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**ACT ON THE PROTECTION, ETC. OF TEMPORARY AGENCY
WORKERS**

[Enforcement Date 18. Apr, 2017.] [Act No.14790, 18. Apr, 2017., Partial
Amendment]

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to ensure the proper operation of temporary work agency business and to establish criteria for working conditions, etc. for temporary agency workers, thereby contributing to the stability of employment, the promotion of the welfare of temporary agency workers and the efficient supply of and demand for manpower.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 8076, Dec. 21, 2006; Act No. 11668, Mar. 22, 2013>

1. The term "temporary placement of workers" means engaging a worker employed by a temporary work agency to work for, and under the direction and supervision of, a user company in accordance with the terms and conditions of a contract on temporary placement of workers, while maintaining his/her employment relationship with the temporary work agency;
2. The term "temporary work agency business" means conducting temporary placement of workers for business purposes;
3. The term "temporary work agency" means a person engaged in temporary work agency business;
4. The term "user company" means a person for whom a temporary agency worker works under a contract on temporary placement of workers;
5. The term "temporary agency worker" means a person employed by a temporary work agency to be assigned to work for a user company;
6. The term "contract on temporary placement of workers" means an agreement prescribing temporary placement of workers between a temporary work agency and a user company;

7. The term "discriminatory treatment" means imposing unfavorable conditions on the following without just cause:

- (a) A wage defined in Article 2 (1) 5 of the Labor Standards Act;
- (b) A bonus provided regularly, such as a regular bonus and holiday bonus;
- (c) Performance - based pay;
- (d) Other matters related to working conditions, welfare, etc.

Article 3 (Responsibilities of Government)

In order to protect temporary agency workers and make it easy for workers to find jobs and for employers to secure manpower, the Government shall endeavor to ensure that workers are directly employed by employers by adopting and implementing various measures specified in the following subparagraphs:

- 1. Gathering and provision of employment information;
- 2. Research on jobs;
- 3. Vocational guidance;
- 4. Establishment and operation of employment security offices.

Article 4 (Surveys and Research on Temporary Work Agency Business) (1) The

Government may, if necessary, require persons representing workers, employers, the public interest, and related experts to conduct surveys and research on major matters concerning the proper operation of temporary work agency business and the protection of temporary agency workers.

(2) Matters necessary for surveys and research under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010 >

CHAPTER II PROPER OPERATION OF TEMPORARY WORK AGENCY BUSINESS

Article 5 (Jobs, etc. Permitted for Temporary Placement of Workers) (1) Jobs permitted

for temporary work agency business shall be deemed appropriate for that purpose in consideration of professional knowledge, skills or experience or the nature of duties and prescribed by Presidential Decree, except for those directly related to production in the manufacturing industry. <Amended by Act No. 8076, Dec. 21, 2006 >

(2) Notwithstanding paragraph (1), if a vacancy occurs due to child birth, an illness, injury, etc. or there is a need to temporarily or intermittently secure manpower, temporary work agency business may be conducted. <Amended by Act No. 8076, Dec. 21, 2006 >

(3) Notwithstanding paragraphs (1) and (2), no temporary work agency business shall be conducted for the following jobs: <Newly Inserted by Act No. 8076, Dec. 21, 2006; Act No. 8617, Aug. 3, 2007; Act No. 11024, Aug. 4, 2011 >

1. Jobs performed at a construction site;
2. Harbor stevedore jobs defined in subparagraph 1 of Article 3 of the Harbor Transport Business Act, Article 9 (1) 1 of the Korea Railroad Corporation Act, Article 40 of the Act on Distribution and Price Stabilization of Agricultural and Fishery Products, and Article 2 (1) 1 of the Framework Act on Logistics Policies, which are performed in an area where worker supply service is permitted pursuant to Article 33 of the Employment Security Act;
3. Seamen's jobs defined in subparagraph 1 of Article 2 of the Seafarers Act;
4. Harmful or hazardous jobs prescribed in Article 28 of the Occupational Safety and Health Act;
5. Any other job prescribed by Presidential Decree as deemed inappropriate for temporary work agency business by reason of protection of workers, etc.

(4) Where any user company intends to use a temporary agency worker pursuant to paragraph (2), he/she shall have sincere prior consultation with a trade union of his/her business or workplace if there is a trade union comprised of a majority of workers, or if there is no such trade union, with a person representing a majority of workers. <Amended by Act No. 8076, Dec. 21, 2006 >

(5) No person shall engage in temporary work agency business nor be provided with temporary agency services from a person who engages in temporary work agency business in violation of paragraphs (1) through (4). <Amended by Act No. 8076, Dec. 21, 2006 >

Article 6 (Period of Temporary Employment) (1) The employment period of a temporary agency worker shall not exceed one year, except in cases falling under Article 5 (2). <Amended by Act No. 8076, Dec. 21, 2006 >

(2) Notwithstanding paragraph (1), a period of temporary employment may be extended if there is an agreement among the temporary work agency, the user company and the temporary agency worker. In such cases, the period so extended, if extended once, shall not exceed one year, and the total period of temporary employment, including the extended period, shall not exceed two years.<Newly Inserted by Act No. 8076, Dec. 21, 2006>

(3) Notwithstanding the latter part of paragraph (2), with regard to aged temporary agency workers defined in subparagraph 1 of Article 2 of the Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion, a period of temporary employment may be extended in excess of two years. <Amended by Act No. 8076, Dec. 21, 2006; Act No. 11279, Feb. 1, 2012>

(4) An employment period of a temporary agency worker under Article 5 (2) shall be as follows:<Amended by Act No. 8076, Dec. 21, 2006>

1. A period required to resolve the cause where a clear and objective cause, such as childbirth, an illness or injury, exists;
2. A period of less than three months where there is a need to secure manpower on a temporary or intermittent basis: Provided, That if the cause is not resolved and there is an agreement among the temporary work agency, the user company and the temporary agency worker, the period may be extended once for up to three months.

