



Global Care Policy Index

Technical Report for South Korea

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Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the equally weighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an equally weighted average of their respective sub-category scores. Each sub-index is calculated as an equally weighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an equally weighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

Scoring Notes for South Korea

As a unitary presidential republic, South Korea was scored with one-step scoring. South Korea's Platform Laborer Protection Act and the Act on Employment Improvement for Domestic Workers (Domestic Workers Act) will come into force in June 2022. Hence, these new laws are taken into account for South Korea's scoring.

How to Cite this Technical Report

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
South Korea				
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	1.00	Yes, working women in Korea are guaranteed maternity leave. Article 74 of the Labor Standards Act states that "An employer shall grant a pregnant woman a total of a 90-day maternity leave (120-day maternity leave, if she is pregnant with at least two children at a time) before and after childbirth."	Labor Standards Act
A1.2	Are all categories of working women guaranteed maternity leave?	1.00	Yes, by mid-2022, all categories of working women will be guaranteed maternity leave. At present, there are two key exclusions: non-standard workers in disguised employment without a workplace , and domestic workers . Article 2 of the Labor Standards Act defines "employee" as "a person, regardless of the kind of occupation, who offers labor to business or a workplace for the purpose of earning wages" – hence, non-standard workers in disguised employment (5) without a workplace or working in a household are currently excluded. Article 11 also states "That this Act shall neither apply to any business or workplace in which only the employer's blood relatives living together are engaged, nor to servants hired for the employer's domestic works ." Thus according to this Lund University paper , "domestic workers are not covered by the [Labor Standards Act] and their minimum standards for working condition are not guaranteed". A new law will come into force in 2022 extending legal coverage of gig workers according to this report by Staffing Industry Analysts; and according to this Labor Today article, the Act on Employment Improvement of Domestic Workers (Domestic Workers Act) 가사노동자법은 will also come into force in June 2022 which will guarantee maternity protections for domestic workers.	Labor Standards Act Towards decent work for Domestic Workers in South Korea: Ways to go South Korea – Govt Plans Further Protections for Gig Economy Workers 노동법 시각지대 가사노동자 내년 부터 근기법 적용
A1.3	How long a maternity leave are eligible working women guaranteed?	0.25	Working women are guaranteed at least 90 days (~13 weeks) of maternity leave. Article 74.1 of the Labor Standards Act states "An employer shall grant a pregnant woman a total of a 90-day maternity leave (120-day maternity leave, if she is pregnant with at least two children at a time) before and after childbirth. In such cases, at least 45 days (60 days, if she is pregnant with two or more children at a time) of the leave period after childbirth shall be allowed." As the leave period is less than the 18 weeks recommended by ILO R191 and less than the 14 weeks specified by C183, South Korea scores 0.25.	Labor Standards Act
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.00	There is no mention in the Labor Standards Act.	Labor Standards Act
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	1.00	Yes, eligible working women are guaranteed up to 120 days (an additional 30 days) of maternity leave for simultaneous multiple births – of which 60 days are to be guaranteed after childbirth. Article 74.1 of the Labor Standards Act states "An employer shall grant a pregnant woman a total of a 90-day maternity leave (120-day maternity leave, if she is pregnant with at least two children at a time) before and after childbirth. In such cases, at least 45 days (60 days, if she is pregnant with two or more children at a time) of the leave period after childbirth shall be allowed."	Labor Standards Act
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	1.00	Yes, eligible working women are entitled to freely choose when they wish to take the non-compulsory leave – but only before childbirth. Article 74 of the Labor Standards Act states "(1) An employer shall grant a pregnant woman a total of a 90-day maternity leave (120-day maternity leave, if she is pregnant with at least two children at a time) before and after childbirth. In such cases, at least 45 days (60 days, if she is pregnant with two or more children at a time) of the leave period after childbirth shall be allowed. (2)Where a pregnant female employee requests the leave under paragraph (1) due to her experience of miscarriage or other reasons prescribed by Presidential Decree, an employer shall allow her to use the leave at multiple times any time before her childbirth . In such cases, the period of leave after the childbirth shall be at least 45 days (60 days, if she is pregnant with at least two children at a time) consecutively."	Labor Standards Act



