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**ENFORCEMENT DECREE OF THE ACT ON THE EMPLOYMENT OF
FOREIGN WORKERS**

[Enforcement Date 02. Aug, 2022.] [Presidential Decree No.32844, 02. Aug, 2022.,
Partial Amendment]

고용노동부 (외국인인력담당관)044-202-7145



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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Decree is to provide for the matters mandated by the Act on the Employment of Foreign Workers and other matters necessary for the enforcement thereof.

[This Article Wholly Amended on Apr. 7, 2010]

Article 2 (Foreign Workers Excluded from Application) "Persons prescribed by Presidential Decree" in the proviso of Article 2 of the Act on the Employment of Foreign Workers (hereinafter referred to as the "Act") means any of the following persons: <Amended on Sep. 18, 2018; Dec. 24, 2019>

1. A person who is eligible for the status of stay for 5. Short-term employment (C-4) in attached Table 1 of the Enforcement Decree of the Immigration Act and the status of stay for 14. Professor (E-1) through 20. Specific activities (E-7) and 20-2. Seasonal work (E-8) in attached Table 1-2 of that Decree, in the classification of the status of stay that entitles persons to engage in employment activities under Article 23 (1) of that Decree;
2. A person who is not subject to the limitation on activities based on the classification of the status of stay under Article 10-3 (1) of the Immigration Act and Article 23 (2) and (3) of the Enforcement Decree of that Act;
3. A person who is eligible for the status of stay for 28. Working Holiday (H-1) in attached Table 1-2 of the Enforcement Decree of the Immigration Act and engages in employment activities as prescribed in Article 23 (5) of that Decree.

[This Article Wholly Amended on Apr. 7, 2010]

Article 3 (Matters Subject to Deliberation and Resolution by Foreign Workforce Policy Committee) "Matters prescribed by Presidential Decree" in Article 4 (2) 5 of the Act means the following: <Amended on Oct. 14, 2021>

1. Matters regarding businesses or places of business entitled to employ foreign workers;
2. Matters regarding the number of foreign workers which a business or place of business can employ;

3. Matters regarding the types and size of business eligible for the introduction of foreign workers by countries that are eligible to send foreign workers (hereinafter referred to as "sending countries");
4. Matters regarding the protection of rights and interests of foreign workers;
5. Other matters deemed by the chairperson of the Foreign Workforce Policy Committee under Article 4 of the Act (hereinafter referred to as the "Policy Committee") to be necessary for employment, etc. of foreign workers.

[This Article Wholly Amended on Apr. 7, 2010]

Article 4 (Organization of Policy Committee) "Relevant central administrative agencies prescribed by Presidential Decree" in Article 4 (4) of the Act means the Ministry of the Interior and Safety, the Ministry of Culture, Sports and Tourism, the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Health and Welfare, the Ministry of Land, Infrastructure and Transport, and the Ministry of Oceans and Fisheries.

<Amended on Mar. 23, 2013; Nov. 19, 2014; Jul. 26, 2017>

[This Article Wholly Amended on Apr. 7, 2010]

Article 5 (Duties of Chairperson of Policy Committee) (1) The chairperson of the Policy Committee shall represent the Policy Committee and exercise general control over the affairs thereof.

(2) If the chairperson of the Policy Committee is unable to perform any of his or her duties due to any unavoidable circumstances, the member designated by the chairperson shall act on behalf of the chairperson.

[This Article Wholly Amended on Apr. 7, 2010]

Article 6 (Management of Policy Committee) (1) The chairperson of the Policy Committee shall call and preside over meetings of the Policy Committee.

(2) A majority of the total members of the Policy Committee shall constitute a quorum at all its meetings; and resolutions shall be passed with the concurrent vote of a majority of the members present.

(3) The Policy Committee shall have one executive secretary to deal with the clerical work thereof, who shall be appointed by the Minister of the Office for Government Policy Coordination from among public officials of Grade III, belonging to the Office for Government Policy Coordination or from among public officials in general service, belonging to the Senior Executive Service thereof. <Amended on Mar. 23, 2013>

(4) If it is deemed necessary for deliberating on and adopting a resolution on an item on the agenda, the Policy Committee may request relevant administrative agencies, organizations, etc. to submit data, or relevant public officials, experts, etc. to appear before a meeting thereof to express their opinions.

(5) Allowances may be paid and travel expenses reimbursed to the relevant public officials, experts, etc. present at a meeting of the Policy Committee under paragraph (4), within the budget: Provided, That the

same shall not apply where a public official appears before a meeting of the Policy Committee directly in connection with any of his or her official duties.

(6) Except as provided in this Decree, matters necessary for the operation, etc. of the Policy Committee shall be determined by the chairperson of the Policy Committee after resolution by the Policy Committee.

[This Article Wholly Amended on Apr. 7, 2010]

Article 7 (Organization and Operation of Working Committee for Policy on Foreign Human Resources)

(1) A working committee for policy on foreign human resources (hereinafter referred to as the "working committee") under Article 4 (5) of the Act shall be comprised of not more than 25 members, including one chairperson.

(2) The members of the working committee shall consist of persons representing workers (hereinafter referred to as "labor members"); persons representing employers (hereinafter referred to as "management members"); persons representing public interests (hereinafter referred to as "public interest members"); and persons representing the Government (hereinafter referred to as "governmental members"); labor members and management members shall be equal in number.

