

# ACT ON EMPLOYMENT PROMOTION AND VOCATIONAL REHABILITATION FOR DISABLED PERSONS

Act No. 4219, Jan. 13, 1990

Amended by Act No. 4975, Aug. 4, 1995  
Wholly Amended by Act No. 6166, Jan. 12, 2000  
Amended by Act No. 6400, Jan. 29, 2001  
Act No. 6836, Dec. 30, 2002  
Act No. 7154, Jan. 29, 2004

## CHAPTER I

### General Provisions

#### Article 1 (Purpose)

The purpose of this Act is to contribute to the employment promotion and vocational rehabilitation of disabled persons so that they may live decent lives through the works suited to their abilities.

#### Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:  
<Amended by Act No. 7154, Jan. 29, 2004>

1. The term "disabled persons" means those who, due to physical or mental disability, are subject to considerable restrictions on their vocational life for a long period of time, and who correspond to the standards defined by the Presidential Decree;
2. The term "persons with severe disabilities" means those who have markedly lost their working abilities, from among the disabled persons, and who correspond to the standards defined by the Presidential Decree;
3. The term "employment promotion and vocational rehabilitation" means to enable the disabled persons to become self-supporting through their vocational life, by taking the measures provided in this Act with respect to the vocational guidance, vocational adjustment training, vocational capability development training, mediation of employments, employments, adjustment guidance after employment, etc. for the disabled persons;
4. The term "business owner" means a person who carries

- on or intends to carry on a business by employing the workers;
5. The term "worker" means a worker as provided in Article 14 of the Labor Standards Act; Provided that any person (excluding persons with severe disabilities) whose fixed working hours fall short of the working hours set by the Presidential Decree shall be excluded;
  6. The term "vocational capability development training" means the training as prescribed in subparagraph 1 of Article 2 of the Vocational Training Promotion Act;
  7. The term "vocational capability development training facility" means the facility as prescribed in subparagraph 2 of Article 2 of the Vocational Training Promotion Act; and
  8. The term "standard workplace for disabled persons" means a production facility that is suited for the disabled persons to work in, and which is defined by the Presidential Decree.

**Article 3 (Responsibilities of State and Local Governments)**

(1) The State and local governments shall continually promote the education, publicity and employment promotion movement for disabled persons, in order to enhance an understanding of the business owners and the general public on the employment promotion and vocational rehabilitation of the disabled persons.

(2) The State and local governments shall take measures for vocational rehabilitation in consideration of assisting the business owners, disabled persons and other related persons and the characteristics of disabled persons, and promote comprehensively and effectively the policies necessary for promoting the employment of disabled persons. In this case, the State and local governments shall lay stress on the employment promotion and vocational rehabilitation of persons with severe disabilities and female disabled persons.

**Article 3-2 (Costs Defrayed by Treasury)**

The State may defray part of costs required to facilitate the employment of disabled persons and occupational rehabilitation projects for them from the general account.

*<This Article Newly Inserted by Act No. 7154, Jan. 29, 2004>*

**Article 4 (Obligations of Business Owners)**

(1) Business owners shall cooperate in the government policies on the employment of disabled persons, and have such obligations as providing disabled persons with employment opportunities with an adequate evaluation of their abilities, and concurrently performing the adequate employment management.

(2) Business owners shall not discriminate against the workers by reasons of their disabilities, in the personnel management such as a recruitment, promotion, and transfer of positions.

**Article 5 (Self-Supporting Efforts of Disabled Persons, etc.)**

(1) Disabled persons shall endeavor after self-support as the competent career people by striving to develop and enhance their capabilities with a self-consciousness as the career persons.

(2) Family members or guardians of the disabled persons shall cooperate with the government policies for the disabled persons, and positively strive for the promotion of their self-supports.

**Article 6 (Basic Plans, etc. for Employment Promotion and Vocational Rehabilitation of Disabled Persons)**

(1) The Minister of Labor shall, in consultation with the Minister of Health and Welfare, devise the basic plan for the employment promotion and vocational rehabilitation of the disabled persons.

(2) The following matters shall be contained in the basic plan under paragraph (1):

1. Matters concerning the employment promotion and vocational rehabilitation of the disabled persons;
2. Matters concerning the fund for employment promotion and vocational rehabilitation of the disabled persons under Article 59;
3. Matters concerning the installation, operation and support of facilities for the disabled persons; and
4. Other matters deemed necessary for the employment promotion and vocational rehabilitation of the disabled persons by the Minister of Labor.

(3) In order to deliberate on the important matters concerning the basic plan under paragraph (1) and the employment promotion and vocational rehabilitation of disabled persons, the Disabled Persons Employment Promotion Committee (hereinafter referred to as the "Committee") shall be established in the Ministry of Labor.

(4) The Committee shall consist of not more than five full-time researchers in order to survey and study the specialized matters concerning the employment promotion and vocational rehabilitation of disabled persons.

(5) Not less than one-third of the Committee members shall be the disabled persons.

(6) Matters necessary for the organization, function, research members and operation of the Committee shall be prescribed by the Presidential Decree.

**Article 7 (Coordination with Ministry of Education and Human Resources Development and Ministry of Health and Welfare)**

(1) The Minister of Education and Human Resources Development shall, in case where deemed necessary for the employment promotion of the persons subject to a special education under the Act on the Promotion of Education for the Handicapped, consult with the Minister of Labor on the contents, etc. of vocational education. <Amended by Act No. 6400, Jan. 29, 2001>

(2) The Minister of Health and Welfare shall closely cooperate with the Minister of Labor for the purpose of an efficient implementation of vocational rehabilitation projects, etc.

*CHAPTER II*

**Employment Promotion and Vocational Rehabilitation of Disabled Persons**

**Article 8 (Execution Agencies of Vocational Rehabilitation for Disabled Persons)**

(1) Execution agencies of vocational rehabilitation for disabled persons (hereinafter referred to as the "execution agencies of rehabilitation") shall develop diverse projects for vocational rehabilitation of disabled persons, and directly furnish them to such persons, and particularly endeavor to perform the vocational rehabilitation aiming at enhancing the selfsupporting capability of the persons with severe disabilities.

(2) Execution agencies of rehabilitation shall be as follows:

1. Educational institutes for the handicapped under subparagraph 3 of Article 2 of the Act on the Promotion of Education for the Handicapped;
2. Welfare centers for disabled persons under Article 48 (1) 2 of the Welfare of Disabled Persons Act;
3. Vocational rehabilitation facilities for disabled persons under Article 48 (1) 3 of the Welfare of Disabled Persons Act;
4. Welfare organizations for disabled persons under Article 53 of the Welfare of Disabled Persons Act;
5. Vocational capability development training facilities under subparagraph 2 of Article 2 of the Vocational Training Promotion Act and
6. Other agencies deemed capable of conducting vocational

rehabilitation projects for disabled persons by the Minister of Labor, and which are determined by the Ordinance of the Ministry of Labor.