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A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	Yes, eligible working women are guaranteed at least a 45-day period of compulsory maternity leave after childbirth. Article 74.1 of the Labor Standards Act states "An employer shall grant a pregnant woman a total of a 90-day maternity leave (120-day maternity leave, if she is pregnant with at least two children at a time) before and after childbirth. In such cases, at least 45 days (60 days, if she is pregnant with two or more children at a time) of the leave period after childbirth shall be allowed. "	Labor Standards Act
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	1.00	Eligible working women are guaranteed at least a 45-day (9-week) period of compulsory maternity leave after childbirth. Article 74.1 of the Labor Standards Act states "An employer shall grant a pregnant woman a total of a 90-day maternity leave (120-day maternity leave, if she is pregnant with at least two children at a time) before and after childbirth. In such cases, at least 45 days (60 days, if she is pregnant with two or more children at a time) of the leave period after childbirth shall be allowed. "	Labor Standards Act
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	0.00	No, eligible working women are not guaranteed additional leave in case of complications arising from pregnancy. Article 74.2 of the Labor Standards Act states "Where a pregnant female employee requests the leave under paragraph (1) due to her experience of miscarriage or other reasons prescribed by Presidential Decree, an employer shall allow her to use the leave at multiple times any time before her childbirth. In such cases, the period of leave after the childbirth shall be at least 45 days (60 days, if she is pregnant with at least two children at a time) consecutively." There is no additional leave in case of complications.	Labor Standards Act
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.10	No, adoptive mothers do not have access to maternity leave, but they do have access to childcare leave for adopted children aged eight years or younger. While there is no mention of maternity leave for adoptive mothers in the Labor Standards Act, Article 19 of the Equal Employment Opportunity And Work-family Balance Assistance Act states that "(1) Where an employee parenting his or her children (including adopted children ; hereinafter the same shall apply) aged eight years or younger or in the second grade or lower of elementary school applies for a leave of absence (hereinafter referred to as "childcare leave"), his or her employer shall grant permission therefor... (2) The period of childcare leave shall not exceed one year. " Hence, Korea is scored 0.1 for this question.	Labor Standards Act Equal Employment Opportunity And Work-family Balance Assistance Act
A2.	Protections during Pregnancy and Maternity Leave			
A2.1	Financial Protections			
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	1.00	Eligible working women are entitled to receive their full salary while on maternity leave. Article 76 of the Employment Insurance Act states "Maternity leave benefits, etc. prescribed in Article 75 shall be payable in an amount equal to the insured employee's ordinary wage prescribed in the Labor Standards Act (as computed as of the beginning date of the leave) for the period of the applicable leave prescribed in Article 74 of the Labor Standards Act".	Employment Insurance Act
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	1.00	Yes, under the 4th Basic Plan for Low Fertility and Aging Society established by the Presidential Committee on Aging Society and Population Policy, all new mothers will be given a cash gift of 2 million won (approximately USD1600) upon the birth of their child, starting in 2022. Monthly vouchers are also given to children aged 7 years or younger.	Pulse News
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	0.50	It varies depending on the type of firm. In most cases, employers are individually liable for two-thirds of the cost of providing cash benefits to working women; only one-third of maternity leave benefits are funded by social insurance and state funds. For SMEs, maternity benefits are for most parts fully funded by social insurance. According to the International Review of Leave Policies and Research, "100 per cent of ordinary earnings (i.e. for contractually agreed working hours, excluding bonuses and/or overtime pay) at the time of taking leave, paid by the employer for the first 60 days ; then, 100 per cent of ordinary earnings paid by the Employment Insurance Fund with an upper limit of KRW2,000,000 [€1,424.34]3 for the last 30 days. " For SMEs, it is for most parts fully funded by social insurance - " the Employment Insurance Fund pays for the first 60 days , up to a limit of KRW2,000,000 [€1,424.34]. If an employee's ordinary earnings are higher than the limit for the first 60 days, the employer must pay the difference between the limit and the employee's ordinary earnings for that period. This means that the Employment Insurance Fund pays up to KRW6,000,000 [€4,273.02] on behalf of SMEs, including payment for the last 30 days which is provided for all types of companies."	Equal Employment Opportunity And Work-family Balance Assistance Act International Review of Leave Policies and Research

