

This translation of Korea's labor laws is intended mainly as a convenience to the non-Korean-reading public. If any questions arise related to the accuracy of the information contained in the translation, please refer to the official Korean version of the laws. Any discrepancies or differences created in the translation are not binding and have no legal effect for compliance or enforcement purposes.

*\* This Act reflects only the amendments made until March 31, 2016.*

# CERTIFIED LABOR AFFAIRS CONSULTANT ACT

Act No. 3771, Dec. 31, 1984

Amended by Act No. 4234, Apr. 7, 1990  
Act No. 5018, Dec. 6, 1995  
Act No. 5477, Dec. 24, 1997  
Act No. 5815, Feb. 5, 1999  
Act No. 5887, Feb. 8, 1999  
Act No. 6333, Dec. 30, 2000  
Act No. 7046, Dec. 31, 2003  
Act No. 7428, Mar 31, 2005  
Act No. 7796, Dec. 29, 2005  
Act No. 8473, May 17, 2007  
Act No. 8615, Aug. 3, 2007  
Act No. 8780, Dec. 21, 2007  
Act No. 9255, Dec. 26, 2008  
Act No. 10321, May 25, 2010  
Act No. 10339, Jun. 4, 2010  
Act No. 12624, May 20, 2014  
Act No. 13898, Jan. 27, 2016

## **Article 1 (Purpose)**

The purpose of this Act is to promote the welfare of workers and to contribute to the sound development of enterprises by striving for a smooth operation of labor-related matters and autonomous management of labor affairs by businesses or workplaces through the establishment of a certified labor affairs consultant system.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

## **Article 2 (Scope of Duties)**

(1) A certified labor affairs consultant shall perform the following duties:

1. Acting as a representative or an agent for notification, application, report, statement, request (including filing a complaint, a request for examination and a request for adjudication) and remedy of rights etc., made to the authorities under labor-related Acts and subordinate statutes;
2. Preparing and confirming all the documents under labor-related Acts and subordinate statutes;
3. Consultation and guidance regarding labor-related Acts and subordinate statutes and labor management;

4. Labor management diagnosis for businesses or workplaces to which the Labor Standards Act is applicable; and
5. Private mediation or arbitration under Article 52 of the Trade Union and Labor Relations Adjustment Act.

(2) "Labor management diagnosis" in subparagraph 4 of paragraph (1) refers to a series of activities of analyzing and diagnosing matters concerning personnel, labor management and labor relations in a business or workplace at the request of both or either of its labor and management, and proposing rational improvement measures based on the results.

(3) The scope of labor-related Acts and subordinate statutes under paragraph (1) 1 through 3 and matters necessary for the implementation of labor management diagnosis under subparagraph 4 of the same paragraph shall be prescribed by the Presidential Decree.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

### **Article 3 (Qualification)**

A person who has passed the qualification examination for certified labor affairs consultants under Article 3-2 shall qualify as a certified labor affairs consultant.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

### **Article 3-2 (Qualification Examination for Certified Labor Affairs Consultants)**

(1) The qualification examination for certified labor affairs consultants shall be administered by the Minister of Employment and Labor and consist of the first, second and third examinations. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Any person who falls under any ground for disqualification referred to in Article 4 as of the date on which the final successful candidates of the qualification examination for certified labor affairs consultants are announced shall not apply for the qualification examination for certified labor affairs consultants. *<Newly Inserted by Act No. 10321, May, 25, 2010>*

(3) If a person who is not eligible to apply for the qualification examination for certified labor affairs consultants pursuant to paragraph (2) has applied for the qualification examination for certified labor affairs consultants and passed its final examination, the Minister of Employment and Labor shall revoke the decision to pass the person. *<Newly Inserted by Act No. 10321, May, 25, 2010 and Amended by Act no. 10339, Jun. 4, 2010>*

(4) Qualifications for application for the qualification examination

for certified labor affairs consultants under paragraph (1), examination subjects, examination method, delivery of qualification certificates and other necessary matters shall be prescribed by the Presidential Decree. <Amended by Act No. 10321, May, 25, 2010>

(5) A person who intends to apply for the qualification examination for certified labor affairs consultants shall pay the fee prescribed by the Presidential Decree but not exceeding actual expenses. In such cases, necessary matters concerning the method of paying the fee, return of the fee, etc., shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 13898, Jan. 27, 2016>

<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

### **Article 3-3 (Partial Exemption from Examination)**

(1) A person who falls under any of the following subparagraphs shall be exempted from all subjects of the first examination of the qualification examination for certified labor affairs consultants and from some subjects of the second examination thereof as prescribed by the Presidential Decree within the scope of 1/2 of the total number of subjects of the second examination:

1. A person who has served as a public official of Grade V or higher or a general public official belonging to the Senior Civil Service for not less than five years out of a total of at least ten-year experience in labor administration; and
2. A person who has served as a public official of Grade VI or higher or a general public official belonging to the Senior Civil Service for not less than eight years out of a total of at least 15-year experience in labor administration.

(2) A person who has engaged in any labor-related work prescribed by the Presidential Decree for not less than ten years shall be exempted from some subjects of the first examination as prescribed by the Presidential Decree.

(3) The scope of public officials engaged in labor administration under each subparagraph of paragraph (1) shall be prescribed by the Presidential Decree.

(4) A person who has passed the first examination shall be exempted from taking the next first examination only once and a person who has passed the first and second examinations shall be exempted from taking the next first and second examinations only once.