**Article 9 (Vocational Guidance)**

(1) The Minister of Labor and the Minister of Health and Welfare shall, in order to enable the disabled persons to obtain jobs suited to their ability, perform a vocational counsel, vocational aptitude tests, evaluation of vocational ability, and implement a vocational guidance such as furnishing employment information, etc.

(2) The Minister of Labor and the Minister of Health and Welfare shall, in order to enable the disabled persons to make a vocational living suited to their abilities, endeavor to develop the types of occupation suitable for the disabled persons.

(3) The Minister of Labor and the Minister of Health and Welfare may, in case where deemed that the professional knowledge and technology are particularly required for performing a vocational guidance under paragraph (1), request a related specialized institute such as rehabilitation executing facilities, etc. to carry out such guidance, and pay the relevant expenses.

(4) The Minister of Labor and the Minister of Health and Welfare may finance or support the required expenses to the person who carries out or intends to carry out a vocational guidance.

(5) Matters necessary for the criteria for payment, finance, support, etc. of the expenses under paragraphs (3) and (4) shall be prescribed by the Presidential Decree.

**Article 10 (Vocational Adaptation Training)**

(1) The Minister of Labor and the Minister of Health and Welfare may, in case where deemed necessary to enable the disabled persons to make a vocational living suited to their wish, aptitude, capability, etc., perform a vocational adaptation training for adapting the disabled persons to their vocational environments.

(2) The Minister of Labor and the Minister of Health and Welfare may, in case where deemed necessary for an efficient implementation of vocational adaptation training under paragraph (1), determine the separate training standards, etc.

(3) In order to develop and improve the vocational capabilities of disabled persons, the Minister of Labor and the Minister of Health and Welfare may finance or support a person who installs and operates, or intends to install and operate, a vocational adaptation training facility or training courses, for the required

expenses (including training expenses).

(4) The Minister of Labor and the Minister of Health and Welfare may support the disabled persons undergoing a vocational adaptation training at a vocational adaptation training facility, for their training allowances.

(5) Matters necessary for the criteria for a loan and supports and those for a payment of training allowances, etc. under paragraphs (3) and (4) shall be prescribed by the Presidential Decree.

**Article 11 (Vocational Capability Development Training)**

(1) The Minister of Labor shall perform a vocational capability development training for disabled persons, in order that they may make a vocational living suited to their wish, aptitude, capability, etc.

(2) In order to develop and improve the vocational ability of disabled persons, the Minister of Labor may finance or support a person who installs and operates, or intends to install and operate, a vocational capability development training facility or training courses, for the required expenses (including training expenses).

(3) The Minister of Labor may support the disabled persons undergoing a vocational capability development training at a vocational capability development training facility, for their training allowances.

(4) Matters necessary for the criteria for a loan and supports and those for a payment of training allowances, etc. under paragraphs (2) and (3) shall be prescribed by the Presidential Decree.

**Article 12 (Supportive Employment)**

(1) The Minister of Labor and the Minister of Health and Welfare shall perform a supportive employment and provide the required supports, in order to enable the disabled persons, from among those with severe symptoms, who may hardly perform the duties in a business place run by a business owner, to fulfill their duties.

(2) Matters necessary for the details of, and standards, etc. for, the supports under paragraph (1) shall be prescribed by the Presidential Decree.

**Article 13 (Protective Employment)**

The State and local governments shall furnish a specified working environment for such disabled persons as may hardly work under normal working conditions from among the

disabled persons, and implement a protective employment so as to be capable of working in the relevant working environment.

**Article 14 (Mediation of Employment, etc.)**

(1) The Minister of Labor shall mediate the jobs suited to the disabled persons on the basis of employment information, in consideration of their wish, aptitude, ability, and work types, etc.

(2) The Minister of Labor shall devise the policies for an employment promotion for the disabled persons, in order to enable them to become self-supporting through their vocational living.

(3) The Minister of Labor may, in case where deemed necessary for performing a mediation of employment and an employment promotion under paragraphs (1) and (2), request the related specialized agencies such as a rehabilitation executing agency, etc. to carry out a part of his business, and pay the relevant expenses.

(4) The Minister of Labor may finance or support a person who installs and operates, or intends to install and operate an employment mediation facility, for the required expenses (including the supporting money for employment mediations).

(5) Matters necessary for the payment of expenses and for the criteria for loan and supports under paragraphs (3) and (4) shall be prescribed by the Presidential Decree.

**Article 15 (Coordination between Employment Mediation Agencies, etc)**

(1) The Minister of Labor shall take such measures as building the computer networks for employment mediation, so as to ensure an efficient coordination between rehabilitation executing agencies, which perform the employment mediation affairs for expanding the employment opportunities for disabled persons, in an exchange of help-wanted and situation-wanted information, and in a management of working disabled persons, and to enable the Korea Employment Promotion Agency for Disabled Persons under Article 36 to make their comprehensive and concentrated management.

(2) The Minister of Labor shall, in case where he devises such measures as building the employment mediation computer networks, etc. under paragraph (1), ensure the coordination with the employment security agencies under subparagraph 1 of Article 4 of the Employment Security Act.

**Article 16 (Support of Independent Disabled Persons)**

(1) The Minister of Labor may finance a disabled person,

who intends to run a business independently, the funds required for establishing an enterprise.

(2) Matters necessary for the standards for loan, etc. under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Labor.

**Article 17 (Support of Disabled Workers)**

(1) The Minister of Labor may finance necessary funds in order to ensure a stable vocational living of the disabled workers.

(2) Matters necessary for the standards for loan under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Labor.

**Article 18 (Adaptation Guidance after Employment)**

(1) The Minister of Labor and the Minister of Health and Welfare shall, in case where deemed necessary for the employment security of disabled persons, provide the disabled persons employed in business places with a guidance required for adapting themselves to the working environment.

(2) Matters necessary for the details, etc. of a guidance under paragraph (1) shall be prescribed by the Presidential Decree.

**Article 19 (Employment Guidance to Business Owners)**

The Minister of Labor shall, in case where deemed necessary for the business owners who employ or intend to employ the disabled persons, provide them with a guidance on technical matters concerning the employment, placement, work aids, work equipments, working environments and other employment management of disabled persons.