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A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	<p>Yes, taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, are payable equally by men and women, without distinction of sex.</p> <p>Contribution rates for Korea's National Health Insurance Service (which finances maternity benefits) have equal contribution rates across genders according to the NHIS. There is also no mention of any distinction of financing of maternity benefits in the Labor Standards Act, Equal Employment Opportunity and Work-family Balance Assistance Act, and Framework Act on Social Security.</p>	NHIS Contribution Rate Labor Standards Act Equal Employment Opportunity And Work-family Balance Assistance Act
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	1.00	<p>Yes, unemployment benefits are protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities.</p> <p>Article 48 of the Employment Insurance Act states "(1) Except as otherwise provided in this Act, job-seeking benefits shall be payable for up to the specified number of days for which benefits are payable under Article 50 (1) during a 12-month period following the date of job-leaving to which the current eligibility for job-seeking benefits relates. (2) Those who report their unavailability for work due to pregnancy, childbirth, child care, or for other reasons prescribed by Presidential Decree to the employment security office within the 12-month period prescribed in paragraph (1) are entitled to be paid job -seeking benefits for up to the number of days of benefits payable under Article 50 (1) during a benefit period determined by adding the period during which such person is unavailable for work to the 12-month period (if the benefit period exceeds four years , it shall be four years)."</p> <p>In addition, refusal of a job offer on the grounds of conflicts with their family responsibilities is not listed as grounds of disqualification for unemployment benefits. Article 58 of the Employment Insurance act states "Notwithstanding Article 40, an insured employee shall be disqualified for benefits if the head of an employment security office determines that any of the following subparagraphs applies to the insured employee: 1. An insured employee who has been dismissed for any of the following serious causes attributable to him or her: (a) Any violation of the Criminal Act or any duty-related Act that resulted in a sentence of imprisonment without labor or greater punishment; (b) Gross misconduct that caused serious damage to the employing unit's business or property as satisfying the criteria set forth by Ordinance of the Ministry of Employment and Labor; (c) Prolonged unauthorized absence without good cause in breach of the employment contract or work rules; 2. An insured employee whose job-leaving was due to his or her own circumstances falling under any of the following cases: (a) A resignation to take up a new job or to start one's own business; (b) A resignation following the business owner's recommendation to resign rather than face dismissal for gross misconduct prescribed in subparagraph 1; (c) A resignation for any reason other than good cause, as prescribed by Ordinance of the Ministry of Employment and Labor."</p>	Employment Insurance Act
A2.2	Employment Protections			
A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	1.00	<p>Yes, working women are guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave.</p> <p>Article 74.6 of the Labor Standards Act states "A business owner shall reinstate her to the same work or to the work for which wages of the same level as before leave are paid after the end of a maternity leave under paragraph (1)"</p>	Labor Standards Act
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes, it is implied that working women are protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing</p> <p>Article 74.6 of the Labor Standards Act states "A business owner shall reinstate her to the same work or to the work for which wages of the same level as before leave are paid after the end of a maternity leave under paragraph (1)"</p>	Labor Standards Act
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes, working women are protected from dismissal during a period of 30 days following their return to work.</p> <p>Article 23 of the Labor Standards Act states "An employer shall not dismiss an employee during a period of suspension of work for medical treatment of an occupational injury or disease and within 30 days immediately thereafter, and any woman before and after childbirth shall not be dismissed during a period of suspension of work as prescribed by this Act and for 30 days immediately thereafter."</p>	Labor Standards Act



