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** This Decree reflects only the amendments made until January 31, 2016.*

ENFORCEMENT DECREE OF THE ACT ON THE PROTECTION, ETC., OF DISPATCHED WORKERS

Presidential Decree No. 15828, July 1, 1998

Amended by Presidential Decree No. 20094, Jun. 18, 2007
Presidential Decree No. 21590, Jun. 30, 2009
Presidential Decree No. 21694, Aug. 18, 2009
Presidential Decree No. 22269, Jul. 12, 2010
Presidential Decree No. 22799, Mar. 30, 2011
Presidential Decree No. 23488, Jan. 6, 2012
Presidential Decree No. 23853, Jun. 12, 2012
Presidential Decree No. 25615, Sep. 18, 2014
Presidential Decree No. 25630, Sep. 24, 2014
Presidential Decree No. 26810, Dec. 30, 2015

Article 1 (Purpose)

The purpose of this Decree is to stipulate matters delegated by the Act on the Protection, etc., of Dispatched Workers and those necessary for the enforcement thereof. *<Amended by Presidential Decree No. 20094, Jun. 18, 2007>*

Article 2 (Jobs Permitted or Prohibited for Worker Dispatch)

(1) "The jobs prescribed by the Presidential Decree" in Article 5 (1) of the Act on the Protection, etc., of Dispatched Workers (hereinafter referred to as the "Act") refers to those described in attached Table 1. *<Amended by Presidential Decree No. 20094, Jun. 18, 2007>*

(2) "The jobs prescribed by the Presidential Decree" in Article 5 (3) 5 of the Act refers to those falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 20094, Jun. 18, 2007>*

1. Dusty work under subparagraph 3 of Article 2 of the Act on the Prevention of Pneumoconiosis and Protection, etc., of Pneumoconiosis Workers;
2. Work subject to the issuance of health management pocketbooks under Article 44 of the Occupational Safety and Health Act;
3. The work of medical persons under Article 2 of the Medical Service Act, and the work of assistant nurses under Article 80 of the same Act;
4. The work of medical technicians under Article 3 of the

- Medical Technicians, etc., Act;
5. Driving work in a passenger vehicle transport business under subparagraph 3 of Article 2 of the Act on Passenger Vehicle Transport Business; and
 6. Driving work in a freight vehicle transport business under subparagraph 3 of Article 2 of the Act on Freight Vehicle Transport Business.

Article 2-2 (Exception to Obligation of Employment)

“Cases where there is a justifiable reason prescribed by the Presidential Decree” in Article 6-2 (2) of the Act refers to those falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 25630, Sep. 24, 2014>*

1. Cases falling under any subparagraph of Article 7 (1) of the Wage Claim Guarantee Act; and
2. Cases where it is impossible to continue business due to a natural disaster, an armed conflict or any other inevitable reason.

<This Article Newly Inserted by Presidential Decree No. 20094, Jun. 18, 2007>

Article 3 (Detailed Criteria for Permission)

The criteria for the assets and facilities, etc., of a worker dispatch undertaking under Article 9 (2) of the Act shall be as follows: *<Amended by Presidential Decree No. 20094, Jun. 18, 2007 and Presidential Decree No. 21590, Jun. 30, 2009>*

1. The undertaking shall be a business or workplace ordinarily employing five workers or more (excluding dispatched workers), and have joined the employment insurance, national pension scheme, industrial accident compensation insurance and national health insurance;
2. The undertaking shall have capital (estimated value of assets in case of an individual) of more than 100 million won; and
3. The undertaking shall have an office with a floor area of 20 m² or larger.