**Article 20 (Preferential Treatment of Excellent Business Owners who Employ Disabled Persons)**

(1) The Minister of Labor may select those business owners setting a model of employing disabled persons as the excellent business owners employing disabled persons, and take such measures as supporting their business, etc. (hereinafter referred to as the "preferential treatment").

(2) Matters necessary for the selection and preferential treatment, etc. of the excellent business owners employing disabled persons under paragraph (1) shall be prescribed by the Presidential Decree.

**Article 21 (Provision of Data to Business Owners)**

The Minister of Labor shall provide the business owners who employ or intend to employ disabled persons with the

information and other data on such matters as physical and mental conditions, vocational capabilities, etc. of disabled persons.

**Article 22 (Survey on Actual Status of Disabled Persons)**

The Minister of Labor may, in case where necessary for the employment promotion and vocational rehabilitation of disabled persons, conduct a nationwide survey on the actual status of the employment conditions of disabled persons, such as the type of job, forms of labor, length of continued service, level of wages, etc.

### CHAPTER III

#### Obligation to Employ Disabled Persons, and Shares

**Article 23 (Obligation of State and Local Government to Employ Disabled Persons)**

(1) The State and the head of local government shall employ disabled persons up to not less than 2 percent of the full strength of public officials belonging thereto.

(2) The head of each examining agency (hereinafter referred to as "each class agency") shall hold examinations so that the disabled persons may be employed up to 2/100 of newly employed personnel: Provided that in the event that the number of disabled public officials by the kind of post falls short of 2/100 of the fixed number of the relevant public officials, the ratio of the openly-appointed public officials of the relevant kind of post for the disabled shall be made 5/100 and if the kind of post whose application is excluded under paragraph (4) is newly applied, the ratio of openly-appointed public officials for the disabled shall be prescribed otherwise by the Presidential Decree. <Amended by Act No. 7154, Jan. 29, 2004>

(3) In case where the head of an agency entrusted with appointment rights recruits public officials without an open employment, the provisions of paragraph (2) shall apply mutatis mutandis.

(4) With respect to those fields, types and classes of posts that are inadequate for disabled persons, paragraphs (1) and (2) may not be applicable under the conditions as specified by the Presidential Decree.

(5) The head of a central agency in charge of personnel

affairs under the State Public Officials Act and the head of local government shall submit to the Minister of Labor the plans for employment of disabled public officials, including the plans for employment of public officials in each class agency under his command, and the report on the status of its implementation, under the conditions as prescribed by the Presidential Decree.

(6) The Minister of Labor may, in case where he deems that an employment plan for disabled public officials under paragraph (5) is inadequate, request the person who submitted an employment plan for disabled public officials to alter such plans, and where actual results of implementing the employment obligation under paragraph (1) are markedly stagnant, he may publicize the relevant details.

**Article 24 (Obligation of Business Owners for Employment of Disabled Persons)**

(1) Any business owner who employs not less than 50 full-time workers (in case of the construction business with the exception of the business of leasing construction equipment and machinery, accompanied by their operators, any business owner whose work contract amount is in excess of the amount prescribed by the Minister of Labor) shall employ the disabled persons equivalent to more than the rate fixed by the Presidential Decree within the scope of 5 percent of total number of workers (hereinafter referred to as "obligatory employment rate", and if there is any fraction of less than 1 person in this number, such fraction shall be omitted): Provided that with respect to the business types wherein the workers of such job types as deemed unsuited to disabled persons occupy a considerable ratio, the number of workers corresponding to an exception rate from applications that is set forth by the Minister of Labor via a deliberation at the committee (when there is any fraction of less than 1 person, such fraction shall be omitted) may be excluded from the total number of workers. *<Amended by Act No. 7154, Jan. 29, 2004>*

(2) Notwithstanding the provisions of paragraph (1), with respect to job types deemed suited to a capability of specified disabled persons, the relevant employment rate may be separately prescribed by the Presidential Decree. In this case, such rate shall not be considered as the obligatory employment rate.

(3) The obligatory employment rate shall be set every 5 years taking into account the ratio of the disabled to the total number of population, the ratio of disabled workers to the total

number of workers and the number of disabled persons without jobs, etc. <Newly Inserted by Act No. 7154, Jan. 29, 2004>

(4) Necessary matters concerning the calculation of the number of full-time workers employed and the work contract amount in the construction business in accordance with paragraph (1) shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 7154, Jan. 29, 2004>

**Article 25 (Devising Plans for Employing Disabled Persons by Business Owners, etc.)**

(1) The Minister of Labor may order the business owners to prepare and submit a plan for the employment of disabled persons and the report on the status of implementation thereof, under the conditions as prescribed by the Presidential Decree.

(2) The Minister of Labor may, in case where a plan under paragraph (1) is deemed inadequate, order the business owner to alter it.

(3) The Minister of Labor may, in case where a business owner has been markedly deficient in devising a plan for employing disabled persons or in carrying out employment duties under Article 24 (1) without any justifiable reasons, publicize the relevant details.

**Article 26 (Paying Subsidy for Employing Disabled Persons)**

(1) The Minister of Labor may, for the purpose of an employment promotion and vocational security of disabled persons, pay an employment subsidy to the business owner who has employed disabled persons (including those business owners to whom the provisions of Article 24 (1) are not applied).

(2) The amount of employment subsidy shall be the amount obtained by multiplying the total number of the disabled (the provisions of the proviso of Article 24 (1) shall not be applied and any fraction falling short of one person shall be written off) employed full-time each month subtracting from the total number of disabled persons to be employed under the obligatory employment rate (the same rate shall be applied in paying an employment subsidy to the business owner to whom the provisions of Article 24 (1) are not applied) by a unit cost of payments under paragraph (3); Provided that in case where the business owner shall pay the shares under Article 27, the amount of subsidy shall be obtained by subtracting such shares. <Amended by Act No. 7154, Jan. 29, 2004>

(3) The unit amount of payment for the employment subsidy may be set otherwise within the scope of the minimum

wage amount that is calculated monthly by the Minister of Labor in accordance with the Minimum Wages Act taking into account the basic amount of shares provided for in Article 27 (3), whether the obligatory payment of the amount of shares for the employment of the disabled is applied and the amount of wages paid to the relevant disabled workers, etc.: Provided that the unit cost of payments for severely disabled persons and female disabled persons may be set forth separately within the scope of twofold of the unit cost of payments that are applied to those other than severely disabled persons and female disabled persons. <Amended by Act No. 7154, Jan. 29, 2004>

(4) The payment of employment subsidies to disabled workers eligible for support payments and subsidies under the Employment Insurance Act and the Industrial Accident Compensation Insurance Act and to other disabled workers prescribed by the Presidential Decree may be restricted under the conditions as prescribed by the Presidential Decree. <Newly Inserted by Act No. 7154, Jan. 29, 2004>

(5) Matters necessary for the payment of and application for employment subsidy under paragraph (1) shall be prescribed by the Presidential Decree, and those for the period and procedures of payment, etc. shall be determined by the Minister of Labor.