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A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child)?	0.00	<p>No, there is no mention of prohibition of pregnancy tests in applying for employment in the Fair Hiring Procedure Act or Equal Employment Opportunity and Work-family Balance Assistance Act.</p> <p>While Article 2.1 of the Equal Employment Opportunity and Work-family Balance Assistance Act prohibits discrimination on grounds of pregnancy, stating that "The term 'discrimination' means that an employer discriminates against an employee in employment or working conditions, or takes any other disadvantageous measures without any justifiable reason, on grounds of gender, marriage, status within family, pregnancy or childbirth, etc" – this does not extend to the recruitment process.</p> <p>Article 7.2 of the Equal Employment Opportunity and Work-family Balance Assistance Act only mentions "In recruiting or employing female employees, no employer shall exhibit or demand physical conditions including appearance, height, weight and unmarried status not required for performing the relevant duties, or any other conditions prescribed by Ordinance of the Ministry of Employment and Labor." Article 4.3 of the Fair Hiring Procedure Act also only states that "No job offerer shall demand that a job applicant include the following information, which is not necessary in the performance of the job duties, in the basic examination materials or collect it as evidentiary materials:</p> <ol style="list-style-type: none"> Physical conditions of a job applicant, such as appearance, height, and weight; The place of birth, marital status, and property of a job applicant; Academic background, occupation, and property of a job applicant's lineal ascendant or descendant and sibling." 	Equal Employment Opportunity And Work-family Balance Assistance Act Fair Hiring Procedure Act
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	1.00	<p>Yes, there are laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities.</p> <p>In terms of protections in the recruitment process, Article 4.3 of the Fair Hiring Procedure Act also only states that "No job offerer shall demand that a job applicant include the following information, which is not necessary in the performance of the job duties, in the basic examination materials or collect it as evidentiary materials:</p> <ol style="list-style-type: none"> Physical conditions of a job applicant, such as appearance, height, and weight; The place of birth, marital status, and property of a job applicant; Academic background, occupation, and property of a job applicant's lineal ascendant or descendant and sibling." <p>There are also laws against employment discrimination. Article 18.2 of the Equal Employment Opportunity and Work-family Balance Assistance Act states that "No employer shall dismiss, or take any disadvantageous measures against, an employee on grounds of paternity leave." Article 19.3 of the same Act also states that "No employer shall dismiss, or take any other disadvantageous measure against, an employee on account of childcare leave, or dismiss the relevant employee during the period of childcare leave."</p>	Equal Employment Opportunity And Work-family Balance Assistance Act Fair Hiring Procedure Act
A3. Paternity Leave Policies				
A3.1	Are working men guaranteed paternity or parental leave?	1.00	<p>Yes, working men are guaranteed paternity leave.</p> <p>Article 18-2.1 of the Equal Employment Opportunity and Work-family Balance Assistance Act states that "Where an employee requests leave on grounds of his spouse's childbirth (hereinafter referred to as "paternity leave"), the employer shall grant leave for 10 days. In such cases, he shall be paid for the period of leave used."</p>	Equal Employment Opportunity And Work-family Balance Assistance Act
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	1.00	<p>Yes, all categories of working men will be guaranteed paternity leave by mid-2022.</p> <p>Currently, workers in disguised employment or self-employment (5) are excluded. Article 3 of the Equal Employment Opportunity and Work-family Balance Assistance Act states that "This Act shall apply to all sorts of business or business places (hereinafter referred to as "business") that employ employees" thus excluding workers in disguised employment or self-employment (5).</p> <p>A new law will come into force in 2022 extending legal coverage of gig workers according to a report by Staffing Industry Analysts.</p>	Equal Employment Opportunity And Work-family Balance Assistance Act South Korea – Govt Plans Further Protections for Gig Economy Workers
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	0.71	<p>Eligible working men are guaranteed 10 days of paternity leave.</p> <p>Article 18-2.1 of the Equal Employment Opportunity and Work-family Balance Assistance Act states that "Where an employee requests leave on grounds of his spouse's childbirth (hereinafter referred to as "paternity leave"), the employer shall grant leave for 10 days. In such cases, he shall be paid for the period of leave used."</p>	Equal Employment Opportunity And Work-family Balance Assistance Act
			10/14 = 0.71	



