

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.*

INDUSTRIAL ACCIDENT COMPENSATION INSURANCE ACT

Act No. 1438, Nov. 5, 1963

Amended by Act No. 4826, Dec. 22, 1994
Act No. 5398, Aug. 28, 1997
Act No. 5454, Dec. 13, 1997
Act No. 5505, Jan. 13, 1998
Act No. 5881, Feb. 8, 1999
Act No. 6073, Dec. 31, 1999
Act No. 6100, Dec. 31, 1999
Act No. 6590, Dec. 31, 2001
Act No. 7049, Dec. 31, 2003
Act No. 7155, Jan. 29, 2004
Act No. 7049, Dec. 31, 2003
Act No. 7155, Jan. 29, 2004
Act No. 7796, Dec. 29, 2005
Act No. 8373, Apr. 11, 2007
Act No. 8435, May 17, 2007
Wholly Amended by Act No. 8694, Dec. 14, 2007
Act No. 8835, Dec. 31, 2007
Act No. 8863, Feb. 29, 2008
Act No. 9319, Dec. 31, 2008
Act No. 9338, Jan. 7, 2009
Act No. 9794, Oct. 9, 2009
Act No. 9988, Jan. 27, 2010
Act No. 10305, May 20, 2010
Act No. 10339, Jun. 4, 2010
Act No. 11141, Dec. 31, 2011
Act No. 11569, Dec. 18, 2012
Act No. 13045, Jan. 20, 2015
Act No. 13323, May 18, 2015

CHAPTER I

General Provisions

Article 1 (Purpose)

The purpose of this Act is to compensate workers rapidly and fairly for their work-related accidents by carrying out industrial accident compensation insurance activities, to establish and operate insurance facilities to promote the rehabilitation of accident victims and their return to society, and to contribute to the protection of workers by preventing accidents and carrying out other projects for promoting workers' welfare.

Article 2 (Management of Insurance and Insurance Year)

(1) The industrial accident compensation insurance activities (hereinafter referred to as "insurance activities") prescribed by this Act shall be managed by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The insurance year for the insurance activities prescribed by this Act shall be the same as the fiscal year of the Government.

Article 3 (Finance and Support from the State)

(1) The State shall pay the expenses required for executing affairs about insurance activities from the general account within the limits of its budget every fiscal year.

(2) The State may support part of the expenses required for insurance activities within the limits of its budget every fiscal year.

Article 4 (Insurance Premiums)

The premiums and other charges to be collected to finance the expenses required for insurance activities under this Act shall be subject to the conditions prescribed by the Act on the Collection, etc., of Premiums for Employment Insurance and Industrial Accident Compensation Insurance (hereinafter referred to as "the Insurance Premium Collection Act")

Article 5 (Definition)

The terms used in this Act are defined as follows: *<Amended by Act No. 9988, Jan. 27, 2010; Act No. 10305, May 20, 2010; Act No. 10339, Jun. 4, 2010; and Act No. 11569, Dec. 18, 2012>*

1. The term "work-related accident" means any injury, disease, disability or death of a worker, which is caused by his/her duties;
2. The term "worker", "wage", "average wage", and "ordinary wage" means the "worker", "wage", "average wage", and "ordinary wage" defined by the Labor Standards Act: Provided, That if it is deemed difficult to determine "wage" or "average wage" pursuant to the Labor Standards Act, the amount determined and announced publicly by the Minister of Employment and Labor shall be the "wage" or "average wage";
3. The term "survivors" means the spouse (including a person who has a de facto marital relation; hereinafter the same shall apply), children, parents, grandchildren, grandparents or brothers and sisters of a deceased person;

4. The term "cure" means reaching a state in which an injury or a disease has been completely cured or no further effect of treatment is expected with its symptoms remaining fixed;
5. The term "disability" refers to a state in which an injury or a disease has been cured but abilities to work have been lost or decreased due to mental or physical damage;
6. The term "invalidity" refers to a state in which the ability to work has been lost or reduced because of the mental or physical damage caused by a work-related injury or disease, and the injury or disease remains uncured.
7. The term "pneumoconiosis" refers to a lung disease, the main symptom of which is fibroplasia caused by inhalation of dust.

Article 6 (Scope of Application)

This Act shall apply to businesses or workplaces employing workers(hereinafter referred to as "businesses"): Provided, That this Act shall not apply to the businesses determined in the Presidential Decree in consideration of their hazard rate, size, location, etc.

Article 7 (Establishment and Termination of Insurance Relationship)

The establishment and termination of insurance relationships under this Act shall be subject to the provisions of the Insurance Premium Collection Act.

Article 8 (Deliberation Committee on Industrial Accident Compensation Insurance and Prevention)

(1) In order to deliberate important matters concerning industrial accident compensation insurance and prevention, the Deliberation Committee on Industrial Accident Compensation Insurance and Prevention (hereinafter referred to as "Committee") shall be established in the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) The Committee shall be composed of members representing workers, employers and public interests, but the number of members representing each section shall be equal.

(3) For the purpose of examining the matters to be deliberated, and assisting the deliberation of the Committee, an expert committee may be established in the Committee.

(4) Necessary matters concerning the organization, functions and operation of the Committee and an expert committee shall be prescribed by the Presidential Decree.

<Amended by Act No. 9794, Oct. 9, 2009>

Article 9 (Survey and Research on Insurance Activities)

(1) The Minister of Employment and Labor may conduct a survey or research in order to effectively manage and operate insurance activities. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may, if deemed necessary, have some of the works referred to in paragraph (1) conducted by those prescribed in the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

CHAPTER II

Korea Workers' Compensation & Welfare Service

Article 10 (Establishment of Korea Workers' Compensation & Welfare Service)

In order to efficiently carry out activities aimed at attaining the purpose prescribed in Article 1 under the entrustment of the Minister of Employment and Labor, the Korea Workers' Compensation & Welfare Service (hereinafter referred to as "Service") shall be established. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 11 (Activities of the Service)

(1) The Service shall carry out the following business activities: *<Amended by Act No. 9988, Jan. 27, 2010 and Act No. 13045, Jan. 20, 2015>*

1. Management and maintenance of records on insurance policyholders and beneficiaries;
2. Collection of premiums and other charges under the Insurance Premium Collection Act;
3. Decisions on and payment of insurance benefits;
4. Review and decision on a request for examination on decisions, etc., on insurance benefits;
5. Establishment and operation of industrial accident compensation insurance facilities;
- 5-2. Medical treatment, medical care and rehabilitation for workers, etc., suffering a work-related accident;
- 5-3. Research and development, testing and supply of rehabilitation equipment and assistive devices;
- 5-4. Research on work-related diseases for decisions on and payment of insurance benefits;

5-5. Preventive activities, such as health examinations necessary to maintain and promote the health of workers, etc.;

6. Activities aimed at improving the welfare of workers;

7. Other activities entrusted by the Government;

8. Activities incidental to those referred to in subparagraphs 5, 5-2 through 5-5, 6 and 7.

(2) The Service may set up and operate a medical or research institution to carry out the activities referred to in paragraph (1) 5-2 through 5-5. *<Newly inserted by Act No. 9988, Jan. 27, 2010 and Amended by Act No. 13045, Jan. 20, 2015>*

(3) In order to give advice necessary for carrying out the activities under paragraph (1) 3, an insurance benefit advisory committee composed of relevant experts may be set up in the Service. *<Amended by Act No. 9988, Jan. 27, 2010>*

(4) Necessary matters concerning the composition and operation of the insurance benefit advisory committee under paragraph (3) shall be determined by the Service. *<Amended by Act No. 9988, Jan. 27, 2010>*

(5) The government may contribute towards the expenses necessary for the activities and operation of the Service within the limits of the budget. *<Newly Inserted by Act No. 13045, Jan. 20, 2015>*

Article 12 (Legal Personality)

The Service shall be a juristic person.

Article 13 (Office)

(1) The location of the principal office of the Service shall be prescribed by its bylaws.

(2) The Service may, if necessary, establish a branch office as prescribed by its bylaws.

Article 14 (Bylaws)

(1) The bylaws of the Service shall include the following matters:

1. Objectives;

2. Title;

3. Matters concerning its principal and branch offices;

4. Matters concerning its officers and employees;

5. Matters concerning its board of directors;

6. Matters concerning its activities;

7. Matters concerning its budget and settlement of accounts;

8. Matters concerning its assets and accounting;
 9. Matters concerning changes in its bylaws;
 10. Matters concerning the enactment, revision and repeal of its internal regulations;
 11. Matters concerning public notice.
- (2) The bylaws of the Service shall be authorized by the Minister of Employment and Labor. This provision shall also apply to any modification thereto.
<Amended by Act No. 10339, Jun. 4, 2010>

Article 15 (Registration of Establishment)

The Service shall come into existence by registering its establishment in the area where its principal office is located.

Article 16 (Officers)

(1) The officers of the Service shall be fifteen or less directors, including a president and four standing directors, and an auditor. <Amended by Act No. 9988, Jan. 27, 2010>

(2) The appointment and removal of the president, standing directors and auditor shall be subject to Article 26 of the Act on the Management of Public Institutions. <Amended by Act No. 9988, Jan. 27, 2010>

(3) Non-standing directors (excluding those appointed as ex-officio non-standing directors pursuant to paragraph (4)) shall be appointed by the Minister of Employment and Labor from among those who fall under any of the following subparagraphs pursuant to Article 26 (3) of the Act on the Management of Public Institutions. In such cases, the number of non-standing directors falling under subparagraphs 1 and 2 shall be equal unless no person is recommended by either the trade union or the employers' organization: <Newly Inserted by Act No. 9988, Jan. 27, 2010; Act No. 10305, May 20, 2010; and Act No. 10339, Jun. 4, 2010>

1. A person recommended by a trade union which is a confederation;
2. A person recommended by an employers' organization with nationwide representation;
3. A person with plenty of knowledge and experience in social insurance or labor welfare projects, who is recommended by the executive recommendation committee under Article 29 of the Management of Public Institutions.

(4) Those appointed as ex-officio non-standing directors shall be as follows: <Newly Inserted by Act No. 9988, Jan. 27, 2010; Act No. 10339, Jun. 4, 2010>

1. One person designated by the Minister of Strategy and Finance from among general public officials belonging to the Senior Civil Service or public officials of Grade III who are in charge of the budgetary affairs of the Service in the Minister of Strategy and Finance;
2. One person designated by the Minister of Employment and Labor from among general public officials belonging to the Senior Civil Service or public officials of Grade III who are in charge of the affairs of industrial accident compensation insurance in the Ministry of Employment and Labor.

(5) The non-standing directors shall not be paid any remuneration: Provided, That they may be paid the actual expenses needed for performing their duties. <Amended by Act No. 9988, Jan. 27, 2010>

Article 17 (Term of Office for Officers)

The president shall serve for a term of three years and the directors and auditor for a term of two years, which may be renewed for one year at a time. <Amended by Act No. 9988, Jan. 27, 2010>

Article 18 (Duties of Officers)

(1) The president shall represent the Service, and be in overall charge of the affairs of the Service.

(2) The standing directors shall divide the work of the Service between themselves pursuant to the bylaws, and if the president is absent due to an accident, shall perform his/her duties on behalf of him/her in such order as prescribed by the bylaws.

(3) The auditor shall audit the work and accounting of the Service.

Article 19 (Grounds for Disqualification and Compulsory Resignation of Officers)

A person who falls under any of the following subparagraphs shall not become an officer of the Service:

1. A person who falls within the grounds for disqualification prescribed in each subparagraph of Article 33 of the State Public Official Act;
2. A person who falls under Article 34 (1) 2 of the Act on the Management of Public Institutions.

<This Article Wholly Amended by Act No. 9988, Jan. 27, 2010>

Article 20 (Removal of Officers)

The removal of an officer shall be subject to Articles 22 (1), 31 (6), 35 (2) and (3), 36 (2) and 48 (4) and (8) of the Act on the Management of Public Institutions.

<This Article Wholly Amended by Act No. 9988, Jan. 27, 2010>

Article 21 (Restriction, etc., on Holding Concurrent Office by Officer or Employee)

(1) The permanent officers and employees of the Service shall not be engaged in for-profit work other than their duties. *<Amended by Act No. 9988, Jan. 27, 2010>*

(2) If a permanent officer has got permission from the person authorized to appoint or recommend under Article 26 of the Act on the Management of Public Institutions or an employee has got permission from the president, he/she may perform not-for-profit work concurrently. *<Newly Inserted by Act No. 9988, Jan. 27, 2010>*

(3) A person who is or was an officer or employee of the Service shall not disclose confidential information acquired while performing duties. *<Amended by Act No. 9988, Jan. 27, 2010>*

Article 22 (Board of Directors)

(1) In order to deliberate and decide on the matters prescribed in each subparagraph of Article 17 (1) of the Act on the Management of Public Institutions, the board of directors shall be set up.

(2) The board of directors shall be composed of directors including the president.

(3) The president shall chair the board of directors.

(4) The board of directors shall be convened at the request of its chair or one third or more of the current directors, and make a decision with the approval of a majority of the current directors.

(5) The auditor may attend a meeting of the board of directors and state his/her opinions.

<This Article Wholly Amended by Act No. 9988, Jan. 27, 2010>

Article 23 (Appointment and Dismissal of Employees and Selection of Representative)

(1) The chairman shall appoint and dismiss employees of the Service as prescribed by its bylaws.

(2) The chairman may select a representative who has the authority to conduct any judicial or extra judicial act related to affairs of the Service, from among the employees, as prescribed

by the bylaws.

Article 24 (Fiction as Public Official in Application of Penal Provisions)

The officers and employees of the Service shall be considered as public officials in applying the penal provisions under Articles 129 through 132 of the Criminal Act.

Article 25 (Direction and Control of Affairs)

(1) The Service shall obtain the approval of the Minister of Employment and Labor on its operational plans and budget for each fiscal year, as prescribed by the Presidential Decree. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) The Service shall report actual operational results and a statement of accounts to the Minister of Employment and Labor within two months after the end of each fiscal year. *<Amended by Act No 10339, Jun. 4, 2010>*

(3) The Minister of Employment and Labor may order the Service to make a report on its activities, check the state of its activities or assets, and if deemed necessary, take measures necessary for supervision, such as ordering a modification of its bylaws. *<Amended by Act No 10339, Jun. 4, 2010>*

Article 26 (Accounting of the Service)

(1) The fiscal year of the Service shall be the same as that of the Government.

(2) The Service shall account for insurance activities separately from its other activities.

(3) The Service shall set accounting rules with the approval of the Minister of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

Article 27 (Borrowing, etc. of Funds)

(1) If it is required for the activities prescribed in Article 11, the Service may borrow funds (including borrowing from international organizations, foreign governments or foreigners) with the approval of the Minister of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) If the expenditure exceeds the revenue in connection with insurance activities for each fiscal year, the Service may bring in funds from the Industrial Accident Compensation Insurance and Prevention Fund under Article 95 with the approval of the Minister of Employment and Labor, within the limits of liability reserves under Article 99, to finance the

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

Article 28 (Settlement of Surplus)

If any surplus remains as a result of the settlement of accounts at the end of each fiscal year, the Service shall divide it by type of account, use it to make up for shortfalls, and then reserve the remainder as prescribed in the accounting rules of the Service.

Article 29 (Delegation and Entrustment of Authority or Business)

(1) The authority of the president of the Service under this Act may be partially delegated to the head of its branch office (hereinafter referred to as "affiliated organization") as prescribed in the Presidential Decree.

(2) The business affairs of the Service under this Act may be partially entrusted to a postal service agency or financial institution as prescribed by the Presidential Decree.

Article 30 (Collection of Fees, etc.)

With respect to the activities prescribed in Article 11, the Service may have beneficiaries pay the expenses needed for its activities, such as charges for the use of the Service's facilities or fees for the entrustment of affairs, with the approval of the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 31 (Request for Provision of Materials)

(1) The Service may, if it is deemed necessary to efficiently carry out insurance activities, request relevant administrative agencies, such as the National Tax Service and local governments, or institutions, organizations, etc., involved in insurance activities, to provide necessary materials.

(2) Relevant administrative agencies or institutions, organizations, etc., related to insurance activities which receives a request to provide materials pursuant to paragraph (1) shall not decline the request with no justifiable reasons.

(3) Materials provided pursuant to paragraph (1) shall be exempt from fees or charges, etc.

Article 32 (Investment, etc.)

(1) If it is necessary for carrying out activities efficiently, the Service may make investments in or contributions to the activities referred to in subparagraphs 5, 5-2 through 5-5, 6 and 7 of Article 11 (1). *<Amended by Act No. 9988, Jan. 27, 2010 and Act*

No. 13045, Jan. 20, 2015>

(2) Necessary matters concerning investment and contribution under paragraphs (1) shall be prescribed by the Presidential Decree.

Article 33 Deleted *<Act No. 9988, Jan. 27, 2010>*

Article 34 (Prohibition of Use of Similar Title)

No person other than the Service shall use the title "Korea Workers' Compensation & Welfare Service" or any title similar thereto.