<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

**Article 3-4 (Certified Labor Affairs Consultant Qualification Deliberation Committee)**

(1) A Certified Labor Affairs Consultant Qualification Deliberation Committee may be established in the Ministry of Employment and Labor to deliberate on the following matters concerning the acquisition of a certified labor affairs consultant's qualification:

*<Amended by Act No. 10339, Jun. 4, 2010>*

1. Matters concerning the qualification examination for certified labor affairs consultants, such as the adjustment of examination subjects;
2. Matters concerning requirements for partial exemption from the examination;
3. Other matters concerning the acquisition of a certified labor affairs consultant's qualification; and
4. Determination of the number of consultants selected through the examination

(2) Matters necessary for the establishment and operation of the Certified Labor Affairs Consultant Qualification Deliberation Committee shall be prescribed by the Presidential Decree.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 3-5 (Measures for Exam Cheaters)**

With regard to applicants who commit an act of cheating in the qualification examination for certified labor affairs consultants, the Minister of Employment and Labor shall suspend or nullify the examination or cancel the decision to pass, and suspend their qualification to apply for the examination for five years from the date on which he/she suspends or nullifies the examination or cancels the decision to pass. *<Amended by Act No. 10339, Jun. 4, 2010>*

*<This Article Newly Inserted by Act No. 8615, Aug. 3, 2007>*

**Article 4 (Grounds for Disqualification)**

A person who falls under any of the following subparagraphs shall not become a certified labor affairs consultant: *<Amended by Act No. 13898, Jan. 27, 2016>*

1. A minor;
2. An incompetent person under adult guardianship or a quasi-incompetent person under limited guardianship;
3. A person who was declared bankrupt and has not been reinstated yet;
4. A person who is a public official discharged as a result of disciplinary action and for whom three years has not elapsed since the date of discharge;

5. A person who was sentenced to imprisonment without prison labor or heavier punishment, and for whom three years have not elapsed after the termination of, or exemption from, its execution;
6. A person who was consigned to a suspended sentence and for whom two years has not elapsed since the grace period expired; and
7. A person who is in the grace period of the deferred sentence of imprisonment without prison labor or heavier punishment.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

#### **Article 5 (Registration)**

(1) If a person who qualifies as a certified labor affairs consultant intends to commence the duties under Article 2, he/she shall register him/herself with the Minister of Employment and Labor, as prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) If a person who applies for registration pursuant to paragraph (1) falls under any of the following subparagraphs, the Minister of Employment and Labor shall reject the registration: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. A person who falls under any ground for disqualification referred to in Article 4;
2. A person who fails to receive training under Article 5-2 (1);
3. A person for whom three years have not passed since his/her registration was cancelled pursuant to Article 19 (1) 1; and
4. A person for whom three years have not passed since his/her registration was cancelled pursuant to Article 20.

(3) The Minister of Employment and Labor shall, if rejecting registration pursuant to paragraph (2), notify the applicant thereof, clearly stating the reason therefor, without delay. *<Amended by Act No. 10339, Jun. 4, 2010>*

*<This Article Wholly Amended by Act No. 10321, May 25, 2010>*

#### **Article 5-2 (Training of Certified Labor Affairs Consultants)**

(1) If a person who qualifies as a certified labor affairs consultant (excluding those falling under each subparagraph of Article 3-3 (1) and Article 3-3 (2)) is to commence his/her duties, he/she shall receive training for a period prescribed by the Presidential Decree but not exceeding one year before making a registration under Article 5.

(2) A certified labor affairs consultant who has registered pursuant to Article 5 (1) (hereinafter referred to as "practicing labor affairs consultant") shall receive refresher training (hereinafter referred to as "refresher training") whose contents are aimed at increasing the expertise and ethics of practicing labor affairs consultants for the number of hours prescribed by the Presidential Decree but not exceeding 8 hours every year (In such cases, at least one hour of education about the professional ethics required of certified labor affairs consultants shall be included therein.): Provided, That this shall not apply in any of the following cases: *<Amended by Act No. 13898, Jan. 27, 2016>*

1. Where he/she is unable to perform the normal duties of a certified labor affairs consultant due to illness, etc.;
2. Where he/she has a justifiable reason not to receive refresher training, such as suspension of business; and
3. Cases determined by the Certified Labor Affairs Consultant Association under Article 24, where a certified labor affairs consultant is not fit to receive refresher training due to old age.

(3) The Minister of Employment and Labor may designate an institution or organization that suits the criteria for facilities, manpower, training results, etc., prescribed by the Presidential Decree as an institution providing refresher training (hereinafter referred to as "designated training institution"). *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) If a designated training institution falls under any of the following subparagraphs, the Minister of Employment and Labor may cancel the designation: Provided, That in the case of subparagraph 1, the designation shall be cancelled: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where the institution has obtained designation in a false or any other fraudulent way;
2. Where the institution treats a person who has not completed refresher training as one who has; and
3. Where the institution fails to meet the criteria under paragraph (3).

(5) The contents of training under paragraphs (1) and (2) shall be prescribed by the Presidential Decree and training methods and procedures and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

*<This Article Newly Inserted by Act No. 10321, May 25, 2010>*

**Article 6 (Restrictions on Establishment of Offices)**

A practicing labor affairs consultant shall establish and operate just one office.