Article 4 (Restrictions on Use of Dispatched Worker)

For two years after dismissing a worker for a managerial reason under Article 24 of the Labor Standards Act, a dispatched worker shall not be employed for the relevant job pursuant to Article 16 (2) of the Act: Provided, That if there is a consent of a trade union composed of a majority of workers

(or a person who represents a majority of workers if such trade union does not exist) in the relevant business or workplace, the period may be shortened to 6 months with the consent of the trade union. <Amended by Presidential Decree No. 20094, Jun. 18, 2007>

Article 4-2 (Scope of Information and Method of Provision of Information)

(1) The information a using employer shall provide to the sending employer pursuant to Article 20 (2) of the Act refers to the following information on workers who perform the same or similar work to that of the dispatched worker in the business of the using employer:

1. Whether there are such workers or not and the number of workers;
2. Wages and wage components;
3. Matters concerning the start and finish time of work and recess hours;
4. Matters concerning holidays and leave;
5. Matters concerning extended, night and holiday work;
6. Matters concerning health and safety;
7. Matters concerning the use of welfare facilities; and
8. Matters concerning other working conditions subject to discriminatory treatment under subparagraph 7 of Article 2 of the Act but not included in the provisions of subparagraphs 2 through 7.

(2) A using employer shall provide the sending employer with the information specified in any subparagraph of paragraph (1) in writing.

<This Article Newly Inserted by Presidential Decree No. 20094, Jun. 18, 2007>

Article 5 (Causes Attributable to Using Employer)

"Causes attributable to a using employer as prescribed by the Presidential Decree" in the former part of Article 34 (2) of the Act refers to causes falling under any of the following subparagraphs:

1. Where a using employer breaches a worker dispatch contract without a justifiable reason; and
2. Where a using employer fails to pay the price of worker dispatch stipulated in a worker dispatch contract, without a justifiable reason.

Article 6 (Delegation of Authority)

The Minister of Employment and Labor shall, in accordance with Article 41 of the Act, delegate the authority described in any of the following subparagraphs to the heads of local employment and labor offices: <Amended by Presidential Decree No. 20094, Jun. 18, 2007; Presidential Decree No. 22269, Jul. 12, 2010; Presidential Decree No. 23853, Jun. 12, 2012; and Presidential Decree No. 25615, Sep. 18, 2014>

1. Permission of a worker dispatch undertaking, permission for changes, acceptance of a report on changes and permission for renewal under Article 7 (1) and (2) and Article 10 (2) of the Act;
2. Acceptance of a report on the closure of a worker dispatch undertaking under Article 11 (1) of the Act;
3. Cancellation of permission of a worker dispatch undertaking and suspension of business under Article 12 of the Act;
4. Receipt of a business report under Article 18 of the Act;
5. Measures for closure, etc., under Article 19 of the Act;
- 5-2. Demand for submission of a status report on compliance with a confirmed correction order under Article 15 (1) of the Act on the Protection, etc., of Fixed-term and Part-time Employees applied mutatis mutandis pursuant to Articles 21 (3), 21-2 (4) and 21-3 (2) of the Act and receipt of a report on non-compliance with a confirmed correction order under paragraph (2) of the same Article;
- 5-3. Demand for correction of discriminatory treatment under Articles 21-2 (1) and 21-3 (1) of the Act and notification and notice of discriminatory treatment under Article 21-2 (2) of the Act (including cases where it shall apply mutatis mutandis pursuant to Article 21-3 (2) of the Act);
6. Guidance and advice under Article 36 of the Act;
7. Improvement order under Article 37 of the Act;
8. Report order and visit, inspection, and questioning under Article 38 of the Act;
9. Request for materials under Article 39 of the Act; and
10. Imposition and collection of a fine for negligence under Article 46 of the Act.

Article 6-2 (Management of Sensitive Information and Unique Identifying Information)

The Minister of Employment and Labor (including any person to whom the authority of the Minister of Employment and Labor is delegated pursuant to Article 6) or the Labor Relations Commission may manage information falling into the category of criminal records under subparagraph 2 of Article 18 of the Enforcement Decree of the Personal Information Protection Act and data containing resident registration numbers or foreigner registration numbers under subparagraph 1 or 4 of Article 19 of the same Decree if it is inevitable in order to carry out the following business affairs:

1. Business affairs concerning permission for worker dispatch undertakings and reporting of changes thereto under Article 7 of the Act;
2. Business affairs concerning confirmation of grounds for disqualification from obtaining permission under Article 8 of the Act;
3. Business affairs concerning permission for renewal of worker dispatch undertakings under Article 10 (2) of the Act;
4. Business affairs concerning reporting of closure of worker dispatch undertakings under Article 11 of the Act;
5. Business affairs concerning reports on business of worker dispatch undertakings under Article 18 of the Act; and
6. Business affairs concerning requests for correction of discriminatory treatment of dispatched workers under Article 21 of the Act.