Article 35 (Mutatis Mutandis Application of Civil Act)

Except as otherwise provided in this Act and the Act on the Management of Public Institutions, the provisions of the Civil Act concerning foundations shall apply mutatis mutandis with regard to the Service. *<Amended by Act No. 9988, Jan. 27, 2010>*

CHAPTER III

Insurance Benefits

Article 36 (Types of Insurance Benefits and Criteria, etc., for Their Calculation)

(1) Insurance benefits shall be classified as follows: Provided, That types of insurance benefits for pneumoconiosis shall be medical care benefits under subparagraph 1, nursing benefits under subparagraph 4, funeral expenses under subparagraph 7, vocational rehabilitation benefits under subparagraph 8, pneumoconiosis compensation annuity under Article 91-3 and pneumoconiosis survivor annuity under Article 91-4: *<Amended by Act No. 10305, May 20, 2010>*

1. Medical care benefits;
2. Wage replacement benefits;
3. Disability benefits;
4. Nursing benefits
5. Survivors benefits;
6. Injury-disease compensation annuities;
7. Funeral expenses;
8. Vocational rehabilitation benefits.

(2) The insurance benefits referred to in paragraph (1) shall be paid at the request of a person entitled to such insurance benefits under Articles 40, 52 through 57, 60 through 62, 66

through 69, 71, 72, 91-3 and 91-4 (hereinafter referred to as "beneficiary"). *<Amended by Act No. 10305, May 20, 2010>*

(3) In calculating insurance benefits, the average wage shall be increased or decreased every year according to the rate of change in the average amount of all workers' wages after one year from the date on which the reason for calculating the average wage of the worker concerned occurs, and according to the fluctuation rate of consumer price index after the worker concerned reaches the age of 60 years: Provided, That insurance benefits for workers with pneumoconiosis whose average wage is the amount calculated pursuant to paragraph (6) shall be excluded therefrom. *<Amended by Act No. 10305, May 20, 2010>*

(4) The standards for and methods of calculating the rate of change in the average amount of all workers' wages and the fluctuation rate of consumer price index under paragraph (3) shall be prescribed by the Presidential Decree. In such cases, the calculated rate of change and fluctuation rate shall be publicly announced by the Minister of Employment and Labor every year. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) In calculating insurance benefits (excluding pneumoconiosis compensation annuities and pneumoconiosis survivor annuities), in such cases as prescribed by the Presidential Decree where it is deemed inappropriate to apply the average wage to any worker due to his/her unusual type of employment, an amount calculated according to the calculation method prescribed by the Presidential Decree shall be deemed the average wage for the worker. *<Amended by Act No. 10305, May 20, 2010>*

(6) In calculating insurance benefits, where it is deemed inappropriate to apply the average wage to any worker who is to receive insurance benefits for any occupational disease prescribed by the Presidential Decree, such as pneumoconiosis, for protecting such worker, an amount calculated according to the calculation method prescribed by the Presidential Decree shall be deemed the average wage for the worker. *<Amended by Act No. 10305, May 20, 2010>*

(7) In calculating insurance benefits (excluding funeral expenses), where the average wage of the worker or the average wage based on which insurance benefits are calculated pursuant to paragraphs (3) through (6) is either more than 1.8 times the average amount of all workers' wages (hereinafter referred to as "maximum standard amount of compensation") or less than half of such average amount (hereinafter referred to as "minimum standard amount of compensation"), the maximum standard

amount of compensation or the minimum standard amount of compensation shall be deemed the average wage for the worker concerned: Provided, That the minimum standard amount of compensation shall not be applied in calculating wage replacement benefits and injury-disease compensation annuities.

(8) The calculation method and application duration of the maximum or minimum standard amount of compensation shall be prescribed by the Presidential Decree. In such cases, the calculated maximum or minimum standard amount of compensation shall be publicly announced by the Minister of Employment and Labor every year. <Amended by Act No. 10339, Jun. 4, 2010>

Article 37 (Criteria for Recognition of Work-related Accidents)

(1) If a worker sustains an injury, a disability or disease or dies for any of the following causes, the injury, disease, disability or death shall be deemed a work-related accident: Provided, That this shall not apply in cases where there is no causal relationship between the work and accident: <Amended by Act No. 9988, Jan. 27, 2010>

1. Work-related accidents

- A. An accident which happens while the worker is performing work or an act in accordance with his/her employment contract;
- B. An accident which happens due to a defect in, or the careless management of, facilities, etc., provided by the employer while the worker is using these facilities, etc.;
- C. An accident which happens while the worker is commuting to and from work under the control of the employer, such as using transportation provided by the employer or the equivalent thereof;
- D. An accident that happens while the worker is participating in or preparing an event organized by the employer or an event following the directions of the employer;
- E. An accident which happens during recess hours due to an act that can be deemed to be under the control of the employer;
- F. Other accidents which happen in relation to work

2. Work-related diseases

- A. A disease which occurs due to the handling of, or exposure to, elements, including physical agents, chemical substances, dust, pathogens, and physically straining work, which could harm a worker's health while he/she is performing his/her duties;

B. A disease which occurs as a result of a work-related injury;

C. Other diseases which occur in relation to work

(2) The injury, disease, disability or death of a worker, which arises from or is caused by his/her intentional or self-harming act or criminal act shall not be considered as a work-related accident: Provided, That if the injury, disease, disability or death occurs due to an act committed when the worker's level of cognitive ability, etc., is obviously low and there is any ground prescribed by the Presidential Decree, it shall be considered as a work-related accident.

(3) The specific criteria for recognizing work-related accidents shall be prescribed by the Presidential Decree.

Article 38 (Work-related Disease Determination Committee)

(1) To deliberate on whether or not to recognize a disease as the work-related disease referred to in Article 37 (1) 2, the Work-related Disease Determination Committee (hereinafter referred to as "Determination Committee") shall be set up within an affiliated organization of the Service.

(2) The diseases excluded from the deliberation of the Determination Committee and deliberation procedures shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) Necessary matters concerning the composition and operation of the Determination Committee shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

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

Article 39 (Presumption of Death)

(1) If a worker aboard a ship or aircraft which had an accident has not been found dead or alive or if a worker aboard a ship or aircraft on voyages went missing or has not been found dead or alive for other reasons, he/she shall be presumed to be dead as prescribed by the Presidential Decree, and the provisions concerning survivors benefits and funeral expenses shall apply.

(2) If after insurance benefits are paid under the presumption of death as referred to in paragraph (1), the survival of the worker concerned is confirmed, the Service shall collect the paid amount in case of a bona fide recipient and twice that amount in case of a mala fide recipient.

Article 40 (Medical Care Benefits)

(1) Medical care benefits shall be paid to a worker if the worker gets an injury or a disease for work-related causes.

(2) The medical care benefits referred to in paragraph (1) shall require the worker to receive medical care at an industrial accident insurance-related medical institution under Article 43 (1): Provided, That in inevitable cases, medical care expenses may be paid in lieu of providing medical care.

(3) In the case of paragraph (1), if the injury or disease can be cured after three days or less of medical care, the medical care benefits shall not be paid.

(4) The scope of medical care benefits referred to in paragraph (1) is as follows:

1. Medical examination and test;
2. Provision of medicines or medical supplies, artificial limbs, and other prosthetic devices;
3. Treatment, operation and other treatments;
4. Rehabilitation treatment
5. Hospitalization;
6. Nursing and patient caring;
7. Transfers and
8. Other matters prescribed by the Ordinance of the Ministry of Employment and Labor.

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

(5) The criteria for the calculation of medical care benefits, such as the scope and amount of medical care benefits under paragraphs (2) and (4), shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(6) If the industrial accident insurance-related medical institution where a worker suffering a work-related accident intends to receive medical care is a tertiary care hospital under Article 43 (1) 2, there shall be an medical opinion that the worker needs to get medical care at a tertiary care hospital, except where the worker is an emergency patient under subparagraph 1 of Article 2 of the Emergency Medical Service Act or there is any other inevitable reason. *<Amended by Act No. 10305, May 20, 2010>*

Article 41 (Application for Medical Care Benefits)

(1) A person who intends to receive medical care benefits under Article 40 (1) (excluding medical care benefits for pneumoconiosis; hereinafter the same shall apply in this Article) shall make an application for medical care benefits to the Service, together with documents indicating his/her workplace, the

background of the accident, and medical opinions about the accident. In such cases, the procedures for and method of application for medical care benefits shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10305, May 20, 2010, and Act No. 10339, Jun. 4, 2010>*

(2) An industrial accident insurance-related medical institution under Article 43 (1) which gives medical examination and treatment to a worker, if the accident is judged as a work-related accident, may apply for medical care benefits on behalf of the worker with his/her consent.

Article 42 (Preferential Application of Health Insurance)

(1) A person who applies for medical care benefits pursuant to Article 41 (1) may receive medical care benefits under Article 41 of the National Health Insurance Act or medical benefits under Article 7 of the Medical Benefit Act (hereinafter referred to as "medical care benefits, etc., under health insurance") before the Service makes a decision on medical care benefits under this Act. *<Amended by Act No. 11141, Dec. 31, 2011>*

(2) If a person who has received medical care benefits, etc., under health insurance pursuant to paragraph (1) is decided as a beneficiary of medical care benefits under this Act after paying his/her individual co-payment under Article 44 of the National Health Insurance Act or Article 10 of the Medical Benefit Act to an industrial accident insurance-related medical institution, he/she may file a claim with the Service for an amount equivalent to the medical care benefits referred to in Article 40 (5) out of his/her individual co-payment already paid. *<Amended by Act No. 11141, Dec. 31, 2011>*

Article 43 (Designation of Industrial Accident Insurance-related Medical Institutions, Cancellation of Designation, etc.)

(1) Medical institutions (hereinafter referred to as "industrial accident insurance-related medical institutions") responsible for providing medical care for workers suffering a work-related accident are as follows: *<Amended by Act No. 9988, Jan. 27, 2010; Act No. 10305, May 20, 2010; Act No. 10339, Jun 4, 2010; and Act No. 13323, May 18, 2015>*

1. Medical institutions under the Service under Article 11 (2);
2. Tertiary care hospitals under Article 3-4 of the Medical Service Act;
3. Medical institutions and public health clinics designated by the Service from among medical institutions under

Article 3 of the Medical Service Act and public health clinics under Article 10 of the Regional Public Health Act (including medical care centers under Article 12 of the Regional Public Health Act; hereinafter the same shall apply), which satisfy the standards set by the Ordinance of the Ministry of Employment and Labor in terms of manpower, facilities, etc.

(2) When designating a medical institution or public health clinic as an industrial accident insurance-related medical institution pursuant to paragraph (1) 3, the Service shall take into account the following factors:

1. Manpower, facilities, equipment and areas of practice of the medical institution or public health clinic;
2. Distribution of industrial accident insurance-related medical institutions in each region

(3) If an industrial accident insurance-related medical institution under paragraph (1) 2 and 3 falls under any of the following subparagraphs, the Service may cancel the designation (limited to the case of paragraph (1) 3) or restrict its medical treatment for workers suffering a work-related accident for not more than 12 months or order improvements (hereinafter referred to as "restriction, etc., on medical treatment"):

1. Where the medical institution has diagnosed or certified matters concerning a work-related accident in a false or other fraudulent ways;
2. Where the medical institution has claimed the medical expenses referred to in Article 45 in a false or other fraudulent ways;
3. Where the cancellation of the designation or restriction, etc., on medical treatment is found necessary as a result of the evaluation referred to in Article 50;
4. Where the medical institution is not able to engage in medical service temporarily or permanently due to a violation of the Medical Service Act or other reasons;
5. Where the medical institution has failed to meet the standards of manpower, facilities, etc., prescribed in paragraph (1) 3;
6. Where the medical institution has violated restriction, etc., on medical treatment, etc.

(4) An industrial accident insurance-related medical institution for which the designation has been canceled pursuant to paragraph (3) shall not be designated again as an industrial accident insurance-related medical institution for a period of up to

one year prescribed by the Ordinance of the Ministry of Employment and Labor from the date of the cancelation. *<Newly Inserted by Act No. 9988, Jan. 27, 2010 and Amended by Act No. 10339, Jun. 4, 2010>*

(5) If an industrial accident insurance-related medical institution under paragraph (1) 2 and 3 falls under any of the following subparagraphs, the Service may impose restriction, etc., on medical treatment for not more than 12 months: *<Amended by Act No. 9988, Jan. 27, 2010>*

1. Where the medical institution has unduly claimed the medical expenses referred to in Article 45 in violation of the criteria for the calculation of medical care benefits referred to in Articles 40 (5) and 91-9 (3);
2. Where the medical institution has claimed medical expenses from a person other than the Cooperation in violation of Article 45 (1);
3. Where the medical institution has failed to submit the medical treatment plan referred to in Article 47 (1);
4. Where the medical institution has failed to make a report, respond to a request for submission of materials or investigation in violation of Article 118;
5. Where the medical institution has violated the requirements for the designation of industrial accident insurance-related medication institutions

(6) If the Service intends to cancel designation or restrict medical treatment pursuant to paragraph (3) or (5), it shall hold a public hearing. *<Amended by Act No. 9988, Jan. 27, 2010>*

(7) The procedures for the designation referred to in paragraph (1) 3 and the criteria and procedures for the cancelation of designation and restrictions, etc., on medical treatment under paragraphs (3) and (5) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 9988, Jan. 27, 2010 and Act No. 10339, Jun. 4, 2010>*

Article 44 (Penalty Surcharges, etc. for Industrial Accident Insurance-related Medical Institutions)

(1) If the Service has to restrict medical treatment for any of the reasons described in Article 43 (3) 1 and 2 and Article 43 (5) 1 and considers that the restriction on medical treatment causes serious inconvenience to the workers who use the medical institution in question or that there are other special reasons, it may impose a penalty surcharge not exceeding five times the amount of insurance benefits received in a false or fraudulent way or the amount of medical expenses received in

a false, fraudulent or illegitimate way in lieu of restricting medical treatment. *<Amended by Act No. 9988, Jan. 27, 2010>*

(2) Matters concerning the amount, etc., of a penalty surcharge imposed pursuant to paragraph (1) according to the type, degree, etc., of an offence shall be prescribed by the Presidential Decree.

(3) If a person subject to the imposition of a penalty surcharge pursuant to paragraph (1) fails to pay the penalty surcharge by the deadline, the penalty surcharge shall be collected with the approval of the Minister of Employment and Labor in accordance with the process for the recovery of national taxes in arrears. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 45 (Claim, etc. for Medical Expenses)

(1) If an industrial accident insurance-related medical institution which has provided medical care pursuant to Article 40 (2) or 91-9 (1) intends to receive the expenses (hereinafter referred to as "medical expenses"), it shall claim the expenses from the Service. *<Amended by Act No. 10305, May 20, 2010>*

(2) Examination and decision concerning the medical expenses claimed pursuant to paragraph (1) and procedures for and method of the payment of such expenses shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

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

Article 46 (Claim, etc., for Medicine Expenses)

(1) The Service may provide medicines under Article 40 (4) 2 through a pharmacy registered pursuant to Article 20 of the Pharmaceutical Affairs Act.

(2) If the pharmacy referred to in paragraph (1) intends to receive medicine expenses, it shall claim the expenses from the Service.

(3) Examination and decision concerning the medicine expenses claimed pursuant to paragraph (2), and procedures for and method of the payment of such expenses shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

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

Article 47 (Submission of Medical Treatment Plan)

(1) An industrial accident insurance-related medical institution, if it is necessary to extend the medical care period of a worker receiving medical care benefits pursuant to Article 41 or 91-5 shall submit a medical treatment plan containing progress

relating to the disease or injury of the worker, a expected treatment period, treatment methods, etc., to the Service, as prescribed by the Presidential Decree. *<Amended by Act No 10305, May 20, 2010>*

(2) The Service may examine the adequacy of the medical treatment plan submitted pursuant to paragraph (1), and take necessary measures (hereinafter referred to as "measures, etc., to change a medical treatment plan") prescribed by the Presidential Decree, such as ordering the industrial accident insurance-related medical institution to change the treatment period.

Article 48 (Transfer to Another Medical Institution)

(1) If there is a reason falling under any of the following subparagraphs, the Service may have a worker in the middle of medical care transferred to another industrial accident insurance-related medical institution to get medical care: *<Amended by Act No. 10305, May 20, 2010>*

1. Where the worker needs to be transferred to another industrial accident insurance-related medical institution because the manpower, facilities, etc., of the industrial accident insurance-related medical institution currently providing medical care are unfit for the professional treatment or rehabilitation treatment of the worker;
2. Where the worker needs to be transferred to another industrial accident insurance-related medical institution to allow him/her to get medical care near where he/she lives;
3. Where the worker needs to be transferred to another industrial accident insurance-related medical institution after getting professional treatment at a tertiary care hospital under Article 43 (1) 2;
4. Other cases where the worker is deemed to have an inevitable reason after undergoing the procedures prescribed by the Presidential Decree.

(2) A worker in the middle of medical care may request the Service for transfer to another medical institution if there is a reason falling under any of subparagraphs 1 through 3 of paragraph (1).