(3) The chairperson of the working committee shall be the Vice Minister of Employment and Labor, and the members of the working committee shall be commissioned or appointed by the chairperson of the working committee from among those described in each of the following subparagraphs: <Amended on Jul. 12, 2010>

1. Labor members: Persons recommended by the federations of labor unions;
2. Management members: Persons recommended by nationwide employers' organizations;
3. Public interest members: Persons who have extensive knowledge and experience in the employment of foreign workers, the protection of their rights and interests, etc.;
4. Governmental members: Persons who perform duties related to foreign workers from among public officials in Grade III belonging to relevant central administrative agencies or from among public officials in general service belonging to the Senior Executive Service thereof.

(4) The term of office of a member of the working committee under paragraph (2) shall be two years (for a governmental member, the term during which he or she holds office).

(5) The working committee shall deliberate in advance on necessary matters among those subject to deliberation and resolution by the Policy Committee and report the results to the Policy Committee.

(6) Allowances and travel expenses may be paid to members of the working committee within the budget: Provided, That the same shall not apply where a member who is a public official attends a meeting of the committee directly in connection with his or her official duties.

(7) Articles 5 and 6 (1) and (6) shall apply mutatis mutandis to the working committee. In such cases, "Policy Committee" shall be construed as "working committee".

[This Article Wholly Amended on Apr. 7, 2010]

Article 8 (Public Announcement of Plans for Introduction of Foreign Workers) "Manner

prescribed by Presidential Decree" in Article 5 (1) of the Act means making a public announcement using any of the following:

1. Official Gazette;
2. A daily newspaper with nationwide circulation, registered under Article 9 (1) of the Act on the Promotion of Newspapers;
3. Internet.

[This Article Wholly Amended on Apr. 7, 2010]

Article 9 (Survey and Research Projects) The Minister of Employment and Labor may conduct a survey and research project to support foreign workers-related business under Article 5 (3) of the Act, regarding each of the following: <Amended on Jul. 12, 2010>

1. Matters regarding the trend of labor shortages by domestic industry and occupational category;
2. Matters regarding the labor conditions, including wages, and employment status of foreign workers;
3. Matters regarding employers' levels of satisfaction with foreign workers;
4. Matters regarding implementation of the matters determined through consultation under Article 12 (1);
5. Matters regarding foreign workers' adaptation to life in the Republic of Korea and increasing their understanding of the Republic of Korea;
6. Other matters deemed by the Minister of Employment and Labor to be necessary to introduce and manage foreign workers.

[This Article Wholly Amended on Apr. 7, 2010]

Article 10 Deleted. <Jun. 30, 2015>

Article 11 Deleted. <Jun. 30, 2015>

CHAPTER II PROCEDURES FOR EMPLOYMENT OF FOREIGN WORKERS

Article 12 (Preparation of List of Foreign Job-Seekers) (1) When preparing a list of foreign job-seekers under Article 7 (1) of the Act, the Minister of Employment and Labor shall consult with a sending country about each of the following: <Amended on Jul. 12, 2010>

1. Matters to be observed in relation to sending and introducing human resources;
2. Matters regarding the types and size of business eligible for sending human resources;
3. Matters regarding the institution in charge of selecting the human resources to be dispatched and the criteria and methods for selection;
4. Matters regarding conducting a test for the evaluation of proficiency in the Korean language under Article 7 (2) of the Act (hereinafter referred to as "test of proficiency in Korean");
5. Other matters that are deemed by the Minister of Employment and Labor to be necessary to facilitate the sending and introduction of foreign workers.

(2) The Minister of Employment and Labor shall prepare and manage a list of foreign job-seekers on the basis of the lists of human resources sent by sending countries. <Amended on Jul. 12, 2010>

[This Article Wholly Amended on Apr. 7, 2010]

Article 13 (Test of Proficiency in Korean) (1) The Minister of Employment and Labor shall select the agency responsible for conducting the test of proficiency in Korean referred to in Article 7 (2) of the Act, taking into consideration the following: <Amended on Jul. 12, 2010>

1. Administrative and financial ability to conduct the test of proficiency in Korean;
2. Whether it has the ability to conduct the test of proficiency in Korean objectively and fairly;
3. Whether the test of proficiency in Korean is appropriate in substance;
4. Other matters that are deemed by the Minister of Employment and Labor to be necessary to facilitate the administration of the test of proficiency in Korean.

(2) The Minister of Employment and Labor may revoke the selection of an agency responsible for conducting the test of proficiency in Korean selected under paragraph (1) if it falls under any of the following subparagraphs: <Amended on Jul. 12, 2010>

1. Where it is selected by fraud or other improper means;
2. Where any wrong is done in the course of inviting applicants for the test of proficiency in Korean, conducting the test of proficiency in Korean, or selecting the successful applicants;
3. Where it falls short of the criteria for selecting the agency responsible for conducting the test of proficiency in Korean under paragraph (1) or is otherwise deemed unfit to continue its functions as the agency responsible for conducting the test of proficiency in Korean.

(3) The test of proficiency in Korean shall be conducted at least once annually in the form of a written test that consists of multiple-choice questions in principle, but may additionally include essay questions.

(4) The test of proficiency in Korean shall include items on both understanding of Korean culture and basic matters necessary for service, including industrial safety.

(5) The agency responsible for conducting the test of proficiency in Korean selected under paragraph (1) shall file a report with the Minister of Employment and Labor, by not later than April 30 of each year, on the matters described in each of the following subparagraphs: <Amended on Jul. 12, 2010; Jul. 28, 2014>

1. The outcomes of the test of proficiency in Korean conducted in the previous year and a plan for conducting the test of proficiency in Korean for the current year;
2. Matters regarding the establishment and implementation of the measures to prevent cheating in the test of proficiency in Korean;
3. The details of the revenue and expenditure of application fees for the test of proficiency in Korean for the previous year, and the plan for revenue and expenditure thereof for the current year;
4. Other matters determined by the Minister of Employment and Labor in relation to the administration of the test of proficiency in Korean.