**Article 26-2 (Collection of Unlawful Profits and Restrictions on Payment)**

(1) In the event that any person who has received the employment subsidy in accordance with Article 26 falls under any case of the following subparagraphs, the Minister of Labor shall collect the employment subsidy in question: Provided that in case of subparagraph 1, the amount not more than the amount equivalent to that payed under the standards prescribed in the Ordinance of Ministry of Labor may be collected additionally:

1. Where he has received the employment subsidy by means of false and unlawfulness; and
2. Where the employment subsidy has been paid by mistake.

(2) With respect to any person who has received or intended to receive the employment subsidy in a false and unlawful way, the Minister of Labor may restrict the payment of any employment subsidy to him for one year from the date on which he received or intended to receive the employment subsidy. <This Article Newly Inserted by Act No. 7154, Jan. 29, 2004>

**Article 27 (Payment of Shares Concerning Employment of Disabled Persons, etc.)**

(1) Any business owner (excluding any business owner who employs full-time workers ranging from not less than 50 to not more than 100 in their number) employing the disabled persons short of the obligatory employment rate shall pay a share for employing disabled persons (hereinafter referred to as the "share") to the Minister of Labor every year, under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 7154, Jan. 29, 2004>*

(2) The amount of shares shall be an annual aggregate obtained by multiplying the total number of disabled persons to be employed by the business owner according to the obligatory employment rate subtracting from the number of disabled persons employed full-time each month by the basic amount of shares under paragraph (3). In this case, for the business owner who employs seriously disabled persons the amount of shares may reduce an amount obtained by the multiplication of 1/2 of the basic amount of shares by the number of seriously disabled persons within the scope of 1/2 of the total amount of shares that he is liable to pay. *<Amended by Act No. 7154, Jan. 29, 2004>*

(3) The Minister of Labor shall set the basic amount of shares via a deliberation of the committee on the basis of average amount of expenses under the following subparagraphs that are required every month when employing disabled persons, and publish the amount of shares and may add an amount thereto within the scope of 1/2 of the basic amount of shares according to the employment rate of disabled persons (the ratio of the total number of disabled persons employed to the total number of full-time workers who are monthly employed): Provided that the basic amount of shares shall be not less than 60/100 of the minimum wages of the relevant year when it is notified publicly: *<Amended by Act No. 7154, Jan. 29, 2004>*

1. Expenses necessary for an installation or repair of facilities or equipments required for employing disabled persons;
2. Expenses necessary for measures for adequate employment management of disabled persons; and
3. Other expenses specially required for employing disabled persons.

(4) The Minister of Labor may reduce or exempt the amount of shares for the business owners, who provide the

vocational rehabilitation facilities or the standard workplaces and other self-reliant workplaces designated by the Minister of Labor for disabled persons under the Welfare of Disabled Persons Act and the Industrial Accident Compensation Insurance Act with production equipments, raw materials and technology, etc. and take exclusive charges of the production management and sale of products, or those who grant an independent contract to the vocational rehabilitation facilities and self-reliant workplaces for the disabled and receive the delivered products. <Amended by Act No. 7154, Jan. 29, 2004>

(5) Business owners shall submit a declaration on matters provided by the Ordinance of the Ministry of Labor, and pay the amount of shares for the relevant year, to the Minister of Labor within 90 days after the first day of next year (within 60 days after the day when the relevant business is discontinued or closed, in case where a business is discontinued or closed during the year).

(6) The Minister of Labor may, in case where a business owner fails to submit the declaration or to pay the shares within the period fixed in paragraph (5), investigate it and collect the shares.

(7) The Minister of Labor shall, in case where the amount of shares paid by business owners differs from the amount actually due, or where deemed to be caused by a false report, investigate it and collect in addition or return the difference.

(8) The shares may be paid by installments under the conditions as provided by the Presidential Decree. In this case, if the amount of shares that is allowed to be paid in installments is paid in full within the payment deadline referred to in paragraph (5), an amount that is set by the Presidential Decree within the scope of 5/100 of the amount of shares may be deducted. <Amended by Act No. 7154, Jan. 29, 2004>

(9) Matters necessary for the standards for a contract, other requisites and standards, etc. for reducing or exempting the shares under paragraph (4) shall be determined by the Minister of Labor. <Amended by Act No. 7154, Jan. 29, 2004>

**Article 27-2 (Appropriation and Refund of Overpayment or Erroneous Payment of Amount of Shares, etc.)**

When the Minister of Labor intends to refund any overly or erroneously paid amount to any business owner from among the amount that the business owner has paid as the amount of shares, the amount of collection or expense for disposition on default under this Act or intends to pay any employment

subsidy to the business owner in accordance to the provisions of Article 26, he may first appropriate them to the amount of shares that is to be paid according to the order prescribed by the Presidential Decree and the amount of collection under this Act, and then refund or pay the balance thereof to the relevant business owner. <This Article Newly Inserted by Act No. 7154, Jan. 29, 2004>

**Article 28 (Collection of Surcharge and Arrears)**

(1) The Minister of Labor shall, in case where he collects the shares pursuant to Article 27 (6) and (7), additionally collect as a surcharge the amount equivalent to 10/100 of the shares, with respect to the shares to be paid by the business owners, unless otherwise provided for by the Presidential Decree.

(2) The Minister of Labor shall, in case where a person liable to pay the shares fails to pay by the time limit under Article 27, collect the amount in arrears that is calculated at the rate as prescribed by the Presidential Decree within the limit of 0.07 won per day for each 100 won of such amount for the period from the day next to the expiration date of such amount to the day preceding to the date of full payment: Provided that this shall not apply to the case as determined by the Presidential Decree.

**Article 29 (Notification)**

The Minister of Labor shall, in case where he intends to collect under Article 27 (6) and (7), notify in writing the obligor of the relevant amount and the term of payment, under the conditions as determined by the Ordinance of the Ministry of Labor.

**Article 30 (Pressing of Payment and Disposition for Recovery of Arrears)**

(1) The Minister of Labor shall, in case where an obligor of the shares and other amounts due under this Act fails to pay them, urge the payment thereof by fixing the term of such payments.

(2) The Minister of Labor shall, in case where he urges a payment under paragraph (1), do so in writing. In this case, the payment period of 10 days or more shall be given.

