall, if any event prescribed by Presidential Decree occurs, such as when he or she terminates a labor contract concluded with a foreign worker or modifies any important matter relevant to the employment, report to the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor.

<Amended on Jun. 4, 2010>

(2) Where an employer filed a report under paragraph (1) and the reported matter falls under circumstances requiring reports under each subparagraph of Article 19 (1) of the Immigration Act, a report under the same paragraph shall be deemed filed. <Newly Inserted on Jan. 27, 2016>

(3) Where the reported matter falls under paragraph (2), the head of an employment security office who receives the report under paragraph (1) shall notify the head of a Regional Immigration Service with jurisdiction over the location of the employer of such fact without delay. <Newly Inserted on Jan. 27, 2016>

(4) Matters necessary for the appropriate management, etc. of employment of foreign workers shall be prescribed by Presidential Decree.

[This Article Wholly Amended on Oct. 9, 2009]

Article 18 (Limitation on Period of Employment Activities) Any foreign worker may engage in employment activities for up to three years from the date of entry into the Republic of Korea.

[This Article Wholly Amended on Feb. 1, 2012]

Article 18-2 (Special Cases for Limitation on Period of Employment Activities) (1)

Notwithstanding the provisions of Article 18, any of the following foreign workers may be granted an extension of the period of employment activities only once within a term of less than two years: <Amended on Jun. 4, 2010; Feb. 1, 2012; May 26, 2020>

1. A foreign worker employed by an employer who has obtained employment permission under Article 8 (4) and of whom the employer has requested the Minister of Employment and Labor to permit re-employment before the foreign worker leaves the Republic of Korea after the expiration of the employment activities of three years specified in Article 18;
2. A foreign worker employed by an employer who has obtained certification of special cases concerning employment under Article 12 (3) and of whom the employer has requested the Minister of Employment and Labor to permit re-employment before the foreign worker leaves the Republic of Korea after the expiration of the employment eligibility period of three years specified in Article 18.

(2) Notwithstanding paragraph (1) and Article 18, if the Minister of Employment and Labor deems it impracticable for a foreign worker to enter and depart the Republic of Korea due to the spread of an infectious disease, natural disaster, etc., he or she may extend the period of employment activities by up to one year following deliberation and resolution thereon by the Policy Committee. <Newly Inserted on Apr. 13, 2021>

(3) Procedures for employers requesting permission for re-employment under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010; Feb. 1, 2012; Apr. 13, 2021>

[This Article Wholly Amended on Oct. 9, 2009]

Article 18-3 (Limitation on Employment after Re-Entry) No foreign worker (excluding any foreign worker referred to in Article 12 (1)) who departs from the Republic of Korea after working as an employee in the Republic of Korea shall work again as an employee under this Act before the lapse of six months from the date of his or her last departure from the Republic of Korea.

[This Article Newly Inserted on Feb. 1, 2012]

Article 18-4 (Special Cases for Limitation on Employment after Re-Entry) (1) Notwithstanding the provisions of Article 18-3, where an employer applies for employment permission after re-entry before a foreign worker satisfying all of the following eligibility requirements leaves the Republic Korea due to the expiration of the employment activities extended under Article 18-2, the Minister of Labor may permit the re-employment of the foreign worker pursuant to this Act after the lapse of one month from the date of his or her last departure from the Republic of Korea: <Amended on Apr. 13, 2021>

1. The foreign worker shall satisfy any of the following requirements:

- (a) He or she has not transferred to another business or place of business during the work period under Articles 18 and 18-2;
- (b) Where he or she transfers to another business or place of business due to a reason falling under Article 25 (1) 1 or 3 (limited to where the period of his or her labor contract with the employer who applies for employment permission after re-entry is at least one year left until the end date of the period of employment activities), he or she shall satisfy the standards, such as the period of continuous service in the same type of business, which are determined and publicly notified by the Minister of Employment and Labor;
- (c) Where he or she transfers to another business or place of business due to a reason falling under Article 25 (1) 2, the period of his or her labor contract with the employer who applies for employment

permission after re-entry shall be at least one year left until the end of the period of employment activities;

(d) Where he or she transfers to another business or place of business due to a reason falling under Article 25 (1) 2, even though the period for his or her labor contract with the employer who applies for employment permission after re-entry is less than one year left until the end of the period of employment activities, and the head of the employment security office recognizes it appropriate to grant employment permission after re-entry after hearing the opinion of the Councils for Protection of Rights and Interests of Foreign Workers established under Article 24-2 (1);

2. The foreign worker should have been working in the business or place of business where the Policy Committee determines that it is impractical to employ nationals, considering the types or size of business for the introduction of foreign workers;

3. The foreign worker should have entered into a labor contract with the employer for more than one year in effect from the date of starting work after he or she re-enters the Republic of Korea.