(6) Where the agency responsible for conducting the test of proficiency in Korean seeks to collect and use fees under Article 7 (3) of the Act, it shall obtain approval therefor from the Minister of Employment and Labor for the amount of fees, collection and refund procedures, and a plan for use, by sending country. The same shall also apply to any change to the matters approved. <Newly Inserted on Jul. 28, 2014>

(7) The head of the agency responsible for conducting the test of proficiency in Korean shall give notice to the applicants of the matters approved by the Minister of Employment and Labor under paragraph (6) in a manner that includes them in the announcement of the plan for conducting the test of proficiency in Korean, made by the sending country. <Newly Inserted on Jul. 28, 2014>

[This Article Wholly Amended on Apr. 7, 2010]

Article 13-2 (Evaluation of Skill Levels and Other Eligibility Requirements) (1) The methods and details of evaluating eligibility requirements under Article 7 (4) of the Act are as follows: <Amended on Jul. 28, 2014>

1. Evaluation methods;
 - (a) Written test;
 - (b) Skill test;
 - (c) Oral test;
2. Details of evaluation:
 - (a) Level of skills necessary to engage in the chosen category of business;
 - (b) Physical fitness of foreign job-seekers;
 - (c) Service experience;

(d) Other matters deemed necessary to evaluate whether or not to meet the demand for human resources.

(2) The Minister of Employment and Labor shall determine the methods and details of evaluation under paragraph (1) and give notice thereof to 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"), as well as announcing them publicly on the bulletin board, Internet home page, etc. of the Ministry of Employment and Labor. <Amended on Jul. 12, 2010>

(3) The Human Resources Development Service of Korea shall file a report to the Minister of Employment and Labor, not later than April 30 of each year, on the matters described in each of the following subparagraphs: <Amended on Jul. 12, 2010>

1. The results of evaluation of eligibility requirements for the previous year and the plan for evaluation of eligibility requirements for the current year;
2. Other matters determined by the Minister of Employment and Labor in relation to the evaluation of eligibility requirements.

[This Article Newly Inserted on Apr. 7, 2020]

[Previous Article 13-2 moved to Article 13-3 <Apr. 14, 2010>]

Article 13-3 (Extension of Validity Term of Applications for Employment Permission) Pursuant to

Article 8 (2) of the Act, the head of an employment security office under subparagraph 1 of Article 2-2 of the Employment Security Act (hereinafter referred to as "employment security office") may extend the term of validity of an application for employment permission by up to three months if the employer files an application for an extension of the validity term prior to the expiration date thereof on any of the following grounds:

1. Where the employer cannot recruit new workers due to a temporary downturn in business conditions or the curtailment of operation due to any unexpected circumstances;
2. Where it is impossible to continue the business due to any natural disaster or other unavoidable reason.

[This Article Wholly Amended on Apr. 7, 2010]

[Moved from Article 13-2; previous Article 13-3 moved to Article 13-4 <Apr. 7, 2010>]

Article 13-4 (Requirements for Issuance of Employment Permits) "Requirements prescribed by

Presidential Decree in terms of the types and size of business, etc. eligible for the introduction of foreign workers" in Article 8 (3) of the Act means satisfaction of all of the following requirements: <Amended on Jul. 12, 2010; Aug. 2, 2022>

1. To be the type of business eligible for the introduction of foreign workers and the business or place of business eligible for the employment of foreign workers determined by the Policy Committee;

2. Not to hire all or some domestic workers for whom a recruitment application is filed with an employment security office, despite the efforts made for at least the period determined by Ordinance of the Ministry of Employment and Labor: Provided, That the same shall not apply where he or she has refused to hire nationals at least twice without a justifiable ground in spite of job referral by the head of the employment security office under Article 6 (2) of the Act;
3. Not to release domestic workers from their office through an employment adjustment during the period of between two months before the date of filing an application for recruiting nationals under Article 6 (1) of the Act until the date of issuing an employment permit for foreign workers under Article 8 (4) of the Act (hereinafter referred to as "employment permit");
4. Not to be in arrears with wages during the period from five months before the date of filing an application for recruiting nationals under Article 6 (1) of the Act until the date of issuing an employment permit;
5. To be enrolled in employment insurance under the Employment Insurance Act: Provided, That the foregoing shall not apply to the businesses or places of business not governed by the Employment Insurance Act;
6. To be enrolled in industrial accident compensation insurance under the Industrial Accident Compensation Insurance Act or in accident compensation insurance for fishers, etc. under Article 16 (1) of the Act on Accident Compensation Insurance for Fishers and Fishing Vessels; in this regard, a business or place of business not subject to the Industrial Accident Compensation Insurance Act or the Act on Accident Compensation Insurance for Fishers and Fishing Vessels may submit a letter of commitment stating that it will subscribe to safety insurance for farmers and fishers under the Act on Safety Insurance for Farmers and Fishers and Prevention of Work Accidents with a relevant foreign worker as the insured, as prescribed by Ordinance of the Ministry of Employment and Labor, within three months from the date the foreign worker starts working, in lieu of requiring such enrollment;
7. For an employer of a business or place of business having any foreign worker, to purchase an insurance policy or trust deed under Article 13 of the Act and a guaranty insurance policy under Article 23 (1) of the Act for the foreign worker (only applicable to employers required to purchase such insurance).

[This Article Wholly Amended on Apr. 7, 2010]

[Moved from Article 13-3 <Apr. 7, 2010>]

Article 14 (Issuance of Employment Permits) (1) Any employer who is issued an employment permit under Article 8 (4) of the Act shall enter into a labor contract with the foreign worker by not later than three months from the date of issuing the employment permit.