(3) If a person who has been urged under paragraph (1) fails to pay the shares and other amounts to be collected under this Act within the specified time limit, the Minister of Labor may collect them according to the example of a disposition taken to collect national taxes in arrears.

(4) In the event that the public sale of any property that is seized according to the example of a disposition taken to collect national taxes in arrears under paragraph (3) requires expert knowledge or it is recognized as being inappropriate to put the property up for the public sale on the grounds of special circumstances, the Minister of Labor may commission the public sale thereof to Korea Asset Management Corporation established pursuant to the Act on the Efficient Disposal of Non-Performing Assets, etc. of Financial Institutions and the Establishment of the Korea Asset Management Corporation (hereinafter referred to as the "Corporation") under the conditions as prescribed by the Presidential Decree. In this case, the public sale of such property shall be deemed to be performed by the Minister of Labor. <Newly Inserted by Act No. 7154, Jan. 29, 2004>

(5) The Minister of Labor may, if the Corporation is commissioned to perform the public sale of any property in accordance with paragraph (4), pay fees to the Corporation under the conditions as prescribed by the Ordinance of the Ministry of Labor. <Newly Inserted Act No. 7154, Jan. 29, 2004>

(6) In the event that the Corporation is commissioned to perform the public sale of any property in accordance with paragraph (4), the officers and employees of the Corporation shall be deemed public officials in the application of Articles 129 through 132 of the Criminal Act. <Newly Inserted by Act No. 7154, Jan. 29, 2004>

**Article 31 (Priority of Collections)**

The priority given to the collection of shares and other amounts due under this Act shall be next to the national and local taxes.

**Article 32 (Service of Documents)**

With regard to the service of documents concerning the collection of shares and other amounts due under this Act, the provisions of Articles 8 through 12 of the Framework Act on National Taxes shall apply mutatis mutandis.

**Article 33 (Extinctive Prescription)**

If the rights to collect the shares or other amounts due under this Act, to receive the refund thereof, and to receive the employment subsidies are not exercised for three years, their extinctive prescription shall be completed.

**Article 34 (Interruption of Prescription)**

(1) The extinctive prescription under Article 33 shall be interrupted by the reasons falling under any of the following

subparagraphs: <Amended by Act No. 7154, Jan. 29, 2004>

1. Claims for the employment subsidy under Article 26;
2. Notification of the payment under Article 29;
3. Urging of the payment under Article 30;
4. Claims for the delivery to be made in accordance with the procedures for disposition for arrears under Article 30;
5. Order given to refund any redeemed employment subsidy under Article 26-2 (1); and
6. Claim for the refund of the amount of shares under Article 27 (7).

(2) The extinctive prescription interrupted under paragraph (1) shall begin to run anew after a passage of the terms falling under any of the following subparagraphs: <Amended by Act No. 7154, Jan. 29, 2004>

1. The term of payment notified under Article 29;
2. The term of payment based on an urging;
3. The term during which a request for delivery remains effective;
4. Payment deadline that is set by a return order; and
5. Period during which a claim is filing for the refund of the amount of shares.

**Article 35 (Disposal of Deficit)**

The Minister of Labor may, in case where there exist any reasons falling under any of the following subparagraphs on the defaulters, make the disposal of deficits of shares or other amounts due under this Act:

1. Where the disposition for arrears is concluded and the amounts to be allocated to delinquent amounts are less than the relevant delinquent amounts;
2. Where the extinctive prescription is completed under Article 33; and
3. Where there is no possibility of collection pursuant to the Presidential Decree.

*CHAPTER IV*

**Korea Employment Promotion Agency for Disabled Persons**

**Article 36 (Establishment of Korea Employment Promotion Agency for Disabled Persons)**

- (1) The Korea Employment Promotion Agency for Disabled

Persons (hereinafter referred to as the "Agency") shall be established for the purposes of supporting disabled persons to become self-supporting through a vocational living, and for effectively carrying out the services related to the employment promotion and vocational rehabilitation of disabled persons.

(2) The Agency shall carry out the services falling under any of the following subparagraphs: <Amended by Act No. 7154, Jan. 29, 2004>

1. Collection, analysis, furnishing of the information on employment promotion and vocational rehabilitation of disabled persons, and the survey and research thereon;
2. Vocational guidance such as vocational counsel, vocational aptitude tests, evaluation of vocational ability, etc. for the disabled person;
3. Vocational adaptation training, vocational capability development training, employment mediation and adaptation guidance after employment, for disabled persons;
4. Fostering and training of specialized personnel such as the disabled persons' vocational living counselor;
5. Guidance and supports to the technical matters concerning vocational rehabilitation and employment management for the business owners and related agencies;
6. Operations of the vocational adaptation training facilities, vocational capability development training facilities and standard workplaces for disabled persons;
7. Creation and management of computer networks for employment mediation between employment mediation agencies for the employment promotion of disabled persons, and related services such as publicity, education, skill contests of disabled persons, etc.;
- 7-2. Support for work cooperation among public and private institutions in order to facilitate the employment of the disabled and the vocational rehabilitation for them;
8. Other services necessary for employment promotion and vocational rehabilitation of disabled persons, and services delegated by the Minister of Labor or the head of the central administrative agencies; and
9. Services incidental to the services of subparagraphs 1 through 8.

(3) In order to efficiently carry out the services under paragraph (2), the Agency may entrust, by obtaining an approval of the Minister of Labor, a part of its services to the social welfare corporations under the Social Welfare Services Act, and other welfare organizations for disabled persons, etc. operated by the non-profit corporations.

**Article 37 (Juridical Personality)**

The Agency shall be a juristic person.

**Article 38 (Offices)**

(1) The location of the principal office of the Agency shall be determined by the articles of incorporation.

(2) The Agency may, if deemed necessary, establish branch offices after obtaining an approval of the Minister of Labor.

**Article 39 (Registration of Establishment)**

(1) The Agency shall be constituted upon registration at the location of its principal office.

(2) The registration of establishment under paragraph (1), the establishment and transfer of branch offices and other necessary matters relating to registration shall be prescribed by the Presidential Decree.

**Article 40 (Articles of Incorporation)**

(1) The following matters shall be stated in the Agency's articles of incorporation:

1. Purpose;
2. Title;
3. Matters concerning the principal and branch offices, and affiliated agencies under Article 48;
4. Matters concerning businesses;
5. Matters concerning the assets and accounting;
6. Matters concerning the officers and employees;
7. Matters concerning the board of directors;
8. Matters concerning the alterations of the articles of incorporation;
9. Matters concerning the public notices;
10. Matters concerning the institution, revision and abrogation of internal regulations; and
11. Matters concerning dissolution.