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A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	1.00	Eligible working men are entitled to the full proportion of their salaries. Article 76 of the Employment Insurance Act states "Maternity leave benefits, etc. [including paternity leave] prescribed in Article 75 shall be payable in an amount equal to the insured employee's ordinary wage prescribed in the Labor Standards Act (as computed as of the beginning date of the leave) for the period of the applicable leave prescribed in Article 74 of the Labor Standards Act".	Employment Insurance Act
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	There is no mention in the Equal Employment Opportunity and Work-family Balance Assistance Act.	Equal Employment Opportunity And Work-family Balance Assistance Act
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	There is no mention in the Equal Employment Opportunity and Work-family Balance Assistance Act.	Equal Employment Opportunity And Work-family Balance Assistance Act
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.10	No, adoptive fathers do not have access to paternity leave, but do have access to childcare leave if the adopted child is eight years or younger. While there is no mention of paternity leave for adoptive fathers, Article 19 of the Equal Employment Opportunity And Work-family Balance Assistance Act states that "(1) Where an employee parenting his or her children (including adopted children; hereinafter the same shall apply) aged eight years or younger or in the second grade or lower of elementary school applies for a leave of absence (hereinafter referred to as "childcare leave"), his or her employer shall grant permission therefor... (2) The period of childcare leave shall not exceed one year." Hence, Korea is scored 0.1 for this question.	Equal Employment Opportunity And Work-family Balance Assistance Act
A4. Dependent Care Leave Policies				
A4.1	Are eligible workers entitled to leave to take care of their children?	0.75	Yes, eligible workers are entitled to leave to take care of their children, but there is one exclusionary condition for the lower eligible age limit. Article 19 of the Equal Employment Opportunity And Work-family Balance Assistance Act states that "(1) Where an employee parenting his or her children (including adopted children; hereinafter the same shall apply) aged eight years or younger or in the second grade or lower of elementary school applies for a leave of absence (hereinafter referred to as "childcare leave"), his or her employer shall grant permission therefor... (2) The period of childcare leave shall not exceed one year." As the age limit for childcare leave is set at 8, Korea has one exclusionary condition for this question. 1-0.25=0.75	Equal Employment Opportunity And Work-family Balance Assistance Act
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	1.00	Yes, eligible workers are entitled to leave to take care of their immediate family members who may be suffering from an illness under Family Care Leave. Article 22-2 of the Equal Employment Opportunity And Work-family Balance Assistance Act states that "Where any employee applies for a leave of absence to care for his or her grandparents, parents, spouse, parents of his or her spouse, or grandchildren (hereinafter referred to as "family") on grounds of their disease, accident, or senility (hereinafter referred to as "family care leave"), the employer shall grant it." It also further states "The maximum period of family care leave shall be 90 days per year, and the relevant employee may use it over several occasions. In such cases, the period taken for one occasion shall be at least 30 days."	Equal Employment Opportunity And Work-family Balance Assistance Act