(2) The provisions of Articles 6, 7 (2), and 11 shall not apply to applications for employment permission after re-entry under paragraph (1) and employment activities after re-entry.

(3) Employment after re-entry under paragraph (1) shall be permitted only once; the provisions of Article 9 shall apply mutatis mutandis to the conclusion of a labor contract for employment after re-entry; and the provisions of Articles 18, 18-2, and 25 shall apply mutatis mutandis to employment activities of foreign workers who have re-entered the Republic of Korea. <Amended on May 26, 2020>

(4) Procedures for employers filing for employment permission under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

[This Article Newly Inserted on Feb. 1, 2012]

Article 19 (Revocation of Permission to Employ Foreign Workers or Certification of Special Cases concerning Employment thereof)

(1) The head of an employment security office may issue an order to revoke employment permission granted under Article 8 (4) or certification of special cases concerning employment granted under Article 12 (3) as prescribed by Presidential Decree to any of the following employers:

1. If an employer obtains the employment permission or the certification of special cases concerning employment by fraud or other improper means;
2. If an employer violates terms and conditions of wages or other employment conditions agreed upon before the foreign worker's entry into the Republic of Korea;

3. If a labor contract is found difficult to maintain because of the employer's delay in payment of wages or other violation of any labor-related statute.

(2) Where the permission for employment or the certification of special cases concerning employment of a foreign worker has been revoked pursuant to paragraph (1), the employer shall terminate the labor contract with the foreign worker within 15 days from the date of revocation of the relevant permission or certification.

[This Article Wholly Amended on Oct. 9, 2009]

Article 20 (Limitation on Employment of Foreign Workers) (1) The head of an employment security office may place limitations on employment of foreign workers against any of the following employers, for three years from the occurrence of the relevant event: <Amended on Jan. 28, 2014; Jun. 10, 2022>

1. A person who employs a foreign worker without the employment permission under Article 8 (4) or the certification of special cases concerning employment under Article 12 (3);
2. A person whose employment permission or certification of special cases concerning employment of a foreign worker has been revoked pursuant to Article 19 (1);
3. A person who has been punished for a violation of this Act or the Immigration Act;
- 3-2. A person who has been punished for the death of a foreign worker pursuant to Article 167 (1) of the Occupational Safety and Health Act;
4. A person to whom any other ground prescribed by Presidential Decree is applicable.

(2) When the Minister of Employment and Labor places limitations on employment of foreign workers pursuant to paragraph (1), he or she shall notify it to the relevant employer, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

[This Article Wholly Amended on Oct. 9, 2009]

Article 21 (Projects Related to Foreign Workers) The Minister of Employment and Labor shall undertake the following projects for the promotion of foreign workers' employment activities in the Republic of Korea and the efficient management of their employment: <Amended on Jun. 4, 2010>

1. Support for entry and departure of foreign workers;
2. Training for foreign workers and their employers;
3. Cooperation with public institutions of sending countries and non-governmental organizations related to foreign workers;
4. Providing convenience to foreign workers and their employers, including counseling;
5. Public relations for the employment system for foreign workers and similar matters;

6. Other projects prescribed by Presidential Decree for the management of employment of foreign workers.

[This Article Wholly Amended on Oct. 9, 2009]

CHAPTER IV PROTECTION OF FOREIGN WORKERS

Article 22 (Prohibition against Discrimination) No employer shall unfairly give discriminatory treatment to a foreign worker on the ground that he or she is a foreign worker.

[This Article Wholly Amended on Oct. 9, 2009]

Article 22-2 (Provision of Dormitory) (1) Where an employer provides a dormitory to foreign workers, he or she shall comply with the standards prescribed in Article 100 of the Labor Standards Act and make efforts to protect their health and safety.