*<This Article Wholly Amended by Act No. 10321, May 25, 2010>*

**Article 7 (Joint Office)**

(1) A practicing labor affairs consultant may establish a joint office with not less than two certified labor affairs consultants in order to perform their duties effectively and to increase public trust.

(2) Deleted. *<Act No. 13898, Jan. 27, 2016>*

(3) With regard to matters concerning joint offices, which are not provided for in this Act, the provisions of the Civil Act concerning partnerships shall apply mutatis mutandis.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 7-2 (Labor Consulting Corporation)**

A practicing labor affairs consultant may establish a corporation in order to perform his/her duties in a systematic and specialized manner.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 7-3 (Members, etc. of Labor Consulting Corporation)**

(1) The members of a labor consulting corporation shall be composed of not less than two certified labor affairs consultants.

(2) Any person who is in the period of suspension after receiving a disposition to suspend duties shall not be a member of a labor consulting corporation. *<Amended by Act No. 10321, May 25, 2010>*

(3) A labor consulting corporation may employ a certified labor affairs consultant who is not its member (hereinafter referred to as "affiliated certified labor affairs consultant"). *<Newly Inserted by Act No. 10321, May 25, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

*<Title of This Article Amended by Act No. 10321, May 25, 2010>*

**Article 7-4 (Procedure, etc., for Establishment of Labor Consulting Corporation)**

(1) For a labor consulting corporation to be established, the certified labor affairs consultant who will be its member shall prepare its articles of incorporation, and obtain authorization therefor from the Minister of Employment and Labor, as prescribed by the Presidential Decree. The same shall apply to modification of the articles of incorporation. *<Amended by Act No*



*10339, Jun. 4, 2010>*

(2) The articles of incorporation shall contain the following matters: *<Amended by Act No. 10321, May 25, 2010>*

1. Purpose;
2. Name;
3. Locations of the principal and branch offices;
4. Names and addresses of members;
5. Matters concerning contributions by members;
6. Period of existence or grounds for dissolution if such period or grounds are determined; and
7. Other matters prescribed by the Presidential Decree.

(3) A labor consulting corporation shall register as prescribed by the Presidential Decree.

(4) A labor consulting corporation shall be formed by registration of establishment at the seat of the principal office.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

#### **Article 7-5 (Dissolution of Labor Consulting Corporation)**

(1) A labor consulting corporation shall be dissolved due to any of the following grounds:

1. Occurrence of any ground for dissolution prescribed by the articles of incorporation;
2. Resolution by a general meeting of members;
3. Merger;
4. Bankruptcy; and
5. Cancellation of authorization for incorporation.

(2) If a labor consulting corporation is dissolved, the liquidator shall report the ground therefor to the Minister of Employment and Labor without delay. *<Amended by Act No. 10339, Jun. 4, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

#### **Article 7-6 (Cancellation, etc., of Authorization for Labor Consulting Corporation)**

The Minister of Employment and Labor may cancel authorization for a labor consulting corporation or order the suspension of its business for a period of not more than one year if the labor consulting corporation falls under any of the following subparagraphs: Provided, That the authorization shall be cancelled if the labor consulting corporation falls under any of subparagraphs 1 through 3: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where the labor consulting corporation fails to supply a

- new member within three months from the date on which the number of its members fall short of the number under Article 7-3 (1);
2. Where the labor consulting corporation renders services in violation of an order of suspension of business;
  3. Where the labor consulting corporation has obtained authorization under Article 7-4 in a false or any other fraudulent way;
  4. Where the labor consulting corporation establishes or operates an office in violation of Article 7-7 (3);
  5. Where the labor consulting corporation employs a business assistant in violation of Article 11 (4) which shall apply mutatis mutandis pursuant to Article 7-10 (2)
  6. Where a member or an affiliated certified labor affairs consultant of the labor consulting corporation violates Article 13;
  7. Where the labor consulting corporation has gained profits by making a person who is or was a practicing labor affairs consultant (including any person who is or was a business assistant to a person who is or was a practicing labor affairs consultant) divulge the facts he/she has learned in the course of performing his/her duties, without any justifiable reason; and
  8. Where the labor consulting corporation fails to comply with an order of reporting, submission of materials, etc., or refuses, obstructs or evades an inspection or inquiry under Article 18 (1).

*<This Article Wholly Amended by Act No. 10321, May 25, 2010>*

**Article 7-7 (Offices of Labor Consulting Corporation)**

(1) A labor consulting corporation may have a branch office in addition to its principal office. In such cases, the branch office shall indicate that it is a branch office of the labor consulting corporation.

(2) A member or an affiliated certified labor affairs consultant of a labor consulting corporation shall not have an separate office other than that of the labor consulting corporation.

(3) The principal office and branch office of a labor consulting corporation shall each have not fewer than one certified labor affairs consultant working full time.

*<This Article Newly Inserted by Act No. 10321, May 25, 2010>*

**Article 7-8 (Labor Consulting Corporation's Method of Rendering**

### **Services)**

(1) A labor consulting corporation shall render services under the name of the corporation, and designate a certified labor affairs consultant (hereinafter referred to as "responsible certified labor affairs consultant") to take charge of each service requested: Provided, That if an affiliated certified labor affairs consultant is designated as a responsible certified labor affairs consultant, he/she shall be designated along with a member of the labor consulting corporation.

(2) If a labor consulting corporation designates no responsible certified labor affairs consultant when rendering services, all members of the labor consulting corporation shall be deemed to be designated as the responsible certified labor affairs consultant.