(2) Where an employer who is issued an employment permit under Article 8 (4) of the Act fails to enter into a labor contract with the foreign worker due to the death of the foreign worker or any other unavoidable reason or to receive labor services from the foreign worker due to any reason not attributable to the employer in spite of having entered into the labor contract, the head of the employment security office shall recommend another foreign worker and re-issue an employment permit. <Amended on Jul. 28, 2014>

(3) Where the head of an employment security office issues or re-issues an employment permit to an employer under Article 8 (4) of the Act or paragraph (2) of this Article, he or she shall grant a period of employment permission within the duration of labor contract under Article 9 (3) or (4) of the Act.

(4) Matters necessary for the issuance and re-issuance of employment permits shall be determined by Ordinance of the Ministry of Employment and Labor. <Amended on Jul. 12, 2010>

[This Article Wholly Amended on Apr. 7, 2010]

Article 15 Deleted. <Jul. 5, 2011>

Article 16 (Entering into Labor Contracts on Behalf of Employers) Where an employer enters into a labor contract with a foreign worker pursuant to Article 9 of the Act or the Human Resources Development Service of Korea enters into such labor contract on behalf of such employer, the employer or the Service shall prepare two copies of the labor contract and provide one of them to the foreign worker.

[This Article Wholly Amended on Apr. 7, 2010]

Article 17 (Time Labor Contract Takes Effect) (1) The time a labor contract under Article 9 (1) of the Act takes effect shall be the date the foreign worker enters the Republic of Korea.

(2) Any employer who renews a labor contract under Article 9 (3) of the Act or enters into a new labor contact under Article 9 (4) of the Act shall obtain permission to extend the period of employment permission for the foreign worker from the head of the employment security office. <Amended on Aug. 2, 2022>

[This Article Wholly Amended on Apr. 7, 2010]

Article 18 (Employment Training Centers for Foreign Workers) "Institution prescribed by Presidential Decree" in Article 11 (1) of the Act means any of the following: <Amended on Jul. 12, 2010>

1. Human Resources Development Service of Korea;
2. A nonprofit corporation or nonprofit organization designated and published by the Minister of Employment and Labor in consideration of the characteristics, etc. of each industry. In such cases, specified criteria, procedures, etc., for designation shall be determined separately by the Minister of Employment and Labor.

[This Article Wholly Amended on Apr. 7, 2010]

Article 19 (Persons Eligible for Special Cases for Employment of Foreign Workers) “Foreigner who entered the Republic of Korea with a visa prescribed by Presidential Decree” in the former part, with the exception of the subparagraphs, of Article 12 (1) of the Act means a person who has status of stay 29. Working Visit (H-2) in attached Table 1-2 of the Enforcement Decree of the Immigration Act. <Amended on Sep. 18, 2019>

[This Article Wholly Amended on Apr. 7, 2010]

Article 20 (Requirements for Issuance of Certificates of Exceptionally Permissible Employment)

(1) With respect to the requirements for issuance of a certificate of exceptionally permissible employment under Article 12 (3) (latter part) and (6) of the Act (hereinafter referred to as “certificate of exceptionally permissible employment”), the requirements for issuance of employment permits under Article 13-4 shall apply mutatis mutandis. In such cases, “employment permit” shall be construed as “certificate of exceptionally permissible employment”.

(2) Upon receipt of an application by an employer under the former part of Article 12 (3) of the Act, the head of an employment security office shall, issue a certificate of exceptionally permissible employment if the requirements for issuance of employment permits under Article 13-4, which applies mutatis mutandis under paragraph (1), are met.

[This Article Wholly Amended on Apr. 7, 2010]

Article 20-2 (Certification of Changes in Certificates of Exceptionally Permissible Employment)

(1) Where an employer who has been issued a certificate of exceptionally permissible employment under Article 12 (6) of the Act needs to change any of the important matters determined by Ordinance of the Ministry of Employment and Labor, such as the number of foreign workers that can be hired by the business or place of business, in the certificate of exceptionally permissible employment following any change in the type, size, etc. of business of the business or place of business, he or she shall receive certification of the change in the certificate of exceptionally permissible employment from the head of the employment security office. <Amended on Jul. 12, 2010>

(2) Matters necessary for the procedures for certification of changes in certificates of exceptionally permissible employment shall be determined by Ordinance of the Ministry of Employment and Labor. <Amended on Jul. 12, 2010>

[This Article Wholly Amended on Apr. 7, 2010]

CHAPTER III MANAGEMENT OF EMPLOYMENT OF FOREIGN WORKERS

Article 21 (Insurance and Trust for Departure Guaranty) (1) An employer obligated to purchase an insurance policy or a trust deed under Article 13 of the Act (hereinafter referred to as "insurance policy for departure guaranty, etc.") shall meet each of the following requirements: Provided, That this shall exclude any employer who runs a business or place of business under Article 12 (1) 1 of the Act: <Amended on Jul. 5, 2011; May 14, 2012>

1. An employer who runs a business or place of business within the meaning of Article 3 of the Guarantee of Workers' Retirement Benefits Act;
2. An employer who hires a foreign worker the remaining period of whose employment activity period under Article 18 or 18-2 (1) of the Act is not less than one year.