Article 49 (Application for Medical Care Benefits for Additional Injury or Disease)

If a worker receiving medical care due to a work-related accident falls under any of the following subparagraphs, he/she may apply for medical care benefits for an additional injury or disease (hereinafter referred to as "additional injury or disease"):

1. Where medical care is needed as an injury or a disease which has arisen from the work-related accident is additionally found;
2. Where medical care is needed as a new disease occurs as a result of an injury or a disease arising from the work-related accident.

Article 50 (Evaluation of Industrial Accident Insurance-related Medical Institutions)

(1) In order to improve the quality of medical services with regard to work-related accidents, the Service may evaluate medical institutions prescribed by the Presidential Decree among industrial accident insurance-related medical institutions under Article 43 (1) 3 in terms of manpower, facilities, medical services and other matters relating to the quality of medical care. In such cases, the evaluation method and criteria shall be prescribed by the Presidential Decree.

(2) Considering the results of the evaluation referred to in paragraph (1), the Service may preferentially treat the evaluated industrial accident insurance-related medical institutions administratively or financially, or cancel their designation or impose restrictions, etc., on medical treatment pursuant to Article 43 (3) 3.

Article 51 (Additional Medical Care)

(1) If a person who received medical care benefits under Article 40 relapses into the work-related injury or disease subject to medical care after recovery or if due to the deterioration of the injury or disease, there is a medical opinion that he/she needs active medical care to treat it, he/she may receive medical care benefits under Article 40 (hereinafter referred to as "additional medical care") again.

(2) Necessary matters concerning requirements and procedures for additional medical care shall be prescribed by the Presidential Decree.

Article 52 (Wage Replacement Benefits)

Wage replacement benefits shall be paid to a worker who gets injured or contract a disease for work-related reasons for a period during which the worker concerned is unable to work due to medical care, and the amount to be paid for a day shall be the equivalent amount of 70/100 of the average wage: Provided, That if the period of not being able to work is three

days or less, they shall not be paid.

Article 53 (Partial Wage Replacement Benefits)

(1) If a worker who is undergoing medical care or additional medical care is employed for a certain period or part-time, he/she may be paid 90/100 of the amount calculated by subtracting the wage paid for those days or hours employed from the average wage corresponding to the number of days or hours employed: Provided, That if the minimum wage (the amount of reduction in cases where the amount is reduced in accordance with subparagraph 2 of Table 1) is taken as the daily wage replacement benefits pursuant to Article 54 (2) and Article 56 (2), an amount equivalent to the minimum wage minus the wage paid for days or hours employed may be paid.

(2) If a worker is employed part-time as referred to in paragraph (1), for the number of hours unemployed (referring to the number of hours remaining after subtracting the number of hours employed from eight hours), an amount produced by multiplying the daily wage replacement benefits calculated pursuant to Article 52 or Articles 54 through 56 by the ratio of the number of hours unemployed to eight hours shall be paid.

(3) Requirements and procedures for the payment of partial wage replacement benefits referred to in paragraph (1) shall be prescribed by the Presidential Decree.

Article 54 (Wage Replacement Benefits for Low-income Workers)

(1) If the daily amount of wage replacement benefits calculated pursuant to Article 52 is less than or equal to 80/100 of the minimum standard amount of compensation, the daily wage replacement benefits for the worker shall be an amount equivalent to 90/100 of his/her average wage: Provided, That an amount equivalent to 90/100 of the average wage of the worker is more than 80/100 of the minimum standard amount of compensation, an amount equivalent to 80/100 of the minimum standard amount of compensation shall be the daily wage replacement benefits.

(2) If the amount of wage replacement benefits calculated pursuant to paragraph (1) is less than the octuple of the hourly minimum wage under Article 5 (1) of the Minimum Wage Act (hereinafter referred to as "minimum wage"), the minimum wage shall be the daily wage replacement benefits for the worker.

Article 55 (Wage Replacement Benefits for the Aged)

If a worker who receives wage replacement benefits reaches the age of 61, he/she shall be paid an amount calculated in accordance with Table 1: Provided, That if a person who stays employed after the age of 61 receives medical care due to a work-related accident or a person who has received disability benefits due to a work-related disease under Article 37 (1) 2 receives the first medical care due to the work-related disease after the age of 61, the provisions of Table 1 shall not apply during the period prescribed by the Presidential Decree.

Article 56 (Wage Replacement Benefits During Additional Medical Care)

(1) For a person who receives additional medical care, an amount equivalent to 70/100 of the average wage calculated on the basis of the wage at the time of additional medical care shall be the daily wage replacement benefits. In such cases, the date of the occurrence of reasons for calculating the average wage shall be prescribed by the Presidential Decree.

(2) If the daily wage replacement benefits calculated pursuant to paragraph (1) is less than the minimum wage or if there is no wage subject to the calculation of the average wage at the time of additional medical care, the minimum wage shall be the daily wage replacement benefits.

(3) In the event that a person who receives a disability compensation annuity receives additional medical care, if the sum of the daily disability compensation annuity (referring to the amount of disability compensation annuity divided by 365; hereinafter the same shall apply) and the daily wage replacement benefits calculated pursuant to paragraph (1) or (2) is more than 70/100 of the average wage applied in calculating the disability compensation annuity, an amount equivalent to the wage replacement benefits within the limits of the excess amount shall not be paid.

Article 57 (Disability Benefits)

(1) Disability Benefits shall be paid to a worker who has a disability after receiving medical care due to injuries or diseases he/she got for work-related reasons.

(2) Disability benefits shall be paid in the form of a disability compensation annuity or lump sum disability compensation set forth in Table 2 based on grade of disability, and criteria for disability grades shall be prescribed by the Presidential Decree.

(3) Either disability compensation annuity or lump sum disability compensation referred to in paragraph (2) shall be

paid depending on the choice of the beneficiary: Provided, That a worker with the disability grades prescribed by the Presidential Decree, which are characterized as a complete loss of work ability, shall be paid a disability compensation annuity and a worker who was not a Korean national when the reason for claiming the payment of disability benefits occurred and resides in a foreign country shall be paid lump sum disability compensation.

(4) Disability compensation annuities may be paid in advance at the request of the beneficiary in an amount equivalent to 1/2 of one- to two-year annuities (one to four-year annuities for the workers prescribed in the proviso to paragraph (3)). In such cases, interest may be deducted from the amount paid in advance at the rate prescribed by the Presidential Decree, which is not more than 5/100.

(5) In the event that the entitlement of a beneficiary of a disability compensation annuity is terminated pursuant to Article 58, if the total number of days obtained by dividing the already paid annuity by each average wage at the time of payment is less than the number of days for lump sum disability compensation set out in Table 2, the amount calculated by multiplying the shortfall in the number of days by the average wage at the time of termination shall be paid in a lump sum to the worker or his/her surviving family members.

Article 58 (Termination of Entitlement to Disability Compensation Annuities, etc.)

If the beneficiary of a disability compensation annuity or pneumoconiosis compensation annuity falls under any of the following subparagraphs, his/her entitlement shall be terminated:
<Amended by Act No. 10305, May 20, 2010>

1. Where the beneficiary dies;
2. Where the beneficiary who was once a Korean national has lost Korean nationality and now lives in a foreign country or leaves Korea to live in a foreign country;
3. Where the beneficiary who is not a Korean national leaves Korea to live in a foreign country;
4. Where the beneficiary is excluded from those entitled to receive disability compensation annuities or pneumoconiosis compensation annuities as a result of a change in his/her disability grade or pneumoconiosis disability grade

Article 59 (Redetermination of Disability Grades, etc.)

(1) With regard to the beneficiary of a disability compensation annuity or pneumoconiosis compensation annuity, whose pre-determined disability grade or pneumoconiosis disability grade (hereinafter referred to as "disability grade, etc." in this Article) is possible to change as the state of the disability has improved or worsened, the Service may redetermine his/her disability grade, etc at the request of the beneficiary or by virtue of its authority. <Amended by Act No 10305, May 20, 2010>

(2) If a disability grade, etc., is changed as a result of redetermination referred to in paragraph (1), disability benefits or pneumoconiosis compensation annuities shall be paid according to the changed disability grade, etc. <Amended by Act No 10305, May 20, 2010>

(3) Redetermination of a disability grade, etc., referred to in paragraphs (1) and (2) shall be made just once and persons subject to the redetermination, the period and the way of paying disability benefits or pneumoconiosis compensation annuities based on the results of the redetermination shall be prescribed by the Presidential Decree. <Amended by Act No 10305, May 20, 2010>

Article 60 (Disability Benefits Due to Additional Medical Care)

(1) Even in cases where a beneficiary of a disability compensation annuity receives additional medical care, the payment of the annuity shall not be suspended.

(2) If after a person is cured by additional medical care, his/her state of disability has improved or worsened compared with before, the disability benefits shall be paid according to the disability grade corresponding to the improved or worsened state of disability.

Article 61 (Nursing Benefits)

(1) Nursing benefits shall be paid to those who received medical care benefits under Article 40 and due to constant or frequent nursing needs after medical care, receives actual nursing services.

(2) The payment standard and method of the nursing benefits referred to in paragraph (1) shall be prescribed by the Presidential Decree.

Article 62 (Survivors Benefits)

(1) Survivors benefits shall be paid to the surviving family members of a worker who has died for work-related reasons.

(2) Survivors benefits shall be paid in the form of a survivor compensation annuity or lump sum survivor compensation set out in Table 3: Provided, That lump sum survivor compensation shall be paid in cases where there is no one entitled to a survivor compensation annuity under Article 63 (1) when the worker dies.

(3) If a person entitled to a survivor compensation annuity under paragraph (2) wants to, an amount equivalent to 50/100 of the lump sum survivor compensation set out in Table 3 shall be paid in a lump sum, and the survivor compensation annuity shall be paid in a amount reduced by 50/100.

(4) If a person who has received a survivor compensation annuity loses entitlement thereto, there is no other entitled person, and the sum of the numbers of days obtained by dividing the annuity already paid by each average wage at the time of payment is short of 1,300 days, the amount calculated by multiplying the shortfall in the number of days by the average wage at the time of losing the entitlement shall be paid in a lump sum to his/her surviving family members at the time when the entitlement is lost.

(5) The payment criteria, methods and other necessary matters concerning survivor compensation annuities under paragraph (2) shall be prescribed by the Presidential Decree.

Article 63 (Scope of Persons Entitled to Survivor Compensation Annuity)

(1) Persons entitled to a survivor compensation annuity (hereinafter referred to as "persons entitled to a survivor compensation annuity") shall be the worker's spouse and any of the following surviving family members (excluding surviving family members who were not Korean nationals and were living in a foreign country at the time of his/her death) whose livelihood was supported by the worker at the time of his/her death. In such cases, the criteria for judging surviving family members whose livelihood was supported by the worker shall be prescribed by the Presidential Decree: *<Amended by Act No 11569, Dec. 18, 2012>*

1. Parents and grandparents aged 60 or older;
2. Children and grandchildren aged less than 19;
3. Brothers and sisters aged less than 19 or aged 60 or older;

4. Children, parents, grandchildren, grandparents or brothers and sisters who do not fall under any of subparagraphs 1 through 3 and have a disability grade at least as high as that prescribed by the Ordinance of the Ministry of Employment and Labor, among the disabled provided for in Article 2 of the Welfare of Disabled Persons Act. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) In applying paragraph (1), if a child who was a fetus at the time of the worker's death is born, the child shall be regarded at birth and thereafter as a surviving family member whose livelihood was supported by the worker at the time of his/her death.

(3) The right to receive a survivor compensation annuity of persons entitled to the survivor compensation annuity shall be exercised in the order of spouse, children, parents, grandchildren, grandparents and brothers and sisters.

Article 64 (Loss of Entitlement of Persons Entitled to Survivor Compensation Annuities, Discontinuation of Annuity Payment, etc.)

(1) If a surviving family member entitled to a survivor compensation annuity falls under any of the following subparagraphs, he/she shall lose the entitlement: *<Amended by Act No 11569, Dec. 18, 2012>*

1. Where he/she dies;
2. Where he/she remarries (limited to the deceased worker's spouse and including a person in a de facto marital relationship in the case of remarriage);
3. Where the kinship with the deceased worker ends;
4. Where his/her children, grandchildren or brothers and sisters reach the age of 19;
5. Where he/she was a disabled person prescribed in Article 63 (1) 4 and has completely recovered from such disability;
6. Where a person entitled to a survivor compensation annuity, who was a Korean national at the time of the worker's death has lost his/her Korean nationality and now lives in a foreign country or leaves Korea to live in a foreign country;
7. Where a person entitled to a survivor compensation annuity, who is not a Korean national leaves Korea to live in a foreign country.

(2) If a person entitled to a survivor compensation annuity and holding the right to receive a survivor compensation annuity

(hereinafter referred to as “beneficiary of a survivor compensation annuity”) has lost the entitlement, the right to receive the survivor compensation annuity, if there is any person at the same priority level in the order of priority, shall be transferred to that person and if there is no such person, to the person next in the order.

(3) If a beneficiary of a survivor compensation annuity has been missing for three months or more, the payment of the annuity shall be suspended and if there is a person of the same rank in the order, the survivor compensation annuity shall be paid to that person, and if there is no such person, paid to the person next in the order, as prescribed by the Presidential Decree. <Amended by Act No. 9988, Jan. 27, 2010>

Article 65 (Order of Priority of Entitled Surviving Family Members)

(1) The order of priority of entitlement among surviving family members under Article 57 (5) and Article 62 (2) (limited to lump sum survivor compensation) and (4) shall be the one prescribed in any of the following subparagraphs. The order of priority among persons under each subparagraph shall be the order in which they are listed in the subparagraph. In such cases, if there are two or more entitled persons at the same priority level in the order, the benefits shall be paid equally among them:

1. Spouse, children, parents, grandchildren and grandparents whose livelihood was supported by the worker at the time of his/her death
2. Spouse, children, parents, grandchildren and grandparents whose livelihood was not supported by the worker at the time of his/her death or brothers and sisters whose livelihood was supported by the worker at the time of his/her death;
3. Brothers and sisters

(2) In the case of paragraph (1), adoptive parents shall be given priority over biological parents, the parents of adoptive parents over the parents of biological parents, and the adoptive parents of parents over the biological parents of parents.

(3) In the event that an entitled surviving family member dies, the insurance benefits, if there is any person at the same priority level in the order, shall be paid to that person, and if there is no such person, shall be paid to the person next in the order.

(4) Notwithstanding the provisions of paragraphs (1) through (3), if a worker designates his/her surviving family member

who is to receive the insurance benefits in his/her will, the designated family member shall receive the benefits.

Article 66 (Injury-Disease Compensation Annuity)

(1) If a worker who has received medical care benefits continues to be in a state that meets all of the following requirements, after two years have passed since the start of the medical care, he/she shall be paid an injury-disease compensation annuity instead of wage replacement benefits:
<Amended by Act No. 9988, Jan. 27, 2010>

1. The injury or disease remains uncured ; and
2. The degree of invalidity caused by the wound or disease meets the standards for invalidity grades prescribed by the Presidential Decree;
3. The worker has not been employed because of medical care

(2) Injury-disease compensation annuities shall be paid according to the grades of invalidity as set out in Table 4.

Article 67 (Injury-Disease Compensation Annuity for Low-income Workers)

(1) In calculating a injury-disease compensation annuity pursuant to Article 66, if the average wage of the worker is less than an amount produced by multiplying the minimum wage by 100/70, 100/70 of the minimum wage shall be deemed the minimum wage of the worker.

(2) If the amount of daily injury-disease compensation annuity obtained by dividing the amount of injury-disease compensation annuity calculated pursuant to Article 66 or paragraph (1) by 365 is less than the daily wage replacement benefits calculated pursuant to Article 54, the amount calculated pursuant to Article 54 shall be the daily injury-disease compensation annuity.

<Amended by Act No. 9988, Jan. 27, 2010>

Article 68 (Injury-Disease Compensation Annuity for the Aged)

If a worker who receives an injury-disease compensation annuity reaches the age of 61, the amount of injury-disease compensation annuity to be paid thereafter shall be calculated in accordance with the standards for payment of daily injury-disease compensation annuities set out in Table 5. <Amended by Act No. 9988, Jan. 27, 2010>

Article 69 (Injury-Disease Compensation Annuity During Additional Medical Care)

(1) A person whose state of injury or disease meets all the

requirements described in the subparagraphs of Article 66 (1) after two years have passed since the start of additional medical care shall be paid an injury-disease compensation annuity, instead of wage replacement benefits, in accordance with the grades of invalidity set out in Table 4. In such cases, the average wage applicable in the calculation of wage replacement benefits during additional medical care shall be applied in calculating the injury-disease compensation annuity, however, if the average wage is less than the minimum wage multiplied by 100/70 or there is no wage subject to the calculation of the average wage at the time of additional medical care, 100/70 of the minimum wage shall be deemed the average wage for the worker in calculating the annuity.

