

Practical Legal Guidebook for foreigners

Employment Legal Guide



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Definition of a worker

- A worker, or an employee, means a person providing labor (work) to a business or a workplace for the purpose of earning wages regardless of type of occupation.
- A part-timer and a daily contract worker are also deemed as a worker.

Labor contract

- A labor contract is a document that stipulates the details of the agreement between a worker and an employer.
- A worker shall sign a labor contract with his or her employer.
- A worker may file a claim for wages, severance pay, or other benefits or even the payment of medical expenses for any occupational injury or disease that you suffered in the course of providing service under the labor contract.



Learn more Content of labor contract

■ 외국인근로자의 고용 등에 관한 법률 시행규칙 [별지 제6호서식] <개정 2019. 0. 00.>

표준근로계약서
Standard Labor Contract (양식)

아래 당사자는 다음과 같이 근로계약을 체결하고 이를 성실히 이행할 것을 약정한다.
The following parties to the contract agree to fully comply with the terms of the contract stated hereinafter.

사용자 Employer 소재지 Location of the enterprise	전화번호 Phone number
근로자 Employee 성명 Name of the employee	신원등록번호 (주민등록번호) Identification number
근로자 Employee 주소 Address(Home Country)	생년월일 Birthdate

1. 근로계약기간
- 계약기간: ()개월

2. 근로장소
- 근로장소: ()

3. 업무내용
- 업무내용: ()

4. 근로시간
- 근로시간: ()

5. 휴게시간
- 휴게시간: ()

6. 휴일
- 휴일: ()

7. 임금
- 임금: ()

8. 임금지급일
- 임금지급일: ()

9. 지급방법
- 지급방법: ()

10. 숙식제공
- 숙식제공: ()

11. 사용자와 근로자는 각자가 근로계약, 취업규칙, 단체협약을 지키고 성실하게 이행하여야 한다.

12. 이 계약에서 정하지 않은 사항은 「근로기준법」에서 정하는 바에 따른다.

13. 기타 사항
- 기타 사항: ()

사용자: (서명 또는 인)
Employee: (signature)

근로자: (서명 또는 인)
Employee: (signature)

- Name, address, phone number, and business registration number of a employer
- Name, date of birth, and address of a worker (employee)
- Contract period
- Workplace and job description
- Working hours and recess
- Holidays
- Wages, including date and method of wage payment
- Whether meals and accommodations are provided and related information

Employment Permit System (EPS)

What is EPS?

- EPS allows an employer in need of a foreign (non-Korean) worker to obtain an employment permit from the Korean government (Ministry of Employment and Labor) so that the employer can legally hire a foreign worker

Duration of Employment Permit

- In principle, a foreign worker may find a job and work for 3 years from the date of entry into the Republic of Korea (initial working period).
- The labor contract may be renewed upon the employer's request.
 - The renewal shall be made only once, and the contract period may be extended up to 1 year and 10 months (second working period).

Changing workplace

- In principle, a foreign worker is not allowed to transfer to a different workplace (find a different job from the original one). However, certain cases are subject to exemption.

Learn more **Cases wherein a foreign worker may find a new job**

- ① If an employer wants to terminate a labor contract or refuses to renew the old contract after it expires on legitimate grounds
- ② If the terms of a labor contract are violated, or a worker is unfairly treated
- ③ If a business closes temporarily, shuts down, or files for bankruptcy



- A foreign worker may find a new job up to 3 times during the initial working period of the first 3 years of working following entry into Korea. A foreign worker is allowed to find a new job up to 2 times during the second working period of 1 year and 10 months.
 - Cases of ② and ③ above are not be included.

Working hours and recess

Working hours

- The statutory working hours are 8 hours per day, 40 hours per week.
- At least 30 minutes of break time shall be given for every 4 hours of work and/or at least 1 hour of break time for every 8 hours of work.

Holidays

- A paid holiday is a day for which a worker is entitled to take a leave while getting paid.
 - 1 day out of 7 days is given out as a weekly paid holiday. It generally falls on Sunday but may be any other day of a week upon the agreement between an employer and a worker.
 - Labor Day (May 1) is deemed an annual paid holiday.

Leave

- 15~25 days of paid holiday per year are granted as an annual paid leave.
 - A worker who has been worked less than 1 year and worked less than 80% of that year shall be granted with one day of paid holiday for each month provided the worker has worked for a full month without absence.
 - An employer shall provide annual paid leave consisting of 15 paid holidays to the worker who worked for 80% or more of the working period of a year. By adding one day of paid holiday for every 2 years, up to 25 days of paid leave shall be granted.



[Learn more](#)

Protection for female workers

Monthly menstrual leave

- A female worker is granted 1 day of menstrual leave per month.

