

EMPLOYMENT SECURITY ACT

Wholly Amended by Act No. 4733, Jan. 7, 1994

Amended by Act No. 5103, Dec. 29, 1995
Act No. 5478, Dec. 24, 1997
Act No. 5512, Feb. 20, 1998
Act No. 5884, Feb. 8, 1999
Act No. 7196, Mar. 22, 2004

CHAPTER I

General Provisions

Article 1 (Purpose)

The purpose of this Act is to strive for the employment security of every worker, and to contribute to development of the national economy, by giving him an opportunity to find employment in which he may develop and display his own ability, and supporting an expansion of the work force required for the industry.

Article 2 (Equal Treatment)

No person shall be treated discriminately in a job placement, vocational guidance, or decision on employment relation, for reasons of sex, religion, social status, marriage, etc.

Article 3 (Tasks of Government)

In order to attain the purpose as prescribed in Article 1, the Government shall carry out any of the following tasks:

1. Matters concerning a proper adjustment of demand and supply of work force;
2. Matters concerning domestic and overseas placement services for job offerers and seekers;
3. Matters concerning vocational guidance for job seekers;
4. Matters concerning collection, arrangement, or furnishing of information on employment;
5. Matters concerning assistance in vocational training or reemployment for job seekers; and
6. Matters concerning direction and control of the service of job placement, the service of furnishing of employment information, recruitment or supply of labor.

Article 4 (Definition)

For the purpose of this Act, <Amended by Act No. 5512, Feb. 20, 1998>

1. the term "employment security office" means a local labor administrative agency carrying out the employment security services, such as job placement, vocational guidance, etc.;
2. the term "job placement" means to help, upon request, both job offerer and seeker to a conclusion of an employment contract;
3. the term "vocational guidance" means a vocational aptitude test, furnishing of employment information, vocational counselling, practical exercise, invitation, advice, or other guidance as to employment, which are rendered to facilitate a choice of job suitable to the ability and aptitude of a person who desires to find an employment;
4. the term "free placement service" means a job placement service rendered without receiving any fee, membership fee, or any money or valuables;
5. the term "fee-charging placement service" means a job placement service other than the free job placement service;
6. the term "recruitment" means that a person who desires to employ workers, invites a person who desires to find an employment, to be in his employment, or has another person invite so; and
7. The term "labor supply business" means to have another person use labor pursuant to a supply contract. However, this excludes worker dispatch business as prescribed by subparagraph 2 of Article 2 of the Act relating to Protection, etc., for Dispatched Workers.

Article 4-2 (Domestic Placement Service, etc., by Local Governments)

(1) The heads of local governments may, if necessary, provide domestic placement services, placement direction, and services furnishing employment information for both a job offerer and a job seeker.

(2) If it is necessary in consideration of smooth performance of tasks as prescribed by Article 3, the Minister of Labor may, in consultation with the heads of local governments, provide domestic placement services, placement direction, and services furnishing employment information for both a job offerer and a job seeker.

(3) The provisions of Chapter II(excluding Article 5 and 7) shall be applicable to the cases where the heads of local

governments provide domestic placement service, etc., for a job offerer and a job seeker as provided by paragraph (1).

<This Article Newly Inserted by Act No. 5478, Dec. 24, 1997>

Article 4-3 (Establishment and Operation of Manpower Bank)

(1) The Minister of Labor may, in consultation with the heads of local governments, establish and operate the manpower bank(hereinafter referred to as "manpower bank") which conducts the functions such as job placement, vocational guidance, furnishing of employment information, etc.

(2) Matters concerning the establishment and operation of the manpower bank shall be determined by the Presidential Decree. *<This Article Newly Inserted by Act No. 5884, Fed. 8, 1999>*

Article 4-4 (Private Job Counsellor)

(1) The Minister of Labor may place private job counsellors (hereinafter referred to as "private job counsellors") other than public officials who undertake duties such as job placement, vocational guidance, furnishing of employment information, etc.

(2) Placement standards and other necessary matters concerning private job counsellors shall be determined by the Ordinance of the Ministry of Labor. *<This Article Newly Inserted by Act No. 5884, Fed. 8, 1999>*

CHAPTER II

Job Placement, Vocational Guidance, etc., of Employment Security Agency

SECTION 1

General Provisions

Article 5 (Organ in charge of Services)

Part of services set forth in Article 3 shall be carried out by the head of the employment security office.

Article 6 (Securing of Specialty of Responsible Personnel)

(1) The Government shall make efforts to secure a specialty of the responsible personnel, such as training, assignment, etc. of public officials having exclusive responsibility, so as to carry out technically the services to be performed by the head of the

employment security office, such as job placement, vocational guidance, etc.