(2) Where an employer provides a dormitory pursuant to paragraph (1), he or she shall provide the following information in advance to a foreign worker when entering into a labor contract with him or her. The same shall also apply to any change in the following information after entering into the labor contract:

1. The structure and facilities of the dormitory;
2. A location in which the dormitory is established;
3. The residential environment of the dormitory;
4. The size of the dormitory;
5. Other matters necessary for the establishment and operation of the dormitory.

(2) Matters necessary for the standards for providing dormitory information pursuant to paragraph (2) shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Jan. 15, 2019]

Article 23 (Subscription for Guaranty Insurance) (1) Every employer who runs a business or place of business prescribed by Presidential Decree, taking into consideration the size of business, the characteristics of each industry, and other relevant factors, shall purchase a guaranty insurance policy in preparation for delay in payment of wages to foreign workers employed by him or her.

(2) Every foreign worker who works as an employee in any business or place of business prescribed by Presidential Decree, taking into consideration the characteristics of each industry and other relevant factors, shall purchase a personal injury insurance policy in preparation for illness, death, and other accidents.

(3) Matters necessary for the method of subscription and coverage of the guaranty insurance and the personal injury insurance under paragraphs (1) and (2) and the management and payment of such insurances, and other relevant matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended on Oct. 9, 2009]

Article 24 (Subsidization to Organizations Related to Foreign Workers) (1) The State may, within budgetary limits, partially subsidize expenses incurred by any institution or organization that provides foreign workers with counseling and training services or any other service prescribed by Presidential Decree in providing such services.

(2) Matters necessary for the eligibility requirements, criteria, and procedure for subsidization under paragraph (1) and other relevant matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended on Oct. 9, 2009]

Article 24-2 (Councils for Protection of Rights and Interests of Foreign Workers) (1) For the purpose of consulting on matters relating to the protection of the rights and interests of foreign workers, a council for the protection of the rights and interests of foreign workers may be established in an employment security office, wherein workers' organizations and employers' organizations in the relevant region participate.

(2) Matters necessary for the organization and operation of councils for the protection of rights and interests of foreign workers and other relevant matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

[This Article Newly Inserted on Oct. 9, 2009]

Article 25 (Permission for Change of Business or Place of Business) (1) Where any of the following events occur, a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for transfer to another business or place of business with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor: <Amended on Jun. 4, 2010; Feb. 1, 2012; Jan. 15, 2019>

1. If his or her employer intends to terminate the labor contract during the contract period, or intends to refuse renewal of the labor contract after its expiration, on a justifiable ground;
2. Where the Minister of Employment and Labor gives public notice, as he or she deems, under a social norm, that the foreign worker is unable to continue to work in the business or place of business on a ground not attributable to him or her, such as temporary shutdown, closure of business, revocation of employment permission under Article 19 (1), limitation on the employment under Article 20 (1), provision of a dormitory in violation of Article 22-2, or the employer's violation of terms and conditions of employment or unfair treatment;

3. Where any other cause or event prescribed by Presidential Decree occurs.

(2) Where an employer hires a foreign worker seeking re-employment after applying for transfer to another business or place of business under paragraph (1), Articles 6, 8, and 9 shall apply mutatis mutandis to the procedure and method for such employment.

(3) A foreign worker who fails to obtain permission for transfer to another workplace under Article 21 of the Immigration Act within three months from the date of the application for transfer to another business or place of business under paragraph (1) or who fails to file an application for transfer to another business or place of business within one month after the expiration of the labor contract with the employer shall leave the Republic of Korea: Provided, That for a foreign worker who cannot obtain permission for transfer to workplace or file an application for transfer to workplace due to causes, such as an accident on duty, illnesses, pregnancy, or childbirth, such period shall be calculated from the date on which such cause ceases to exist.