(2) If a worker who receives an injury-disease compensation annuity under paragraph (1) receives a disability compensation annuity, the number of payment days for injury-disease compensation annuities by grade of invalidity set out in Table 4 minus the number of payment days for disability compensation annuities by grade of disability set out in Table 2 and then multiplied by the average wage under the latter part of paragraph (1) shall be the amount of injury-disease compensation annuity of the worker.

(3) After a worker who receives an injury-disease compensation annuity under paragraph (2) reaches the age of 61, the amount of daily injury-disease compensation annuity calculated in accordance with Table 5 minus the amount of daily disability compensation annuity calculated on the basis of the average wage referred to in the latter part of paragraph (1) shall be his/her daily injury-disease compensation annuity. *<Newly Inserted by Act No. 9988, Jan. 27, 2010>*

(4) Notwithstanding the provisions of paragraphs (1) through (3), if a worker who receives an disability compensation annuity under the proviso to Article 57 (3) receives additional medical care, the injury-disease compensation annuity shall not be paid: Provided, That if the grade of invalidity is raised during the additional medical care, two years shall be considered to have passed since the start of the additional medical care and he/she shall be paid an amount of injury-disease compensation annuity calculated pursuant to paragraphs (2) and (3) notwithstanding the former part of paragraph (1). *<Amended by Act No. 9988, Jan. 27, 2010>*

(5) The provisions of Article 67 shall not apply in calculating injury-disease compensation annuities during additional medical care. *<Amended by Act No. 9988, Jan. 27, 2010>*

Article 70 (Payment Period and Date of Annuities)

(1) The payment of a disability compensation annuity, survivor compensation annuity, pneumoconiosis compensation annuity or pneumoconiosis survivor annuity shall begin on the first day of the month following the month in which the reason for the payment occurs, and end on the last day of the month in which the right to receive the annuity is extinguished. *<Amended by Act No. 10305, May 20, 2010>*

(2) If there occurs a reason for suspending the payment of a disability compensation annuity, survivor compensation annuity, pneumoconiosis compensation annuity or pneumoconiosis survivor annuity, the annuity shall not be paid from the first day of the month following the month in which the reason occurs to the last day of the month in which the reason ceases to exist. *<Amended by Act No. 10305, May 20, 2010>*

(3) A disability compensation annuity, survivor compensation annuity, pneumoconiosis compensation annuity or pneumoconiosis survivor annuity shall be divided into 12 equal payments every year and the payment shall be made on the 25th of each month and if the payment date falls on a Saturday or holiday, payment shall be made on the preceding day. *<Amended by Act No. 10305, May 20, 2010>*

(4) If the right to receive a disability compensation annuity, survivor compensation annuity, pneumoconiosis compensation annuity or pneumoconiosis survivor annuity is extinguished, the annuity concerned may be paid even before the payment date under paragraph (3). *<Amended by Act No. 10305, May 20, 2010>*

Article 71 (Funeral Expenses)

(1) If a worker dies due to any cause related to his/her duties, funeral expenses equivalent to 120 days of the worker's average wage shall be paid to a surviving family member who performs the funeral service: Provided, That if there is no surviving family member who performs the funeral service or a person other than surviving family members has performed the funeral service for inevitable reasons, the amount actually spent within the limits of an amount equivalent to 120 days of the average wage shall be paid to the person who performs the funeral service.

(2) Where the funeral expenses under paragraph (1) either exceed the maximum amount or fall short of the minimum amount published by the Minister of Employment and Labor as

prescribed by the Presidential Decree, the maximum or minimum amount shall be the funeral expenses, respectively. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 72 (Vocational Rehabilitation Benefits)

(1) Types of vocational rehabilitation benefits are as follows: *<Amended by Act No. 9988, Jan. 27, 2010, and Act No. 10305, May 20, 2010>*

1. Vocational training allowances and the costs of providing vocational training for those who need vocational training to be employed (hereinafter referred to as "training targets") among those who have received or are clearly expected to receive disability benefits or pneumoconiosis compensation annuities (hereinafter referred to as "recipients of disability benefits") as prescribed by Presidential Decree;
2. Return-to-work subsidies, work adaption training costs, rehabilitation exercise costs which are paid if an employer retains or carries out work adaptation training or a rehabilitation exercise program for, recipients of disability benefits who have returned to the business for which they were working when the work-related accident happened

(2) The training targets referred to in paragraph (1) 1 and recipients of disability benefits referred to in paragraph (1) 2 shall be prescribed by the Presidential Decree in consideration of the degree of disability and age.

Article 73 (Vocational Training Costs)

(1) Vocational training for training targets shall be provided at a vocational training institution (hereinafter referred to as "vocational training institution") which has made a contract with the Service.

(2) The costs (hereinafter referred to as "vocational training costs") of providing vocational training under Article 72 (1) 1 shall be paid to the vocational training institution which provides vocational training pursuant to paragraph (1): Provided, That the vocational training costs shall not be paid in such cases as prescribed by the Presidential Decree, where the vocational training institution has received an amount equivalent to the vocational training costs under the Act on Employment Promotion and Vocational Rehabilitation for the Disabled, the Employment Insurance Act, the Workers Vocational Skills Development Act or other Acts and subordinate statutes.

(3) Vocational training costs shall be the amount actually spent within the limits of the amount announced by the Minister

of Employment and Labor after taking into account training costs, training period, labor market conditions, etc., and the training period during which vocational training costs are paid shall be less than 12 months. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) Necessary matters concerning the payment scope, criteria, procedure, and method of vocational training costs, the making and termination of a contract with a vocational training institution, etc., shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 74 (Vocational Training Allowances)

(1) Vocational training allowances under Article 72 (1) 1 shall be paid to training targets who receive vocational training pursuant to Article 73 (1) for a period during which they cannot be employed due to the vocational training, and the daily amount shall be equivalent to the minimum wage: Provided, That no vocational training allowance shall be paid to a training target who receives wage replacement benefits or injury-disease compensation annuities. *<Amended by Act No. 9988, Jan. 27, 2010>*

(2) In the event that a person who receives vocational training allowances under paragraph (1) also receives a disability compensation annuity or pneumoconiosis compensation annuity, if the sum of the amount of disability compensation annuity per day or the amount of pneumoconiosis compensation annuity per day (referring to the amount of pneumoconiosis compensation annuity calculated pursuant to Article 91-3 (2) divided by 365) and the amount of vocational training allowances per day exceeds 70/100 of the average wage based on which the disability compensation annuity or pneumoconiosis compensation annuity of the worker is calculated, an amount equivalent to the vocational training allowances within the limits of the excess amount shall not be paid. *<Amended by Act No. 10305, May 20, 2010>*

(3) Necessary matters concerning the payment of vocational training allowances, etc., under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 75 (Return-to-work Subsidies, etc.)

(1) Return-to-work subsidies, work adaptation training costs and rehabilitation exercise costs under Article 72 (1) 2 shall be paid, respectively, to an employer who retains, or carries out work adaptation training or a rehabilitation exercise program

for, recipients of disability benefits. In such cases, the conditions for the payment of return-to-work subsidies, work adaptation training costs and rehabilitation exercise costs shall be prescribed by the Presidential Decree.

(2) The amount of return-to-work subsidies referred to in paragraph (1) shall be that of wages paid by an employer to a recipient of disability benefits within the limits of the amount announced by the Minister of Employment and Labor after taking into account wage levels, labor market conditions, etc., and the payment period shall be less than 12 months. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The amount of work adaptation training costs and rehabilitation exercise costs referred to in paragraph (1) shall be the amount actually spent within the limits of the amount announced by the Minister of Employment and Labor after taking into account the amount spent on work adaptation training and rehabilitation exercise, and the payment period shall be less than three months. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) In cases prescribed by the Presidential Decree, such as where an employer who employs a recipient of disability benefits has received a subsidy under 23 of the Employment Insurance Act, a subsidy for employment of the disabled under Article 30 of the Act on Employment Promotion and Vocational Rehabilitation for the Disabled or an amount equivalent to the return-to-work subsidy, work adaptation training costs or rehabilitation exercise costs (hereinafter referred to as "return-to-work subsidy, etc.") under other Acts and subordinate statutes, the return-to-work subsidy, etc., minus the amount received shall be paid. *<Amended by Act No. 9988, Jan. 27, 2010>*

(5) In cases prescribed by the Presidential Decree, such as where an employer employs a disabled person in compliance with the obligation under 28 of the Act on Employment Promotion and Vocational Rehabilitation for the Disabled, a return-to-work subsidy, etc., shall not be paid. *<Newly Inserted by Act No. 9988, Jan. 27, 2010>*

Article 76 (Lump-sum Payment of Insurance Benefits)

(1) If a worker who is not a Korean national applies for the lump-sum payment of insurance benefits while receiving medical care due to an injury or disease resulting from a work-related accident in order to depart from Korea before it is cured, the insurance benefits which are expected to be claimed after the day medical care is suspended for departure may be paid in a

lump sum. *<Amended by Act No. 9988, Jan. 27, 2010>*

(2) The amount which may be paid in a lump sum pursuant to paragraph (1) shall be the sum of each amount into which each of the following insurance benefits is converted in consideration of the interest, etc., accrued for the advance payment period according to the methods prescribed by the Presidential Decree. In such cases, if the worker concerned is medically judged as falling under all of the reasons for payment of insurance benefits referred to in subparagraphs 3 and 4, the insurance benefits under subparagraph 4 shall not be included in the sum.: *<Amended by Act No. 9988, Jan. 27, 2010 and Act No. 10305, May 20, 2010>*

1. Medical care benefits corresponding to the period from the day when medical care is suspended for departure to the day when the injury or disease resulting from the work-related accident is expected to be cured;
2. Wage replacement benefits corresponding to the period from the day when medical care is suspended for departure to the day before the work-related injury or disease is expected to be cured or to reach a condition that allows employment (the day two years after the start of medical care in cases where the expected day arrives more than two years after the start of medical care)
3. Lump-sum disability compensation corresponding to the grade of the disability expected to remain at the time of suspending medical care for departure after the injury or disease resulting from the work-related accident is cured; and
4. An amount equivalent to the lump-sum disability compensation corresponding to the same disability grade as the expected invalidity grade (invalidity grade relating to the injury or disease at the time in cases where medical care is suspended for departure two years or more after the start of medical care), in cases where a state of invalidity eligible for an injury-disease compensation annuity is expected to continue to exist when medical care is suspended for departure two years after the start of medical care.
5. Pneumoconiosis compensation annuities corresponding to the pneumoconiosis disability grade which is determined at the time when the medical care is provided.

(3) The application and procedures for the lump-sum payment referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

Article 77 (Prevention and Control of Complications, etc.)

The Service may get those who are feared to have reasons for additional medical care, such as complications, after having been cured for their work-related injury or disease to receive necessary treatment from an industrial accident insurance-related medical institution to prevent them.

<This Article Wholly Amended by Act No. 9988, Jan. 27, 2010>

Article 78 (Special Disability Benefits)

(1) In the event that a worker has sustained any disability falling under any of the disability grades or pneumoconiosis disability grades prescribed by the Presidential Decree due to a work-related accident caused by the intention or negligence of the insurance policyholder, if the beneficiary claims special disability benefits in lieu of the claim for damage prescribed by the Civil Act, the special disability benefits prescribed by the Presidential Decree may be paid in addition to disability benefits under Article 57 or pneumoconiosis compensation annuities under Article 91-3: Provided, That this shall apply only in cases where the worker and the insurance policyholder reaches an agreement on special disability benefits. *<Amended by Act No. 10305, May 20, 2010>*

(2) If a beneficiary has received special disability benefits under paragraph (1), he/she shall not bring a claim for damage under the Civil Act or other Acts and subordinate statutes against the insurance policyholder for the same cause.

(3) If the Service has paid special disability benefits pursuant to paragraph (1), it shall collect all of the benefit amount from the insurance policyholder as prescribed by the Presidential Decree.

Article 79 (Special Survivors Benefits)

(1) In the event that a worker dies due to a work-related accident caused by the intention or negligence of the insurance policyholder, if the beneficiary claims special survivors benefits in lieu of the claim for damage prescribed by the Civil Act, the special survivors benefits prescribed by the Presidential Decree may be paid in addition to survivors benefits under Article 62 or pneumoconiosis survivor annuities under Article 91-4. *<Amended by Act No. 10305, May 20, 2010>*

(2) The proviso to Article 78 (1) and Article 78 (2) and (3) shall apply mutatis mutandis to special survivors benefits. In such cases, "special disability benefits" shall be read as "special

survivors benefits”.

Article 80 (Relation with Other Compensation or Indemnity)

(1) If a beneficiary has received or may receive insurance benefits pursuant to this Act, the insurance policyholder shall be exempted from the liability for accident compensation as prescribed by the Labor Standards Act for the same cause.

(2) If a beneficiary has received insurance benefits under this Act for the same cause, the insurance policyholder shall be exempted from the liability for indemnity as prescribed by the Civil Act and other Acts and subordinate statutes, to the extent of that amount. In such cases, a person who receives a disability or survivor compensation annuity shall be considered to have received lump sum disability or survivor compensation.

(3) If a beneficiary has received, under the Civil Act or other Acts and subordinate statutes, money or valuable goods equivalent to the insurance benefits as prescribed by this Act, for the same cause, the Service shall not pay the insurance benefits as prescribed by this Act to the extent of the amount calculated by converting the money and valuable goods received according to the method as prescribed by the Presidential Decree: Provided, That this shall not apply to the amount of annuities equivalent to the lump sum disability or survivor compensation considered to have been paid to the beneficiary pursuant the latter part of paragraph (2).

(4) If a worker who receives medical care benefits receives an injury-disease compensation annuity after three years have passed since the start of the medical care, the employer concerned shall be considered to have paid the lump sum compensation prescribed in Article 84 of the Labor Standards Act since the day on which three years have elapsed, in applying the provisions of the proviso to Article 30 (2) of the Labor Standards Act.

Article 81 (Unpaid Insurance Benefits)

(1) In the event that a beneficiary of insurance benefits dies, if there are any insurance benefits to be paid, but not yet paid to, the beneficiary, such insurance benefits shall be paid upon claim of his/her surviving family members (in case of survivors benefits, other survivors entitled to the survivors benefits).

(2) In the case of paragraph (1), if the beneficiary fails to claim insurance benefits prior to his/her death, the insurance benefits shall be paid upon claim of his/her survivors under the same paragraph.

Article 82 (Payment of Insurance Benefits)

Insurance benefits shall be paid within fourteen days after the payment thereof is decided.

Article 83 (Restrictions on Payment of Insurance Benefits)

(1) If a worker falls under any of the following subparagraphs, the Service may not pay all or part of the insurance benefits:
<Amended by Act No. 10305, May 20, 2010>

1. Where while undergoing medical care, the worker has aggravated the state of his/her injury, disease or physical disability, or obstructed the cure thereof by violating instructions relating to medical care without any justifiable reasons;
2. Where the beneficiary of a disability compensation annuity or pneumoconiosis compensation annuity has aggravated the state of his/her disability on purpose, such as through self-harm, before the redetermination of the disability grade or pneumoconiosis disability grade under Article 59.

(2) If the Service has decided not to pay insurance benefits pursuant to paragraph (1), it shall notify this without delay to the insurance policyholder and the worker concerned.

(3) The types of insurance benefits subject to the restrictions on the payment of insurance benefits under paragraph (1) and the scope of the restrictions shall be prescribed by the Presidential Decree.

Article 84 (Collection of Undue Gains)

(1) The Service shall, if a person, who has received insurance benefits, falls under any of the following subparagraphs, collect an amount (in the case of subparagraph 1, an amount equivalent to double the benefits) equivalent to the benefits. In such cases, the amount the Service has claimed and received from the National Health Insurance Service pursuant to Article 90 (2) shall be excluded from the amount to be collected.:

1. Where the person has received insurance benefits in a false or other fraudulent ways;
2. Where any person who is or was a beneficiary has unjustly received insurance benefits by not fulfilling the obligation to report under Article 114 (2) through (4);
3. Other cases where there are insurance benefits mistakenly paid.

(2) In the case of subparagraph 1 of paragraph (1), if the payment of insurance benefits is based on false reporting,

diagnosis or certification by an insurance policyholder, industrial accident insurance-related medical institution or by a vocational training institution, the insurance policyholder, industrial accident insurance-related medical institution or vocational training institution shall be held jointly responsible.

(3) The Service, if an industrial accident insurance-related medical institution or a pharmacy under Article 46 (1) falls under any of the following subparagraphs, shall collect an amount equivalent to the medical expenses or medicine expenses: Provided, That in the case of subparagraph (1), an amount equivalent to double the medical expenses or medicine expenses (an amount equivalent to the medical expenses in cases where penalty surcharges are imposed pursuant to Article 44 (1)) shall be collected: *<Amended by Act No. 10305, May 20, 2010>*

1. Where the medical expenses or medicine expenses have been received in a false or other fraudulent way;
2. Where the medical expenses or medicine expenses have been received unjustly in violation of the criteria for the calculation of medical care benefits prescribed in Article 40 (5) and Article 91-9 (3);
3. Other cases where the medical expenses or medicine expenses have been received mistakenly

Article 85 (Collection of Charges)

The provisions of Articles 27, 28, 29, 30, 39, 41 and 42 of the Insurance Premium Collection Act shall apply mutatis mutandis to the collection of insurance benefits under Article 39 (2), the collection of special disability benefits under Article 78, the collection of special survivors benefits under Article 79 and the collection of undue gains under Article 84. In such cases, "the National Health Insurance Service" shall be read as "the Service". *<Amended by Act No. 9988, Jan. 27, 2010>*

Article 86 (Appropriation of Insurance Benefits, etc.)