(2) The Minister of Labor may nominate vocational guidance officers to take charge of the job placement, vocational guidance, etc., from among public officials under his jurisdiction.

(3) Matters concerning the qualification, etc. for the vocational guidance officer as referred to in paragraph (2), shall be determined by the Minister of Labor.

Article 7 (Cooperation of Head of Shi/Kun/Ku)

The head of Shi (limited to the Shi where the Ku are not established) /Kun/Ku shall, upon request of the head of the employment security office, cooperate with respect to any of the following services:

1. Identity certification of a job offerer or seeker, and reply to other inquiries about him; and
2. To relay and publicize information on the job offering and seeking.

SECTION 2

Job Placement

Article 8 (Application for Help by Job Offerer)

The head of the employment security office shall not refuse to accept an application for help filed by a job offerer, except in any of the following cases:

1. Where the contents of such application are contrary to the provisions of Acts and subordinate statutes;
2. Where the wages, working hours and other working conditions specified in the contents of such application, are deemed remarkably improper compared with the normal working conditions; and
3. Where the job offerer refuses to specify the conditions under which he is to offer the job.

Article 9 (Application for Jobs)

(1) The head of the employment security office shall not refuse to accept an application for jobs, except in cases where the contents of such application are contrary to the provisions of Acts and subordinate statutes.

(2) In cases where a job seeker requests it, or it is deemed necessary and the job seeker has agreed thereto, the head of the

employment security office may take a vocational counselling, or conduct a vocational aptitude test.

Article 10 (Specification, etc., of Working Conditions)

Upon filing an application for workers with the head of the employment security office, the job offerer shall specify the contents of the work for which job seekers are to be employed, and the working conditions, and the head of the employment security office shall specify them to the job seekers.

Article 11 (Principles of Job Placement)

(1) The head of the employment security office shall make efforts to enable any job seeker to find employment suitable to his ability, and to enable any job offerer to find job seekers suitable for his job offering conditions.

(2) The head of the employment security office shall make efforts to enable any job seekers to find employment in a commutable area as far as possible.

Article 12 (Job Placement through Wide Area)

If it is impossible to have a job seeker find employment suitable to his desire and ability in a commutable area, or to fill up a job seeker or the number of job seekers whom the job offerer hopes to employ, the head of the employment security office may furnish the job placement services through a wide area.

Article 13 (Intermediation for Training)

If it is deemed necessary to have any job seeker receive any vocational training in order to promote his employment, the head of the employment security office may help the job seeker in receiving vocational competency development training in vocational competency development training institutions, etc., as prescribed by the Vocational Training Promotion Act.

<Amended by Act No. 5474, Dec. 24, 1997>

SECTION 3

Vocational Guidance

Article 14 (Implementation of Vocational Guidance)

(1) The head of the employment security office shall implement vocational guidance for those who desire to find new employment, who are handicapped mentally or physically, and who require any special guidance as to employments.

(2) Matters necessary for the method, procedure, etc., of the vocational guidance as referred to in paragraph (1), shall be determined by the Minister of Labor.

Article 15 (Cooperation of Head of Employment Security Office with Heads of Schools)

The head of the employment security office shall, if necessary, cooperate in any free placement services furnished by the heads of schools as prescribed by the Education Act, and by the heads of public vocational training facilities as prescribed by the Elementary and Secondary Education Act, and Higher Education Act, and by the heads of public vocational competency development training facilities as prescribed by the Vocational Training Promotion Act and he may, upon their requests, give vocational guidance to students or vocational trainees. *<Amended by Act No. 5474, Dec. 24, 1997, Act No. 5884, Feb. 8, 1999>*

SECTION 4

Furnishing of Employment Information

Article 16 (Collection, Furnishing, etc. of Employment Information)

(1) The head of the employment security office shall collect on occasion or periodically various employment information in the area, and rearrange such collected information, and furnish it positively to job offerers and seekers, and other persons who require such employment information.

(2) If the head of the employment security office judges as a result of analyzing employment information collected, that there is a sudden change in the demand and supply of labor in the area, or any remarkable unbalance has taken place, he shall set up and drive forward an adequate measure.

Article 17 (Development of Job Offering and Seeking)

The head of the employment security office shall make efforts to develop the job offering and seeking, for the purpose of expanding the opportunity for job seekers to find employment, and supporting an expansion of an insufficient work force for the industry.