Article 6 - 2 (Obligations of Employment) (1) If a user company falls under any of the following subparagraphs, it shall directly employ the relevant temporary agency worker: <Amended by Act No. 11279, Feb. 1, 2012>

1. Where the user company uses the temporary agency worker in the jobs which do not fall under those permitted for temporary placement of workers prescribed in Article 5 (1) (excluding cases where temporary work agency business is conducted pursuant to Article 5 (2));
2. Where the user company uses the temporary agency worker in violation of Article 5 (3);
3. Where the user company continues to use the temporary agency worker in excess of two years in violation of Article 6 (2);

4. Where the user company uses the temporary agency worker in violation of Article 6 (4);

5. Where the user company is provided with services for temporary placement of workers in violation of Article 7 (3).

(2) Paragraph (1) shall not apply where the relevant temporary agency worker clearly expresses his/her dissenting opinion, or a justifiable ground prescribed by Presidential Decree exists.

(3) If a user company directly employs a temporary agency worker pursuant to paragraph (1), working conditions for the temporary agency worker shall be as follows:

1. If a worker is performing the same or similar kind of duties as the temporary agency worker among the workers employed by the user company, working conditions prescribed in the employment rules applicable to such worker shall apply to the temporary agency worker;

2. If no worker is performing the same or similar kind of duties as the temporary agency worker among the workers employed by the user company, working conditions for the temporary agency worker shall not be worsened compared to his/her existing working conditions.

(4) If a user company intends to directly employ a worker for a job for which a temporary agency worker is already being used, he/she shall endeavor to give priority to employing the temporary agency worker.

[This Article Newly Inserted by Act No. 8076, Dec. 21, 2006]

Article 7 (Permission for Temporary Work Agency Business) (1) Any person who intends to engage in temporary work agency business shall obtain permission from the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor. The foregoing shall also apply to any revision of important matters prescribed by Ordinance of the Ministry of Employment and Labor among permitted ones. <Amended by Act No. 10339, Jun. 4, 2010>

(2) If a person who has obtained permission for temporary work agency business pursuant to the former part of paragraph (1) intends to revise matters, other than important ones referred to in the latter part of the same paragraph, among permitted matters, he/she shall report such revision to the Minister of Employment and Labor,

as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(3) No user company shall be provided with temporary agency services from a person who engages in temporary work agency business in violation of paragraph (1). <Newly Inserted by Act No. 8076, Dec. 21, 2006>

Article 8 (Grounds for Disqualification from Obtaining Permission)

Any of the following persons is disqualified from obtaining permission for temporary work agency business under Article 7: <Amended by Act No. 8372, Apr. 11, 2007; Act No. 8964, Mar. 21, 2008; Act No. 11024, Aug. 4, 2011; Act No. 14790, Apr. 18, 2017>

1. A minor, a person under adult guardianship, a person under limited guardianship, or a person who was declared bankrupt and has not been reinstated yet;
2. A person in whose case two years have not passed since his/her imprisonment without labor or a heavier punishment (excluding a suspended sentence thereof) as declared by a court was completely executed or exempted;
3. A person who was sentenced to punishment by a fine or a heavier punishment (excluding a suspended sentence thereof) for violating this Act, the Employment Security Act, Articles 7, 9, 20 through 22, 36, 43 through 46, 56 and 64 of the Labor Standards Act, Article 6 of the Minimum Wage Act, and Article 110 of the Seafarers Act, and in whose case three years have not passed since the punishment was completely executed or exempted;
4. A person under the suspended sentence of imprisonment without labor or a heavier punishment as declared by a court;
5. A person in whose case three years have not passed since permission for the relevant business was revoked under Article 12;
6. A corporation which has an executive falling under any of subparagraphs 1 through 5.

Article 9 (Criteria for Granting Permission) (1) If any application for permission of temporary work agency business is filed pursuant to Article 7, the Minister of Employment and Labor may grant permission only when the following requirements are met: <Amended by Act No. 10339, Jun. 4, 2010>

1. An applicant shall have assets, facilities, etc. which enable him/her to properly carry on temporary work agency business;

2. The relevant temporary work agency business shall not target a small number of particular user companies.

(2) Detailed criteria for granting permission under paragraph (1) shall be prescribed by Presidential Decree.

Article 10 (Period of Validity of Permission) (1) The period of validity of permission for temporary work agency business shall be three years.