(4) Foreign worker's change of business or place of business under paragraph (1) shall not, in principle, exceed three times during the period under Article 18 or two times during the extended period under Article 18-2 (1): Provided, That the foregoing shall not include cases of change of business or place of business on any ground prescribed in paragraph (1) 2. <Amended on Jan. 28, 2014>

[This Article Wholly Amended on Oct. 9, 2009]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 26 (Reports and Investigations) (1) The Minister of Employment and Labor may, if deemed necessary, order any employer, foreign worker, or foreigners-related organization subsidized pursuant to Article 24 (1) to submit a report or relevant documents, or issue any other order as may be necessary, and may also assign public officials under his or her supervision to make inquiries to relevant persons or conduct an investigation or inspection on relevant account books and documents. <Amended on Jun. 4, 2010>

(2) Any public official who conducts an investigation or inspection pursuant to paragraph (1) shall carry an identification certifying his or her authority with him or her and produce it to relevant persons.

[This Article Wholly Amended on Oct. 9, 2009]

Article 26-2 (Cooperation of Related Institutions) (1) The Minister of Employment and Labor may request the heads of related institutions such as central administrative agencies, local governments, and public institutions to provide the following materials for enforcement of this Act:

1. Materials concerning demand for and supply of human resources by industry and region;
 2. Materials concerning projects to support foreign workers.
- (2) Any institution that receives the request for provision of materials under paragraph (1) shall comply with such request unless there is good cause.

[This Article Newly Inserted on Jan. 28, 2014]

Article 27 (Collection of Fees) (1) A person who concludes a labor contract between an employer and a foreign worker on their behalf pursuant to Article 9 (2) (including where the conclusion of a labor contract is applied mutatis mutandis in the latter part, with the exception of the subparagraphs, of Article 12 (1) , Article 18-4 (3), and Article 25 (2): hereafter the same shall apply in this Article) may collect fees and expenses incurred therein from such employer, as prescribed by Ordinance of the Ministry of Employment and Labor.

<Amended on Jun. 4, 2010; Feb. 1, 2012>

(2) The Minister of Employment and Labor may, if necessary to carry out projects related to foreign workers under Article 21, collect fees and expenses to be incurred from employers, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

(3) A person who conducts business related to the employment of foreign workers on behalf of an employer or a foreign worker under Article 27-2 (1) may collect fees and expenses to be incurred from the employer, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

(4) No person, other than the following persons, shall receive any amount of money or valuables in return for conclusion of a labor contract on other's behalf, execution of affairs related to the employment of foreign workers on other's behalf, or execution of affairs related to foreign workers: <Amended on Jun. 4, 2010; May 26, 2020>

1. A person who concludes a labor contract between an employer and a foreign worker on their behalf pursuant to Article 9 (2);
2. A person who conducts affairs related to the employment of foreign workers on other's behalf pursuant to Article 27-2 (1);
3. A person delegated or entrusted to exercise the authority of the Minister of Employment and Labor set forth in Article 21, pursuant to Article 28.

[This Article Wholly Amended on Oct. 9, 2009]

Article 27-2 (Filing Various Applications as Agents) (1) An employer or foreign worker may assign a person designated by the Minister of Employment and Labor (hereinafter referred to as "assigned agent") to conduct affairs related to the employment of foreign workers, such as filing applications or accepting

documents, as listed in the following, on his or her behalf: <Amended on Jun. 4, 2010; Feb. 1, 2012>

1. Applications for recruitment of nationals under Article 6 (1) (including cases where Article 25 (2) applies mutatis mutandis);
2. Requests for permission for re-employment by employers under Article 18-2;
3. Applications for employment permission after re-entry under Article 18-4 (1);
4. Applications for change of business or place of business under Article 25 (1);
5. Other affairs relating to the employment of foreign workers and similar affairs as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) Requirements for the designation of assigned agents under paragraph (1), scope of business activities, procedures for the designation thereof, and other matters necessary for acting on behalf of employers or foreign workers shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on Jun. 4, 2010>

[This Article Newly Inserted on Oct. 9, 2009]

Article 27-3 (Revocation of Designation of Assigned Agents) (1) Where an assigned agent falls under any of the following cases, the Minister of Employment and Labor may revoke the designation of the agent, or may issue an order to suspend business operations for no more than six months or an order to take corrective measures, as prescribed by Ordinance of the Ministry of Employment and Labor: <Amended on Jun. 4, 2010>

1. Where it has been designated by fraud or other improper means;
2. Where it fails to meet the designation requirements;
3. Where it conducts any business activity beyond the designated scope of business;
4. Where it fails to perform its duties with due care as a good manager or fails to comply with the procedures for handling business.