CHAPTER III

Services of Job Placement, Furnishing of Employment Information, Recruitment or Supply of Labor Conducted by those Other Than Head of Employment Security Office

SECTION 1

Services of Job Placement and Furnishing of Employment Information

Article 18 (Free Placement Service)

(1) Free placement service is classified into domestic and overseas free placement service, on the basis of the place where a worker, the object of job placement service, desires to find employment. Any person who desires to conduct a domestic free placement service, shall report to the City Mayors, County Chiefs, or heads of Ku Administrative offices (limited to the heads of Ku Administrative offices of Self-Governing Ku), and any person who wants to conduct an overseas free placement service shall report to the Minister of Labor. This provisions shall also apply in cases where he changes any of permitted matters. *<Amended by Act No. 5884, Feb. 8, 1999>*

(2) Any person who desires to conduct a free placement service as prescribed by the provision of paragraph (1) shall be either a nonprofit juristic person or a public interests organization under the Presidential Decree. *<Newly inserted by Act No. 5884, Feb. 8, 1999>*

(3) Matters the items and procedure of reporting, and other necessary matters on reporting as prescribed by the provision of paragraph (1) shall be determined by the Presidential Decree

<Newly inserted by Act No. 5884, Feb. 8, 1999>

(4) Notwithstanding the provision of paragraph (1), the free placement service may be conducted without reporting in those cases which fall under the following subparagraphs; *<Amended by Act No. 5474, Dec. 24, 1997, Act No. 5478, Dec. 24, 1997, Act No. 5884, Feb. 8, 1999>*

1. Placement services conducted by the Korea Manpower Agency;
2. Placement services for the disabled conducted by Employment Promotion Agency for the Disabled; and
3. Placement services, for students in school, graduates, trainees

or persons who have completed the prescribed course, conducted by heads of each school as prescribed in Education-related Act, or by heads of any public vocational competency development training facilities as prescribed in the Vocational Training Promotion Act.

(5) Deleted. <Act No. 5884, Feb. 8, 1999>

(6) Deleted. <Act No. 5478, Dec. 24, 1997>

(7) Deleted. <Act No. 5884, Feb. 8, 1999>

(8) Deleted. <Act No. 5884, Feb. 8, 1999>

Article 19 (Fee-Charging Placement Service)

(1) The permission for a fee-charging placement service shall be granted by classifying it into domestic and overseas fee-charging placement services, on the basis of the place where a worker who is the object of placement, desires to find employment. In this case, a person who desires conduct a domestic fee-charging placement service shall register to the City Mayors County Chiefs or heads of Ku Administrative offices, and a person who desires to conduct an overseas fee-charging placement service shall register to the Minister of Labor. This provision shall also apply in cases where he changes any of the permitted matters. <Amended by Act No. 5884, Feb. 8, 1999>

(2) Deleted. <Act No. 5884, Feb. 8, 1999>

(3) Deleted. <Act No. 5884, Feb. 8, 1999>

(4) Deleted. <Act No. 5478, Dec. 24, 1997>

(5) Deleted. <Act No. 5884, Feb. 8, 1999>

(6) A person who conducts the fee-charging placement service after being registered as referred to in paragraph (1) shall not receive any money or similar valuables other than the fee as determined and notified by the Minister of Labor <Amended by Act No. 5884, Feb. 8, 1999>

(7) In cases where the Minister of Labor desires to determine the fee as referred to in paragraph (6), he shall go through a deliberation of the Employment Policy Council(hereinafter referred to as the "Employment Policy Council") as provided by the Basic Employment Policy Act. <Amended by Act No. 5478, Dec. 24, 1997>

(8) The requirements for registration and other matters necessary for the fee-charging placement services as referred to in paragraph (1) shall be determined by the Presidential Decree. <Amended by Act No. 5884, Feb. 8, 1999>

(9) Any person who conducts, and those who are engaged in, the fee-charging placement services with the registration as

referred to in paragraph (1), shall observe such matters as determined by the Presidential Decree. *<Amended by Act No. 5884, Feb. 8, 1999>*

Article 20 (Restriction on Registration for the Fee-charging Placement Service)

In case a year has not elapsed since the registration for the fee-charging placement service was cancelled as prescribed in Article 36, the registration for the fee-charging placement service shall not be allowed at the same business location. *<This Article Wholly Amended by Act No. 5884, Feb. 8, 1999>*

Article 21 (Prohibition of Lending Title)

A Person who has registered for the fee-charging placement service under Article 19 (1) shall not have another person conduct the placement service using his name or trade name, or lend the registration certificate. *<Amended by Act No. 5884, Feb. 8, 1999>*

Article 21-2 (Prohibition of Prepayment)

Any person who conducts, and those who are engaged in, the fee-charging services after being registered as referred to in paragraph (1) of Article 19 shall not receive the prepayment from a job offerer in order to give it to a job seeker.

<Amended by Act No. 5884, Feb. 8, 1999>

<This Article Newly Inserted by Act No. 5478, Dec. 24, 1997>

Article 21-3 (Restriction on Placement Service for Those Aged Less Than 18)

(1) Any person who conducts, and those who are engaged in, the placement services as referred to in Article 18 and 19 shall confirm the age of a job seeker, and shall get the employment agreement from a person in parental authority or a guardian in case of placing those aged less than 18.