(2) Any employer obligated to purchase an insurance policy for departure guaranty, etc. under paragraph (1) shall purchase an insurance policy for departure guaranty, etc. that meets all of the following requirements not later than 15 days from the date the labor contract takes effect: <Amended on Jul. 12, 2010; Jul. 5, 2011; May 14, 2012; Jul. 28, 2014>

1. It requires that the amount determined and published by the Minister of Employment and Labor for the insured or beneficiary (hereinafter referred to as "insured, etc.") under Article 13 of the Act be accumulated on a monthly basis separately from the wages under Article 2 (1) 5 of the Labor Standards Act;
2. Where the insured, etc. who has rendered a continuous service of at least one year leaves (excluding leaving temporarily) the Republic of Korea or dies or his or her status of stay is changed, it requires that the accumulated amount may be claimed in a lump sum against the financial institution that deals with the insurance policy for departure guaranty, etc. (hereafter referred to as "insurer" in this Article): Provided, That when the service period of the insured person, etc. is less than one year, it requires that the lump-sum payment revert to the employer;
3. It requires that the right of the insured person, etc. to receive a lump-sum payment under the insurance policy for departure guaranty, etc. may not be transferred nor offered as security: Provided, That when any of the following applies, it requires that the right to receive the lump-sum payment may be offered as security within 50/100 of the accumulated insurance premiums or trust money:
 - (a) Where the insured person, etc. needs recuperation for a continuous period of at least four weeks due to a disease or injury while he or she has terminated his or her employment relation with the employer to change his or her business or place of business;

(b) Where the business or place of business is changed due to any reason provided in Article 25 (1) 2 or 3 of the Act;

4. It requires that the insurer have the details of the insurance policy for departure guaranty, etc. confirmed by the insured person, etc. before purchasing the insurance policy, etc. and give notice of the purchase thereof to the insured person, etc. after purchasing the insurance policy, etc.;

5. It requires that the insurer give notice to the insured person, etc. of both the annual payments of insurance premiums or trust contributions and the estimated amount of the lump-sum payment.

(3) Where the employment relation with a foreign worker is terminated or his or her status of stay is changed, the employer shall pay the foreign worker the difference between the amount of the lump-sum payment under the insurance policy for departure guaranty, etc. and the amount of the retirement allowance under Article 8 (1) of the Guarantee of Workers' Retirement Benefits Act if the former is less than the latter. <Amended on Jul. 28, 2014>

(4) Any employer and any foreign worker may inquire of the insurer about the amount of a lump-sum payment to ascertain the difference between the amount of the lump-sum payment and the amount of the retirement allowance under paragraph (3). In such cases, the insurer shall promptly notify them of the amount of the lump-sum payment by letter (including any electronic message). <Newly Inserted on Jul. 28, 2014>

[This Article Wholly Amended on Apr. 7, 2010]

Article 21-2 (Organization and Operation of Committee for Management of Dormant

Insurance Money) (1) The Committee for Management of Dormant Insurance Money, Etc. under Article 13-2 (1) of the Act (hereinafter referred to as the "Committee for Management of Dormant Insurance Money, Etc.") shall deliberate and adopt resolutions on each of the following matters:

1. Matters regarding the establishment and modification of the business plan related to the insurance money, etc. (including proceeds, etc. generated from the insurance money, etc.; hereinafter referred to as "dormant insurance money, etc.") transferred under the latter part of Article 13 (4) of the Act (including where it applies mutatis mutandis under Article 15 (3) of the Act);

2. Matters regarding the drafting and settlement of the budget related to the dormant insurance money, etc.;

3. Matters regarding the use of the dormant insurance money, etc. for each of the following;

(a) Implementing the project for tracking down the holders of the dormant insurance money, etc.;

(b) Support for and contributions to the sending countries;

(c) Welfare projects for foreign workers that use the proceeds from management of the dormant insurance money, etc.;

- (d) Other projects for the insured persons, etc. that utilize the dormant insurance money, etc.;
- 4. Other matters that are deemed by the chairperson to be necessary for the management and use of the dormant insurance money, etc.
- (2) The Committee for Management of Dormant Insurance Money, etc. shall be comprised of not more than fifteen members, including one chairperson.
- (3) The chairperson of the Committee for Management of Dormant Insurance Money, Etc. shall be the chairperson of the Human Resources Development Service of Korea, and the members shall be comprised of each of the following:
 - 1. Two persons who are recommended by the federations of labor unions and commissioned by the chairperson of the Human Resources Development Service of Korea;
 - 2. Two persons who are recommended by nationwide employers' organizations and commissioned by the chairperson of the Human Resources Development Service of Korea;
 - 3. Persons who are commissioned or appointed by the chairperson of the Human Resources Development Service of Korea from among those prescribed in each of the following:
 - (a) Persons who have extensive knowledge and experience in the employment of foreign workers and the protection of their rights and interests or in law or accounting;
 - (b) Public officials of at least Grade IV, who take charge of duties related to the employment of foreign workers in the Ministry of Employment and Labor;
 - (c) Executive officers of the Human Resources Development Service of Korea or the director of the business headquarters who take charge of duties related to the employment of foreign workers in the Human Resources Development Service of Korea.
- (4) The term of office of a member shall be two years and may be renewable only once: Provided, That the term of office of a member under paragraph (3) 3 (b) and (c) shall be the period during which he or she is in office.
- (5) A majority of the total members of the Committee for Management of Dormant Insurance Money, etc. shall constitute a quorum at all its meetings and resolutions shall be passed with the concurrent vote of a majority of the members present.
- (6) Allowances and travel expenses may be paid to the members present at a meeting of the Committee for Management of Dormant Insurance Money, Etc., within budget limits: Provided, That the same shall not apply where a member who is either a public official or an executive officers or employees of the Human Resources Development Service of Korea, attends such a meeting directly in connection with his or her official duties.

(7) Except as provided in paragraphs (1) through (6), matters necessary for the operation of the Committee for Management of Dormant Insurance Money, Etc. shall be determined by the Chairperson thereof after resolution by the Committee for Management of Dormant Insurance Money, Etc.