(2) Any person who intends to continue to carry on temporary work agency business after expiration of the period of validity of permission under paragraph (1) shall obtain permission for renewal, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010 >

(3) The period of validity of permission for renewal under paragraph (2) shall be three years counting from the date following the date of the expiration of permission prior to such renewal.

(4) Articles 7 through 9 shall apply mutatis mutandis to permission for renewal under paragraph (2).

Article 11 (Closure of Business) (1) If a temporary work agency closes its temporary work agency business, it shall report such closure to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor.

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

(2) If a report is filed as prescribed in paragraph (1), permission for temporary work agency business shall become void from the date of reporting.

Article 12 (Revocation, etc. of Permission) (1) If a temporary work agency falls under any of the following subparagraphs, the Minister of Employment and Labor may revoke permission for temporary work agency business or order such temporary work agency to suspend its business for a prescribed period of up to six months: Provided, That if it falls under subparagraph 1 or 2, the Minister of Employment and Labor shall revoke permission for temporary work agency business: <Amended by Act No. 8963, Mar. 21, 2008; Act No. 10339, Jun. 4, 2010 >

1. Where it obtains permission under Article 7 (1) or 10 (2) by false or other fraudulent means;

2. Where it falls under any ground for disqualification prescribed in Article 8;
3. Where it falls short of criteria for permission prescribed in Article 9;
4. Where it engages in temporary work agency business, in violation of Article 5 (5);
5. Where it engages in temporary work agency business, in violation of Article 6 (1), (2) or (4);
6. Where it revises important matters without obtaining permission, in violation of the latter part of Article 7 (1);
7. Where it revises matters reported without reporting such revision pursuant to Article 7 (2);
8. Where it fails to report business closure prescribed in Article 11 (1);
9. Where it fails to notify a user company of the details of a disposition of business suspension, in violation of Article 13 (2);
10. Where it violates the ban on concurrent business prescribed in Article 14;
11. Where it lends its trade name in violation of Article 15;
12. Where it temporarily places workers in violation of Article 16 (1);
13. Where it violates matters to be observed under Article 17;
14. Where it fails to file a report as prescribed in Article 18 or files a false report;
15. Where it fails to conclude a written contract on temporary placement of workers pursuant to Article 20 (1);
16. Where it temporarily places workers without obtaining consent from such workers, in violation of Article 24 (2);
17. Where it concludes an employment contract or a contract on temporary placement of workers, in violation of Article 25;
18. Where it fails to inform a temporary agency worker of the matters referred to in Article 20 (1) 2 and 4 through 12 in violation of Article 26 (1);
19. Where it fails to appoint a manager of temporary agency services pursuant to Article 28 or appoints a disqualified person for that position;
20. Where it fails to prepare or preserve a ledger for management of temporary agency services pursuant to Article 29;
21. Where it fails to send the results of a health examination, in violation of Article 35 (5);
22. Where it fails to comply with an order to improve the operation of temporary work agency business and employment management of temporary agency workers

pursuant to Article 37;

23. Where it violates an order to report pursuant to Article 38 or refuses, evades or interferes with entry, inspections or questioning by related public officials.

(2) If a corporation falls under the ground for disqualification prescribed in subparagraph 6 of Article 8 and the Minister of Employment and Labor intends to revoke its permission therefor, he/she shall give in advance such corporation at least one month to replace the relevant executive. <Amended by Act No. 10339, Jun. 4, 2010 >

(3) If the Minister of Employment and Labor intends to revoke permission granted pursuant to paragraph (1), he/she shall hold a hearing. <Amended by Act No. 10339, Jun. 4, 2010 >

(4) Criteria for revoking permission for temporary work agency business or suspension of business under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010 >

Article 13 (Temporary Placement of Workers after Revocation, etc. of Permission) (1) A temporary work agency subject to revocation of permission or suspension of business under Article 12 shall have duties and rights as a temporary work agency for any temporary agency worker placed before such disposition as well as for the user company until the end of the employment period of the relevant temporary agency worker.

(2) In cases under paragraph (1), a temporary work agency shall give notice to a user company on such disposition without delay.

Article 14 (Prohibition of Concurrent Business)

A person who carries on any of the following business shall not engage in temporary work agency business: <Amended by Act No. 9432, Feb. 6, 2009 >

1. Food services business prescribed in Article 36 (1) 3 of the Food Sanitation Act;
2. Accommodation business prescribed in Article 2 (1) 1 (a) of the Public Health Act;
3. Marriage counseling or matchmaking services prescribed in Article 5 of the Family Ritual Standards Act;
4. Any other business prescribed by Presidential Decree.

Article 15 (Prohibition of Lending Trade Name)

No temporary work agency shall allow any other person to operate temporary work agency business using its trade name.

Article 16 (Restrictions on Temporary Placement of Workers) (1) No temporary work agency shall place workers to any workplace where industrial action is underway to perform business affairs interrupted by such industrial action.

(2) When a person dismisses a worker for managerial reasons prescribed in Article 24 of the Labor Standards Act, he/she shall not use a temporary agency worker for the same work before the end of a certain period prescribed by Presidential Decree.

[<Amended by Act No. 8372, Apr. 11, 2007>](#)

Article 17 (Matters to be Observed by Temporary Work Agencies, etc.)