(3) A responsible certified labor affairs consultant shall represent his/her labor consulting corporation when he/she renders services assigned to him/her.

(4) Written documents prepared by a labor consulting corporation with regard to its services shall indicate the name of the corporation and the responsible certified labor affairs consultant shall put his/her name and seal or put his/her signature on them.

*<This Article Newly Inserted by Act No. 10321, May 25, 2010>*

### **Article 7-9 (Prohibition of Competitive Business)**

(1) A member or an affiliated certified labor affairs consultant of a labor consulting corporation shall neither render services falling within the scope of services of the labor consulting corporation for the sake of him/herself or for a third person, nor be employed as a member or an affiliated certified labor affairs consultant of another labor consulting corporation.

(2) Any person who was a member or an affiliated certified labor affairs consultant of a labor consulting corporation shall not perform the duties of a certified labor affairs consultant after retirement with regard to the services he/she rendered or agreed to render as a responsible certified labor affairs consultant of the labor consulting corporation: Provided, That this shall not apply if the labor consulting corporation gives consent.

*<This Article Newly Inserted by Act No. 10321, May 25, 2010>*

### **Article 7-10 (Mutatis Mutandis Application)**

(1) With regard to matters concerning labor consulting corporations, which are not provided for in this Act, the provisions of the Commercial Act concerning commercial partnerships shall apply mutatis mutandis.

(2) Articles 11, 12, 12-3, 12-4, 13, 14, 17, 20-3 and 26-2 shall apply mutatis mutandis to labor consulting corporations unless the provisions are inconsistent with the nature of labor consulting corporations. <Amended by Act No 10321, May 25, 2010>  
<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

**Article 8 (Name, etc., of Office)**

(1) Deleted. <Act No. 5887, Feb. 8, 1999>

(2) Deleted. <Act No. 5887, Feb. 8, 1999>

(3) A person who is not a certified labor affairs consultant under this Act shall not use in its name, certified labor affairs consultant, office of certified labor affairs consultant, joint office of certified labor affairs consultants and labor consulting corporation or any other term similar thereto. <Amended by Act No 8615, Aug. 3, 2007>

(4) A person who is not a joint office of certified labor affairs consultants or a labor consulting corporation under this Act shall not use in its name, joint office of certified labor affairs consultant and labor consulting corporation or any other term similar thereto. <Amended by Act No. 8615, Aug. 3, 2007>

**Article 9 (Discontinuation of Business)**

If a practicing labor affairs consultant intends to discontinue the business, he/she shall report this to the Minister of Employment and Labor. <Amended by Act No 10339, Jun. 4, 2010>  
<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

**Article 10** Deleted. <Act No.5815, Feb. 5, 1999>

**Article 11 (Business Assistant)**

(1) A practicing labor affairs consultant may have assistants who will assist his/her business.

(2) The actions of a business assistant in connection with his/her duties shall be deemed the actions of the practicing labor affairs consultant who employs him/her.

(3) A person who falls under any subparagraph of Article 4 shall not become a business assistant: Provided, That this shall not apply if the person was declared bankrupt and has not been reinstated yet under subparagraph 3 of Article 4. <Amended by Act No 8780, Dec. 21, 2007>

(4) A practicing labor affairs consultant shall not have as his/her business assistant a person who falls under paragraph (3). <Amended by Act No. 8780, Dec. 21, 2007>

<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

**Article 12 (Maintenance of Dignity, Obligation of Good Faith, etc.)**

(1) A practicing labor affairs consultant shall always maintain dignity and perform his/her duties fairly and in good faith and when he/she cannot perform his/her duties fairly, he/she shall not perform the duties prescribed in Article 2.

(2) A practicing labor affairs consultant shall sign his/her name or affix his/her seal on the documents he/she has prepared or confirmed pursuant to Article 2 (1).

(3) Deleted. <Act No. 10321, May 25, 2010>

<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

**Article 12-2** Deleted. <Act No. 5887, Feb. 8, 1999>

**Article 12-3 (Application for Inspection of Related Books, etc.)**

A practicing labor affairs consultant may, if necessary for performing the duties referred to in Article 2, make a request for the inspection of related books and documents to a related institution or a related person. In such cases, if the request is made to perform the duties under Article 2 (1) 1 or 2, the related institution so requested shall not refuse the request without a justifiable reason.

<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

**Article 12-4 (Guarantee of Compensation for Damage)**

In order to guarantee compensation for damage caused to a client by intention or by negligence during the performance of his/her duties, a practicing labor affairs consultant shall take out guarantee insurance, as prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

**Article 13 (Prohibited Acts)**

A practicing labor affairs consultant and his/her business assistant shall not do the following acts:

1. The act of having a client get financial gains, such as insurance money, in a false or any other fraudulent way, or having a client not pay insurance premiums and fulfill other monetary obligations under labor-related Acts and subordinate statutes;
2. The act of having a client not fulfill the obligation to notify and report and other obligations under labor-related Acts and subordinate statutes;
3. The act of providing guidance and consultation about acts against Acts and subordinate statutes, and other acts similar thereto;

4. The act of using a professional broker or soliciting clients in any other unjust way.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 14 (Keeping of Secrets)**

A person (including any person who is or was a business assistant to a person who is or was a practicing labor affairs consultant) who is or was a practicing labor affairs consultant shall not divulge the facts he/she has learned in the course of performing his/her duties to other persons without any justifiable reason.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 15 Deleted.** *<Act No. 5887, Feb. 8, 1999>*