<This Article Newly Inserted by Presidential Decree No. 23488, Jan. 6, 2012>

Article 6-3 (Review of Regulations)

With regard to the criteria for the assets and facilities, etc., of a worker dispatch undertaking under Article 3, the Minister of Employment and Labor shall review the reasonableness thereof and take measures, such as making improvements, every three years (referring to no later than the day before January 1st of every third year) starting from January 1st, 2016.

<This Article Newly Inserted by Presidential Decree No. 26810, Dec. 30, 2015>

Article 7 (Criteria for Imposition of Fine for Negligence)

The criteria for imposition of fines for negligence under Article 46 (1) through (5) of the Act shall be as specified in Table 2.

<This Article Wholly Amended by Presidential Decree No. 22799, Mar. 30, 2011>

Addenda

<Presidential Decree No. 20094, Jun. 18, 2007>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2007: Provided, That the enforcement dates of the revised provisions of Article 4-2 and Table 2 (limited to subparagraphs 1 and 3) shall be as follows according to type of business or workplace (referring to the business or workplace of a using employer; hereinafter the same shall apply.):

1. Businesses or workplaces ordinarily employing 300 workers or more: July 1, 2007;
2. State and local government agencies; among agencies designated as public enterprises, quasi-government agencies or other public agencies under Article 5 of the Act on the Operation of Public Agencies, those that meet the conditions for government-affiliated institutions under Article 3 of the Framework Act on the Management of Government-Affiliated Institutions repealed pursuant to Article 2 of the Addenda of the Act on the Operation of Public Agencies amended by Act no. 8258 or those that meet the conditions for government-invested institutions under Article 2 of the Framework Act on the Management of Government-Invested institutions; local public enterprises and local public corporations under Articles 49 and 76 of the Local Public Enterprises Act; government-funded research institutions and societies under Article 2 of the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions, etc., and Article 2 of the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutions, etc.; and university hospitals under the Act on the Establishment of University Hospitals: July 1, 2007
3. Businesses or workplaces ordinarily employing 100 workers or more but less than 300 workers: July 1, 2008
4. Businesses or workplaces ordinarily employing less than 100 workers: July 1, 2009

Article 2 (Transitional Measures concerning Jobs Permitted for Worker Dispatch)

(1) Workers dispatched for the jobs permitted for worker dispatch pursuant to the previous provisions of Table 1 at the time

this Decree enters into force shall be regarded as being dispatched for the jobs permitted for worker dispatch pursuant to the revised provisions of Table 1.

(2) The jobs permitted for worker dispatch pursuant to the revised provisions of Table 1 at the time this Decree enters into force shall be regarded as being included in the jobs to which new codes are assigned in accordance with the list of comparison between old and new Korean Standard Classification of Occupations (Public announcement no. 2000-2 by the National Statistical Office).

Addenda

<Presidential Decree No. 21590, Jun. 30, 2009; Revision of the Enforcement Decree of the Construction Act, etc.>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2009: Provided, That the amended provisions of Articles 8 and 9 shall enter into force on January 1, 2010.

Article 2 (Valid Period, etc., Pertaining to Revision of Enforcement Decree of Farmland Act)

(1) The amended provision of subparagraph 46 of Table 2 of the Enforcement Decree of the Farmland Act shall remain effective until June 30, 2011.

(2) The amended provision of subparagraph 46 of Table 2 of the Enforcement Decree of the Farmland Act shall apply to farmland diversion permission (including permission for changes and farmland diversion permission under other Acts or authorization or permission, etc., deemed such permission for changes; hereinafter the same shall apply in this paragraph) given after this Decree enters into force, and to farmland diversion permission applied for or farmland diversion report made before June 30, 2011.