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

Article 21-3 (Duties of Human Resources Development Service of Korea concerning Dormant Insurance Money)

(1) In relation to dormant insurance money, etc., the Human Resources Development Service of Korea shall perform the duties provided in each of the following subparagraphs:

1. The management and use of dormant insurance money, etc.;
2. The drafting and settlement of the budget for dormant insurance money, etc.;
3. The implementation of the matters deliberated and resolved on by the Committee for Management of Dormant Insurance Money, Etc. in relation to the management and use of dormant insurance money, etc.

(2) The Human Resources Development Service of Korea shall keep an account on dormant insurance money, etc. separate from the other accounts of the Human Resources Development Service of Korea. In such cases, the dormant insurance money, etc. derived from the insurance for departure guaranty, etc. and the dormant insurance money, etc. derived from the insurance for expenses for repatriation, etc. under Article 22 (1) shall be managed separately from each other. <Amended on Jun. 5, 2018>

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

Article 22 (Insurance and Trust for Expenses for Return to Home Country)

(1) Pursuant to Article 15 of the Act, a foreign worker shall purchase, by not later than three months after the date his or her employment contract enters into force, an insurance policy or a trust deed that meets all of the following requirements (hereinafter referred to as "insurance policy for expenses for return to home country, etc."): <Amended on Jul. 28, 2014; May 8, 2018>

1. It requires that the foreign worker pay the amount under paragraph (3) in lump sum or in not more than three installments;
2. Where the foreign worker purchases the insurance policy for expenses for return to home country, etc., it requires that the financial institution dealing with the insurance policy for expenses for return to home country, etc. (hereafter referred to as "insurer" in this Article) give notice thereof to the head of the employment security office having jurisdiction over the seat of the business or place of business;
3. Where the foreign worker files an application for the lump-sum payment under the insurance policy for expenses for return to home country, etc. under paragraph (2), it requires that the insurer pay the lump-sum payment under the insurance policy for expenses for return to home country, etc. after inquiring of

the head of the competent immigration office about his or her departure from the Republic of Korea.

(2) A foreign worker may file an application for the lump-sum payment under the insurance policy for expenses for return to home country, etc. in any of the following cases:

1. Where he or she intends to leave the Republic of Korea due to expiration of his or her period of stay;
2. Where he or she intends to leave (excluding leaving temporarily) the Republic of Korea for his or her personal reason before expiration of his or her period of stay;
3. Where he or she leaves the Republic of Korea voluntarily or involuntarily after desertion of his or her business or place of business.

(3) The amount of premiums for the insurance for expenses for return to home country, etc. shall be determined and published for each country by the Minister of Employment and Labor, taking into consideration the expenses for return to home country. <Amended on Jul. 12, 2010>

[This Article Wholly Amended on Apr. 7, 2010]

Article 23 (Management of Employment of Foreign Workers) (1) "If any event prescribed by

Presidential Decree occurs, such as when he or she terminates a labor contract concluded with a foreign worker or otherwise modifies any important matter relevant to the employment" in Article 17 (1) of the Act means any of the following: <Amended on Dec. 29, 2010>

1. Where a foreign worker dies;
2. Where a foreign worker is unfit to continue his or her service in the business due to his or her injury, etc.;
3. Where a foreign worker is absent from work for at least five days without following appropriate procedures, such as the employer's approval, or his or her whereabouts is unknown;
4. Deleted; <Jul. 28, 2014>
5. Where a labor contract with a foreign worker is terminated;
6. Deleted; <Jul. 28, 2014>
7. Deleted; <Jul. 28, 2014>
8. Where the name of the employer or the place of service is changed;
9. Where the place of service is changed while the employer remains unchanged.

(2) Pursuant to Article 17 (4) of the Act, for the appropriate employment management of foreign workers, the Minister of Employment and Labor shall establish a plan for directing and inspecting at least once annually, the business or place of business that has any foreign worker and conduct the direction and inspection to ascertain the working conditions of foreign workers, the implementation status of industrial safety and health measures, etc., compliance with relevant statutes and regulations, and other similar matters in the business or place of business selected according to the plan. <Amended on Jul. 12, 2010; May 18, 2021>

(3) If, as a result of an direction and inspection under paragraph (2), it is found that any of the relevant statutes and regulations, including the Labor Standards Act and the Immigration Control Act, is violated, the Minister of Employment and Labor shall take necessary measures under the relevant statute or regulation: Provided, That when it is not within his or her jurisdiction, he or she shall give notice thereof to the competent administrative agency. <Amended on Jul. 12, 2010>

(4) The head of an immigration office or of a branch thereof may request the head of an employment security office to provide materials concerning the employment management of foreign workers while performing his or her duties. In such cases, the head of the employment security office shall not refuse such request unless any special reason to the contrary exists. <Amended on May 8, 2018>

[This Article Wholly Amended on Apr. 7, 2010]

Article 23-2 Deleted. <Apr. 7, 2010>

Article 24 (Cancellation of Employment Permission for or Certification of Exceptionally

Permissible Employment of Foreign Workers) Where the Minister of Employment and Labor issues to an employer a notice of canceling an employment permission or certification of exceptionally permissible employment under Article 19 (1) of the Act, it shall be made in writing including each of the following:

<Amended on Jul. 12, 2010>

1. Grounds for cancellation;
2. Deadline by which the labor contract with the relevant foreign worker is to be terminated;
3. Whether a limitation on the employment of foreign workers is set under Article 20 of the Act.