(1) The Service, if there are any insurance benefits, medical expenses or medicine expenses it has to pay to a person who has taken undue gains pursuant to Article 84 (1) and (3), or an insurance policyholder or an industrial accident insurance-related medical institution held jointly responsible pursuant to Article 84 (2), may appropriate them to the amount to be collected pursuant to Article 84.

(2) The maximum limit to and procedure for the appropriation of insurance benefits, medical expenses and medicine expenses

shall be prescribed by the Presidential Decree.

Article 87 (Claim for Damages against Third Person)

(1) If the Service has paid insurance benefits for an accident caused by a third person's act, it may subrogate the right of the person who has received the benefits to file a damage claim against the third person within the limits of the benefit amount: Provided, That this shall not apply in cases where two or more employers, who are insurance policyholders, operate one business divided into two or more parts at the same place, and the accident takes place due to an act committed by a worker of the other employer.

(2) In the case of paragraph (1), if a beneficiary has received damages equivalent to insurance benefits under this Act from a third person for the same cause, the Service may not pay insurance benefits under this Act within the limits of an amount to which the damages are converted according to the method as prescribed by the Presidential Decree.

(3) If any accident takes place due to an act committed by a third person, the beneficiary and the insurance policyholder shall report this without delay to the Service.

Article 88 (Protection of Right to Benefits)

(1) The right of a worker to receive insurance benefits shall not be extinguished by his/her retirement.

(2) The right to receive insurance benefits shall not be transferred, seized or offered as collateral.

Article 89 (Exercise by Proxy of Right to Benefits)

Where an insurance policyholder (including subcontractors prescribed in subparagraph 5 of Article 2 of the Insurance Premium Collection Act; hereinafter the same shall apply) pays the beneficiary money or valuable goods equivalent to insurance benefits pursuant to the Civil Act or other Acts and subordinate statutes for his/her worker's work-related accident for the same reason for which insurance benefits are paid in accordance with this Act, and the money or valuable goods are considered as a substitute for the insurance benefits, the insurance policyholder may subrogate the right of the beneficiary to receive the insurance benefits as prescribed by the Presidential Decree.

Article 90 (Settlement of Medical Care Benefit Costs)

(1) Where the National Health Insurance Service under Article 13 of the National Health Insurance Act or the head of

a Si, Gun or Gu under Article 5 of the Medical Benefit Act (hereinafter referred to as “the National Health Insurance Service, etc.”) has paid medical care benefits, etc., under health insurance to a beneficiary of medical care benefits prescribed by this Act pursuant to Article 42 (1) and then claims the costs, the Service may pay an amount equivalent to the medical care benefits if the medical care benefits, etc., under health insurance are deemed equivalent to the medical care benefits payable under this Act. *<Amended by Act No. 11141, Dec. 31, 2011>*

(2) Where the Service has paid a beneficiary medical care benefits and then the decision on such payment is cancelled, the Service may claim an amount equivalent to the medical care benefits, etc., under health insurance from the National Health Insurance Service if the paid medical care benefits are deemed equivalent to the medical care benefits, etc., under health insurance, which are payable under the National Health Insurance Act or the Medical Benefit Act.

Article 90-2 (Settlement of Medical Care Benefit Costs under National Health Insurance)

(1) If a person who received medical care benefits under Article 40 or additional medical care has received medical care benefits under Article 41 of the National Health Insurance Act within two years after the medical care was terminated (limited to cases where he/she has received medical care benefits due to any symptom of the work-related injury or disease for which the terminated medical care was provided), the Service may pay the amount borne by the National Health Insurance Service out of the medical care benefit costs.

(2) Procedures for payment of medical care benefit costs under paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

<This Article Newly Inserted by Act No. 13045, Jan. 20, 2015>

Article 91 (Exemption of Public Charges)

Public charges of the State or a local government shall not be imposed on money or valuable goods provided as insurance benefits.

CHAPTER III-2

**Special Cases of Insurance Benefits concerning
Pneumoconiosis**

<Newly Inserted by Act No. 10305, May 20, 2010>

Article 91-2 (Criteria for Recognizing Pneumoconiosis as Work-related Accidents)

If a worker contracts pneumoconiosis because he/she has been engaged in dust work prescribed by the Ordinance of the Ministry of Employment and Labor (hereinafter referred to as "dust work"), such as work involving handling of rocks, metal or glass fiber, which is likely to cause pneumoconiosis, it shall be deemed a work-related disease under Article 37 (1) 2 A.

<This Article Newly Inserted by Act No. 10305, May 20, 2010>

Article 91-3 (Pneumoconiosis Compensation Annuity)

(1) A pneumoconiosis compensation annuity shall be paid to a worker contracting pneumoconiosis which is a work-related disease (hereinafter referred to as "pneumoconiosis worker").

(2) The pneumoconiosis compensation annuity shall be the sum of the pneumoconiosis disability annuity computed by pneumoconiosis disability grade pursuant to Table 6 on the basis of the average wage determined pursuant to subparagraph 2 of Article 5 and Article 36 (6) and the basic annuity. In such cases, the basic annuity shall be the amount calculated by multiplying 60/100 of the amount of minimum wage by 365.

(3) If the pneumoconiosis disability grade of a person receiving a pneumoconiosis compensation annuity has changed, the sum of the basic annuity and the pneumoconiosis disability annuity corresponding to the changed pneumoconiosis disability grade shall be paid from the month following the month to which the date of change belongs.

<This Article Newly Inserted by Act No. 10305, May 20, 2010>

Article 91-4 (Pneumoconiosis Survivor Annuity)

(1) If a pneumoconiosis worker dies of pneumoconiosis, a pneumoconiosis survivor annuity shall be paid to his/her surviving family members.

(2) The pneumoconiosis survivor annuity shall be the amount equal to the pneumoconiosis compensation annuity paid or determined to be paid to the pneumoconiosis worker at the time of his/her death. In such cases, the pneumoconiosis survivor annuity shall not exceed the survivor compensation annuity calculated pursuant to Article 62 (2) and Table 3.

(3) If a worker who has not been diagnosed with pneumoconiosis under Article 91-6 dies of work-related

pneumoconiosis, the pneumoconiosis survivor annuity for the worker shall be the sum of the basic annuity under Article 91-3 (2) and the pneumoconiosis disability annuity computed pursuant to Table 6 on the basis of the pneumoconiosis disability grade determined pursuant to Article 91-8 (3).

(4) Articles 63 and 64 shall apply mutatis mutandis with regard to the scope and priority order of surviving family members entitled to pneumoconiosis survivor annuities, disqualification, suspension of payment, etc. In such cases, "survivor compensation annuity" shall be read as "pneumoconiosis survivor annuity".

<This Article Newly Inserted by Act No. 10305, May 20, 2010>

Article 91-5 (Request of Medical Care Benefits, etc., for Pneumoconiosis)

(1) If a worker who engages or used to engage in dust work intends to receive medical care benefits or a pneumoconiosis compensation annuity for his/her work-related pneumoconiosis, he/she shall file a request with the Service along with the documents prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Where a person who files a request for medical care benefits, etc., pursuant to paragraph 1 receives a decision on payment or non-payment of medical care benefits, etc., pursuant to Article 91-8 (2), he/she may file a request for medical care benefits, etc., again when one year has passed since the expiration date of diagnosis under Article 91-6 or when the medical care is terminated: Provided, That in cases where there is any medical opinion that the workers needs an emergency examination by a health examination institution under Article 91-6 (1) due to complications [referring to complications under subparagraph 2 of Article 2 of the Act on the Prevention of Pneumoconiosis and Protection, etc., of Pneumoconiosis Workers (hereinafter referred to as "Pneumoconiosis Workers Protection Act"); the same shall apply hereinafter] or a severe impairment in cardiopulmonary function, etc., medical care benefits may be claimed even if one year has not yet passed.

<This Article Newly Inserted by Act No. 10305, May 20, 2010>

Article 91-6 (Diagnosis of Pneumoconiosis)

(1) If a worker files a request for medical care benefits, etc., pursuant to Article 91-5, the Service shall request a health examination institution under Article 15 of the Pneumoconiosis

Workers Protection Act (hereinafter referred to as "health examination institution") to conduct the examination needed for determination of pneumoconiosis under Article 91-8.

(2) Upon receiving a request for examination for diagnosis of pneumoconiosis pursuant to paragraph (1), the health examination institution shall conduct a examination for diagnosis of pneumoconiosis as prescribed by the Ordinance of the Ministry of Employment and Labor and submit the results thereof to the Service. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If a worker receives a health examination under Articles 11 through 13 of the Pneumoconiosis Workers Protection Act and then the health examination institution submits the chest X-ray photograph, etc., of the worker to the Minister of Employment and Labor pursuant to the latter part of Article 16 (1) and (3) of the same Act, the worker shall be deemed to have filed a request for medical care benefits, etc., and to have submitted examination results pursuant to Article 91-5 (1) and paragraph (2) of this Article. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) The Service shall pay the expenses incurred from the examination to the health examination institution which has conducted the examination pursuant to paragraph (2). In such cases, Article 40 (5) and Article 45 shall apply mutatis mutandis with respect to the criteria for calculating the expenses and request, etc.

(5) The amount determined and announced by the Minister of Employment and Labor may be paid as examination allowances to the worker who receives the examination pursuant to paragraph (2): Provided, That such allowances shall not be paid to those who receive disability compensation annuities or pneumoconiosis compensation annuities. *<Amended by Act No. 10339, Jun. 4, 2010>*

(6) Matters concerning requests for examination, submission of examination results, and specific procedures for payment of examination allowances, etc., under paragraphs (1), (2) and (5) 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. 10305, May 20, 2010>

Article 91-7 (Pneumoconiosis Deliberation Committee)

(1) A Pneumoconiosis Deliberation Committee comprised of relevant experts, etc., (hereinafter referred to as "Pneumoconiosis

Deliberation Committee") shall be established in the Service to deliberate on types of pneumoconiosis and complications, etc., on the basis of examination results under Article 91-6.

(2) The composition of members and operation of meetings of the Pneumoconiosis Deliberation Committee 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. 10305, May 20, 2010>

Article 91-8 (Determination of Pneumoconiosis and Decision, etc., on Insurance Benefits)

(1) Upon receiving the results of an examination under Article 91-6, the Service shall determine the pneumoconiosis category, existence and types of complications, cardiopulmonary function level etc., of the relevant worker (hereinafter referred to as "determination of pneumoconiosis") after the deliberation of the Pneumoconiosis Deliberation Committee. In such cases, the criteria necessary for determination of pneumoconiosis shall be prescribed by the Presidential Decree.

(2) The Service shall decide whether to pay medical care benefits, a pneumoconiosis disability grade, whether to pay a pneumoconiosis compensation annuity corresponding thereto, etc., according to the results of the determination of pneumoconiosis under paragraph (1). In such cases, the criteria for pneumoconiosis disability grades, and the criteria for recognizing eligibility for medical care based on complications, etc., shall be prescribed by the Presidential Decree.

(3) For a pneumoconiosis worker whose cardiopulmonary function level is difficult to determine because of complications, etc., the Service shall determine his/her pneumoconiosis disability grade taking into account his/her pneumoconiosis category notwithstanding the criteria for pneumoconiosis disability grades under paragraph (2). In such cases, the criteria for pneumoconiosis disability grades shall be prescribed by the Presidential Decree.

(4) If the Service has made a decision as to whether to pay insurance benefits pursuant to paragraphs (2) and (3), it shall inform the relevant worker thereof.

<This Article Newly Inserted by Act No. 10305, May 20, 2010>

Article 91-9 (Procedures and Criteria for Medical Care Benefits concerning Pneumoconiosis)

(1) Notwithstanding the main sentence of Article 40 (2), the Service shall have a pneumoconiosis worker to whom it has

decided to pay medical care benefits pursuant to Article 91-8 (2) receive medical care at a medical institution in charge of medical care for pneumoconiosis workers (hereinafter referred to as "medical institution for pneumoconiosis") among industrial accident insurance-related medical institutions.

(2) The Minister of Employment and Labor may determine and announce criteria for hospitalization and outpatient treatment, standardized medical treatment guidelines, etc., after consulting experts, etc., so as for medical institutions for pneumoconiosis to use them to provide proper medical care to pneumoconiosis workers. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The Service may classify medical institutions for pneumoconiosis into up to three classes, taking into account their facilities, manpower and quality of medical services, etc. In such cases, the criteria for separating those classes, patients eligible for medical care by class and criteria for calculating medical care benefits by class shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) A Committee on Evaluation of Medical Institutions for Pneumoconiosis shall be established in the Service to provide consulting on the business of evaluating medical institutions for pneumoconiosis. In such cases, the composition and operation of the Committee on Evaluation of Medical Institutions for Pneumoconiosis 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>*

(5) Article 50 shall apply mutatis mutandis with regard to the evaluation of medical institutions for pneumoconiosis. In such cases, "medical institutions prescribed by the Presidential Decree among industrial accident insurance-related medical institutions under Article 43 (1) 3" in Article 50 (1) shall be read as "medical institutions for pneumoconiosis".

<This Article Newly Inserted by Act No. 10305, May 20, 2010>

Article 91-10 (Recognition, etc., of Death due to Pneumoconiosis)

If a worker who engages or used to engage in dust work is recognized to have died due to pneumoconiosis, complications thereof or other causes related to pneumoconiosis, it shall be deemed a work-related accident. In such cases, the matters that need to be considered when judging whether the death is caused by pneumoconiosis shall be prescribed by the Presidential Decree.

<This Article Newly Inserted by Act No. 10305, May 20, 2010>

Article 91-11 (Confirmation, etc., of Cause of Death due to Pneumoconiosis)

(1) Where the cause of death of a worker who engages or used to engage in dust work is unknown, his/her surviving family members may request a medical institution designated by the Service among industrial accident insurance-related medical institutions with pathological specialists to conduct a whole-body autopsy of the corpse of the relevant worker, attaching a written consent on the whole-body autopsy, in order to confirm whether the worker has died of pneumoconiosis, etc. In such cases, the medical institution may conduct the whole-body autopsy notwithstanding Article 2 of the Act on Dissection and Preservation of Corpses.

(2) The Service may subsidize some or all of the expenses of the medical institution which has conducted the whole-body autopsy pursuant to paragraph (1) or the surviving family members. In such cases, the criteria for payment of expenses and matters concerning the submission of attached documents and other procedures for subsidizing expenses 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. 10305, May 20, 2010>

CHAPTER IV

Labor Welfare Projects

Article 92 (Labor Welfare Projects)

(1) The Minister of Employment and Labor shall carry out the following projects to promote workers' welfare: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Establishment and operation of the following insurance facilities to promote a smooth return to society of workers affected by work-related accidents:
 - A. Facilities for medical care and post-surgery care; and
 - B. Facilities for medical or occupational rehabilitation;
2. Projects to promote the welfare of accident victims and their survivors, such as scholarship projects;
3. Other projects to establish and operate facilities for promoting the welfare of workers.

(2) The Minister of Employment and Labor may have the Service or any juristic persons (hereinafter referred to as "designated juristic persons") established to promote the welfare of accident victims and designated by the Minister of Employment and Labor carry out the projects under paragraph (1), or may entrust them with the operation of the insurance facilities under subparagraph 1 of the same paragraph. *<Amended by Act No 10339, Jun. 4, 2010>*

(3) Necessary matters concerning criteria for the designation of juristic persons shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(4) The Minister of Employment and Labor may support part of the expenses for the projects of designated juristic persons within the limits of budgets. *<Amended by Act No 10339, Jun. 4, 2010>*

Article 93 (Loans for Individual Co-payment of Medical Care Benefit Costs under National Health Insurance)

(1) If any person prescribed by the Presidential Decree in consideration of the period taken to make a decision on medical care benefits make a request for medical care in relation to the work-related diseases referred to in Article 37 (1) 2, the Service may make a loan to that person for the individual co-payment of medical care benefit costs under Article 44 of the National Health Insurance Act. *<Amended by Act No 11141, Dec. 31, 2011>*

(2) If there is any medical care benefits prescribed in this Act, which is to be paid to the person provided with a loan pursuant to paragraph (1), the Service may appropriate the medical care benefits for the repayment of the loan.

(3) The amount, conditions and procedures of the loan referred to in paragraph (1) shall be determined by the Service with approval of the Minister of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(4) The maximum limit to and procedures for the appropriation of medical care benefits under paragraph (2) shall be prescribed by the Presidential Decree.