Protection of pregnant workers

- Upon request, an employer shall transfer the pregnant worker to a less demanding work.
- In principle, a pregnant worker is prohibited from working overtime, taking night shift (from 22:00 to 06:00), and on holidays.
- A pregnant worker in the 12th ~ 36th weeks of pregnancy is allowed to request that her daily working hours be reduced by 2 hours.(However, if the daily working hours under the original labor contract are fewer than 8 hours, the hours shall be only reduced to 6 working hours)

Pre/Post-birth leave

- An employer shall provide 90 days of pre-/post-birth leave to a female worker (120 days if twins or more babies are born).

Parental leave (applies to both male and female workers)

- Any male or female worker raising a child younger than 8 years old (second grade in elementary school) are entitled to parental leave.
- Working parents are entitled to 1 year of parental leave for each child.



04 PART

Overdue wages (case of unpaid monthly wages)

Wages

- Wages are the compensation an employer provides to a worker as remuneration for work. (Example: Monthly, weekly, daily wages, etc.)
- Minimum wages: KRW 9,160 per hour as of year 2022

Deadline for filing a claim for the payment of delayed wages

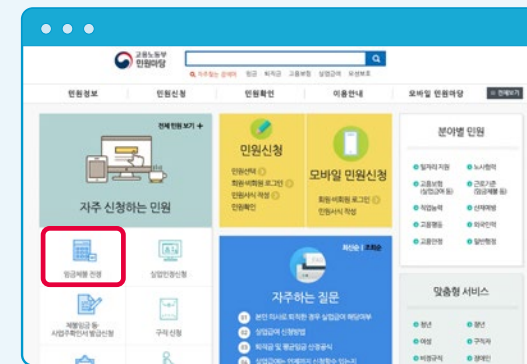
- A worker may claim the delayed wages in which case a 3-year statute applies.

How to file a complaint for overdue wages

File a complaint to the Ministry of Employment and Labor (☎1350)



Visit the customer support team of the Regional Employment and Labor Administration in person, or file a complaint online through the website of the ministry (<https://minwon.moel.go.kr/>)



Industrial Accident Compensation Insurance (in case occupational injury occurs)

What is Workers' Compensation Insurance (WCI)?

- WCI is a social insurance system providing compensation to a worker for any undue damage including injury, disease, or death in the course of employment.

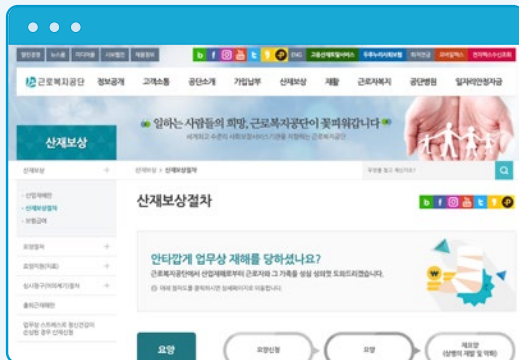
-Type of WCI: Medical care benefits (including hospital bills for treatment, tests, and diagnosis), temporary layoff benefits, disability benefits, Injury-disease compensation annuities, nursing, the bereaved funeral expenses, rehabilitation expenses



How to file a WCI claim

File a claim to Korea Workers' Compensation & Welfare Service (☎1588-0075)

Online filing: Visit the website of Korea Workers' Compensation & Welfare Service (www.kcommwel.or.kr) and click "ENG" in the upper middle of the website → Refer to the relevant menu for Application for WCI claim



Public institutions that may be helpful to you

Ministry of Employment and Labor (☎1350, www.moel.go.kr)

- Provides assistance on how to file a claim for payment of overdue wages (Petition), how to penalize an employer for overdue wages (Lawsuit)
- Business hours: 09:00~18:00 on weekdays (telephone counseling service available)

Korea Workers' Compensation & Welfare Service (☎1588-0075, www.kcommwel.or.kr)

- Provides assistance on how to file a WCI claim if you suffer damage occupational injury or disease
- Business hours: 8:30 AM~18:00 on weekdays (telephone counseling service available)

Korea Support Center for Foreign Workers (☎1644-0644, <http://k.migrantok.org>)

- Provides counseling on delayed wages, getting a new job, or claiming WCI payment
- Supported languages: 9 languages including Mongolian, Urdu, Sinhala, Thai, Vietnamese, Uzbek, Burmese, Khmer, and Chinese
- Business hours: 09:00~18:00 on weekdays(telephone counseling service available)

Comprehensive Foreigner Help Center (Hi Korea)(☎1345)

- Provides information regarding immigration and entry, stay, and life guide in Korea
- Supported languages: 20 languages including Korean, Chinese, English, Vietnamese, Thai, Japanese, Mongolian, Indonesian, French, Bengali (language of Bangladesh), Urdu, Russian, Nepalese, Khmer, Burmese, German, Spanish, Filipino, Arabic, Sinhala, etc.
- Business hours: 09:00~22:00 on weekdays (Korean, Chinese, and English languages supported available only from 18:00 to 22:00)

Korea Legal Aid Corporation (☎132, www.klac.or.kr)

- Provides information on legal aid, related forms and documents, precedents, and online reservation and in-person counseling
- Business hours: 09:00~11:50 AM, 13:00~17:50 on weekdays (telephone counseling service available)