[This Article Wholly Amended on Apr. 7, 2010]

Article 25 (Limitation on Employment of Foreign Workers) “Person to whom any other ground

prescribed by Presidential Decree is applicable” in Article 20 (1) 4 of the Act means any of the following persons: <Amended on Aug. 2, 2202>

1. A person who releases a domestic worker from place of employment through an employment adjustment within six months after the date he or she is issued an employment permit under Article 8 of the Act or after the date a foreign worker commences his or her service under Article 12 of the Act;
2. A person who has a foreign worker engage in his or her service outside the business or place of business specified in the labor contract;
3. A person who terminates a labor contract even though there were no unavoidable reasons, such as downsizing, closing, or conversion of his or her business following changes in business conditions, industrial structures, etc., and suspension of flight operations due to the spread of infectious diseases,

during the period between the date of entering into the labor contract under Article 9 (1) of the Act and the date of completing employment training for foreign workers under Article 11 of the Act.

[This Article Wholly Amended on Apr. 7, 2010]

Article 26 (Projects Related to Foreign Workers) (1) "Project prescribed by Presidential Decree" in subparagraph 6 of Article 21 of the Act means any of the following:

1. A project to develop and operate a computer system for employment management of foreign workers necessary for the job referrals, employment management, etc. of foreign workers;
2. A project for foreign workers' adaptation to life in the Republic of Korea and the increase of understanding of Korean culture;
3. A project to support the management of the insurance for departure guaranty, etc., the insurance for expenses for return to home country, etc., and the guaranty insurance and personal injury insurance under Article 23 of the Act;
4. Other projects deemed by the Policy Committee to be necessary for employment management of foreign workers.

[This Article Wholly Amended on Apr. 7, 2010]

Article 26-2 (Provision of Information on Dormitories) (1) Where an employer provides information on dormitories under the former part, with the exception of the subparagraphs, of Article 22-2 (2) of the Act, he or she shall offer information on matters regarding the establishment and operation of dormitories under Articles 55 through 58 and 58-2 of the Enforcement Decree of the Labor Standards Act, as prescribed by the Minister of Employment and Labor.

(2) Where an employer modifies information provided under paragraph (1) after the conclusion of an employment contract, he or she shall provide the details of the modified information to foreign workers, as prescribed by the Minister of Employment and Labor.

[This Article Newly Inserted on Jul. 9, 2019]

CHAPTER IV PROTECTION OF FOREIGN WORKERS

Article 27 (Purchase of Surety Insurance) (1) "A business or place of business prescribed by Presidential Decree" in Article 23 (1) of the Act means a business or place of business that falls under any of the following subparagraphs: Provided, That this shall exclude any business or place of business under Article 12 (1) 1 of the Act:

1. A business or place of business not covered by the Wage Claim Guarantee Act;
2. A business or place of business employing less than 300 regular workers.

(2) The employer of a business or place of business under paragraph (1) shall purchase a guaranty insurance policy, not later than 15 days after the date the employment contract enters into force, that meets all of the following requirements: <Amended on Jul. 12, 2010>

1. It shall guarantee at least the amount determined and published by the Minister of Employment and Labor so as to cover wages in arrears;
2. The guarantee insurance company shall give notice to the foreign worker of the purchase of the guaranty insurance policy;
3. If the employer is in arrears with wages, it shall guarantee the foreign worker the right to claim the guarantee insurance money against the guarantee insurance company.

[This Article Wholly Amended on Apr. 7, 2010]

Article 28 (Subscription for Personal Injury Insurance) (1) "Any business or place of business

prescribed by Presidential Decree" in Article 23 (2) of the Act means any business or place of business that hires a foreign worker.

(2) Any foreign worker who belongs to the business or place of business under paragraph (1) shall purchase a personal injury insurance policy, not later than 15 days after the date the employment contract enters into force, that meets all of the following requirements: <Amended on Jul. 12, 2010>

1. If the foreign worker dies or falls sick, it shall guarantee the payment of the amount of insurance money determined and published by the Minister of Employment and Labor;
2. If the foreign worker dies or falls sick, it shall guarantee the foreign worker or his or her bereaved family member the right to claim the amount of the personal injury insurance money against the insurance company.

[This Article Wholly Amended on Apr. 7, 2010]

Article 29 (Subsidization to Organizations Related to Foreign Workers) (1) "Any other service

prescribed by Presidential Decree" in Article 24 (1) of the Act means any of the following: <Amended on Jul. 2, 2019>

1. Free medical care for foreign workers;
2. Cultural events for foreign workers;
3. Funeral assistance for foreign workers;

4. Assistance for job searching and life of foreign workers in the Republic of Korea;
5. Other services deemed by the Policy Committee to be necessary for protecting the rights and interests of foreign workers.

(2) Any institution or organization eligible for subsidization of expenses by the State as regards the services under Article 24 (1) of the Act shall meet all of the following requirements: <Amended on Jul. 12, 2010>

1. It shall be a nonprofit corporation or nonprofit organization;
2. Holding facilities or equipment determined and published by the Minister of Employment and Labor for rendering services;
3. Having at least two employees who hold a national qualification or State-accredited private qualification necessary for rendering services or have at least one year's service experience in the pertinent field.