(2) Any person who conducts, and those who are engaged in, the placement services as referred to in Article 18 and 19 shall not place those aged less than 18, after confirming the job seeker's age, at such workplace as prescribed in following subparagraphs:

1. A harmful workplace to the juvenile, as prescribed in the Juvenile Protection Act; and
2. A workplace giving a harmful influence to the juvenile, as determined by the Presidential Decree.

<This Article Newly Inserted by Act No. 5478, Dec. 24, 1997>

Article 22 (Those engaged in Fee-Charging Placement Service, etc.)

(1) Any person who offers the fee-charging placement service

with a registration as prescribed in paragraph (1) of Article 19 shall not employ those who fall under subparagraphs 1, 3 or 4 of Article 38. *<Amended by Act No. 5478, Dec. 24, 1997, Act No. 5884, Feb. 8, 1999>*

(2) Any person who offers the fee-charging placement service with a registration as prescribed in paragraph (1) of Article 19 shall have one or more vocational counsellors by place of service, who are qualified as prescribed by the Ordinance of the Ministry of Labor. *<Newly Inserted by Act No. 5478, Dec. 24, 1997, Act No. 5884, Feb. 8, 1999>*

(3) No person of those engaged in the fee-charging placement service, who is not the vocational counsellor as referred to in paragraph (2), shall not take charge of affairs concerning the job placement. *<Amended by Act No. 5478, Dec. 24, 1997>*

Article 23 (Report on Service furnishing Employment Information)

(1) Any person who desires to carry on it as principal business to furnish employment information, such as information on job offering and seeking, by means of newspapers, magazines, other publications, wire or wireless broadcasts or computer telecommunications, etc., shall report it to the Minister of Labor. This provision shall also apply in cases where he changes any of the reported matters. *<Amended by Act No. 5478, Dec. 24, 1997>*

(2) Matters to be reported, procedure of report, and other matters necessary for the report under paragraph (1), shall be determined by the Presidential Decree. *<Amended by Act No. 5103, Dec. 29, 1995>*

Article 24 Deleted. *<Act No. 5478, Dec. 24, 1997>*

Article 25 (Matters to be observed by Those furnishing Employment Information)

Any person who conducts the service furnishing employment information after making the report as prescribed in paragraph (1) of Article 23, shall observe such matters as determined by the Presidential Decree. *<Amended by Act No. 5103, Dec. 29, 1995>*

Article 26 (Prohibition of Side Business)

No person who carries on the food and entertainment business as prescribed in Article 21 of the Food Sanitation Act, the accommodation business as prescribed in Article 2 of the Public Health Act, the matrimonial agency or matchmaking business as

prescribed in Article 5 of the Act relating to Family Ritual Acts, or other business as prescribed by the Presidential Decree, may render the job placement service. <Amended by Act No. 5103, Dec. 29, 1995>

Article 27 (Applicable Provisions)

The provisions of Articles 8 through 12 shall be applicable to the free or fee-charging placement services as prescribed in Article 18 or 19.

SECTION 2

Recruitment of Workers

Article 28 (Recruitment of Workers)

(1) Any person who desires to employ workers, may recruit them freely by way of an advertisement in newspapers, magazines, or other publications, or distribution of papers, etc.

(2) Deleted. <Act No. 5884, Feb. 8, 1999>

Article 29 (Entrusted Recruitment)

Deleted. <Act No. 5884, Feb. 8, 1999>

Article 30 (Recruitment of Overseas Workers)

(1) Any person who recruited workers to be employed overseas shall report it to the Minister of Labor. <Amended by Act No. 5478, Dec. 24, 1997>

(2) Matters necessary for the report as referred to in paragraph (1) shall be determined by the Presidential Decree.

Article 31 (Recommendation on Improvement of Recruitment Method, etc.)

(1) If it is deemed necessary for establishing a sound order of recruitment, the Minister of Labor may recommend to improve the recruitment method, etc., with respect to the recruitment of workers as prescribed in Article 28 or 30.

(2) If the Minister of Labor desires to make a recommendation as referred to in paragraph (1), he shall go through a deliberation of the Employment Policy Council.

(3) Matters necessary for the recommendation as referred to in paragraph (1) shall be determined by the Presidential Decree.

Article 32 (Prohibition of Receipt of Money, etc.)

Any person who desires to employ workers, and who is engaged in such recruitment, shall not receive any money, goods

or interest from applicants in connection with such recruitment, regardless of the pretext thereof. *<Amended by Act No. 5884, Feb. 8, 1999>*

SECTION 3

Labor Supply Business

Article 33 (Labor Supply Business)

(1) No person shall carry on a labor supply business without obtaining the permission of the Minister of Labor.