(2) Where the Minister of Employment and Labor intends to revoke the designation of an assigned agent under paragraph (1), he or she shall hold a hearing. <Amended on Jun. 4, 2010>

[This Article Newly Inserted on Oct. 9, 2009]

Article 28 (Delegation or Entrustment of Authority) The Minister of Employment and Labor may delegate to the head of a regional employment and labor office, or entrust to the Human Resources Development Service of Korea or any person specified by Presidential Decree, part of his or her authority under this Act, as prescribed by Presidential Decree: Provided, That the project prescribed in subparagraph 1 of Article 21 shall be entrusted to the Human Resources Development Service of Korea. <Amended on Jun. 4,

2010; Jan. 28, 2014>

[This Article Wholly Amended on Oct. 9, 2009]

CHAPTER VI PENALTY PROVISIONS

Article 29 (Penalty Provisions) The following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won: <Amended on Jan. 28, 2014>

1. A person who intervenes in the selection, referral, or hiring of a foreign worker, in violation of Article 8 (6);
2. An employer who fails to take measures necessary for return to home country, in violation of Article 16;
3. An employer who fails to terminate a labor contract, in violation of Article 19 (2);
4. A person who interferes with a foreign worker's change of business or place of business under Article 25;
5. A person who receives money or valuables, in violation of Article 27 (4).

[This Article Wholly Amended on Oct. 9, 2009]

Article 30 (Penalty Provisions) The following persons shall be punished by a fine not exceeding five million won:

1. An employer who fails to purchase an insurance policy for departure guaranty, etc., in violation of the former part of Article 13 (1);
2. A person who fails to purchase a guaranty insurance policy or a personal injury insurance policy under Article 23.

[This Article Wholly Amended on Oct. 9, 2009]

Article 31 (Joint Penalty Provisions) If a representative of a corporation, or an agent, or employee of, or any other person employed by, a corporation or an individual commits a violation under Article 29 or 30 in connection with the business affairs of the corporation or individual, not only shall such violator be punished, but the corporation or individual shall also be punished by a fine prescribed in the relevant Article: Provided, That the same shall not apply where the corporation or individual has not been negligent in giving due attention and supervision with regard to the relevant business affairs in order to prevent such violation.

[This Article Wholly Amended on Oct. 9, 2009]

Article 32 (Administrative Fines) (1) Any of the following persons shall be subject to an administrative fine not exceeding five million won: <Amended on Apr. 13, 2021>

1. A person who fails to use the standard labor contract form, in violation of Article 9 (1) when entering into a labor contract;

2. An employer who fails to provide foreign workers with an opportunity to receive employment training for foreign workers, in violation of Article 11 (2);
- 2-2. A person who fails to undergo the employer training, in violation of Article 11-2 (1);
3. An employer who employs a foreign worker who has a visa referred to in Article 12 (1), without obtaining certification of special cases concerning employment under Article 12 (3);
4. An employer who fails to hire a foreign worker, from among those registered on the list of job-seekers, or who fails to submit a report or submits a false report to the head of an employment security office when a foreign worker begins his or her employment, in violation of Article 12 (4);
5. An employer who delays payments of monthly insurance premiums or trust money for an insurance for departure guaranty, etc. on three or more occasions, in violation of the latter part of Article 13 (1);
6. A foreign worker who fails to purchase an insurance policy or a trust deed, in violation of Article 15 (1);
7. An employer who fails to file a report, or files a false report, in violation of Article 17 (1);
8. An employer against whom limitation on employment of foreign workers have been placed pursuant to Article 20 (1) but employs a foreign worker who has been obtained a visa referred to in Article 12 (1);
9. A person who fails to file a report, files a false report, fails to submit relevant documents, or submits false documents, in defiance to an order issued under Article 26 (1), or a person who refuses, interferes with, or evades inquiries or an investigation or inspection conducted pursuant to the same paragraph;
10. A person who receives money or valuables, other than fees and expenses to be incurred prescribed in Article 27 (1), (2) or (3).

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of Employment and Labor, as prescribed by Presidential Decree. <Amended on Jun. 4, 2010>

[This Article Wholly Amended on Oct. 9, 2009]