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A4.3	Are all categories of workers guaranteed dependent care leaves?	1.00	<p>Yes, all categories of workers will be guaranteed dependent care leave by mid-2022.</p> <p>At present, workers in disguised employment or self-employment (5) are excluded. Article 3 of the Equal Employment Opportunity and Work-family Balance Assistance Act states that "This Act shall apply to all sorts of business or business places (hereinafter referred to as "business") that employ employees" thus excluding workers in disguised employment or self-employment (5). A new law will come into force in 2022 extending legal coverage of gig workers according to this report by Staffing Industry Analysts.</p>	Equal Employment Opportunity And Work-family Balance Assistance Act South Korea - Govt Plans Further Protections for Gig Economy Workers
A5. Flexible Work Arrangements				
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	1.00	<p>Yes, employees with care responsibilities have the right to request reduced working hours.</p> <p>Article 22-3 of the Equal Employment Opportunity and Work-family Balance Assistance Act states that "Where any employee applies for a reduction of working hours for any of the following reasons, his or her employer shall grant it: 1. Where an employee cares for his or her family on grounds of their disease, accident, or senility".</p>	Equal Employment Opportunity And Work-family Balance Assistance Act
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	1.00	<p>Yes, employees with care responsibilities have the right to request flexitime, telecommuting.</p> <p>Article 22-2 of the Equal Employment Opportunity and Work-family Balance Assistance Act states that "Where the employer does not grant family care leave under the proviso of paragraph (1), he or she shall notify the relevant employee of the ground therefor in writing and endeavor to take any of the following measures:</p> <ol style="list-style-type: none"> To adjust time to start and finish work; To restrict overtime work; To adjust working hours, such as reduction or flexible operation of working hours; Other supportive measures appropriate for business place conditions." 	Equal Employment Opportunity And Work-family Balance Assistance Act
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.75	<p>Yes, the special needs of workers with family responsibilities are taken into account though there is no specific mention of accommodations in shift-work arrangements and assignments to night work. There is one exclusionary condition for the lower age limit of childcare leave.</p> <p>Article 19-5 of the Equal Employment Opportunity and Work-family Balance Assistance Act states that "The employer shall endeavor to take any of the following measures in order to support childcare of an employee who rears children aged eight years or younger or in the second grade or lower of elementary school: 1. To adjust time to start and finish work; 2. To restrict overtime work; 3. To adjust working hours, such as reduction or flexible operation of working hours; 4. Other measures necessary to support childcare of the relevant employee."</p> <p>Article 22-2 of the same Act also states "Where the employer does not grant family care leave under the proviso of paragraph (1), he or she shall notify the relevant employee of the ground therefor in writing and endeavor to take any of the following measures: 1. To adjust time to start and finish work; 2. To restrict overtime work; 3. To adjust working hours, such as reduction or flexible operation of working hours; 4. Other supportive measures appropriate for business place conditions."</p> <p>1-0.25=0.75</p>	Equal Employment Opportunity And Work-family Balance Assistance Act
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	1.00	<p>Yes, a woman is allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy.</p> <p>Article 74-2 of the Labor Standards Act states "(1) Where a pregnant employee claims time necessary for a periodical medical examination of pregnant women under Article 10 of the Mother and Child Health Act, an employer shall grant permission for such time. (2) The employer shall not cut wages of such employee by reason of time for medical examination under paragraph (1)."</p>	Labor Standards Act
A6. Mother-Friendly Workplace Policies				
A6.1 Nursing Support in the Workplace				
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	1.00	<p>Yes, the mother is guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child.</p> <p>Article 75 of the Labor Standards Act states "An employer shall grant thirty-minute or longer paid nursing time twice a day to those female employees who have infants under the age of one, upon request."</p>	Labor Standards Act
A6.1.2	Are these breaks counted and compensated as working time?	1.00	<p>Yes, nursing breaks are counted and compensated as working time.</p> <p>Article 75 of the Labor Standards Act states "An employer shall grant thirty-minute or longer paid nursing time twice a day to those female employees who have infants under the age of one, upon request."</p>	Labor Standards Act