Each temporary work agency and manager of temporary agency services under Article 28 shall observe matters prescribed by Ordinance of the Ministry of Employment and Labor in carrying out temporary work agency business. [<Amended by](#)

[Act No. 10339, Jun. 4, 2010>](#)

Article 18 (Reporting on Business)

Each temporary work agency shall prepare a business report and submit it to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor. [<Amended by Act No. 10339, Jun. 4, 2010>](#)

Article 19 (Measures for Closure, etc.) (1) With regard to persons who carry on temporary work agency business without obtaining permission or persons who continue to carry on temporary work agency business after being subject to a disposition of business suspension or revocation of permission, the Minister of Employment and Labor may authorize related public officials to take the following measures to close such business: [<Amended by Act No. 10339, Jun. 4, 2010>](#)

1. Removing billboards or eliminating other business signs of the relevant place of business or office;
2. Posting notices indicating that the relevant business is illegal;
3. Barring instruments or facilities indispensable for operating the relevant business from being used by sealing them off.

(2) If measures prescribed in paragraph (1) are to be taken, the relevant temporary work agency or its agent shall be informed thereof in advance in writing: Provided, That the foregoing shall not apply in cases of emergency.

(3) The measures referred to in paragraph (1) shall be limited to the minimum extent necessary for closing the relevant business.

(4) Any relevant public official who takes measures prescribed in paragraph (1) shall produce an identity card indicating his/her authority to relevant persons.

CHAPTER III WORKING CONDITIONS, ETC. FOR TEMPORARY AGENCY WORKERS

SECTION 1 Contracts on Temporary Placement of Workers

Article 20 (Terms, etc. of Contracts) (1) Parties to a contract on temporary placement of workers shall conclude such contract in writing, stating the following terms, as prescribed by Ordinance of the Ministry of Employment and Labor: [< Amended by Act No. 8076, Dec. 21, 2006; Act No. 10339, Jun. 4, 2010 >](#)

1. Number of temporary agency workers;
2. Description of duties to be performed by temporary agency workers;
3. Grounds for placing workers (limited to cases where the workers are placed under Article 5 (2));
4. Name and location of the workplace where temporary agency workers will be placed and other working places;
5. Matters related to a person who will directly supervise and give orders to temporary agency workers during the period of temporary employment;
6. Matters related to the period of temporary employment and the starting date of temporary agency services;
7. Matters related to the start time and finish time of work, and recess hours;
8. Matters related to holidays and leave;
9. Matters related to extended, night and holiday work;
10. Matters related to safety and health;
11. Matters related to the price of temporary placement of workers;
12. Any other matter prescribed by Ordinance of the Ministry of Employment and Labor.

(2) If a user company concludes a contract on temporary placement of workers pursuant to paragraph (1), he/she shall provide necessary information to the relevant temporary work agency in order for it to comply with Article 21 (1). In such cases, matters concerning the scope of information to be provided, methods of provision, etc. shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 8076, Dec. 21, 2006 >

Article 21 (Prohibition, Correction, etc. of Discriminatory Treatment) (1) No temporary work agency nor user company shall give discriminatory treatment to any temporary agency worker on the ground of his/her employment status compared with other workers engaged in the same or similar kind of duties at the business of the user company.

(2) Any temporary agency worker who has received discriminatory treatment may request a correction thereof to the Labor Relations Commission.

(3) Articles 9 through 15 and 16 (excluding subparagraphs 1 and 4 of the same Article) of the Act on the Protection, etc. of Fixed - Term and Part - Time Workers shall apply mutatis mutandis to requests for correction under paragraph (2) and other procedures for correction. In such cases, "fixed - term or part - time employee" and "employer" shall be construed as "temporary agency worker" and "temporary work agency or user company", respectively.

(4) Paragraphs (1) through (3) shall not apply to user companies ordinarily employing not more than four workers.

[This Article Wholly Amended by Act No. 8076, Dec. 21, 2006]

Article 21 - 2 (Requests, etc. by the Minister of Employment and Labor for Correction of Discriminatory Treatment) (1) Where any temporary work agency or user company gives discriminatory treatment in violation of Article 21 (1), the Minister of Employment and Labor may request a correction thereof.

(2) Where any temporary work agency or user company fails to comply with a request for correction made under paragraph (1), the Minister of Employment and Labor shall notify the Labor Relations Commission of the discriminatory treatment with the detailed description thereof. In such cases, the Minister of Employment and Labor shall notify the relevant temporary work agency or user company and the relevant worker of such fact.

(3) Upon receiving the notification from the Minister of Employment and Labor pursuant to paragraph (2), the Labor Relations Commission shall, without delay, examine whether any discriminatory treatment exists. In such cases, the Labor Relations Commission shall give the relevant temporary work agency or user company and the relevant worker an opportunity to state its or his/her opinions.

(4) Articles 9 (4), 11 through 15 and 15 - 2 (5) of the Act on the Protection, etc. of Fixed - Term and Part - Time Workers applied *mutatis mutandis* under Article 15 - 2 (4) of the same Act shall apply *mutatis mutandis* to examinations by the Labor Relations Commission under paragraph (3) and other procedures for correction. In such cases, "date of a request for correction" shall be construed as "date of receiving notification", "decision of dismissal" as "decision on that there has been no discriminatory treatment", "the parties concerned" as "the temporary work agency or user company and worker", and "worker who has filed a request for correction" as "relevant worker", respectively.