Article 94 (Promotion of Employment of Recipients of Disability Benefits)

The Minister of Employment and Labor may recommend insurance policyholders to employ those who have received disability benefits or pneumoconiosis compensation annuities in jobs that fit their aptitude. *<Amended by Act No 9988, Jan. 27,*

2010; Act No 10305, May 20, 2010; and Act No 10339, Jun. 4, 2010>

CHAPTER V

Industrial Accident Compensation Insurance and Prevention Fund

Article 95 (Establishment and Creation of Industrial Accident Compensation Insurance and Prevention Fund)

(1) In order to secure financial resources necessary for insurance activities and industrial accident prevention activities and to finance insurance benefits, the Minister of Employment and Labor shall establish the Industrial Accident Compensation Insurance and Prevention Fund (hereinafter referred to as "Fund").
<Amended by Act No 10339, Jun. 4, 2010>

(2) The Fund shall be formed with insurance premiums, proceeds from the operation of the Fund, reserve funds, surplus resulting from the settlement of accounts of the Fund, contributions, donations, loans and other revenues from the Government or a person other than the Government.

(3) In order to conduct industrial accident prevention activities, the Government shall, every fiscal year, calculate and present an amount within the limits of 3/100 of the total expenditures of the Fund as contributions from the Government under paragraph (2) in the tax expenditure budget.

Article 96 (Use of Fund)

(1) The Fund shall be used for the following purposes:
<Amended by Act No. 9319, Dec. 31, 2008 and Act No. 9988, Jan. 27, 2010>

1. Payment of insurance benefits and refunds;
2. Repayment of loans and interest thereon;
3. Contributions to the Service;
4. Purposes prescribed by Article 61-3 of the Industrial Safety and Health Act;
5. Promotion of the welfare of accident victims ;
6. Contributions to the Korea Occupational Safety and Health Agency under the Korea Occupational Safety and Health Agency Act (hereinafter referred to as "the Korea

- Occupational Safety and Health Agency");
7. Contributions made by the person entrusted with activities under Article 4 of the Insurance Premium Collection Act;
 8. Other insurance activities and the management and operation of the Fund.

(2) The Minister of Employment and Labor shall appropriate not less than 8/100 of the Fund's total expenditures falling under any subparagraph of paragraph (1) for the purpose prescribed in paragraph (1) 4 and 6 every fiscal year. *<Amended by Act No 10339, Jun. 4, 2010>*

Article 97 (Management and Operation of Fund)

(1) The Fund shall be managed and operated by the Minister of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor shall manage and operate the Fund according to the following methods: *<Amended by Act No 10339, Jun. 4, 2010>*

1. Deposits and money trust in financial institutions or postal service agencies;
2. Deposits in financial funds;
3. Purchase of profit-making securities, such as investment trust;
4. Purchase of securities issued directly, or for which the fulfillment of obligations is guaranteed by the State, a local government or financial institutions;
5. Other activities prescribed by the Presidential Decree to increase the Fund.

(3) In managing and operating the Fund under paragraph (2), the Minister of Employment and Labor shall make efforts to make the proceeds more than the level prescribed by the Presidential Decree. *<Amended by Act No 10339, Jun. 4, 2010>*

(4) The Minister of Employment and Labor shall account for the Fund according to the corporate accounting principles. *<Amended by Act No 10339, Jun. 4, 2010>*

(5) The Minister of Employment and Labor may entrust the Service or the Korea Occupational Safety and Health Agency with part of affairs concerning the management and operation of the Fund. *<Amended by Act No 10339, Jun. 4, 2010>*

Article 98 (Fund Operation Plan)

The Minister of Employment and Labor shall establish each fiscal year fund operation plans through deliberation at the

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

Article 99 (Accumulation of Liability Reserves)

(1) The Minister of Employment and Labor shall accumulate liability reserves to finance insurance benefits. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The Minister of Employment and Labor shall calculate the amount of liability reserves every fiscal year and if reserve funds exceed the liability reserves, shall use the excess as financial resources to pay future insurance benefits, and if they are short, accumulate reserve funds from premium revenues to fill the shortfall. <Amended by Act No. 10339, Jun. 4, 2010>

(3) Necessary matters concerning criteria for the calculation and accumulation of liability reserves under paragraph (1) shall be prescribed by the Presidential Decree.

Article 100 (Settlement of Surplus and Loss)

(1) If there is any surplus as a result of a settlement of accounts of the Fund, it shall be deposited as reserve funds.

(2) If there is any loss as a result of a settlement of accounts of the Fund, it may be made up using reserve funds.

Article 101 (Loan)

(1) A loan may, if necessary, be made against the security of the Fund to disburse the expenses arising from the Fund.

(2) If there is lack of cash for disbursement in the Fund, a temporary loan may be made against the security of the Fund.

(3) The temporary loan as referred to in paragraph (2) shall be repaid within the fiscal year concerned.

Article 102 (Receipts, Disbursements, etc., of Fund)

Matters concerning procedures, etc. for receipts and disbursements in the management and operation of the Fund, shall be prescribed by the Presidential Decree.

CHAPTER VI

Request for Examination and Re-examination

Article 103 (Request for Examination)

(1) A person who is dissatisfied with a decision, etc., by the Service, falling under any of the following subparagraphs (hereinafter referred to as "decision, etc., on insurance benefits")

may make a request for examination to the Service: *<Amended by Act No. 10305, May 20, 2010>*

1. A decision on insurance benefits under Chapter III and Chapter III-2;
2. A decision on medical expenses under Articles 45 and 91-6 (4);
3. A decision on medicine expenses under Article 46;
4. A measure, etc., to change a medical treatment plan under Article 47 (2);
5. A decision on lump-sum payment of insurance benefits under Article 76;
6. A decision on collection of undue gains under Article 84;
7. A decision on subrogation of the right to receive benefits under Article 89

(2) A request for examination under paragraph (1) shall be made to the Service through an organization under the control of the Service, which has made a decision, etc., on the insurance benefits concerned.

(3) A request for examination under paragraph (1) shall be made within 90 days after the decision on insurance benefits is informed.

(4) An organization under the control of the Service shall, upon receiving a request for examination pursuant to paragraph (2), send it to the Service together with its written opinion within five days.

(5) No administrative appeal as prescribed by the Administrative Appeals Act shall be made against a decision, etc., on insurance benefits.

Article 104 (Industrial Accident Compensation Insurance Examination Committee)

(1) In order to deliberate on a request for examination under Article 103, the Industrial Accident Compensation Insurance Examination Committee (hereinafter referred to as "Examination Committee") composed of relevant experts shall be set up in the Service.

(2) The provisions of Article 108 shall apply *mutatis mutandis* to the exclusion, challenge and refrainment of a member of the Examination Committee.

(3) Necessary matters concerning the composition and operation of the Examination Committee shall be prescribed by the Presidential Decree.

Article 105 (Review and Decision on Request for Examination)

(1) The Service shall make a decision on a request for examination after deliberation by the Examination Committee within sixty days of receipt of the written request for examination pursuant to Article 103 (4): Provided, That if it is impossible to make a decision within that period due to inevitable reasons, the period may be extended only once for up to twenty days.

(2) Notwithstanding the provisions of paragraph (1), if there is any reason prescribed by the Presidential Decree, such as a request for examination made after the end of the request period, the request may not undergo deliberation by the Examination Committee.

(3) When the decision period is extended pursuant to the proviso to paragraph (1), the person who has made the request for examination and the affiliated organization of the Service, which has made the decision, etc., on insurance benefits shall be informed of this at least seven days before the end of the initial decision period.

(4) If it is necessary for reviewing a request for examination, the Service may take any of the following actions at the request of the person making the request for examination or by virtue of its authority:

1. To have the person making the request or related persons appear at a designated place to ask questions or to have them state opinions;
2. To have the person making the request or related persons submit documents or other things that can be used as evidence;
3. To have a third person with professional knowledge or experience make an appraisal;
4. To have its employee enter the workplace or other places involved in the case to ask questions of the employer, worker and other related persons, or inspect documents and other things; and
5. To have any worker related to the request for examination undergo a medical examination by a doctor, a dentist, or an oriental medicine doctor designated (hereinafter referred to as "doctor, etc.") by the Service.

(5) An employee of the Service, who conducts questioning or inspection as referred to in subparagraph 4 of paragraph (4), shall carry a certificate proving his/her authority and show it to related persons.

Article 106 (Request for Re-examination)

(1) A person, who is dissatisfied with a decision on a request for examination made under Article 105 (1), may make a request for reexamination to the Industrial Accident Compensation Insurance Reexamination Committee as prescribed in Article 107: Provided, That a person who is dissatisfied with a decision on insurance benefits, which has been deliberated by the Determination Committee, may make a request for reexamination without making a request for examination under Article 103.

(2) The request for reexamination as referred to in paragraph (1) shall be made to the Industrial Accident Compensation Insurance Reexamination Committee prescribed in Article 107 through an affiliated organization of the Service, which has made the decision, etc., on insurance benefits.

(3) The request for reexamination as referred to in paragraph (1) shall be made within ninety days after the decision on the request for examination is informed: Provided, That if a request for reexamination is made without making a request for examination pursuant to the proviso to paragraph (1), the request shall be made within ninety days after the decision on insurance benefits is informed.

(4) The provisions of Article 103 (4) shall apply mutatis mutandis with regard to requests for reexamination. In such cases, "written request for examination" shall be read as "written request for reexamination", and "Service" as the "Industrial Accident Compensation Insurance Reexamination Committee".

Article 107 (Industrial Accident Compensation Insurance Reexamination Committee)

(1) In order to review and decide on a request for reexamination under Article 106, the Industrial Accident Compensation Insurance Reexamination Committee (hereinafter referred to as "Reexamination Committee") shall be established in the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(2) The Reexamination Committee shall be composed of sixty members or less, including the chairman, but two members shall be permanent members, and one, an ex officio member.

(3) Two-fifths of the members of the Reexamination Committee shall be composed of persons recommended by workers' and employers' organizations, respectively, from among those prescribed in subparagraphs 2 through 5 of paragraph (5). In such cases, the number of members recommended by workers' and employers' organizations shall be equal.

(4) Notwithstanding paragraph (3), if the number of people recommended by workers' or employers' organization respectively is less than one fifth of the total members to be appointed, the latter part of paragraph (3) shall not apply, and instead the number of members recommended by workers' and employers' organizations may be less than two fifths of the total members. *<Newly Inserted by Act No. 9988, Jan. 27, 2010>*

(5) The chairman and members of the Reexamination Committee shall be appointed by the President upon proposal of the Minister of Employment and Labor, from among those falling under any of the following subparagraphs: Provided, That the ex officio member shall be the one designated by the Minister of Employment and Labor from among general public officials of Grade III or general public officials belonging to the Senior Civil Service: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Those who are serving or served as public officials of Grade III or higher or as general public officials belonging to the Senior Civil Service;
2. Judges, public prosecutors, defence lawyers, or certified public labor affairs consultants with 10 years or more of experience;
3. Those who are serving or served as associate professors or higher at a college under Article 2 of the Higher Education Act;
4. Those who have been engaged in labor-related services or industrial accident compensation insurance-related services for 15 years or more; and
5. Those with plenty of academic knowledge and experience in social insurance or industrial medical science

(6) A person who falls under any of the following subparagraphs shall not be appointed as member: *<Amended by Act No. 9988, Jan. 27, 2010 and Act No. 13045, Jan. 20, 2015>*

1. A person under adult guardianship, a person under limited guardianship or a person who has been declared bankrupt but not reinstated yet;
2. A person who was sentenced to imprisonment without prison labor or heavier punishment, and for whom three years have not passed since the completion of the sentence or the final decision not to execute it; and
3. A person who is non-compos or feeble-minded.

(7) The term of the members (excluding the ex officio member) of the Reexamination Committee shall be three years but renewable, and the chairman or a permanent member, if his/her

term has expired, may continue to perform his/her duties until his/her successor is appointed. *<Amended by Act No. 9988, Jan. 27, 2010>*

(8) No member of the Reexamination Committee shall be dismissed from his/her office against his/her will except in any of the following cases:

1. Where he/she is sentenced to imprisonment without prison labor or heavier punishment; and
2. Where he/she becomes unable to carry out his/her duties due to a physical or mental collapse for a long period.

<Amended by Act No. 9988, Jan. 27, 2010>

(9) The Reexamination Committee shall have a secretariat. *<Amended by Act No. 9988, Jan. 27, 2010>*

(10) Necessary matters concerning the organization, operation, etc., of the Reexamination Committee shall be prescribed by the Presidential Decree. *<Amended by Act No. 9988, Jan. 27, 2010>*

Article 108 (Exclusion, Challenge and Refrainment of Member)

(1) Any member of the Reexamination Committee shall be excluded from participating in the deliberation and resolution of a case if he/she falls under any of the following subparagraphs:

1. Where a member or his/her spouse or former spouse is a party to the case, or a joint right holder or obligator regarding the case;
2. Where a member is or was a relative of a party in the case, who is prescribed in Article 777 of the Civil Act;
3. Where a member gives any testimony or expert opinion regarding the case;
4. Where a member is or was involved as an agent of a party in the case; or
5. Where a member is involved in making a decision, etc., on insurance benefits which is the subject of the case

(2) When any party finds it difficult to expect a fair deliberation and resolution from the members, it may file a challenge application.

(3) If any member falls under the case of paragraph (1) or (2) he/she may refrain from deliberation and resolution regarding the case.

(4) The provisions of paragraphs (1) through (3) shall apply mutatis mutandis to employees other than the members, who are involved in clerical work concerning the deliberation and resolution of a case.

Article 109 (Review and Ruling on Request for Reexamination)

- (1) The provisions of Article 105 (1) and (3) through (5)

shall apply mutatis mutandis with regard to review and decision on a request for reexamination. In such cases, "Service" shall be read as "Reexamination Committee", "request for examination through deliberation by the Examination Committee" as "request for reexamination", "decision" as "ruling", and "employee of the Service" as "member of the Reexamination Committee", respectively.

(2) The ruling of the Reexamination Committee shall be binding on the Service.

Article 110 (Succession to Status of Person Requesting Examination and Re-Examination)

In the event that a person requesting an examination or a reexamination dies, if he/she is a beneficiary of insurance benefits, the status shall be succeeded by the survivors as prescribed in Article 62 (1) or 81, and if not, by his/her heir or a person who has succeeded to the right or interests related to the insurance benefits subject to the request for examination or reexamination.

Article 111 (Relation with Other Acts)

(1) With respect to an interruption of prescription, the filing of a request for examination or reexamination under Articles 103 and 106 shall be deemed a judicial request under Article 168 of the Civil Act.

(2) In applying Article 18 of the Administrative Litigation Act, a ruling on a request for reexamination under Article 106 shall be deemed a ruling on administrative appeals.

(3) Matters not provided for by this Act concerning a request for examination or reexamination under Articles 103 and 106 shall be governed by the provisions of the Administrative Appeals Act.

CHAPTER VII

Supplementary Provisions

Article 112 (Prescription)

(1) The rights prescribed in each of the following subparagraphs shall be extinguished by prescription if not exercised for three years: *<Amended by Act No. 9988, Jan. 27, 2010>*

1. The right to receive insurance benefits under Article 36 (1);
 2. The right of an industrial accident insurance-related medical institution under Article 45;
 3. The right of a pharmacy under Article 46;
 4. The right of an insurance policyholder under Article 89; and
 5. The right of the National Health Insurance Service, etc., under Article 90 (1)
- (2) Except as provided by this Act, the extinctive prescription as referred to in paragraph (1) shall be subject to the provisions of the Civil Act.

Article 113 (Interruption of Prescription)

The extinctive prescription referred to in Article 112 shall be interrupted by a request made under Article 36 (2). In such cases, if the request is the first request requiring a judgment on whether or not the case concerns a work-related accident prescribed in subparagraph 1 of Article 5, the interruption of prescription resulting from the request shall affect the other insurance benefits referred to in Article 36 (1).

Article 114 (Reporting, etc.)

(1) The Service may, if it is deemed necessary, demand the employer of a business to which this Act applies, or workers who are engaged in the business, and the insurance work service agency (hereinafter referred to as "insurance work service agency") prescribed in Article 33 of the Insurance Premium Collection Act to make a report necessary for the insurance work, or to present related documents, as prescribed by the Presidential Decree.

(2) A person who is entitled to receive a disability compensation annuity, survivor compensation annuity, pneumoconiosis compensation annuity or pneumoconiosis survivor annuity shall report to the Service such matters necessary for the payment of insurance benefits as prescribed by the Presidential Decree. *<Amended by Act No. 10305, May 20, 2010>*

(3) Any person who is or was a beneficiary shall report to the Service such matters concerning changes in his/her entitlement as prescribed by the Presidential Decree.

(4) If a beneficiary dies, a person required to report under Article 85 of the Act on the Registration, etc., of Family

Relations shall report the death to the Service within one month.