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A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.00	There is no mention in the Labor Standards Act, Mother and Child Health Act, or the Equal Employment Opportunity and Work-family Balance Assistance Act of the ability of nursing mothers to adapt their nursing breaks to their particular needs.	Labor Standards Act
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.00	There is no mention in the Labor Standards Act, Mother and Child Health Act, or the Equal Employment Opportunity and Work-family Balance Assistance Act of employers' responsibility to provide infrastructural facilities at or near the workplace for nursing or pumping milk.	Labor Standards Act
A6.2	Workplace Safety for Pregnant and Nursing Women			
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.00	No, while employers are required to assess and report workplace risks, there is no specific mention of risk assessments related to the health and safety of pregnant and nursing women. Article 36 of the Occupational Health and Safety Act states "A business owner shall identify hazardous or risk factors caused by buildings, machinery and apparatus, equipment, raw materials, gas, steam, dust, specific work behaviors of employees, or other duties and evaluate whether the degree of the risks that can cause injury and illness is within acceptable limits; take measures pursuant to this Act or orders issued pursuant to this Act based upon the results of such evaluation; and take additional measures where necessary to prevent risks to or the health impairment of employees."	Occupational Health and Safety Act
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	1.00	Yes, pregnant or nursing women are exempt from performing work that has been determined to be prejudicial to the health of the mother or the child. Article 65 of the Labor Standards Act states "(1) An employer shall not employ women in pregnancy or women for whom one year has not passed after childbirth (hereinafter referred to as "pregnant women and nursing mothers") and those under the age of 18 in any work detrimental to morality or health or any dangerous work. (2) An employer shall not employ women of 18 years or over who are not pregnant women and nursing mothers in any work harmful and dangerous to the function of pregnancy or delivery from among those detrimental or dangerous to health under paragraph (1)."	Labor Standards Act
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	1.00	Yes, working women are entitled to eliminate risk elements from work through a employee representative. Article 36 of the Occupational Health and Safety Act states "(1) A business owner shall identify hazardous or risk factors caused by buildings, machinery and apparatus, equipment, raw materials, gas, steam, dust, specific work behaviors of employees, or other duties and evaluate whether the degree of the risks that can cause injury and illness is within acceptable limits; take measures pursuant to this Act or orders issued pursuant to this Act based upon the results of such evaluation; and take additional measures where necessary to prevent risks to or the health impairment of employees. (2) When conducting an evaluation prescribed in paragraph (1), a business owner shall have employees at the relevant workplace participate therein , as determined and publicly notified by the Minister of Employment and Labor." Article 125 also states "A business owner shall, upon request by the representative of employees (including the representative of employees of a relevant contractor; hereafter in this Article, the same shall apply), permit the representative of employees to participate in monitoring the working environment. " In addition, Article 65 of the Labor Standards Act states "(1) An employer shall not employ women in pregnancy or women for whom one year has not passed after childbirth (hereinafter referred to as "pregnant women and nursing mothers") and those under the age of 18 in any work detrimental to morality or health or any dangerous work. (2) An employer shall not employ women of 18 years or over who are not pregnant women and nursing mothers in any work harmful and dangerous to the function of pregnancy or delivery from among those detrimental or dangerous to health under paragraph (1)."	Occupational Health and Safety Act Labor Standards Act
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	1.00	All pregnant and nursing women are prohibited from doing night work. Article 70 of the Labor Standards Act states "An employer shall not have pregnant women and nursing mothers and those under 18 years old work during the time from 10:00 p.m. to 6:00 a.m. and on holidays".	Labor Standards Act