**Article 16 Deleted.** *<Act No. 5887, Feb. 8, 1999>*

**Article 17 (Keeping, etc., of Books)**

(1) A practicing labor affairs consultant shall prepare and keep in his/her office books relating to his/her duties and preserve them for three years. In such cases, the books may be prepared, managed and preserved in the form of electronic documents under subparagraph 1 of Article 2 of the Framework Act on Electronic Commerce. *<Amended by Act No. 10321, May 25, 2010>*

(2) The types and forms of books kept under paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 18 (Order, etc., of Supervision)**

(1) If it is necessary in order to find out whether a practicing labor affairs consultant or a labor consulting corporation violates this Act or any order issued under this Act, the Minister of Employment and Labor may issue him/her/it to report matters concerning his/her/its business or to submit materials, or issue any other necessary order, and may have his/her public official enter the office to inspect books, documents, etc., or ask questions. *<Amended by Act No. 10321, May 25, 2010 and Act No. 10339, Jun. 4, 2010>*

(2) In the case of entering an office, conducting an inspection, etc. pursuant to paragraph (1), the Minister of Employment and Labor shall notify the practicing labor affairs consultant or labor consulting corporation of necessary matters, such as the date and time and details, seven days in advance: Provided, That this shall

not apply in urgent cases or if such advance notice is deemed to prevent the accomplishment of the purpose. *<Amended by Act No 10321, May 25, 2010 and Act No 10339, Jun. 4, 2010>*

(3) A public official who enters an office, conducts an inspection, etc., under paragraph (1) shall carry a certificate indicating such authority, and show it to the related person. *<Amended by Act No 10321, May 25, 2010>*

(4) The Minister of Employment and Labor may have the Certified Labor Affairs Consultant Association under Article 24 inspect business under paragraph (1). In such cases, the Certified Labor Affairs Consultant Association shall report the results thereof to the Minister of Employment and Labor. *<Amended by Act No 10321, May 25, 2010 and Act No 10339, Jun. 4, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

#### **Article 19 (Cancellation, etc., of Registration)**

(1) If a practicing labor affairs consultant falls under any of the following subparagraphs, the Minister of Employment and Labor shall cancel the registration: *<Amended by Act No 10339, Jun. 4, 2010>*

1. Where he/she falls under any ground for disqualification under Article 4;
2. Where he/she reports the discontinuation of business pursuant to Article 9;
3. Deleted. *<Act No 10321, May 25, 2010>*
4. Where he/she dies.

(2) If the Minister of Employment and Labor has cancelled registration pursuant to paragraph (1), he/she shall notify the person for whom the registration has been cancelled thereof, clearly stating the reason therefor, without delay. *<Newly Inserted by Act No 10321, May 25, 2010 and Amended by Act No 10339, Jun. 4, 2010>*

(3) A person for whom registration has been cancelled under paragraph (1) shall return the registration certificate. *<Amended by Act No 10321, May 25, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

#### **Article 20 (Disciplinary Action)**

(1) The Minister of Employment and Labor shall, if a practicing labor affairs consultant falls under any of the following subparagraphs, take disciplinary action according to a disciplinary decision by the Disciplinary Committee for Certified Labor Affairs Consultants: *<Amended by Act No 10321, May 25, 2010 and Act No 10339, Jun. 4, 2010>*

1. Where he/she establishes and operates two offices or more in violation of Article 6;
2. Where he/she becomes a member of a labor consulting corporation in violation of Article 7-3 (2);
3. Where he/she violates the prohibition of competitive business under Article 7-9;
4. Where he/she employs a business assistant in violation of Article 11 (4);
5. Where he/she violates the obligation to maintain dignity and perform in good faith under Article 12;
6. Where he/she commits a prohibited act under any subparagraph of Article 13;
7. Where he/she violates the obligation to keep secrets under Article 14;
8. Where he/she fails to comply with an order to report and submit materials, etc, or refuses, obstructs or evades an inspection or inquiry under Article 18 (1);
9. Where he/she violates the prohibition of lending, etc., of qualification certificates under Article 20-3;
10. Where he/she borrows another person's qualification certificate to establish and operate a labor consulting corporation or joint office;
11. Where he/she has a client get financial gains, such as insurance money under labor-related Acts and subordinate statutes, in a fraudulent way, or has a client not pay insurance premiums and fulfill other monetary obligations by intention or by gross negligence, while performing the duties under Article 2; and
12. Where he/she performs duties in violation of suspension of duties under subparagraph 2 of paragraph (3).