Article 3 (Application Example Pertaining to Revision of Enforcement Decree of Tourism Promotion Act)

The amended provision of subparagraph 1 of Article 32 of the Enforcement Decree of the Tourism Promotion Act shall apply to persons who obtain approval for business plans or applies for such approval under Article 15 of the Act before this Decree enters into force.

Article 4 (Application Example Pertaining to Revision of Enforcement Decree of Industrial Sites and Development Act)

The amended provision of Article 40 (2) of the Enforcement Decree of the Industrial Sites and Development Act shall apply to lot-selling plans drawn up after this Decree enters into force.

(2) Matters delegated to bylaws pursuant to the amended provision of Article 40 (2) of the Enforcement Decree of the Industrial Sites and Development Act shall be governed by the previous provisions until the relevant bylaws are enacted or amended.

Article 5 (Transitional Measures Pertaining to Revision of Enforcement Decree of Employment Insurance Act)

The amended provision of Article 13 (1) 2 of the Enforcement Decree of the Employment Insurance Act shall apply to workplaces which reduce working hours pursuant to Article 13 (1) of the Enforcement Decree of the Employment Insurance Act after this Decree enters into force.

Article 6 (Transitional Measures Pertaining to Revision of Enforcement Decree of Act on Management and Promotion of Real Estate Development Business)

The application of fines for negligence to acts committed before this Decree enters into force shall be subject to the previous provisions.

Article 7 (Transitional Measures Pertaining to Revision of Enforcement Decree of New Harbor Construction Promotion Act)

Persons who have had the application period for approval of a new harbor construction project plan extended pursuant to the previous provisions at the time this Decree enters into force and is still in that extended period shall be subject to the amended provision of the latter part of Article 9 (5) of the Enforcement Decree of the New Harbor Construction Promotion Act, and shall be deemed to have had the application period extended once pursuant to the same amended provision.

Article 8 (Transitional Measures Pertaining to Revision of Enforcement Decree of Act on Promotion of Saving and Recycling of Resources)

The application of fines for negligence to acts committed before this Decree enters into force shall be subject to the

previous provisions.

Article 9 (Transitional Measures Pertaining to Revision of Enforcement Decree of Sewage Act)

(1) First reeducation under the amended provision of Article 38 (2) 2 A of the Enforcement Decree of the Sewage Act shall be conducted five years after the end date of the most recent reeducation conducted before this Decree enters into force.

(2) The amended provision of Article 38 (2) 2 B of the Enforcement Decree of the Sewage Act shall apply to suspension of business imposed after this Decree enters into force.

Addendum

<Presidential Decree No. 21694, Aug. 18, 2009>

This Decree shall enter into force on August 22, 2009.

Addenda

<Presidential Decree No. 22269, Jul. 12, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. <Proviso omitted>

Article 2 (Revision of Other Acts and Subordinate Statutes)

(1) through (126) Omitted.

(127) Parts of the Enforcement Decree of the Act on the Protection, etc., of Dispatched Workers shall be revised as follows:

"Minister of Labor" in parts other than each subparagraph of Article 6, Article 7 (2) and subparagraph 5 in the offence column of Table 2 shall be changed to "Minister of Employment and Labor".

"Local labor offices" in parts other than each subparagraph of Article 6 shall be changed to "local employment and labor offices".

"Ordinance of the Ministry of Labor" in subparagraph 6 in the offence column of Table 2 shall be changed to "Ordinance of the Ministry of Employment and Labor".

(128) through (136) Omitted.

Addenda

<Presidential Decree No. 22799, Mar. 30, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2011.

Article 2 (Transitional Measures concerning Fines for Negligence)

(1) The application of the criteria for imposition of fines for negligence to offences committed before this Decree enters into force shall be governed by the previous provisions notwithstanding the amended provisions of Table 2.

(2) The imposition of fines for negligence for offences committed before this Decree enters into force shall not be included in calculating the number of offences under the amended provisions of Table 2.