(2) The articles of incorporation of the Agency shall be subject to an authorization of the Minister of Labor. The same shall apply to the amendment thereof.

**Article 41 (Appointment and Dismissal of Officers)**

(1) The Agency shall have not less than 10 and not more than 15 directors including one chief director, and appoint one auditor.

(2) Three directors including the chief director shall be the full-time officers.

(3) The President shall appoint and dismiss the chief director upon the recommendation of the Minister of Labor, and

the said Minister shall appoint and dismiss directors upon the recommendation of the chief director (one half of part-time directors shall be recommended by the Minister of Health and Welfare), except for the ex officio directors as defined by the Presidential Decree.

(4) Of the full-time and part-time directors, one third or more shall consist of disabled persons, respectively.

(5) The Minister of Labor shall appoint and dismiss the auditor.

**Article 42 (Term of Office for Officers)**

The term of office for the chief director and directors shall be 3 years, and that of office for the auditor shall be 2 years, and they may be reappointed: Provided that the term of office of ex officio directors shall be during their term of office.

**Article 43 (Duties of Officers)**

(1) The chief director shall represent the Corporation, and preside over the Agency's business.

(2) Directors in full-time service shall, pursuant to the articles of incorporation, take partial charge of the Agency's business, and if the chief director is absent due to accident, they shall act on behalf of him in such order as determined by the articles of incorporation.

(3) The auditor shall inspect the business of the Agency, and audit its accounting.

**Article 44 (Disqualifications of Officers)**

Persons who fall under any of the following subparagraphs shall not become the officers of the Agency:

1. Those who are not Korean nationals; and
2. Those who fall under any of subparagraphs of Article 33 of the State Public Officials Act.

**Article 45 (Restriction on Concurrent Offices of Officers)**

The chief director and the full-time directors shall not hold another office concurrently without an approval of the Minister of Labor.

**Article 46 (Board of Directors)**

(1) The Agency shall, for the purpose of deliberating and resolving important matters concerning its business, set up a board of directors consisting of the chief director and the directors.

(2) The chief director shall convene and preside over at a meeting of the board of directors.

(3) A resolution of the board of directors shall be made by a presence of the majority of all members and the consenting votes of the majority of the members present.

(4) The auditor may attend a meeting of the board of directors, and state his opinions.

(5) Matters necessary for the board of directors shall be determined by the articles of incorporation of the Agency.

**Article 47 (Appointment and Dismissal of Employees)**

The chief director shall appoint and dismiss the employees of the Agency under the conditions as determined by the articles of incorporation. In this case, he shall take an employment of disabled persons into consideration.

**Article 48 (Affiliated Agencies)**

(1) The Agency may set up the required affiliated agencies in order to effectively perform the services under Article 36 (2), by obtaining an approval of the Minister of Labor.

(2) The chief director of the Agency shall control and supervise its affiliated agencies.

(3) Matters necessary for the establishment and operations, etc. of affiliated agencies shall be determined by the articles of incorporation of the Agency.

**Article 49 (Free Lease of National Properties, etc.)**

The State may, if necessary to establish and manage the Agency, lease the national properties and commodities to the Agency without compensation, pursuant to the State Properties Act and the Commodity Management Act.

**Article 50 (Borrowing Funds)**

The Agency may, if necessary for the services under Article 36 (2), borrow funds (including the borrowing from international organizations, foreign governments or foreigners) by obtaining an approval of the Minister of Labor.

**Article 51 (Accounting of Agency)**

(1) Business year of the Agency shall be in accordance with the fiscal year of the Government.

(2) The Agency shall set forth its accounting rules, and obtain an approval of the Minister of Labor for them.

**Article 52 (Approval of Business Plans, etc.)**

The Agency shall prepare its business plan and draft budget for each business year and obtain an approval of the Minister of Labor for them, under the conditions as prescribed by the

Presidential Decree. The same shall apply to the amendments thereto. In this case, the Minister of Labor shall consult with the Minister of Health and Welfare.

**Article 53 (Special Cases Concerning Preparation of Business Plans and Draft Budget)**

(1) For the purpose of vocational rehabilitation of disabled persons, etc., the Minister of Health and Welfare may request the Agency to prepare the business plans and draft budget for the following year not later than April 20 of each year for the services under Articles 9 through 15 and 18, and to reflect them on the business plans and draft budget under Article 52. In this case, the Agency shall reflect the business plans and draft budget requested by the Minister of Health and Welfare on the business plans and draft budget under Article 52, unless there exist any special reasons.

(2) The aggregate amount summing up the amount of draft budget requested by the Minister of Health and Welfare under paragraph (1) and the amount required by the Agency for the implementation of the services contained in the business plans under Articles 9 through 15 and 18, shall be the amount corresponding to one third of the shares for employing disabled persons in the preceding year under Article 27.

(3) The allotment ratio to the amount requested by the Minister of Health and Welfare under paragraph (2) and the amount required for the implementation of the Agency's services, shall be prescribed by the Presidential Decree.

**Article 54 (Submission of Settlement of Accounts)**

The Agency shall prepare the settlement of accounts of revenue and expenditure in each business year, undergo an audit by a certified public accountant designated by the Minister of Labor, and submit it to the Minister of Labor not later than the end of February in the following business year.

**Article 55 (Disposal of Surplus Cash)**

The Agency may, in case where any profit accrues as a result of settlement of accounts at the end of each business year, replenish the losses brought forward, and use the remainder by bringing it forward to the following year.

**Article 56 (Guidance and Supervision over Business)**

(1) The Minister of Labor shall guide and supervise the Agency's business.

(2) The Minister of Labor may have the Agency report on necessary matters concerning its business, accounts and

property, or take other necessary measures.

**Article 57 (Prohibition of Use of Similar Title)**

Nobody other than the Agency shall use the title of "Korea Employment Promotion Agency for Disabled Persons" or any titles similar to it.

**Article 58 (Application Mutatis Mutandis of Civil Act)**

The provisions concerning juridical foundations specified in the Civil Act shall be applicable mutatis mutandis to the Agency, except as otherwise provided in this Act.

## CHAPTER V

### **Employment Promotion and Vocational Rehabilitation Fund for Disabled Persons**

**Article 59 (Establishment of Employment Promotion and Vocational Rehabilitation Fund for Disabled Persons)**

The Minister of Labor shall establish the Employment Promotion and Vocational Rehabilitation Fund for Disabled Persons (hereinafter referred as the "Fund") in order to carry out the business for employment promotion and vocational rehabilitation of disabled persons, such as running the Agency, granting employment subsidies, etc.