(2) Even in cases where a practicing labor affairs consultant commits an offence under any subparagraph of paragraph (1) and reports the discontinuation of business, he/she shall be subject to disciplinary action under paragraph (3) according to a decision by the Disciplinary Committee for Certified Labor Affairs Consultants. *<Amended by Act No. 10321, May 25, 2010>*

(3) Types of disciplinary action against a practicing labor affairs consultant or a certified labor affairs consultant who reports the discontinuation of business pursuant to paragraph (2) (hereinafter referred to as "practicing labor affairs consultant, etc."; hereinafter in this Article the same shall apply.) shall be as follows: *<Amended by Act No. 10321, May 25, 2010>*

1. Cancellation of registration;
2. Suspension of duties for up to three years;



3. Imposition of a fine for negligence not exceeding ten million won; and

4. Reprimand.

(4) The Certified Labor Affairs Consultant Association under Article 24 shall, if it deems a practicing labor affairs consultant, etc., to have a reason for disciplinary action falling under any subparagraph of paragraph (1), request the Minister of Employment and Labor to make a disciplinary decision against the practicing labor affairs consultant, etc. *<Amended by Act No 10321, May 25, 2010 and Act No 10339, Jun. 4, 2010>*

(5) A disciplinary decision under paragraph (1) or (2) shall be made at the request of the Minister of Employment and Labor and such request shall not be made after a lapse of three years from the date on which a reason falling under any subparagraph of paragraph (1) occurs. *<Amended by Act No 10321, May 25, 2010 and Act No 10339, Jun. 4, 2010>*

(6) If a practicing labor affairs consultant, etc., fails to pay a fine for negligence under paragraph (3) 3 until its payment deadline, the Minister of Employment and Labor may collect it in accordance with the process of recovery of national taxes in arrears. *<Amended by Act No 10321, May 25, 2010 and Act No 10339, Jun. 4, 2010>*

(7) Notification of disciplinary decisions and other necessary matters shall be prescribed by the Presidential Decree. *<Amended by Act No 10321, May 25, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

#### **Article 20-2 (Disciplinary Committee for Certified Labor Affairs Consultants)**

(1) A Disciplinary Committee for Certified Labor Affairs Consultants shall be set up in the Ministry of Employment and Labor to deliberate and decide on disciplinary action against certified labor affairs consultants. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) The composition and operation of the Disciplinary Committee for Certified Labor Affairs Consultants and other necessary matters shall be prescribed by the Presidential Decree.

*<This Article Newly Inserted by Act No. 10321, May 25, 2010>*

#### **Article 20-3 (Prohibition of Lending, etc., of Qualification Certificates)**

A certified labor affairs consultant shall neither have any other person perform the duties of a certified labor affairs consultant under his/her name or the name of his/her office,

nor lend his/her qualification certificate or registration certificate.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 21 Deleted.** *<Act No. 5477, Dec. 24, 1997>*

**Article 22 (Hearings)**

If the Minister of Employment and Labor intends to take action, etc., falling under any of the following subparagraphs, he/she shall hold a hearing: *<Amended by Act No. 10321, May 25, 2010 and Act No. 10339, Jun. 4, 2010>*

1. Cancellation, etc., of authorization for establishment under Article 7-6;
2. Decision by the Disciplinary Committee for Certified Labor Affairs Consultants under Article 20 (1) and (2).

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 23 Deleted.** *<Act No. 5887, Feb. 8, 1999>*

**Article 24 (Establishment, etc., of Certified Labor Affairs Consultant Association)**

(1) A Korea Certified Labor Affairs Consultant Association (hereinafter referred to as "Certified Labor Affairs Consultants Association") shall be set up to promote the quality of certified labor affairs consultants, maintain their dignity, improve the certified labor affairs consultant system and carry out its affairs efficiently.

(2) For the Certified Labor Affairs Consultant Association to be established pursuant to paragraph (1), the bylaws of the Association shall be established and approval therefor shall be obtained from the Minister of Employment and Labor. The same shall apply in the case of modifying the matters approved. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) Major matters to be provided for in the bylaws of the Association under paragraph (2) shall be prescribed by the Presidential Decree.

(4) The Certified Labor Affairs Consultant Association shall be a corporation.

(5) With regard to matters concerning the Certified Labor Affairs Consultant Association, which are not provided for in this Act, the provisions of the Civil Act concerning incorporated associations shall apply mutatis mutandis.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 24-2 (Joining Certified Labor Affairs Consultant Association and Public Interest Activities)**

(1) Every practicing labor affairs consultant shall join the Certified Labor Affairs Consultant Association.

(2) Certified Labor Affairs Consultant Association shall actively participate in public interest activities, such as support for vulnerable groups.

*<This Article Newly Inserted by Act No. 8615, Aug. 3, 2007>*

**Article 25 (Guidance, Supervision, etc.)**

(1) If it is necessary in supervising the Certified Labor Affairs Consultant Association, the Minister of Employment and Labor may order the Certified Labor Affairs Consultant Association to report matters concerning its business or submit materials, or issue any other necessary order and may have his/her public official enter the office, inspect books, documents, etc., or ask questions.

*<Amended by Act No. 10339, Jun. 4, 2010>*

(2) With regard to public officials under paragraph (1), Article 18 (3) shall apply mutatis mutandis. *<Amended by Act No. 10321, May 25, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 26 (Entrustment of Duties)**

(1) The Minister of Employment and Labor may entrust the following duties to the Certificated Labor Affairs Consultant Association: *<Amended by Act No. 10321, May 25, 2010 and Act No. 10339, Jun. 4, 2010>*

1. Training of certified labor affairs consultants;
2. Guidance and education for workers and employers about rational management of labor affairs;
- 2-2. Duties concerning registration and discontinuation of business by certified labor affairs consultants; and
3. Other duties deemed necessary for the enforcement of this Act and designated by the Minister of Employment and Labor.