Addenda

<Presidential Decree No. 23488, Jan. 6, 2012; Revision of the Enforcement Decree of the Act on the Submission and Management of Taxation Data to Provide a Basis for the Management of Sensitive Information and Unique Identifying Information>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of promulgation. <Proviso omitted>

Article 2 Omitted.

Addendum

<Presidential Decree No. 23853, Jun. 12, 2012>

This Decree shall enter into force on August 2, 2012.

Addendum

<Presidential Decree No. 25615, Sep. 18, 2014>

This Decree shall enter into force on September 19, 2014.

Addenda

<Presidential Decree No. 25630, Sep. 24, 2014; Revision of the Enforcement Decree of the Wage Claim Guarantee Act>

Article 1 (Enforcement Date)

This Decree shall enter into force on September 25, 2014.

Article 2 Omitted.

Article 3 (Revision of Other Acts and Subordinate Statutes)

(1) Omitted.

(2) Parts of the Enforcement Decree of the Act on the Protection, etc., of Dispatched Workers shall be revised as follows:

"Any subparagraph of Article 4 of the Enforcement Decree of the Wage Claim Guarantee Act" in subparagraph 1 of Article 2-2 shall be changed to "any subparagraph of Article 7 (1) of the Wage Claim Guarantee Act".

Addendum

<Presidential Decree No. 26810, Dec. 30, 2015; Revision of the Enforcement Decree of the Framework Act on Labor Welfare to Set Deadline for Review of Regulations>

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

[Table 1] <Amended on Jun. 18, 2007>

Jobs Permitted for Worker Dispatch
(related to Article 2 (1))

Korean Standard Classification of Occupations <i>(Public notice no. 2000-2 of Statistics Korea)</i>	Jobs permitted for worker dispatch	Remarks
120	Computer-related professionals	
16	Administration, business and finance professionals	Excluding administrative specialists (161)
17131	Patent attorney	
181	Archivists, librarians and related information professionals	Excluding librarians (18120)
1822	Translators and interpreters	
183	Creative and performing artists	
184	Motion picture, theater and broadcasting-related professionals	
220	Computer related associate professionals	
23219	Other electrical engineering technicians	
23221	Communications engineering technicians	
234	Draughtspersons, including those engaged in CAD	
235	Optical and electronic equipment operators	Limited to assistants Excluding clinic pathology technicians (23531), radiology technicians (23532) and other medical equipment operators

		(23539)
252	Associate education professionals not engaged in formal school education	
253	Other associate education professionals	
28	associate professionals in art, entertainment and sports	
291	Associate administrative professionals	
317	Office assistant clerks	
318	Library and mail related clerks	
3213	Debt collectors and related clerks	
3222	Telephonists and telephone number service clerks	Except for cases where the work of telephonists and telephone number service clerks is a core service of the business concerned.
323	Customer-related clerks	
411	Personal care and related workers	
421	Cooks	Excluding cooks working in tourist hotels under Article 3 of the Tourism Promotion Act
432	Tour guides	
51206	Petrol pump attendants	
51209	Other retail trade salesmen	
521	Salesmen via telephone order	
842	Motor vehicle drivers	
9112	Building cleaners	

91221	Doorkeepers and janitors	Excluding the jobs prescribed in subparagraph 1 of Article 2 of the Security Services Industry Act
91225	Parking place concierges	
913	Deliverers, porters, meter readers and related workers	

[Table 2] <Amended on Mar. 30, 2011>

Criteria for Imposition of Fines for Negligence

(relating to Article 7)

1. General criteria

- A. The criteria for imposition of fines for negligence according to the number of offences shall apply to cases where a fine for negligence has been imposed for the same kind of offence in the past two years. In such cases, the number of offences shall be calculated based on the date on which a fine for negligence was imposed for an offence and the date on which an offence of the same kind was found again.
- B. The Minister of Employment and Labor may, if an offender falls under any of the following conditions, reduce the amount of fine for negligence under subparagraph 2 by up to half: Provided, That this shall not apply to offenders who delay payment of a fine for negligence.
 - 1) Where the offender falls under any subparagraph of Article 2-2 (1) of the Enforcement Decree of the Act on the Regulation of Violations of Public Order;
 - 2) Where the offender has a reason, such as suffering a considerable loss to property due to a natural disaster, fire, etc., or facing a serious crisis due to worsening business conditions;
 - 3) Where the offence is deemed to have been caused by negligence, such as minor carelessness or error;
 - 4) Where the offender has corrected or resolved the

consequences of his/her offence; and

- 5) Other cases where it is deemed necessary to reduce the amount of fine for negligence in consideration of the severity of the offence, the motive and consequences of the offence, etc.