(2) Deleted. *<Act No. 5478, Dec. 24, 1997>*

(3) The object of and requirements for the permission as referred to in paragraph (1) shall be determined by the Presidential Decree.

CHAPTER IV

Supplementary Provisions

Article 34 (Prohibition of False Job Offering Advertisement, etc.)

(1) No person who renders or carries on a job placement service, or worker recruitment or supply business as prescribed in Articles 18, 19, 28, 30, or 33, or who is engaged in such service or business, shall make a false job offering advertisement, or suggest a false job offering condition. *<Amended by Act No. 5884, Feb. 8, 1999>*

(2) Matters necessary for the scope, etc. of any false job offering advertisement as referred to in paragraph (1), shall be determined by the Presidential Decree.

Article 34-2 (Security on Liability for Damages)

Any person who carries on the fee-charging placement service with the registration as prescribed in Article 19 (1), or the labor supply business (limited to a business supplying labor to foreign countries) with the permission as prescribed in Article 33 (1), shall join the guaranteed insurance as prescribed by the Presidential Decree, for the purpose of securing the liability for compensation for any damages which he inflicts on any worker or person who has a worker introduced or supplied, on purpose or negligently in carrying out the job placement or labor supply. *<Amended by Act No. 5884, Feb. 8, 1999>*

<This Article Newly Inserted by Act No. 5103, Dec. 29, 1995>

Article 35 (Report on Discontinuance of permitted or Reported Service)

If a person who has made a report, or is permitted or registered under Article 18, 19, 23(1), or 33 discontinues his service, he shall report it to the Minister of Labor, City Mayors, County Chiefs or heads of Ku Administrative office, within 7 days from the date of discontinuance. *<This Article Wholly Amended by Act No. 5884, Feb. 8, 1999>*

Article 36 (Cancellation, etc., of permission)

(1) If a person who has made a report, or is permitted, or registered under Article 18, 19, 23(1) or 33, violates this Act or any order issued under this Act, or it is deemed that he might inflict any damage on the public interest, the Minister of Labor, City mayors, county chiefs, or heads of Ku Administrative offices may have him suspend his service or recruitment, or cancel the registration or the permission, with a fixed period not exceeding six months. In this case, if the cause to cancel the registration of the permission falls under subparagraph 5 of Article 38, the Minister of Labor or Mayor/Provincial Governor shall allow in advance a period of one or more months required for replacement of officers concerned. *<Amended by Act No. 5103, Dec. 29, 1995, Act No. 5884, Feb. 8, 1999>*

(2) The criteria for the suspension or cancellation as referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Labor.

(3) Deleted *<Act No. 5453, Dec. 13, 1997>*

Article 36-2 (Hearing)

In case the Minister of Labor, City Mayors, County Chiefs, or heads of Ku Administrative offices desires to order a cancellation of registration or permission under Article 36, he shall conduct a hearing. *<Amended by Act No. 5884, Feb. 8, 1999>*

<This Article Newly Inserted by Act No. 5453, Dec. 13, 1997>

Article 37 (Measure of Closure)

(1) If a person operates any service without making the report or getting the registration, or obtaining the permission, as prescribed in Article 18, 19, 23(1) or 33, or continues to carry on any service even after he received the order of suspension or cancellation as prescribed in paragraph (1) of Article 36, the Minister of Labor, City Mayors, County Chiefs, or heads of Ku Administrative offices may have any public official concerned take any of the following measures: *<Amended by Act No. 5103, Dec. 29, 1995, Act No. 5884, Feb. 8, 1999>*

1. Removal and deletion of a signboard or other business marks of the service place or office concerned;
 2. Posting up a bulletin to inform that the service is illegal; and
 3. Sealing to make any person unable to use any equipment or facilities indispensable for the operation of the service.
- (2) Any public official concerned who takes the measures as referred to in paragraph (1), shall carry with himself a certificate indicating his authority, and show it to the interested person.

Article 38 (Disqualification)

A person who falls under any of the following subparagraphs, may not report, register or obtain permission for a placement service or labor supply service: *<Amended by Act No. 5884, Feb. 8, 1999>*

1. A person who is a minor, incompetent, quasi-incompetent, or is declared bankrupt and not yet reinstated;
2. A person who is sentenced to a penalty heavier than imprisonment without prison labor, and for whom the execution of such sentence is not terminated, or two years have not elapsed since non-execution became definite; *<Amended by Act No. 5478, Dec. 24, 1997>*
3. A person who is sentenced to a penalty heavier than a fine, for violation of the Act, the Act on the Punishment of Procuring Prostitution and Associated Acts, the Minor Protection Act, the Act on the Regulation over Amusement Business Affecting Public Morals or the Juvenile Protection Act, or for violation of the Seaman Act by any act related to placement service, and for whom three years have not elapsed, after the execution of such sentence is terminated, or non-execution thereof became definite; *<Amended by Act No. 7196, Mar. 22, 2004>*
- 3-2. A person who is sentenced to a stay of execution after being sentenced to a penalty heavier than imprisonment without prison labor, and is in the period of suspension; *<Newly Inserted by Act No. 5478, Dec. 24, 1997>*
4. A person for whom three years have not elapsed since the permission for the concerned service was cancelled under Article 36; and
5. Juristic person any of whose officers falls under any of subparagraphs 1 through 4.