Article 115 (Departure Report, etc. by Beneficiary of Annuity)

(1) If a beneficiary of a disability compensation annuity, beneficiary of a survivor compensation annuity, beneficiary of a pneumoconiosis compensation annuity, beneficiary of a pneumoconiosis survivor annuity (hereinafter referred to as "beneficiary of a disability compensation annuity, etc.") or a person entitled to a survivor compensation annuity or pneumoconiosis survivor annuity, who is a Korean national, departs from Korea to live in a foreign country, the beneficiary of such disability compensation annuity, etc., shall report this to the Service. *<Amended by Act No. 10305, May 20, 2010>*

(2) If a beneficiary of a disability compensation annuity, etc, or a person entitled to a survivor compensation annuity or pneumoconiosis survivor annuity receives a disability compensation annuity, survivor compensation annuity, pneumoconiosis compensation annuity or pneumoconiosis survivor annuity while living in a foreign country, the beneficiary of such disability compensation annuity, etc., shall report to the Service such matters as prescribed by the Presidential Decree concerning the right or entitlement to such annuity at least once every year as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10305, May 20, 2010>*

Article 116 (Assistance of Employer)

(1) If a person who is entitled to receive insurance benefits, finds it difficult to proceed with the procedures for claims etc., for insurance benefits, due to an accident, the employer shall provide assistance.

(2) If a person who is entitled to receive insurance benefits demands a certification necessary for receiving them, the employer shall provide such certification.

(3) If it is impossible to provide the certification referred to in paragraph (2) due to a missing of the employer, or other inevitable reasons, the certification may be omitted.

Article 117 (Investigation of Workplace, etc.)

(1) If it is deemed necessary for making a decision on insurance benefits or making a review, decision, etc., on a request for examination, the Service may have its own employee enter the office or place of a business, to which this

Act applies, and the office of an insurance work service agency, ask related persons questions or investigate related documents.

(2) In the case of paragraph (1), the employee of the Service shall carry a certificate proving his/her authority and show it to related persons.

Article 118 (Investigation, etc. of Industrial Accident Insurance-related Medical Institution)

(1) If it is deemed necessary in relation to insurance benefits, the Service may demand the industrial accident insurance-related medical institution (including its doctors; hereinafter in this Act the same shall apply) which has given medical treatment to a worker who receives insurance benefits to make a report on the results of the medical treatment or submit related documents or things, or may have its employees ask related persons questions or investigate related documents or things, as prescribed by the Presidential Decree.

(2) The provisions of Article 117 (2) shall apply mutatis mutandis with respect to investigations under paragraph (1).

Article 119 (Demand for Medical Examination)

If it is deemed necessary in relation to insurance benefits, the Service may demand a person who receives or intends to receive insurance benefits to undergo a medical examination at an industrial accident insurance-related medical institution, as prescribed by the Presidential Decree.

Article 119-2 (Payment of Reward Money)

The Service may pay reward money to a person who reports a person who unjustly receives insurance benefits, medical expenses or medicine expenses pursuant to Article 84 (1) and (3) within the limits of its budget as 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. 10305, May 20, 2010>

Article 120 (Temporary Suspension of Insurance Benefits)

(1) If a person who intends to receive insurance benefits falls under any of the following subparagraphs, the Service may suspend temporarily the payment of insurance benefits:
<Amended by Act No. 10305, May 20, 2010>

1. Where a worker in the middle of medical care fails to follow the order to transfer to another medical institution given by the Service pursuant to Article 48 (1);
2. Where the person fails to comply with a demand made by the Service by virtue of its authority to redetermine his/her disability grade or pneumoconiosis disability grade pursuant to Article 59;
3. Where the person fails to make a report, submit documents or report as prescribed in Article 114 or 115;
4. Where the person fails to respond to questions or investigation as prescribed in Article 117; or
5. Where the person fails to comply with a demand for medical examination as prescribed in Article 119

(2) The types of insurance benefits subject to the temporary suspension referred to in paragraph (1) and the period of and procedures for the temporary suspension shall be prescribed by the Presidential Decree.

Article 121 (Special Case for Overseas Business)

(1) In order to compensate a worker for an accident occurring during a period of his/her overseas stay for work, a person (hereinafter referred to as "insurance company") designated by the Minister of Employment and Labor after consultation with the Financial Services Commission may be permitted to carry out the insurance activities under this Act on his/her own account in the case of business run in a country or an area prescribed by a social security-related treaty or convention (hereinafter referred to as "social security-related treaty") to which Korea is a party <Amended by Act No. 8863, Feb. 29, 2008; Act No. 9988, Jan. 27, 2010; and Act No. 10339, Jun. 4, 2010>

(2) The insurance company referred to in paragraph (1) shall carry out insurance activities in accordance with the business method prescribed by the Insurance Business Act. In such cases, the insurance benefits paid by the insurance company shall not be unfavorable for workers compared with the insurance benefits prescribed by this Act.

(3) An insurance company carrying out insurance activities pursuant to paragraph (1) shall fulfill in good faith all the responsibilities the Government should bear under this Act and a social security-related treaty for workers.

(4) The provisions of Article 2, Article 3 (1), the proviso to Article 6, Article 8 and Article 82 and the provisions of Chapters V and VI shall not apply to the overseas business as referred to in paragraph (1) and insurance activities aimed at such business.

(5) In carrying out insurance activities under paragraph (1), an insurance company may exercise the authority of the Service as prescribed by this Act.

Article 122 (Special Case for Persons Dispatched Overseas)

(1) In cases where an insurance policyholder prescribed in Article 5 (3) and (4) of the Insurance Premiums Collection Act applies for an insurance policy to the Service and obtains an approval therefor for any person (hereinafter referred to as "overseas-dispatched person") dispatched overseas to work for a business run in an area (excluding areas prescribed by the Ordinance of the Ministry of Employment and Labor) other than the Republic of Korea, the overseas-dispatched person may be regarded as a worker employed for the business (referring to the main business in cases where there are two businesses or more) of the insurance policyholder, which operates within the territory of the Republic of Korea, in applying this Act. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The amount of wage used as the basis for calculating insurance benefits for an overseas-dispatched person shall be the one determined and announced by the Minister of Employment and Labor in consideration of the amount of wage for workers employed in the same kind of occupation in the business concerned and other conditions. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) Necessary matters concerning the payment, etc., of insurance benefits with respect to overseas-dispatched persons shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) The calculation of insurance premiums, application for an insurance policy and approval therefor, the report and payment of insurance premiums, the termination of insurance relationships and other necessary matters for overseas-dispatched persons to whom this Act applies pursuant to paragraph (1) shall be governed by the Insurance Premium Collection Act.

Article 123 (Special Case for On-the-Job Trainees)

(1) Among students and vocational trainees (hereinafter

referred to as “on-the-job trainees”) taking on-the-job training in a business subject to this Act, the on-the-job trainees determined by the Minister of Employment and Labor shall be regarded as workers employed in the business in applying this Act notwithstanding the provisions of subparagraph 2 of Article 5.

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

(2) An accident which happens to an on-the-job trainee in relation to training shall be deemed a work-related accident, and insurance benefits under Article 36 (1) shall be paid.

<Amended by Act No. 10305, May 20, 2010>

(3) The amount of wage used as the basis for calculating insurance benefits for on-the-job trainees shall be all the money and goods paid to the on-the-job trainees, such as training allowances, but if such application is deemed inappropriate for accident compensation for the on-the-job trainees, the amount may be the one determined and announced by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) Necessary matters concerning the payment, etc., of insurance benefits with respect to on-the-job trainees shall be prescribed by the Presidential Decree.

(5) Matters concerning the calculation, report and payment of insurance premiums with regard to on-the-job trainees shall be governed by the Insurance Premium Collection Act.

Article 124 (Special Case for Small and Medium Business Operators)

(1) Any small and medium business operator prescribed by the Presidential Decree (including those who do not employ any worker; hereinafter in this Act the same shall apply) may join insurance with him/herself or his/her prospective surviving family members as beneficiaries of insurance benefits after getting approval from the Service. In such cases, notwithstanding the provisions of subparagraph 2 of Article 5, the business operator shall be regarded as a worker in applying this Act.

(2) The scope of work-related accidents which cause the payment of insurance benefits to small and medium business operators under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The amount of average wage used as the basis for calculating insurance benefits for small and medium business operators under paragraph (1) shall be the one determined and

announced by the Minister of Employment and Labor.

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

(4) In the event that any work-related accident referred to in paragraph (2) occurs while insurance premiums are overdue, all or part of the insurance benefits for the accident concerned may not be paid as prescribed by the Presidential Decree.

(5) Necessary matters concerning the payment, etc., of insurance benefits to small and medium business operators shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(6) The calculation of insurance premiums, application for an insurance policy and approval therefor, the report and payment of insurance premiums, the termination of insurance relationships and other necessary matters for small and medium business operators to whom this Act applies pursuant to paragraph (1) shall be governed by the Insurance Premium Collection Act.

Article 125 (Special Case for Persons in Special Types of Employment)

(1) Notwithstanding the provisions of Article 6, a business which receives labor service from persons (hereinafter referred to as "persons in special types of employment") who are engaged in the occupations prescribed by the Presidential Decree among those who need protection from work-related accidents as they are not covered by the Labor Standards Act even though they provide labor service in a similar way to workers in general regardless of type of contract, and meet all of the following conditions shall be regarded as a business subject to this Act. *<Amended by Act No. 9988, Jan. 27, 2010>*

1. They should routinely provide the business with labor service necessary for the operation thereof, be paid for such service and live on such pay; and

2. They should not use other persons to provide the labor service

(2) Notwithstanding the provisions of subparagraph 2 of Article 5, persons in special types of employment shall be regarded as workers of the business in applying this Act: Provided, That if persons in special types of employment request exclusion from the application of this Act pursuant to paragraph (4), they shall not be regarded as workers. *<Amended by Act No. 9988, Jan. 27, 2010>*

(3) If an employer begins or ceases to receive labor service

from a person in special types of employment, the employer shall report this to the Service as prescribed by the Presidential Decree.

(4) If a person in special types of employment does not want to be subject to this Act, he/she may make a request for exclusion from the application of this Act to the Service as prescribed by the Insurance Premium Collection Act: Provided, That this shall not apply in the case of persons in special types of employment whose insurance premiums are paid wholly by their employers.

(5) If a request for exclusion from the application of this Act is made pursuant to paragraph (4), this Act shall not be applied beginning on the day following the date of the request: Provided, That if the request for exclusion from the application of this Act is made less than 70 days after the date of the application of this Act, this Act shall not be applied retroactively to the date of the first application of this Act.

(6) If a person who is not subject to this Act pursuant to paragraphs (4) and (5) makes a request to the Service in order to become subject to this Act again, this Act shall begin to apply in the following insurance year.

(7) Necessary matters concerning the establishment, termination and change of insurance relationships, requests for exclusion from the application of the Act and for the reapplication of the Act, the calculation, report and payment of insurance premiums and the collection of insurance premiums and other charges with respect to persons in special types of employment to whom this Act applies pursuant to paragraph (1) shall be governed by the Insurance Premium Collection Act.

(8) The amount of average wage used as the basis for calculating insurance benefits for persons in special types of employment shall be the one announced by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(9) The criteria for recognizing work-related accidents which cause the payment of insurance benefits to persons in special types of employment shall be prescribed by the Presidential Decree.

(10) If the work-related accidents referred to in paragraph (9) occur while insurance premiums are overdue, all or part of the insurance benefits for the work-related accidents may not be

paid as prescribed by the Presidential Decree.

(11) Necessary matters for the payment, etc., of insurance benefits to those in special types of employment shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Newly Inserted by Act No. 9988, Jan. 27, 2010> <Amended by Act No. 10339, Jun. 4, 2010>

Article 126 (Special Case for Benefit Recipients under the National Basic Living Security Act)

(1) Among recipients of self-support benefits under Article 15 of the National Basic Living Security Act, who are not workers prescribed in subparagraph 2 of Article 5, those who are engaged in the projects determined and announced by the Minister of Employment and Labor shall be regarded as workers subject to this Act notwithstanding the provisions of subparagraph 2 of Article 5. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The amount of wage used as the basis for calculating insurance premiums and insurance benefits for recipients of self-support benefits shall be the amount of self-support benefits which the recipient of self-support benefits receives as a result of participating in the projects referred to in paragraph (1).

CHAPTER VIII

Penal Provisions

Article 127 (Penal Provisions)

(1) If a person who works in an industrial accident insurance-related medical institution or a pharmacy under Article 46 (1) has received medical expenses or medicine expenses by false or other fraudulent means, he/she shall be punished by imprisonment of up to three years or a fine not exceeding thirty million won.

(2) A person who has received insurance benefits by false or other fraudulent means shall be punished by imprisonment of up to two years or a fine not exceeding twenty million won.

(3) A person who has disclosed confidential information in violation of Article 21 (3) shall be punished by imprisonment of up to two years or a fine not exceeding ten million won. <Amended by Act No. 9988, Jan. 27, 2010>

Article 128 (Joint Penal Provisions)

If a representative of a corporation, or an agent, a servant or any other employee of a corporation or an individual commits an offence provided in Article 127 (1) in relation to the business of the corporation or individual, the fine prescribed in the Article shall be imposed on the corporation or individual, in addition to the punishment of the offender: Provided, That this shall not apply unless the corporation or individual neglects to give considerable attention and supervision to the work concerned in order to prevent such offence.

<Amended by Act No. 9338, Jan. 7, 2009>

Article 129 (Fine for Negligence)

(1) A person who falls under any of the following subparagraphs shall be subject to a fine for negligence not exceeding two million won: *<Amended by Act No. 9988, Jan. 27, 2010>*

1. A person who uses the title "Korea Workers Compensation and Welfare Service" and any title similar thereto in violation of Article 34; or
2. A person who claims medical expenses from a person other than the Service, in violation of Article 45 (1)

(2) A person who falls under any of the following subparagraphs shall be subject to a fine for negligence not exceeding one million won:

1. A person who fails to submit a medical treatment plan referred to in Article 47 (1) without any justifiable reason;
2. A person who fails to answer questions, makes false answers, or refuses, interferes with, or evades an inspection in violation of Article 105 (4) (including the mutatis mutandis application thereof as provided in Article 109 (1));
3. A person who fails to make a report or makes a false report or a person who fails to comply with an order to submit documents or things, in violation of Article 114 (1) or 118;
4. A person who refuses to answer questions asked by an employee of the Service or refuses, interferes with or evades an investigation in violation of Article 117 or 118; and
5. A person who fails to make a report referred to in Article 125 (3)

(3) The fine for negligence referred to in paragraph (1) or (2)

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>

(4), (5) and (6) Deleted. <Act No. 9988, Jan. 27, 2010>

Addenda <Act No. 9319, Dec. 31, 2008; Revision of the Korea Occupational Safety and Health Agency Act>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. <proviso omitted>

Articles 2 through 4 Omitted.

Article 5 (Revision of Other Acts)

(1) through (4) Omitted.

(5) Parts of the Industrial Accident Compensation Insurance Act shall be revised as follows:

Article 96 (1) 6 shall be changed as follows and “Korea Occupational Safety and Health Agency” in Article 97 (5) shall be changed to “Korea Occupational Safety and Health Agency”.

6. Contributions to the Korea Occupational Safety and Health Agency under the Korea Occupational Safety and Health Agency Act (hereinafter referred to as “Korea Occupational Safety and Health Agency”)

(6) Omitted.

Article 6 Omitted.

Addendum <Act No. 9338, Jan. 7, 2009>

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

Addenda <Act No. 9794, Oct. 9, 2009>

Article 1 (Enforcement Date)

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

Article 2 (Revision of Other Acts)

(1) Parts of the Act on the Collection, etc., of Premiums for Employment Insurance and Industrial Accident Compensation

Insurance shall be revised as follows:

“Industrial Accident Compensation Insurance Deliberation Committee” in the former part of Article 14 (4) and Article 22-2 (1) shall be changed to “Deliberation Committee on Industrial Accident Compensation Insurance and Prevention”.

(2) Parts of the Wage Claim Guarantee Act shall be revised as follows:

“Industrial Accident Compensation Insurance Deliberation Committee” in the latter part of Article 16 shall be changed to “Deliberation Committee on Industrial Accident Compensation Insurance and Prevention”.

Addenda <Act No. 9988, Jan. 27, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 11, 16 (1), 32, 33, 34, 35, 43, 72 (1) 1, 75 and 96 (1) 3 and Articles 5 and 6 of the Addenda shall enter into force three months after the promulgation, and the amended provisions of Article 85 and 96 (1) 7 shall enter into force on January 1st, 2011.

Article 2 (Applicability concerning Restrictions on Designation of Medical Institutions)

The amended provisions of Article 43 (4) shall apply to medical institutions for which the designation is canceled after the entry into force of that provision.

Article 3 (Applicability concerning Return-to-work Subsidy, etc.)

The amended provisions of Article 75 shall apply to return-to-subsidy, etc., which is applied for after the entry into force of that provision.

Article 4 (Transitional Measures concerning the Korea Workers Accident Medical Corporation)

(1) The Korea Workers Accident Medical Corporation shall be dissolved three months after the promulgation of this Act.

(2) The property, rights and responsibilities of the Korea Workers Accident Medical Corporation shall be comprehensively taken over by the Korea Workers Compensation and Welfare Service from the time of the dissolution under paragraph (1), and the Korea Workers Accident Medical Corporation stated in

the register and other official books concerning its property rights, and responsibilities shall be read as the Korea Workers Compensation and Welfare Service.