**Article 60 (Financial Resources of Fund)**

(1) The Fund shall be created with financial resources falling under any of the following subparagraphs: *<Amended by Act No. 7154, Jan. 29, 2004>*

1. Contributions or donations from the Government or nongovernment persons;
2. Shares, surcharge and arrears under Articles 27 and 28;
3. Profits accrued from the operation of the Fund, and other revenues of the Agency;
4. Loans under the provisions of Article 50; and
5. Borrowings that are made in accordance with Article 60-2.

(2) The government shall appropriate in each fiscal year its contributions under paragraph (1) 1 to its estimated budget of expenditures.

**Article 60-2 (Borrowings)**

In the event that any shortage accrues or is expected to accrue from the expenditures of the Fund, borrowings may be

made from the special account of the treasury finance, financial institutions, other funds and other financial resources, etc. at the Fund's expense. <This Article Newly Inserted by Act No. 7154, Jan. 29, 2004>

**Article 61 (Use of Fund)**

The Fund shall be used for the payment of expenses defined in each of the following subparagraphs: <Amended by Act No. 7154, Jan. 29, 2004>

1. Expenses required for performing the Agency's business;
2. Employment subsidies under Article 26;
3. Expenses required for the survey and research on the policies for employment promotion and vocational rehabilitation of disabled persons;
4. Financing and support of expenses required for the installation and repair of facilities and equipments for the vocational guidance, vocational adaptation training, vocational capability development training, employment mediation or for employment of disabled persons;
5. Financing and support of expenses required by persons who carry out vocational guidance, employment mediation and adaptation guidance after employment;
6. Training expenses and allowances for persons who carry out vocational adaptation training and vocational capability development training for disabled persons, and for the relevant disabled persons;
7. Loans for a foundation fund of self-supporting disabled persons, and for a vocational living stabilization fund for the disabled workers;
8. Expenses required for placing the vocational living counsellors for disabled persons, for the purpose of the employment management of disabled workers by business owners;
- 8-2. The amount of redemption for and interest on the borrowings under Article 60-2;
- 8-3. The secondary absorption of funds that are loaned by the disabled and business owners from financial institutions under this Act; and
9. Other expenses required for the business as defined by the Presidential Decree for employment promotion and vocational rehabilitation of disabled persons, and expenses incidental to the implementation of business under subparagraphs 1 through 8.

**Article 62 (Operation and Management of Fund)**

- (1) The Fund shall be operated and managed by the

Minister of Labor.

(2) Fiscal year of the Fund shall depend on the government fiscal year.

(3) In operating the Fund, its profits shall be ensured to exceed the level as prescribed by the Presidential Decree, and the Fund shall be operated by the method falling under any of the following subparagraphs:

1. Deposits in the financial institutions or postal service agencies under the Banking Act or other Acts;
2. Purchase of the bonds issued by the State or local governments;
3. Purchase of the bonds whose payment is guaranteed by the financial institutions under the Banking Act or other Acts, or by others defined by the Presidential Decree;
4. Deposits in the Financial Fund under Article 8 (1) of the Act on the Special Accounts for Treasury Loans; and
5. Other methods as prescribed by the Presidential Decree.

**Article 63 (Accounting Agency of Fund)**

(1) The Minister of Labor shall appoint the Fund revenue collection officer, the Fund financial officer, the Fund disbursing officer and the Fund accounting official in order to carry on the affairs of revenue and expenditure for the Fund, from among public officials under his jurisdiction. *<Amended by Act No. 6836, Dec. 30, 2002>*

(2) In the event that the Minister of Labor entrusts the Agency with the business of extending loans to business owners in accordance with Article 71, he shall appoint a director in charge of the Fund revenue, a director in charge of the receipts and disbursements of the Fund and a director in charge of the causative acts of the Fund expenditure from among standing directors of the Agency, and the Fund disbursing employee and the Fund accounting employee from among its employees, respectively. In this case, the director in charge of the Fund revenue shall do the business of the Fund revenue collection officer, the director in charge of the causative acts of the Fund expenditure do that of the Fund financial officer, the Fund disbursing employee do that of the Fund disbursing officers, and the Fund accounting employees do that of the Fund accounting official, respectively. *<Amended by Act No. 6836, Dec. 30, 2002; Act No. 7154, Jan. 29, 2004>*

(3) Deleted. *<by Act No. 6836, Dec. 30, 2002>*

**Article 64 (Creation of Fund Account)**

The Minister of Labor shall have the Fund disbursing officer

create the Fund Account in the Bank of Korea. <Amended by Act No. 6836, Dec. 30, 2002>

## CHAPTER VI

### Supplementary Provisions

#### **Article 65 (Disabled Persons' Vocational Living Counsellor, etc.)**

(1) The Minister of Labor shall foster the specialized personnel such as the disabled persons' vocational living counsellors in charge of the affairs for employment promotion and vocational rehabilitation of disabled persons, including vocational guidance, vocational adaptation training, vocational capability development training, adaptation training after employment, etc. for disabled persons.

(2) Business owners employing the disabled workers of not less than the number defined by the Presidential Decree shall employ a disabled persons' vocational living counsellor under paragraph (1).

(3) The Minister of Labor shall, if deemed necessary, support the rehabilitation executing facilities under Article 8 (2) upon receipt of a request for the cooperation concerning the specialized personnel under paragraph (1).

(4) Matters necessary for the kind, fostering, placing, role and qualifications, etc. of the specialized personnel under paragraph (1) shall be determined by the Ordinance of the Ministry of Labor.

#### **Article 66 (Report and Inspection, etc.)**

(1) The Minister of Labor may have the related public officials enter a workplace, ask questions of the interested persons, or inspect the related documents or make them report on necessary matters.

(2) Public official entering the workplaces under paragraph (1) shall carry and present a certificate to the interested persons, indicating his competence. In this case, the said certificate may be substituted by his identification.

#### **Article 67 (Supports under Tax Systems)**

With respect to the contributions or donations from non-government persons under subparagraph 1 of Article 60, the employment subsidies under subparagraph 2 of Article 61, and the supports under subparagraphs 4 through 7 and 9 of

the same paragraph, the taxes therefor shall be reduced or exempted under the conditions as prescribed by the Restriction of Special Taxation Act.

**Article 68 (Subsidies to Expenses)**

The State and local governments may support the persons performing the employment promotion projects for disabled persons with all or a part of the expenses required therefor, under the conditions as prescribed by the Presidential Decree.

**Article 69 (Exception for State and Local Governments)**

The provisions of Articles 24 through 35 shall not apply to the State and local governments.