[This Article Newly Inserted by Act No. 11279, Feb. 1, 2012]

Article 21 - 3 (Expanding Effect of Finalized Corrective Order) (1) The Minister of Employment and Labor may investigate whether any discriminatory treatment is given to temporary agency workers other than workers to whom the corrective order finalized pursuant to Article 14 of the Act on the Protection, etc. of Fixed - Term and Part - Time Workers which applies *mutatis mutandis* under Articles 21 (3) or 21 - 2 (4) is effective, in the business or workplace of the temporary work agency or user company which has a duty to comply with such corrective order, and may request it to take corrective actions, if any discriminatory treatment exists.

(2) Article 21 - 2 (2) through (4) shall apply *mutatis mutandis* where the temporary work agency or user company fails to comply with the request for correction under paragraph (1).

[This Article Newly Inserted by Act No. 12470, Mar. 18, 2014]

Article 22 (Termination, etc. of Contracts) (1) No user company shall terminate a contract on temporary placement of a worker on grounds of the gender, religion or social status of a temporary agency worker, nor his/her legitimate involvement in union activities.

(2) If a user company, with regard to any temporary placement of workers, violates this Act or orders issued under this Act, the Labor Standards Act or orders issued under the same Act, the Occupational Safety and Health Act, or orders issued under the same Act, a temporary work agency may suspend the temporary placement of workers or terminate the contract on temporary placement of workers.

SECTION 2 Measures to be Sought by Temporary Work Agencies

Article 23 (Enhancement of Welfare for Temporary Agency Workers)

Each temporary work agency shall endeavor to enhance the welfare of temporary agency workers by seeking measures necessary to secure employment and education and training opportunities suitable for their wishes and abilities, improve their working conditions, and achieve their employment stability.

Article 24 (Duty to Notify Temporary Agency Workers) (1) If a temporary work agency intends to employ a worker as a temporary agency worker, it shall inform such worker in advance of such intention in writing. <Amended by Act No. 8076, Dec. 21, 2006 >

(2) If a temporary work agency intends to have any of its workers who are not hired for placing temporary agency workers become subjected to temporary placement of workers, it shall notify such worker in advance of such intention in writing and obtain his/her consent. <Amended by Act No. 8076, Dec. 21, 2006 >

Article 25 (Prohibition of Employment Restrictions for Temporary Agency Workers) (1)

No temporary work agency shall, without justifiable grounds, conclude an employment contract with a temporary agency worker or a person who wishes to be hired as a temporary agency worker, which prohibits the worker from being hired by a user company after termination of the employment relationship with the relevant temporary work agency.

(2) No temporary work agency shall, without justifiable grounds, conclude any contract on temporary placement of workers which prohibits a user company from hiring a temporary agency worker after termination of the employment relationship with such temporary agency worker.

Article 26 (Notification of Placement Conditions) (1) If a temporary work agency intends to place a temporary agency worker, it shall, in advance, notify in writing the relevant temporary agency worker of the matters described in subparagraphs of Article 20 (1) and other matters prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 8076, Dec. 21, 2006; Act No. 10339, Jun. 4, 2010>

(2) Any temporary agency worker may ask his/her temporary work agency to provide detailed information on the price of the temporary placement of relevant workers pursuant to Article 20 (1) 11.<Newly Inserted by Act No. 8076, Dec. 21, 2006>

(3) If a temporary work agency is asked to provide detailed information as prescribed in paragraph (2), it shall provide such information in writing without delay.<Newly Inserted by Act No. 8076, Dec. 21, 2006>

Article 27 (Notification to User Companies)

Where a temporary work agency places a temporary agency worker, it shall give notice of the name of such temporary agency worker and other matters prescribed by Ordinance of the Ministry of Employment and Labor to the user company. <Amended by Act No. 10339, Jun. 4, 2010>

Article 28 (Managers of Temporary Agency Services) (1) In order to ensure proper employment management of temporary agency workers, a temporary work agency shall appoint a person not qualified as prescribed in subparagraphs 1 through 5 of Article 8 as a manager of temporary agency services.

(2) Matters necessary for the duties, etc. of a manager of temporary agency services shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 29 (Ledger for Management of Temporary Agency Services) (1) Each temporary work agency shall prepare and preserve a ledger for management of temporary agency services.

(2) Matters to be recorded on a ledger for management of temporary agency services, and the period for preservation thereof under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor.<Amended by Act No. 10339, Jun. 4, 2010>

SECTION 3 Measures to be Sought by User Companies

Article 30 (Measures for Contracts on Temporary Placement of Workers)

Each user company shall devise necessary measures so as not to violate any terms and conditions of a contract on temporary placement of workers under Article 20.

Article 31 (Securing Proper Temporary Agency Services) (1) If a temporary agency worker files a grievance over temporary agency services, the user company shall notify the temporary work agency of the details of the grievance and handle such grievance in a prompt and proper manner.

(2) In addition to handling grievances as stipulated in paragraph (1), a user company shall devise necessary measures to ensure the proper provision of temporary agency services.