2. Specific criteria

Offence	Provision	Amount of fine for negligence		
		1st offence	2nd offence	3rd and subsequent offences
A. Where a person fails to directly employ a dispatched worker in violation of Article 6-2 (1) of the Act	Article 46 (2) of the Act	10 million won	20 million won	30 million won
B. Where a person fails to make a report under Article 11 (1) of the Act or makes a false report	Article 46 (5) 1 of the Act	2 million won	3 million won	3 million won
C. Where a person fails to make a report under Article 18 or Article 38 (1) of the Act or makes a false report	Article 46 (5) 2 of the Act	3 million won	3 million won	3 million won
D. Where a person fails, without a justifiable reason, to comply with a correction order confirmed under Article 14 (2) or (3) of the Act on the Protection, etc., of	Article 46 (1) of the Act			

<p>Fixed-term and Part-time Employees applied mutatis mutandis pursuant to Article 21 (3), Article 21-2 (4) and Article 21-3 (2) of the Act</p>				
<p>1) Where a person fails to comply with a discrimination correction order that requires monetary compensation</p>		<p>The ordered amount of monetary compensation not exceeding 100 million</p>	<p>The ordered amount of monetary compensation not exceeding 100 million</p>	<p>The ordered amount of monetary compensation not exceeding 100 million</p>
<p>2) Where a person fails to comply with a discrimination correction order with regard to working conditions, such as working hours, holidays and leave</p>		<p>5 million won</p>	<p>10 million won</p>	<p>20 million won</p>
<p>3) Where a person fails to comply with a discrimination correction order with regard to use of facilities, etc.</p>		<p>5 million won</p>	<p>10 million won</p>	<p>20 million won</p>
<p>E. Where a person fails, without a justifiable reason, to comply with a demand</p>	<p>Article 46 (4) of the</p>	<p>2 million won</p>	<p>4 million won</p>	<p>5 million won</p>

<p>for submission of a compliance status report made by the Minister of Employment and Labor under Article 15 (1) of the Act on the Protection, etc., of Fixed-term and Part-time Employees applied mutatis mutandis pursuant to Article 21 (3), Article 21-2 (4) and Article 21-3 (2) of the Act</p>	<p>Act</p>			
<p>F. Where a person, when dispatching a worker, fails to inform, in writing, the dispatched worker in advance of the matters specified in any subparagraph of Article 20 (1) of the Act and other matters prescribed by the Ordinance of the Ministry of Employment and Labor in violation of Article 26 (1) of the Act</p>	<p>Article 46 (3) of the Act</p>			
<p>1) Where a person fails to provide all of the information</p>		<p>5 million won</p>	<p>10 million won</p>	<p>10 million won</p>
<p>2) Where a person fails to provide part of the information</p>		<p>2 million won</p>	<p>4 million won</p>	<p>10 million won</p>

G. Where a person violates Article 26 (3) of the Act	Article 46 (5) 2-2 of the Act	3 million won	3 million won	3 million won
H. Where a person violates Article 27, 29 or 33 of the Act	Article 46 (5) 3 of the Act	2 million won	3 million won	3 million won
I. Where a person fails to send the results of the relevant health examination in violation of Article 35 (3) or (5) of the Act	Article 46 (5) 4 of the Act	2 million won	3 million won	3 million won
J. Where a person violates an improvement order under Article 37 of the Act	Article 46 (5) 5 of the Act	3 million won	3 million won	3 million won
K. Where a person refuses, obstructs or evades an inspection under Article 38 (2) of the Act without a justifiable reason	Article 46 (5) 6 of the Act	3 million won	3 million won	3 million won