(2) The Minister of Employment and Labor may entrust his/her duties concerning the management of the qualification examination for certified labor affairs consultants under Article 3-2 (1) to the Human Resources Development Service of Korea under the Act on the Human Resources Development Service of Korea. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If the Minister of Employment and Labor entrusts his/her duties to the Certified Labor Affairs Consultant Association or the Human Resources Development Service of Korea pursuant to paragraph (1) and (2), he/she may subsidize necessary expenses within the limits of the budget. *<Amended by*

*Act No. 10339, Jun. 4, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 26-2 (Support, etc., for Vulnerable Groups)**

(1) The State or a public institution may have a certified labor affairs consultant support socially vulnerable groups with respect to cases related to labor-related Acts and subordinate statutes.

(2) If the State or a public institution intends to have a certified labor affairs consultant support socially vulnerable groups pursuant to paragraph (1), matters concerning the method and procedure, the scope of vulnerable groups and the remuneration of such certified labor affairs consultant shall conform to the conditions prescribed by other Acts.

(3) If a certified labor affairs consultant has supported socially vulnerable groups pursuant to paragraph (1), the Minister of Employment and Labor may deem him/her to have received refresher training for a certain number of hours, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Newly Inserted by Act No. 10321, May 25, 2010 and Amended by Act No. 10339, Jun. 4, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 27 (Restrictions on Duties)**

A person who is not a certified labor affairs consultant shall not perform any duty referred to in subparagraph 1, 2, or 4 of Article 2 (1) as a profession: Provided, That this shall not apply if other Acts and subordinate statutes prescribe otherwise.

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

**Article 27-2 (Review of Regulations)**

With regard to the criteria for partial exemption from examinations under Article 3-3 and the system of taking out guarantee insurance to ensure compensation for damage under Article 12-4, the Minister of Employment and Labor shall review the reasonableness thereof every five years starting from December 31, 2010 and take measures, such as abolition, relaxation or maintenance. *<Amended by Act No. 10339, Jun. 4, 2010>*

*<This Article Newly Inserted by Act No. 10321, May 25, 2010>*

**Article 28 (Penal Provisions)**

(1) A person who falls under any of the following subparagraphs shall be punished by imprisonment of up to three years, or by a fine not exceeding 30 million won: *<Amended by Act No.*

*10321, May 25, 2010 and Act No. 12624, May 20, 2014>*

1. A person who violates the obligation to keep secrets under Article 14; and
2. A person who violates the restrictions on duties under Article 27.

(2) A person who falls under any of the following subparagraphs shall be punished by imprisonment of up to one year, or by a fine not exceeding 10 million won: *<Amended by Act No. 10321, May 25, 2010 and Act No. 12624, May 20, 2014>*

1. A certified labor affairs consultant who performs the duties of a certified labor affairs consultant without registration under Article 5 (1);
2. A person who commits a prohibited act falling under subparagraph 1, 2 or 4 of Article 13;
3. A person who violates the prohibition of lending, etc., of qualification certificates under Article 20-3 and his/her counterpart; and
4. A person who violates the prohibition of use of similar names under Article 8 (3) and (4)

(3) Deleted. *<Act No. 10321, May 25, 2010>*

*<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>*

#### **Article 29 (Joint Penal Provisions)**

(1) If a practicing labor affairs consultant who is a member of a labor consulting corporation, an affiliated certified labor affairs consultant or a business assistant to a practicing labor affairs consultant commits the offence referred to in Article 28 in relation to the business of the labor consulting corporation or practicing labor affairs consultant, the fine prescribed in the same Article shall be imposed on the labor consulting corporation or practicing labor affairs consultant, in addition to the punishment of the offender: Provided, That this shall not apply unless the labor consulting corporation or practicing labor affairs consultant neglects to give considerable attention and supervision to the business concerned in order to prevent such offence. *<Amended by Act No. 10321, May 25, 2010>*

*<This Article Wholly Amended by Act No. 9255, Dec. 26, 2008>*

#### **Article 30 (Fine for Negligence)**

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won: *<Amended by Act No. 10321, May 25, 2010>*

1. A person who fails to receive refresher training under Article 5-2 (2);

2. A person who violates the obligation to report discontinuation of business under Article 9;
- 2-2. A person who fails to take out guarantee insurance under Article 12-4 (including cases to which it shall apply mutatis mutandis pursuant to Article 7-10 (2)); and
3. A person who violates the obligation to prepare, manage and preserve books relating to his/her duties under Article 17 (1) (including cases to which it shall apply mutatis mutandis pursuant to Article 7-10 (2)).
4. Deleted. <Act No. 10321, May 25, 2010>
  - (2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Employment and Labor as prescribed by the Presidential Decree.
 

<Amended by Act No. 10339, Jun. 4, 2010>

    - (3) Deleted. <Act No. 10321, May 25, 2010>
    - (4) Deleted. <Act No. 10321, May 25, 2010>
    - (5) Deleted. <Act No. 10321, May 25, 2010>

<This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

**Article 31 (Delegation of Authority)**

Part of the authority of the Minister of Employment and Labor under this Act may be delegated to the heads of local employment and labor offices, as prescribed by the Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>  
 <This Article Wholly Amended by Act No. 8615, Aug. 3, 2007>

**Addendum** <Act No. 9255, Dec. 26, 2008>

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

**Addenda** <Act No. 10321, May 25, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after its promulgation: Provided, That the amended provisions of Article 5-2 (2) shall enter into force on January 1, 2011.

**Article 2 (Applicability concerning Labor Consulting Corporation's Method of Rendering Services)**

The amended provisions of Article 7-8 shall apply to services, a request for which is accepted by a labor consulting corporation after this Act enters into force.