Article 39 (Keeping of Books, etc.)

Any person who has registered as prescribed by Article 19

or who is permitted under Article 33, shall keep books, ledgers and other necessary documents, under the conditions as prescribed by the Ordinance of the Ministry of Labor. *<Amended by Act No. 5884, Feb. 8, 1999>*

Article 40 (Education and Training for Those engaged in Placement Service)

Deleted. *<Act No. 5884, Feb. 8, 1999>*

Article 41 (Report and Inspection)

(1) The Minister of Labor, City Mayors, County Chiefs, or heads of Ku Administrative offices may, if necessary, order any person who offers a placement service with a permission, a registration, or after reporting as prescribed in Articles 18, 19, 23(1) or 33 to make a report required for enforcement of this Act. *<Amended by Act No. 5884, Feb. 8, 1999>*

(2) The Minister of Labor, City Mayors, County Chiefs, or heads of Ku Administrative offices may, if necessary, have any public official concerned have access to a business place, related business place, and other facilities to which this Act applies in order to inspect the situation of business, books or other things, and have him ask any questions to interested persons.

<Amended by Act No. 5884, Feb. 8, 1999>

(3) Any public official who has access to any business place and conducts any inspection under paragraph (2), shall carry with himself a certificate indicating his authority, and show it to the interested person.

Article 41-2 (Request for Cooperation in Data)

The Minister of Labor, City Mayors, County Chiefs, or heads of Ku Administrative offices may, if deemed as necessary, request the head of related government organization for data required for enforcement of this Act. *<Amended by Act No. 5884, Feb. 8, 1999>*

<This Article Newly Inserted by Act No. 5478, Dec. 24, 1997>

Article 42 (Duty to keep Secret)

No person who has participated or participates in a placement service or recruitment of labor, shall divulge any secret concerning workers or employers, which he has learned in the course of his duties, except in a case where it is disclosed by the direction of the Minister of Labor.

Article 43 (Fee)

Any person who desires to register for the fee-charging

placement service as prescribed in Article 19, shall pay the fee under the conditions as prescribed by the Ordinance of the Ministry of Labor. This provisions shall also apply in cases where he modifies any of the registered matters. *<Amended by Act No. 5884, Feb. 8, 1999>*

<This Article Wholly Amended by Act No. 5103, Dec. 29, 1995>

Article 44 (Delegation of Authority)

The authority of the Minister of Labor as prescribed by this Act, may be delegated partially to the head of the employment security office or the Special Metropolitan City Mayor, Metropolitan City Mayor, or Provincial Governor, under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 5884, Feb. 8, 1999>*

Article 45 (Subsidy of National Treasury)

The Minister of Labor may subsidize the whole or part of expenses for the free placement service as prescribed in Article 18.

CHAPTER V

Penal Provisions

Article 46 (Penal Provisions)

(1) Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than seven years, or a fine not exceeding thirty million won:

1. A person who carries on a placement, recruitment or supply of labor, by means of violence, threat, detention, or unlawful restraint against mental or physical freedom; and
2. A person who carries on a placement, recruitment or supply of labor, with the intention to place another person in a job detrimental to the public health or morality.

(2) Any attempt to commit the offense as referred to in paragraph (2) shall be punished.

Article 47 (Penal Provisions)

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than five years, or a fine not exceeding twenty million won: *<Amended by Act No. 5478, Dec. 24, 1997, Act No. 5884, Feb. 8, 1999>*

1. A person who carries on the fee-charging placement service

- or labor supply business without obtaining the permission or the registration as prescribed in Article 19 (1) or 33 (1);
- 2. A person who has registered as prescribed in paragraph (1) of Article 19, or who has obtained the permission as prescribed in paragraph (1) of Article 33, by a false or other unlawful way;
- 3. A person who violates the provisions of Article 21 and the other party;
- 3-2. A person who violates the provisions of paragraph (2) of Article 21-3; <Newly Inserted by Act No. 5478, Dec. 24, 1997>
- 4. A person who receives any money, goods or other interest, in contravention of the provisions of Article 32; and
- 5. A person who makes false job offering advertisements, or presents false job offering conditions, in contravention of the provisions of Article 34.