(3) The value of the property comprehensively taken over by the Korea Workers Compensation and Welfare Service pursuant to paragraph (1) shall be the book value for the day before the date of dissolution under paragraph (1).

(4) Employment relationships with the employees of the Korea Workers Accident Medical Corporation shall be comprehensively handed over to the Korea Workers Compensation and Welfare Service, and the executives shall be considered to have retired as a matter of course on the date of dissolution above.

(5) The contributions made to the Korea Workers Accident Medical Corporation by the government at the time of dissolution shall be considered to have been made to the Korea Workers Compensation and Welfare Service on the date of dissolution.

Article 5 (Revision of Other Acts)

Parts of the Local Tax Act shall be revised as follows:

“The Korea Workers Compensation and Welfare Service and the Korea Workers Accident Medical Corporation” in Article 278 (3), other than each of its subparagraphs, shall be changed to “the Korea Workers Compensation and Welfare Service”; “subparagraphs 1 through 7 of Article 11 of the Industrial Accident Compensation Insurance Act” in subparagraph 1 of the same Article to “subparagraphs 1 through 5, 6 and 7 of Article 11 (1) of the Industrial Accident Compensation Insurance Act”; and “by the Korea Workers Accident Medical Corporation.... under Article 33 (1) of the Industrial Accident Compensation Insurance Act” in subparagraph 2 of the same Article to “by the Korea Workers Compensation and Welfare Service....under Article 11 (1) 5-2 and Article 11 (2) of the Industrial Accident Compensation Insurance Act”.

Article 6 (Relationship with Other Acts and Subordinate Statutes)

Any reference to the Korea Workers Accident Medical Corporation in other Acts or subordinate statutes at the time of enforcement of this Act shall be deemed a reference to the Korea Workers Compensation and Welfare Service.

Addenda <Act No. 10305, May 20, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 16 (3), 40 (6), 43 (1) 2 and 48 (1) 3 shall enter into force on the date of promulgation.

Article 2 (Applicability concerning Payment of Pneumoconiosis Compensation Annuities due to Pneumoconiosis)

(1) The amended provisions of Article 36 (1) and (2) and Article 91-3 shall also apply to persons who have been receiving disability compensation annuities due to pneumoconiosis pursuant to the previous provisions (including persons whose reason for such payment occurred before the enforcement of this Act), but if the amount of disability compensation annuity calculated pursuant to the previous provisions is larger than that of pneumoconiosis compensation annuity calculated pursuant to the amended provisions, the disability compensation annuity under the previous provisions shall continue to be paid.

(2) The amended provisions of Article 36 (1) and (2) and Article 91-3 shall also apply to persons whose pneumoconiosis disability grade changes (referring to cases where the assigned grade differs from the previous disability grade; hereinafter the same shall apply in this Article) after the enforcement of this Act, among those who have been receiving disability compensation annuities due to pneumoconiosis pursuant to the previous provisions (including persons whose reason for such payment occurred before the enforcement of this Act), but if the amount of disability compensation annuity calculated pursuant to the previous provisions is larger than that of pneumoconiosis compensation annuity calculated pursuant to the amended provisions, the disability compensation annuity under the previous provisions shall continue to be paid.

(3) The amended provisions of Article 36 (1) and (2) and Article 91-3 shall also apply to persons who have received lump-sum disability compensation due to pneumoconiosis pursuant to the previous provisions (including persons whose reason for such payment occurred before the enforcement of this Act), but only the amount of basic annuity among the amount of pneumoconiosis compensation annuity under the amended provisions shall be paid.

(4) The amended provisions of Article 36 (1) and (2) and

Article 91-3 shall also apply to persons whose pneumoconiosis disability grade changes after the enforcement of this Act, among those who have received lump-sum disability compensation due to pneumoconiosis pursuant to the previous provisions (including persons whose reason for such payment occurred before the enforcement of this Act), but the amount of pneumoconiosis disability annuity shall be calculated and paid on the basis of the number of days left after deducting the number of days for the pneumoconiosis disability annuity corresponding to the previous disability grade from the number of days for the pneumoconiosis disability annuity corresponding to the pneumoconiosis disability grade changed pursuant to the same amended provisions.

Article 3 (Transitional Measures concerning Payment of Wage Replacement Benefits, etc., due to Pneumoconiosis)

With respect to the payment of wage replacement benefits and injury-disease compensation annuities to those who receive medical care or additional medical care due to pneumoconiosis at the time of enforcement of this Act (including persons whose reason for such payment occurred before the entry into force of this Act), Articles 52 through 56 and Articles 66 through 69 shall apply until the medical care or additional medical care has been completed, notwithstanding the amended provisions of Article 36 (1) and (2) and Article 91-3.

Article 4 (Transitional Measures concerning Payment of Survivors Benefits due to Pneumoconiosis)

(1) Where a person who has been receiving medical care or additional medical care due to pneumoconiosis at the time of enforcement of this Act (including persons whose reason for such payment occurred before the entry into force of this Act) continues to receive medical care or additional medical care even after the entry into force of this Act and dies of pneumoconiosis, Articles 62 through 65 shall apply to the payment of survivor compensation annuities or lump-sum survivor compensation for the deceased worker, notwithstanding the amended provisions of Article 31 (1) and (2) and Article 91-4.

(2) With respect to persons who have been receiving survivor compensation annuities due to pneumoconiosis at the time of enforcement of this Act (including persons whose reason for such payment occurred before the entry into of this

Act), Articles 62 through 64 shall apply, notwithstanding the amended provisions of Article 36 (1) and (2) and Article 91-4.

Article 5 (Transitional Measures concerning Increase/Decrease in Average Wage)

The previous provisions shall apply with regard to increases or decreases in the average wages of those who have been receiving wage replacement benefits, disability compensation annuities, injury-disease compensation annuities or survivor compensation annuities due to pneumoconiosis at the time of enforcement of this Act (including persons whose reason for such payment occurred before the entry into of this Act), notwithstanding the amended provisions of Article 36 (3).

Article 6 (Revision of Other Acts)

(1) Parts of the Occupational Safety and Health Act shall be revised as follows:

"Medical care benefits under Article 41 of the Industrial Accident Compensation Insurance Act or survivors benefits under Article 62 of the same Act" in the proviso to Article 10 (2) shall be changed to "medical care benefits under Articles 41 and 91-5 of the Industrial Accident Compensation Insurance Act, survivors benefits under Article 62 of the same Act or pneumoconiosis survivor annuities under Article 91-4 of the same Act."

(2) Parts of the Inheritance Tax and Gift Tax Act shall be revised as follows:

Subparagraph 4 of Article 10 shall be as follows:

4. Survivor compensation annuities, lump-sum survivor compensation, special survivors benefits or pneumoconiosis survivor annuities paid under the Industrial Accident Compensation Insurance Act

(3) Parts of the National Pension Act shall be revised as follows:

Subparagraph 2 of Article 113 shall be as follows:

2. Disability benefits under Article 57 of the Industrial Accident Compensation Insurance Act, survivors benefits under Article 62 of the same Act, pneumoconiosis compensation annuities under Article 91-3 of the same Act or pneumoconiosis survivor annuities under Article 91-4 of the same Act.

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

Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation. <proviso omitted>

Articles 2 through 3 Omitted.

Article 4 (Revision of Other Acts)

(1) through (48) Omitted.

(49) Parts of the Industrial Accident Compensation Insurance Act shall be revised as follows:

"Minister of Labor" in Article 2 (1), the proviso to subparagraph 2 of Article 5, Article 9 (1) and (2), Article 10, the former part of Article 14 (2), parts other than each subparagraph of Article 16 (3), Article 16 (4) 2, Article 25 (1) through (3), Article 26 (3), Article 27 (1) and (2), Article 30, the former part of Article 36 (4) and (8), Article 44 (3), Article 71 (2), Article 73 (3), Article 75 (2) and (3), parts other than each subparagraph of Article 92 (1), Article 92 (2) and (4), Article 93 (3), Article 94, Article 95 (1), Article 96 (2), Article 97 (1), parts other than each subparagraph of Article 97 (2), Article 97 (3) through (5), Article 98, Article 99 (1) and (2), parts other than each subparagraph of Article 107 (5), Article 121 (1), Article 122 (2), Article 123 (1) and (3), Article 124 (3), Article 125 (8), Article 126 (1) and Article 129 (3) shall be changed to "Minister of Employment and Labor".

"Ministry of Labor" in Article 8 (1), Article 16 (4) 2 and Article 107 (1) shall be changed to "Ministry of Employment and Labor".

"Ordinance of the Ministry of Labor" in Article 38 (2) and (3), Article 40 (4) 8, Article 40 (5), Article 41 (1), Article 43 (1) 3, Article 43 (4) and (7), Article 45 (2), Article 46 (3), Article 63 (1) 4, Article 73 (4), Article 74 (3), Article 76 (3), Article 92 (3), Article 115 (2), Article 122 (1) and (3), Article 124 (5) and Article 125 (11) shall be changed to "Ordinance of the Ministry of Employment and Labor".

(50) through (82) Omitted.

Article 5 Omitted.

Addenda <Act No. 11141, Dec. 31, 2011; Revision of the National Health Insurance Act>

Article 1 (Enforcement Date)

This Act shall enter into force on September 1, 2012.
<proviso omitted>

Articles 2 through 20 Omitted.

Article 21 (Revision of Other Acts)

(1) through (13) Omitted.

(14) Parts of the Industrial Accident Compensation Insurance Act shall be revised as follows:

"Article 39 of the National Health Insurance Act" in Article 42 (1) shall be changed to "Article 41 of the National Health Insurance Act, and "Article 41 of the National Health Insurance Act" in paragraph (2) of the same Article to "Article 44 of the National Health Insurance Act."

"Article 12 of the National Health Insurance Act" in Article 90 (1) shall be changed to "Article 13 of the National Health Insurance Act".

"Article 41 of the National Health Insurance Act" in Article 93 (1) shall be changed to "Article 44 of the National Health Insurance Act".

(15) through (28) Omitted.

Article 22 Omitted.

Addenda <Act No. 11569, Dec. 18, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Applicability concerning Entitlement to Survivor Compensation Annuities)

The amended provisions of Article 63 (1) and Article 64 (1) shall apply to cases where a worker dies for a work-related reason after this Act enters into decree.

Addenda <Act No. 13045, Jan. 20, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Applicability concerning Settlement of Medical Care Benefit Costs under National Health Insurance)

The amended provisions of Article 90-2 shall apply to the medical care benefits which any person for whom two years have not passed since the termination of medical care under Article 40 or additional medical care receives pursuant to Article 41 of the National Health Insurance Act after this Act enters into force.

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

Persons under adult guardianship and persons under limited guardianship under the amended provisions of Article 107 (6) 1 shall be deemed to include persons 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.

Addenda <Act No. 13323, May 18, 2015; Revision of the Regional Public Health Act>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

Article 3 (Revision of Other Acts)

(1) through (4) Omitted.

(5) Parts of the Industrial Accident Compensation Insurance Act shall be revised as follows:

"Article 7 of the Regional Public Health Act" and "Article 8 of the Regional Public Health Act" in Article 43 (1) 3 shall be changed to "Article 10 of the Regional Public Health Act" and "Article 12 of the Regional Public Health Act". respectively.

(6) through (9) Omitted.

Article 4 Omitted.

[Table 1]

Standards for Payment of Wage Replacement Benefits for the Aged
(related to Article 55)

1. If a person receiving wage replacement benefits calculated pursuant to Articles 52 and 56 reaches the relevant age, the amount shall be calculated in accordance with the following formula: Provided, That in the case of a person receiving wage replacement benefits calculated pursuant to Article 52, if the calculated amount is smaller than the amount calculated pursuant to subparagraph 3, the amount shall be calculated pursuant to subparagraph 3.

Age	Amount of payment
61	Daily amount of wage replacement benefits $\times 66/70$
62	Daily amount of wage replacement benefits $\times 62/70$
63	Daily amount of wage replacement benefits $\times 58/70$
64	Daily amount of wage replacement benefits $\times 54/70$
65 and beyond	Daily amount of wage replacement benefits $\times 50/70$

2. If a person receiving wage replacement benefits calculated pursuant to the main sentence of Article 54 (1) and Article 54 (2) reaches the relevant age, the amount shall be calculated in accordance with the following formula.

Age	Amount of payment
61	Daily amount of wage replacement benefits $\times 86/90$
62	Daily amount of wage replacement benefits $\times 82/90$
63	Daily amount of wage replacement benefits $\times 78/90$
64	Daily amount of wage replacement benefits $\times 74/90$
65 and beyond	Daily amount of wage replacement benefits $\times 70/90$

3. If a person receiving wage replacement benefits calculated pursuant to the proviso to Article 54 (1) reaches the relevant

age, the amount shall be calculated in accordance with the following formula.

Age	Amount of payment
61	Minimum standard amount of compensation $\times 80/100$ $\times 86/90$
62	Minimum standard amount of compensation $\times 80/100$ $\times 82/90$
63	Minimum standard amount of compensation $\times 80/100$ $\times 78/90$
64	Minimum standard amount of compensation $\times 80/100$ $\times 74/90$
65 and beyond	Minimum standard amount of compensation $\times 80/100$ $\times 70/90$

[Table 2]

Disability Benefit Table

(related to Article 57 (2))

(based on average wage)

Disability grade	Disability compensation annuity	Lump-sum disability compensation
Grade 1	329 days' wages	1,474 days' wages
Grade 2	291 days' wages	1,309 days' wages
Grade 3	257 days' wages	1,155 days' wages
Grade 4	224 days' wages	1,012 days' wages
Grade 5	193 days' wages	869 days' wages
Grade 6	164 days' wages	737 days' wages
Grade 7	138 days' wages	616 days' wages
Grade 8		495 days' wages
Grade 9		385 days' wages
Grade 10		297 days' wages
Grade 11		220 days' wages
Grade 12		154 days' wages
Grade 13		99 days' wages
Grade 14		55 days' wages

[Table 3]

Survivors Benefits

(related to Article 62 (2))

Type of survivors benefits	Amount of survivors benefits
Survivor compensation annuity	<p>The amount of survivor compensation annuity shall be the sum of the following basic amount and additional amount:</p> <ol style="list-style-type: none">1. Basic amount An amount equivalent to $\frac{47}{100}$ of the annual benefit base amount (amount obtained by multiplying the average wage by 365)2. Additional amount The sum of amounts each equivalent to $\frac{5}{100}$ of the annual benefit base amount for each beneficiary of the survivor compensation annuity and person entitled to the survivor compensation annuity, whose livelihood was supported by the worker at the time of his/her death: Provided, That if the sum exceeds $\frac{20}{100}$ of the annual benefit base amount, the additional amount shall be an amount equivalent to $\frac{20}{100}$ of the annual benefit base amount.
Lump sum survivor compensation	1,300 days' average wages

[Table 4]

Injury-Disease Compensation Annuity Table

(related to Article 66 (2))

Invalidity grade	Injury-disease compensation annuity
Grade 1	329 days' average wages
Grade 2	291 days' average wages
Grade 3	257 days' average wages

[Table 5] <Amended on Jan. 27, 2010>

Standards for Payment of Daily Injury-Disease Compensation

Annuity Benefits for the Aged

(related to Article 68)

1. If a person receiving an injury-disease compensation annuity calculated pursuant to Article 66 reaches the relevant age, the amount shall be calculated in accordance with the following formula: Provided, That if the amount is smaller than the amount calculated pursuant to subparagraph 3 of Table 1, it shall be calculated pursuant to subparagraph 3 of Table 1.

Invalidity grade Age	Grade 1	Grade 2	Grade 3
61	Average wage × (329/365 - 0.04)	Average wage × (291/365 - 0.04)	Average wage × (257/365 - 0.04)
62	Average wage × (329/365 - 0.08)	Average wage × (291/365 - 0.08)	Average wage × (257/365 - 0.08)
63	Average wage × (329/365 - 0.12)	Average wage × (291/365 - 0.12)	Average wage × (257/365 - 0.12)
64	Average wage × (329/365 - 0.16)	Average wage × (291/365 - 0.16)	Average wage × (257/365 - 0.16)
65 and beyond	Average × (329/365 - 0.20)	Average wage × (291/365 - 0.20)	Average wage × (257/365 - 0.20)

2. If a person receiving an injury-disease compensation annuity calculated pursuant to Article 67 (1) and Article 69 (1) reaches the relevant age, the amount shall be calculated pursuant to the main sentence of subparagraph (1).
3. If a person receives an injury-disease compensation annuity calculated pursuant to Article 67 (2), the amount shall be calculated pursuant to Table 1.

[Table 6] <Newly Inserted on May 20, 2010>

Pneumoconiosis Disability Annuity Table

(related to Article 91-3 (2))

(based on average wage)

Disability grade	Pneumoconiosis disability annuity
Grade 1	132 days' average wages
Grade 3	132 days' average wages
Grade 5	72 days' average wages
Grade 7	72 days' average wages
Grade 9	24 days' average wages
Grade 11	24 days' average wages
Grade 13	24 days' average wages