(3) Where the Minister of Employment and Labor intends to subsidize necessary service expenses to any institution or organization that meets all of the requirements under paragraph (2), he or she shall decide whether or not to provide such assistance by evaluating a business plan, operational results, etc. on an annual basis. <Amended on Jul. 12, 2010>

(4) The extent of subsidization necessary for supporting services under Article 24 (1) of the Act shall be an amount determined by the Minister of Employment and Labor. In such cases, the extent of subsidization may vary depending on the evaluation of the operational results, etc. <Amended on Jul. 12, 2010>

(5) Except as provided in paragraphs (1) through (4), matters necessary for the procedures for selection, operation, etc. of the institutions and organizations eligible for subsidization of expenses by the Minister of Employment and Labor shall be determined by the Minister of Employment and Labor. <Amended on Jul. 12, 2010>

[This Article Wholly Amended on Apr. 7, 2010]

Article 30 (Change of Business or Place of Business) (1) "Any other cause or event prescribed by Presidential Decree" in Article 25 (1) 3 of the Act means where it is deemed that a foreign worker is unfit to continue service in the business or place of business due to his or her own injury, etc., but it is possible for him or her to work for another business or place of business. <Amended on May 14, 2012>

(2) Deleted. <May 14, 2012>

(3) The head of an employment security office shall give notice to the head of the competent immigration office or of its branch, of a list of those who are to leave the Republic of Korea under Article 25 (3) of the Act. <Amended on May 8, 2018>

[This Article Wholly Amended on Apr. 7, 2010]

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 31 (Delegation and Entrustment of Authority) (1) Pursuant to Article 28 of the Act, the Minister of Employment and Labor shall delegate to the heads of the regional employment and labor offices, the following authority: <Amended on Jul. 12, 2010; Jul. 5, 2011; May 14, 2012; Aug. 2, 2022>

1. Receipt and processing of requests for re-employment permit filed by an employer under Article 18-2 of the Act;
2. Receipt and processing of requests for employment permission after re-entry under Article 18-4 of the Act;
3. Orders, investigations, inspections, etc. under Article 26 (1) of the Act;
4. Imposition and collection of administrative fines prescribed in Article 32 of the Act;
5. The direction and inspection under Article 23 (2).

(2) Pursuant to Article 28 of the Act, the Minister of Employment and Labor shall entrust the Human Resources Development Service of Korea with the following duties: <Amended on Jul. 12, 2010; Oct. 14, 2021>

1. A project to provide training to employers under Article 11-2 of the Act or subparagraph 2 of Article 21 of the Act;
2. A project to support the entry and departure of foreign workers under subparagraph 1 of Article 21 of the Act;
3. A project for cooperation with public agencies of sending countries under subparagraph 3 of Article 21 of the Act;
4. The collection of fees, etc. under Article 27 (2) of the Act (limited to those related to projects entrusted under subparagraphs 2 and 3).
5. The preparation and management of a list of foreign job seekers under Article 12 (2).

(3) Pursuant to Article 28 of the Act, the Minister of Employment and Labor shall entrust both the Human Resources Development Service of Korea and the nonprofit corporations or nonprofit organizations determined and publicly notified by the Minister of Employment and Labor in consideration of human and physical capabilities, etc., for business performance, with the following duties: <Amended on Jul. 12, 2010; Oct. 14, 2021>

1. A project to provide training to foreign workers under subparagraph 2 of Article 21 of the Act;
2. A project for cooperation with non-governmental organizations related to foreign workers under subparagraph 3 of Article 21 of the Act;

3. A project to provide counseling services and other support for foreign workers and their employers under subparagraph 4 of Article 21 of the Act;
4. The collection of fees, etc. under Article 27 (2) of the Act (limited to those related to projects entrusted under subparagraphs 1 through 3);
5. A project for foreign workers' adaptation to life in the Republic of Korea and the promotion of understanding of Korean culture under subparagraph 2 of Article 26;
6. A project for support under subparagraph 3 of Article 26.

(4) Pursuant to Article 28 of the Act, the Minister of Employment and Labor shall entrust the project to develop and operate the computer system for employment management of foreign workers referred to in subparagraph 1 of Article 26 with the Korea Employment Information Service under Article 18 of the Framework Act on Employment Policy. <Amended on Jul. 12, 2010>

[This Article Wholly Amended on Apr. 7, 2010]

[Title Amended on Oct. 14, 2021]

Article 31-2 (Processing of Personally Identifiable Information) The Minister of Employment and Labor (including any person to whom certain authority or duties of the Minister of Employment and Labor is delegated or entrusted under Article 31), the heads of the employment security offices or the Human Resources Development Service of Korea may process data containing resident registration numbers or alien registration numbers under subparagraph 1 or 4 of Article 19 of the Enforcement Decree of the Personal Information Protection Act, if it is essential for performing the following: <Amended on May 14, 2012; May 18, 2021; Oct. 14, 2021>

1. Affairs relating to the implementation of a plan for the introduction of foreign workers established under Article 5 of the Act;
2. Affairs relating to the preparation of a list of foreign job-seekers under Article 7 of the Act;
3. Affairs relating to the employment permission for foreign workers under Article 8 of the Act;
4. Affairs relating to the making of employment contracts with foreign workers under Article 9 of the Act;
5. Affairs relating to special cases for employment of foreign workers under Article 12 of the Act;
6. Affairs relating to departure guarantee insurance, etc. under Article 13 of the Act;
7. Affairs relating to the insurance and trust for expenses for return to home countries under Article 15 of the Act;
8. Affairs relating to the employment management of foreign workers under Article 17 of the Act;
9. Affairs relating to the extension of employment activity periods under Article 18-2 of the Act;

10. Affairs relating to the employment permission after re-entry under Article 18-4 of the Act;
 11. Affairs relating to subscription, etc. for guaranty insurance and personal injury insurance under Article 23 of the Act;
 12. Affairs relating to foreign workers' change of businesses or places of business under Article 25 of the Act;
 13. Affairs relating to the reporting, investigations, etc. under Article 26 of the Act.
- [This Article Newly Inserted on Jan. 6, 2012]

Article 31-3 Deleted. <Mar. 3, 2020>

CHAPTER VI PENALTY PROVISIONS

Article 32 (Criteria for Imposing Administrative Fines) The criteria for imposing administrative fines under Article 32 (1) of the Act shall be as specified in the attached Table.

[This Article Wholly Amended on Jul. 4, 2011]