Article 32 (Utilization Business Managers) (1) In order to ensure the proper provision of services by temporary agency workers, each user company shall appoint a utilization business manager.

(2) Matters necessary for the duties, etc. of a utilization business manager shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010 >

Article 33 (Ledger for Management of Utilization Business) (1) Each user company shall prepare and preserve a ledger for management of utilization business.

(2) Matters to be recorded on a ledger for management of utilization business, and the period for preservation thereof under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010 >

SECTION 4 Special Cases for Application of the Labor Standards Act, etc.

Article 34 (Special Cases for Application of the Labor Standards Act) (1) The Labor Standards Act shall apply to services provided by a temporary agency worker during his/her period of temporary employment as a temporary work agency and a user

company shall be deemed an employer defined in Article 2 of the same Act:

Provided, That for the purposes of Articles 15 through 36, 39, 41 through 48, 56, 60, 64, 66 through 68 and 78 through 92 of the same Act, a temporary work agency shall be deemed an employer, whereas for the purposes of Articles 50 through 55, 58, 59, 62, 63 and 69 through 75 of the same Act, a user company shall be deemed an employer. <Amended by Act No. 8372, Apr. 11, 2007 >

(2) If a temporary work agency fails to pay wages to a temporary agency worker due to causes attributable to a user company, which are prescribed by Presidential Decree, the user company shall be jointly and severally liable for such failure along with the temporary work agency. In such cases, for the purposes of Articles 43 and 68 of the Labor Standards Act, the temporary work agency and the user company shall be deemed an employer defined in Article 2 of the same Act, which shall be applied to them accordingly. <Amended by Act No. 8372, Apr. 11, 2007 >

(3) If a user company grants paid holidays or paid leave pursuant to Articles 55, 73 and 74 (1) of the Labor Standards Act, the wages during such holidays or leave shall be paid by the temporary work agency. <Amended by Act No. 8372, Apr. 11, 2007 >

(4) If a temporary work agency and a user company conclude a contract on temporary placement of workers which contains any terms and conditions violating the Labor Standards Act and violate the same Act by requiring any temporary agency worker to provide services in accordance with the contract, both parties to the contract shall be subject to the relevant penalty provisions on the ground that they shall be deemed an employer under Article 15 of the same Act.

Article 35 (Special Cases for Application of the Occupational Safety and Health Act) (1)

The Occupational Safety and Health Act shall apply to services provided by a temporary agency worker during his/her period of temporary employment as if a user company is deemed an employer defined in subparagraph 3 of Article 2 of the same Act. In such cases, for the purposes of Article 31 (2) of the same Act, "when hiring a worker" in the same paragraph shall be construed as "when temporary agency services are provided".

(2) Notwithstanding paragraph (1), for the purposes of Articles 5 and 43 (5) (limited to cases of a change of workplace, work reassignment and reduction of working hours), the proviso to Article 43 (6) and Article 52 (2) of the Occupational Safety

and Health Act, a temporary work agency and a user company shall be deemed an employer defined in subparagraph 3 of Article 2 of the same Act.

(3) If a user company has conducted a health examination for a worker during his/her period of temporary employment pursuant to Article 43 of the Occupational Safety and Health Act, it shall explain the results of the health examination to the relevant temporary work agency pursuant to Article 43 (6) of the same Act and shall send such results to the temporary work agency without delay.

(4) Notwithstanding paragraphs (1) and (3), with regard to health examinations which an employer shall conduct on a regular basis pursuant to Article 43 (1) of the Occupational Safety and Health Act and which are prescribed by Ordinance of the Ministry of Employment and Labor, a temporary work agency shall be deemed an employer defined in under subparagraph 3 of Article 2 of the same Act. <Amended by Act No. 8963, Mar. 21, 2008; Act No. 10339, Jun. 4, 2010>

(5) If a temporary work agency has conducted a health examination pursuant to paragraph (4), it shall explain the results of the health examination to the relevant temporary work agency pursuant to Article 43 (6) of the Occupational Safety and Health Act and shall send such results without delay to the user company.

(6) If a temporary work agency and a user company conclude a contract on temporary placement of workers which contains any terms and conditions violating the Occupational Safety and Health Act and violate the same Act by requiring a temporary agency worker to provide services in accordance with the contract, both parties to the contract shall be subject to the relevant penalty provisions on the ground that they shall be deemed an employer defined in subparagraph 3 of Article 2 of the same Act.

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 36 (Guidance, Advice, etc.)

If the Minister of Employment and Labor deems it necessary for enforcing this Act, he/she may provide temporary work agencies and user companies with guidance and advice necessary for properly operating temporary work agency business and securing proper temporary agency services. <Amended by Act No. 10339, Jun. 4, 2010>

Article 37 (Improvement Orders)

If the Minister of Employment and Labor deems it necessary for securing proper temporary agency services, he/she may order any temporary work agency to improve its operation of temporary work agency business and employment management of temporary agency workers. <Amended by Act No. 10339, Jun. 4, 2010>

Article 38 (Reporting and Inspections) (1) If the Minister of Employment and Labor deems it necessary for enforcing this Act, he/she may order any temporary work agency and user company to report necessary matters, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(2) If the Minister of Employment and Labor deems it necessary, he/she may authorize related public officials to enter the workplace and other facilities of a temporary work agency and a user company to inspect books, documents and other articles, or ask questions to relevant persons. <Amended by Act No. 10339, Jun. 4, 2010>

(3) Each public official who enters a place of business to conduct an inspection pursuant to paragraph (2) shall produce an identity card indicating his/her authority to relevant persons.