Article 48 (Penal Provisions)

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than one year, or a fine not exceeding five million won: <Amended by Act No. 5103, Dec. 29, 1995, Act No. 5478, Dec. 24, 1997, Act No. 5884, Feb. 8, 1999>

- 1. A person who carries on the free placement service or business furnishing employment information, without making a report as prescribed in paragraph (1) of Article 18 or paragraph (1) of Article 23;
- 2. A person who makes a report as prescribed in paragraph (1) of Article 18 or paragraph (1) of Article 23, by a false or other unlawful way;
- 3. A person who receives any money other than the fee as notified publicly by the Minister of Labor, in contravention of the provisions of Article 19 (6);
- 3-2. A person who violates the provisions of Article 21-2; <Newly Inserted by Act No. 5478, Dec. 24, 1997>
- 4. A person who takes charges of affairs as to the job placement, in violation of the provisions of paragraph (3) of Article 22;
- 5. Deleted. <Act No. 5884, Feb. 8, 1999>
- 6. A person who carries on a business during a suspension period as prescribed in Article 36; and
- 7. Deleted. <Act No. 5103, Dec. 29, 1995>
- 8. A person who has divulged any secret in contravention of the provisions of Article 42.

Article 48-2 (Penal Provisions)

Any person who violates the provisions of paragraph (1) of Article 21-3 shall be punished by a fine not exceeding five million won.

<This Article Newly Inserted by Act No. 5478, Dec. 24, 1997>

Article 49 (Fine for Negligence)

(1) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding one million won: *<Amended by Act No. 5103, Dec. 29, 1995>*

1. Deleted. *<Act No. 5884, Feb. 8, 1999>*
2. A person who fails to make a report in contravention of the provisions of Article 30 (1) or 35;
3. A person who fails to keep the books and other documents in contravention of the provisions of Article 39;
4. A person who fails to make a report as prescribed in Article 41 (1), or makes a false report; and
5. A person who refuses, interferes with, or evades the entry and inspection of the public official concerned as prescribed on Article 41 (2).

(2) The fine for negligence as referred to in paragraph (1) shall be imposed and collected by the Minister of Labor, City Mayors, County Chiefs, or heads of Ku Administrative offices in accordance with his jurisdiction, under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 5884, Feb. 8, 1999>*

(3) Any person who is dissatisfied with a disposition of fine for negligence as referred to in paragraph (2), may make an objection against the Minister of Labor, City Mayors, County Chiefs, or heads of Ku Administrative offices, within thirty days after he is informed of such disposition. *<Amended by Act No. 5884, Feb. 8, 1999>*

(4) If a person who is subject to a disposition of fine for negligence as referred to in paragraph (2), has made an objection under paragraph (3), the Minister of Labor, City Mayors, County Chiefs, or heads of Ku Administrative offices shall notify it without delay to the competent court, which shall, upon receiving the notification, bring the case of fine for negligence to a trial under the Non-Contentious Case Procedure Act. *<Amended by Act No. 5884, Feb. 8, 1999>*

(5) If no objection is made, and no fine for negligence is paid, in the period as referred to in paragraph (3), it shall be

collected according to the examples of the disposition of national or local taxes in arrears.

Article 50 (Joint Penal Provisions)

If a representative of a juristic person, or an agent, servant or other worker of a juristic person or individual commits an offense as prescribed in Article 46 through 48-2 in connection with affairs of the juristic person or individual, the fine as prescribed in respective Article shall be imposed on such juristic person or individual, in addition to punishment of the offender.

<Amended by Act No. 5478, Dec. 24, 1997>

Addenda

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 1994.

Article 2 (Transitional Measures Concerning Job Placement Service)

Any person who is permitted for a job placement service pursuant to the previous provisions at the time this Act enters into force, shall be considered to have been permitted under this Act until the validity term of such permission expires.

Article 3 (Transitional Measures Concerning Business furnishing Employment Information)

Any person who has registered a business furnishing the employment information pursuant to the previous provisions at the time this Act enters into force, shall be considered to have registered it under this Act.

Article 4 (Transitional Measures Concerning Recruitment of Labor)

Any person who is permitted for an entrusted recruitment of labor, or has made a report on recruitment of those who seek any overseas employment, pursuant to the previous provisions at the time this Act enters into force, shall be considered to have been permitted, or made the report, under this Act.

Article 5 (Transitional Measures Concerning Business furnishing Employment Information)

Any person who is permitted for the business furnishing employment information pursuant to the previous provisions at the time this Act enters into force, shall be considered to have been permitted under this Act until the validity term of such permission expires.