**Article 3 (Applicability concerning Prohibition of Competitive Business)**

(1) The amended provisions of Article 7-9 (1) shall apply to services that a member or an affiliated certified labor affairs consultant of a labor consulting corporation begins to render after this Act enters into force.

(2) The amended provisions of Article 7-9 (2) shall apply to a person who retires from a labor consulting corporation after this Act enters into force.

**Article 4 (Transitional Measures concerning Training)**

Any certified labor affairs consultant (including certified labor affairs consultants who are in in-service training at the time this Act enters into force and completes such in-service training after this Act enters into force) who has received in-service training under the previous provisions before this Act enters into force shall be deemed to have received training under the amended provisions of Article 5-2 (1).

**Article 5 (Transitional Measures concerning Qualification for Member of Labor Consulting Corporation)**

A person for whom qualification has been suspended for an act committed before this Act enters into force and is still in the period of such suspension shall be subject to the previous provisions notwithstanding the amended provisions of Article 7-3 (3).

**Article 6 (Transitional Measures concerning Cancellation of Authorization for Labor Consulting Corporation)**

The cancellation of authorization for a labor consulting corporation for an act committed before this Act enters into force shall be subject to the previous provisions notwithstanding the amended provisions of Article 7-6.

**Article 7 (Transitional Measures concerning Cancellation of Registration of Practicing Labor Affairs Consultants)**

A person for whom qualification is suspended for an act committed before this Act enters into force, pursuant to the previous provisions, in accordance with Article 8 of the Addenda shall be subject to the previous provisions notwithstanding the amended provisions of Article 19 with regard to the cancellation of registration of practicing labor affairs consultants.

**Article 8 (Transitional Measures concerning Disciplinary Action)**

Disciplinary action taken for an act committed before this Act enters into force shall be subject to the previous provisions.

**Article 9 (Transitional Measures concerning Penal Provisions and Fine for Negligence)**

The application of the penal provisions and provisions on fines for negligence to any act committed before this Act enters into force shall be governed by the previous provisions.

**Addenda** <Act No. 10339, Jun. 4, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force one month after its promulgation: Provided, That Article 4 (50) of the Addenda shall enter into force on November 21, 2010, paragraph (19) of the same Article on November 26, 2010, paragraphs (10) and (11) of the same Article on January 1, 2011 and paragraph (60) of the same Article on January 1, 2012, respectively.

**Articles 2 and 3** Omitted.

**Article 4 (Revision of Other Acts)**

(1) and (17) Omitted.

(18) Part of the Certified Labor Affairs Consultant Act shall be revised as follows:

"Minister of Labor" in Article 3-2 (1), Article 3-5, Article 5 (1) and (4), the former part of Article 7-4 (1), Article 7-5 (2), parts other than each subparagraph of Article 7-6, Article 9, Article 18 (1), the former and latter parts of Article 18 (3), parts other than each subparagraph of Article 19 (1), parts other than each subparagraph of Article 20 (1), Article 20 (4), Article 20 (6), parts other than each subparagraph of Article 22, the former part of Article 24 (2), Article 25 (1), parts other than each subparagraph of Article 26 (1), Article 26 (1) 3, Article 26 (2) and (3), Article 30 (2) through (4) and Article 31 shall be changed to "Minister of Employment and Labor".

"Ministry of Labor" in parts other than each subparagraph of Article 3-4 (1) shall be changed to "Ministry of Employment and Labor".

"Ordinance of the Ministry of Labor" in Article 17 (2) shall be changed to "Ordinance of the Ministry of Employment and Labor".

"Local labor offices" in Article 31 shall be changed to "local



employment and labor offices".

(19) Parts of the Certified Labor Affairs Consultant Act amended by act no. 10321 shall be revised as follow:

"Minister of Labor" in Article 3-2 (3), Article 5 (1), parts other than each subparagraph of Article 5 (2), Article 5 (3), Article 5-2 (3), parts other than each subparagraph of Article 5-2 (4), parts other than each subparagraph of Article 7-6, Article 18 (2), Article 19 (2), parts other than each subparagraph of Article 20 (1), Article 20 (4), (5) and (6), Article 26-2 (3) and Article 27-2 shall be changed to "Minister of Employment and Labor".

"Ordinance of the Ministry of Labor" in Article 5-2 (5) and 26-2 (3) shall be changed to "Ordinance of the Ministry of Employment and Labor".

"Ministry of Labor" in Article 20-2 (1) shall be changed to "Ministry of Employment and Labor".

(20) through (82) Omitted.

**Article 5** Omitted.

#### **Addendum** <Act No. 12624, May 20, 2014>

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

#### **Addenda** <Act No. 13898, Jan. 27, 2016>

##### **Article 1 (Enforcement Date)**

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

##### **Article 2 (Applicability concerning Qualification Examination for Certified Labor Affairs Consultants)**

The amended provisions of Article 3-2 (5) shall apply beginning with the first qualification examination for certified labor affairs consultants administered after this Act enters into force.

##### **Article 3 (Transitional Measures concerning Incompetent Persons, etc.)**

Incompetent persons under adult guardianship or quasi-incompetent persons under limited guardianship under the amended provisions of subparagraph 2 of Article 4 shall be deemed to include those whose declaration of incompetence or quasi-incompetence remains effective pursuant to Article 2 of

the Addenda of the Civil Act partially amended by Act no. 10429.