Article 39 (Requests for Data) (1) The Minister of Employment and Labor may request related administrative agencies, other public organizations, etc. to submit data necessary for enforcing this Act. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Any person in receipt of a request to submit data under paragraph (1) shall comply with such request unless justifiable grounds exist to the contrary.

Article 40 (Fees)

Any person who intends to obtain permission under Articles 7 and 10 shall pay fees, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 41 (Delegation of Authority)

@Part of the authority held by the Minister of Employment and Labor under this Act may be delegated to the head of a local employment and labor office, as prescribed by Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

CHAPTER V PENALTY PROVISIONS

Article 42 (Penalty Provisions) (1) Each person who assigns a worker to place him/her in any of the following jobs, shall be punished by imprisonment for not more than five years or by a fine not exceeding 50 million won: <Amended by Act No. 12632, May 20, 2014; Act No. 14790, Apr. 18, 2017>

1. A job involving an act of sexual traffic defined in Article 2 (1) 1 of the Act on the Punishment of Arrangement of Commercial Sex Acts, Etc.;
2. A job involving manufacturing illegal foods, etc. under Article 2 (1) of the Act on Special Measures for the Control of Public Health Crimes;
3. A job involving manufacturing illegal foods, etc. under Article 3 (1) of the Act on Special Measures for the Control of Public Health Crimes;
4. A job involving manufacturing illegal poisonous substances, etc. under Article 4 (1) of the Act on Special Measures for the Control of Public Health Crimes;
5. A job involving an act of illegal medical practicing under Article 5 of the Act on Special Measures for the Control of Public Health Crimes;
6. A job involving an act of selling harmful foods, etc. under Article 4 of the Food Sanitation Act;
7. A job involving an act of selling meat, etc. affected by diseases under Article 5 of the Food Sanitation Act;
8. Other jobs involving any act corresponding to any of subparagraphs 1 through 7 as prescribed by Presidential Decree.

(2) Each person, who attempts to commit a crime provided for in paragraph (1), shall be punished.

Article 43 (Penalty Provisions)

Each of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won:<Amended by Act No. 8076, Dec. 21, 2006; Act No. 12632, May 20, 2014>

1. A person who engages in temporary work agency business, in violation of Article 5 (5), 6 (1), (2) and (4), or 7 (1);

- 1 - 2. A person who is provided with temporary agency services, in violation of Article 5 (5), 6 (1), (2) and (4), or 7 (3);
2. A person who obtains permission referred to in Article 7 (1) or permission for renewal referred to in Article 10 (2) by fraud or other wrongful means;
3. A person who violates Article 15 or 34 (2).

Article 43 - 2 (Penalty Provisions)

Any person who violates Article 16 (excluding subparagraphs 1 and 4 of the same Article) of the Act on the Protection, etc. of Fixed - Term and Part - Time Workers, applicable mutatis mutandis pursuant to Article 21 (3), shall be punished by imprisonment for not more than two years or by a fine not exceeding ten million won.

[This Article Newly Inserted by Act No. 8076, Dec. 21, 2006]

Article 44 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment for not more than one year or by a fine not exceeding ten million won: <Amended by Act No. 8076, Dec. 21, 2006; Act No. 9698, May 21, 2009>

1. Deleted; <by Act No. 8076, Dec. 21, 2006>
2. A person who continues to carry on temporary work agency business in violation of an order to suspend business under Article 12 (1);
3. A person who violates Article 16.

Article 45 (Joint Penalty Provisions)

If the representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits a violation referred to in Article 42, 43, 43 - 2, or 44 in connection with the business of the corporation or the individual, not only shall such violator be punished, but also the corporation or the individual shall be punished by a fine prescribed in the relevant provisions: Provided, That the foregoing shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such violation.

[This Article Wholly Amended by Act No. 9698, May 21, 2009]

Article 46 (Administrative Fines) (1) Each person, who fails to comply with the corrective order finalized pursuant to Article 14 (2) or (3) of the Act on the

Protection, etc. of Fixed - Term and Part - Time Workers which applies mutatis mutandis pursuant to Articles 21 (3), 21 - 2 (4), and 21 - 3 (2) without just cause, shall be punished by an administrative fine not exceeding 100 million won. <Newly Inserted by Act No. 8076, Dec. 21, 2006; Act No. 11279, Feb. 1, 2012; Act No. 12470, Mar. 18, 2014 >

(2) Each person, who fails to directly employ a temporary agency worker in violation of Article 6 - 2 (1), shall be punished by an administrative fine not exceeding 30 million won.<Newly Inserted by Act No. 8076, Dec. 21, 2006 >

(3) Each person, who fails to give advance written notice stating the matters stipulated in Article 20 (1) and any other matter prescribed in Ordinance of the Ministry of Employment and Labor to the relevant temporary agency worker, in violation of Article 26 (1), shall be punished by an administrative fine not exceeding ten million won.<Newly Inserted by Act No. 9698, May 21, 2009; Act No. 10339, Jun. 4, 2010 >