Article 6 (Transitional Measures Concerning Penal Provisions)

In application of the penal provisions to any act committed prior to the enforcement of this Act, it shall be subject to the previous provisions.

Article 7

Omitted.

Article 8 (Relation with Other Acts and Subordinate Statutes)

In case where the Act relating to Employment Security and Promotion is cited in other Acts and subordinate statutes, at the time this Act enters into force, the Employment Security Act shall be considered to have been cited.

Addenda <Act No. 5103, Dec. 29, 1995>

Article 1 (Enforcement Date)

This Act shall enter into force at the expiration of three months after its promulgation.

Article 2 (Transitional Measures Concerning Fee-Charging Placement Service)

Notwithstanding the revised provisions of paragraph (2) of Article 19, any person who has obtained the permission for the fee-charging placement service pursuant to the previous provisions, at the time this Act enters into force, shall be subject to the previous provisions.

Article 3 (Transitional Measures Concerning Employment Information Furnishing Service)

Any person who has registered the employment information furnishing service pursuant to the previous provisions at the time this Act enters into force, shall be considered to have made a report under this Act.

Article 4 (Transitional Measures Concerning Penal Provisions)

The application of the penal provisions to any act committed before this Act enters into force, shall be subject to the previous provisions.

Addenda <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This act shall enter into force on Jan. 1, 1998. <proviso omitted>

Article 2
Omitted

Addenda <Act No. 5474, Dec. 24, 1997>

Article 1 (Enforcement Date)
This act shall enter into force on Jan. 1, 1999.

Article 2 through Article 9
Omitted

Addenda <Act No. 5478, Dec. 24, 1997>

Article 1 (Enforcement Date)
This Act shall enter into force three months after promulgation.

Article 2 (Transitional Measures on Placement Service)
If a person acquired permission on placement services under the previous provisions at the time when this Act is enforced, it shall be deemed that he/she acquired the permission under this Act until the valid term of the permission expires.

Article 3 (Transitional Measures on Worker Supply Service)
If a person acquired permission on worker supply services under the previous provisions at the time when this Act is enforced, it shall be deemed that he/she acquired the permission under this Act until the valid term of the permission expires.

Article 4 (Transitional Measures on Penal Provisions)
The previous provisions shall apply in applying the general provisions for actions taken before the enforcement of this Act.

Addenda <Act No. 5512, Feb. 20, 1998>

Article 1 (Enforcement Date)
This act shall enter into force on July 1, 1998.

Article 2
Omitted

Addenda <Act No. 5884, Feb. 8, 1999>

Article 1 (Enforcement Date)

This act shall enter into force three months after promulgation.

Article 2 (Transitional Measures on Manpower Bank)

Any manpower bank which is established pursuant to the Act on Workers' Livelihoods Promotion and Employment Security Support at the time this Act enters into force, shall be considered to have been established under this Act.

Article 3 (Transitional Measures on Free Placement Service)

Any person who is permitted to engage in a free placement service or who is permitted to renew his/her business pursuant to the previous provisions at the time this Act enters into force, shall be considered to have reported to City Mayors, County Chiefs, or heads of Ku Administrative offices in case of domestic free placement service, and to the Minister of Labor in case of overseas free placement service, under the amended provision of Article 18(1).

Article 4 (Transitional Measures on Fee-Charging Placement Service)

Any person who is permitted to engage in a fee-charging placement service or who is permitted to renew his/her business pursuant to the previous provisions at the time this Act enters into force, shall be considered to have reported to City Mayors, County Chiefs, or heads of Ku Administrative offices in case of domestic fee-charging placement service, and to the Minister of Labor in case of overseas fee-charging placement service, under the amended provision of Article 19(1).

Article 5 (Transitional Measures Concerning Restriction on Registration for Fee-Charging Placement Service)

In application of the amended provision of Article 20 to any person whose permission for a fee-charging placement service is cancelled under the previous provisions at the time when this Act is enforced, it shall be deemed that his/her registration has been cancelled under this Act.

Article 6 (Transitional Measures Concerning Penal Provisions)

In application of the penal provisions to any act committed prior to the enforcement of this Act, it shall be subject to the previous provisions.

Article 7 (Revision of other Acts)

This Act on Workers' Livelihoods Promotion and Employment Security Support shall be amended as follows. Article 23 shall be deleted.

Addenda (*Act on the Punishment of Procuring Prostitution and Associated Acts*)<Act No. 7196, Mar. 22, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force six months after its promulgation.

Articles 2 through 4 Omitted.

Article 5 (Revision, etc., of Other Laws)

(1) Omitted.

(2) The Employment Security Act shall be revised as follows:

"The Prostitution Act" in Article 38 (3) shall be changed to "the Act on the Punishment of Procuring Prostitution and Associated Acts".

(3) and (4) Omitted.