**Article 70 (Cooperation)**

(1) The State agencies, local governments, rehabilitation executing facilities and other agencies or organizations relevant to disabled persons shall cooperate in the policies executed by the Minister of Labor for the purpose of ensuring the employment promotion and vocational rehabilitation for disabled persons.

(2) The Minister of Labor may grant the necessary supports to the persons who carry out the policies under paragraph (1) (excluding State agencies and local governments).

**Article 70-2 (Request for Furnishing Material)**

(1) The Minister of Labor may, if it is deemed necessary to facilitate the employment of the disabled and to efficiently operate the vocational rehabilitation project for them, ask central administrative agencies, local governments, and institutions and organizations involved in the facilitation of the employment of the disabled and the vocational rehabilitation project for them to furnish necessary material.

(2) The Agency, etc. that is delegated or entrusted with part of the authority of the Minister of Labor may, if it is deemed necessary to perform the delegated or entrusted authority, ask the National Tax Service, local governments, administrative agencies concerned, institutions and organizations, etc. involved in the facilitation of the employment of the disabled and the occupational rehabilitation project to furnish necessary material.

(3) Any person shall, upon receiving the request for furnishing the material under paragraphs (1) and (2), comply with the request unless the justifiable grounds exist that make it impossible for him to do so. <This Article Newly Inserted by Act No. 7154, Jan. 29, 2004>

**Article 71 (Delegation or Entrustment of Authority)**

The Minister of Labor may delegate part of his authority under this Act to the head of every local labor agency, the Special Metropolitan City Mayor, Metropolitan City Mayor or Do governor, or entrust the Agency with such authorities. <Amended by Act No. 7154, Jan. 29, 2004>

**Article 72 (Relations with Other Acts)**

With regard to the matters that are not provided in this Act, the provisions of labor-related Acts, such as the Labor Standards Act, Employment Security Act, Vocational Training Promotion Act, etc. shall apply.

**Article 72-2 (Penal Provisions)**

Any person who has received the payment of employment subsidy provided for in Article 26-2 (1) 1 in a false and illegal way shall be punished by imprisonment with prison labor for not more than 5 years or by a fine not exceeding 10 million won. <This Article Newly Inserted by Act No. 7154, Jan. 29, 2004>

**Article 72-3 (Joint Penal Provisions)**

If the representative of a corporation or the agent, the employed or any other employee of a corporation or an individual commits an act of violating Article 72-2 in relation with the business of the corporation or the individual, such corporation or such individual shall be fined in addition to the punishment of the actor. <This Article Newly Inserted by Act No. 7154, Jan. 29, 2004>

**Article 73 (Fine for Negligence)**

(1) Any person who violates an order issued under Article 25 (1) or (2) shall be punished by a fine for negligence of not more than three million won.

(2) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence of not more than two million won:

1. Where he fails to make a declaration under Article 27 (5), or makes a false declaration; and
2. Where he refuses, obstructs or evades the inspection under Article 66 (1), or fails to make a report, or makes a false report.

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

1. Where he violates the provisions of Article 57;
2. Where he violates the provisions of Article 65 (2); and

3. Where he refuses, obstructs or evades answering questions under Article 66 (1), or answers falsely.

(4) The fine for negligence under paragraphs (1) through (3) shall be imposed and collected by the Minister of Labor under the conditions as prescribed by the Presidential Decree.

(5) Any person who is dissatisfied with the disposition of the fine for negligence under paragraph (4) may make an objection against the Minister of Labor within thirty days after he is informed of such a disposition.

(6) If a person subjected to a disposition of the fine for negligence under paragraph (4) files an objection under paragraph (5), the Minister of Labor shall notify without delay the competent court, and the court so notified shall hold a trial of the case under the Non-Contentious Case Litigation Procedure Act.

(7) If neither an objection is made nor a fine for negligence is paid within the period under paragraph (5), it shall be collected according to the example of a disposition on national taxes in arrears.

**Article 74 (Fictitious Public Official in Application of Penal Provisions)**

Officers or the personnel of the Agency which is entrusted with the affairs of this Act under Article 71 shall be regarded as public officials in the application of Articles 129 through 132 of the Criminal Act.

## **Addenda**

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2000.

**Article 2 (Transitional Provisions Concerning Term of Office of Part-Time Directors)**

The term of office of part-time directors (excluding ex officio directors) appointed under the previous provisions at the time when this Act enters into force, shall be regarded as expired, notwithstanding the amended provisions of Article 42.

**Article 3 (Transitional Measures Concerning Employment Promotion and Vocational Rehabilitation Fund for Disabled Persons)**

Employment Promotion Fund for Disabled Persons established under the Promotion, etc. of Employment of Disabled Persons Act at the time when this Act enters into force, shall be regarded

as the Employment Promotion and Vocational Rehabilitation Fund for Disabled Persons established under this Act.

**Article 4 (Transitional Measures Concerning Penal Provisions)**

In the application of penal provisions to the acts committed before this Act enters into force, the previous provisions shall govern.

**Article 5 (Relations with Other Acts and Subordinate Statutes)**

In case where other Acts and subordinate statutes quote or such Act is applicable *mutatis mutandis* the Promotion, etc. of Employment of Disabled Persons Act, and if this Act contains any provisions corresponding to them, this Act or the corresponding Articles and paragraphs of this Act shall be deemed to have been quoted or applied *mutatis mutandis* in lieu of the previous provisions.

**Addenda** <Act No. 6400, Jan. 29, 2001>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 4**

Omitted.

**Addenda** <Act No. 6836, Dec. 30, 2002>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2003.

**Articles 2 through 7**

Omitted.

**Addenda** <Act No. 7154, Jan. 29, 2004>

**(1) (Enforcement Date)**

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

**(2) (Special Case Concerning Imposition of Amount of Shares)**

The amount of shares shall be levied on any business owner who employs full-time workers ranging from 100 to 300

in their numbers according to the classification falling under each of the following subparagraphs, notwithstanding the amended provisions of Article 27:

1. The amount of shares shall be levied on any business owner who employs full-time workers ranging from not less than 200 to not more than 300 in their numbers, starting on January 1, 2006, but the amount of shares provided for in the amended provisions of Article 27 (1) shall be reduced or exempted by half for 5 years, starting on January 1, 2006; and
2. The amount of shares shall be imposed on any business owner who employs full-time workers ranging from not less than 100 to not more than 200 in their numbers, starting on January 1, 2007, but the amount of shares provided for in the amended provisions of Article 27 (1) shall be reduced or exempted by half for 5 years, starting on January 1, 2007.