(4) Each person, who fails to comply with a request by the Minister of Employment and Labor to submit a compliance report under Article 15 (1) of the Act on the Protection, etc. of Fixed - Term and Part - Time Workers which applies mutatis mutandis pursuant to Articles 21 (3), 21 - 2 (4) and 21 - 3 (2) without just cause, shall be punished by an administrative fine not exceeding five million won.<Newly Inserted by Act No. 8076, Dec. 21, 2006; Act No. 9698, May 21, 2009; Act No. 10339, Jun. 4, 2010; Act No. 11279, Feb. 1, 2012; Act No. 12470, Mar. 18, 2014 >

(5) Each of the following persons shall be punished by an administrative fine not exceeding three million won:<Amended by Act No. 8076, Dec. 21, 2006; Act No. 9698, May 21, 2009 >

1. A person who fails to file a report under Article 11 (1) or files a false report;
2. A person who fails to file a report under Article 18 or 38 (1) or files a false report;
- 2 - 2. A person who violates Article 26 (3);
3. A person who violates Article 27, 29 or 33;
4. A person who fails to send the results of a health examination, in violation of Article 35 (3) or (5);
5. A person who violates an improvement order issued under Article 37;
6. A person who refuses, interferes with, or evades any inspection conducted under Article 38 (2) without just cause.

(6) Administrative fines referred to in paragraphs (1) through (5) shall be imposed and collected by the Minister of Employment and Labor, as prescribed by Presidential Decree. <Amended by Act No. 9698, May 21, 2009; Act No. 10339, Jun. 4, 2010>
(7) and (8) Deleted. <by Act No. 9698, May 21, 2009>

ADDENDA <No. 8076, 21. Dec, 2006 >

(1) (Enforcement Date) This Act shall enter into force on July 1, 2007: Provided, That the enforcement dates of the amended provisions of Articles 20 (2), 21, 43 - 2, and 46 (1) and (3) shall be, according to the types of business or workplace (referring to the business or workplace of a user company; hereinafter the same shall apply), as follows:

1. Business or workplace ordinarily employing not less than 300 workers: July 1, 2007;
2. State or local government agencies, government - affiliated institutions prescribed in Article 3 of the Framework Act on the Management of Government - Affiliated Institutions, government - invested institutions prescribed in Article 2 of the Framework Act on the Management of Government - Invested Institutions, local government - invested public corporations and local government public corporations prescribed in Articles 49 and 76 of the Local Public Enterprises Act, government - funded research institutions prescribed in Article 2 of the Act on the Establishment, Operation and Fostering of Government - Funded Research Institutions and research councils prescribed in Article 2 of the Act on the Establishment, Operation and Fostering of Government - Funded Science and Technology Research Institutions, and university - affiliated hospitals prescribed in the Act on the Establishment of National University - Affiliated Hospitals: July 1, 2007;
3. Business or workplace ordinarily employing not less than 100, but less than 300 workers: July 1, 2008;
4. Business or workplace ordinarily employing less than 100 workers: July 1, 2009.

(2) (Applicability to Period of Temporary Employment) The amended provisions of Article 6 shall also apply to contracts on temporary placement of workers which were concluded before this Act enters into force, but are still in force (including cases where a period of temporary employment is extended) as at the time this Act

enters into force.

(3) (Transitional Measures concerning Legal Fiction of Employment) Even after this Act enters into force, the former provisions shall continue to apply to the temporary agency workers who are governed by the former Article 6 (3) as at the time this Act enters into force.

(4) (Transitional Measures concerning Penalty Provisions) The former provisions shall apply to the application of penalty provisions to any act done before this Act enters into force.

ADDENDA <No. 8372, 11. Apr, 2007 >

Article 1 (Enforcement Date)

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

Articles 2 through 17 Omitted.

ADDENDA <No. 8617, 03. Aug, 2007 >

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

ADDENDA <No. 8963, 21. Mar, 2008 >

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

ADDENDA <No. 8964, 21. Mar, 2008 >

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

(2) Omitted.

ADDENDA <No. 9432, 06. Feb, 2009 >

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <No. 9698, 21. May, 2009 >

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Transitional Measures concerning Penalty Provisions) When penalty provisions are applied to an act done before this Act enters into force, the former provisions shall apply.

ADDENDA <No. 10339, 04. Jun, 2010 >

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <No. 11024, 04. Aug, 2011 >

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <No. 11279, 01. Feb, 2012 >

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

ADDENDA <No. 11668, 22. Mar, 2013 >

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

ADDENDA <No. 12470, 18. Mar, 2014 >

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

ADDENDA <No. 12632, 20. May, 2014 >

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

ADDENDA <No. 14790, 18. Apr, 2017 >

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Grounds for Disqualification including Incompetence)

Notwithstanding the amended provision of subparagraph 1 of Article 8, the former provisions shall apply to a person who remains under the force of declared incompetency or quasi - incompetency pursuant to Article 2 of Addenda of the Act amending the Civil Act (Act No. 10429) as at the time this Act enters into force.