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws



GLOBAL CARE POLICY INDEX (GCPI)
2022 Country Score
South Korea

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B1.1	Are domestic workers covered under national labor laws?	1.00	<p>Yes, domestic workers will be covered under national labor laws from mid-2022.</p> <p>The Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) was enacted on 15 June 2021 and will come into force on 16 June 2022. Following this, Article 6 of the Act states that "Domestic workers subject to this Act shall be subject to the application of labor-related laws such as the Labor Standards Act, the Act on Equal Employment of Men and Women and the Support for Work-Family Balance, and the Minimum Wage Act."</p> <p>Prior to mid-2022, domestic workers were excluded from all key labor legislation including the Labor Standards Act (the primary labor legislation), the Minimum Wage Act, the Employee Retirement Benefit Security Act (Retirement Benefit Act), and the Equal Employment Opportunity And Work-family Balance Assistance Act – according to this Maeil Labor News article.</p>	<p>Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)</p> <p>Maeil Labor News – Labor Today</p>
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	0.50	<p>No, not all categories of domestic work will be covered by the Domestic Workers Act.</p> <p>Only domestic workers who are employed through platform firms or service providers will be covered under the Domestic Workers Act. Article 5 of the Act states "This Act shall apply to the employment relationship between the domestic service provider and domestic workers and to the use of domestic services provided by domestic workers to users." According to this Maeil Labor News article, domestic workers in the informal sector and those directly hired by households (who comprise a significant portion of domestic workers) will not be covered by the new Domestic Workers Act. Given that that these two groups of domestic workers are not covered, two deductions are made from South Korea's score for this question.</p> <p>1-0.25-0.25=0.5</p>	<p>Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)</p> <p>Maeil Labor News – Labor Today</p> <p>Asia Business Daily</p>
B2.	Fair Employment Process			
B2.1	Standard Terms of Employment			
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	0.75	<p>Yes, as of 2022, there will be a requirement for domestic workers to be informed of their terms of employment through a written contract, but there is one exclusionary condition which is that there is no requirement for the contract to be in their native language.</p> <p>Article 14 of the Domestic Workers Act states "The employer of a domestic service provider shall specify the following matters when concluding a labor contract with a domestic worker. The same shall also apply to any changes to the following matters after the conclusion of the labor contract:</p> <ol style="list-style-type: none"> 1. Wages (including constituent items, calculation method, and payment method) 2. Minimum working hours under Article 15; 3. Paid holidays and annual paid leave under Article 16; 4. Types and contents of housekeeping services provided by domestic workers 5. Other matters concerning working conditions prescribed by Presidential Decree. <p>② The employer of the domestic service provider shall deliver a document stating the matters in each subparagraph of Paragraph 1 to the domestic worker. However, if the matters in each subparagraph of Paragraph 1 are changed due to reasons prescribed by Presidential Decree, such as a change in a collective agreement or employment rules, the domestic worker shall, upon request, issue it to the worker."</p> <p>1-0.25=0.75</p>	<p>Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)</p>

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.25	<p>Only some of the ILO-recommended standard information about the employment relationship will be required to be included in domestic workers' contracts. Only (1) address of employer and (6) work duration are required. 2/8=0.25</p> <p>Article 17 of the Labor Standards Act on labor contracts does not apply to domestic workers who are instead covered by the Domestic Workers Act. The Domestic Workers Act requires different information for two types of contracts: for domestic workers themselves and for intermediary housekeeping service agents – If domestic workers are hired by service providers, Article 11-3 specifies that the service provider should notify the domestic worker in advance of the details of the contract (between service provider and users) so that the domestic worker provides the household service in accordance with the contract. Thus, the specifics of the contract between service provider and user is made available for domestic workers.</p> <p>For both types of contracts, (1) name of employer, (2) address of employer, (3) name of employee, (4) address of employee, (5) address of workplace, (6) work duration (including starting date), (7) period of probation/trial period, and (8) terms and conditions of employment termination are NOT explicitly required information. However, (1) address of employer and (6) work duration are requirements according to the MOEL Press Release on the Domestic Workers Act.</p> <p>Article 14 of the Domestic Workers Act states "The employer of a domestic service provider shall specify the following matters when concluding a labor contract with a domestic worker. The same shall also apply to any changes to the following matters after the conclusion of the labor contract:</p> <ol style="list-style-type: none"> 1. Wages (including constituent items, calculation method, and payment method) 2. Minimum working hours under Article 15; 3. Paid holidays and annual paid leave under Article 16; 4. Types and contents of housekeeping services provided by domestic workers 5. Other matters concerning working conditions prescribed by Presidential Decree. <p>② The employer of the domestic service provider shall deliver a document stating the matters in each subparagraph of Paragraph 1 to the domestic worker. However, if the matters in each subparagraph of Paragraph 1 are changed due to reasons prescribed by Presidential Decree, such as a change in a collective agreement or employment rules, the domestic worker shall, upon request, issue it to the worker."</p> <p>Article 11 of the same Act also states "① The housekeeping service provider shall write a contract for use containing the following matters with a person who intends to use the housekeeping service in accordance with this Act (Article 2 of the 「Basic Act on Electronic Documents and Electronic Transactions」) Including electronic documents according to subparagraph 1. Hereinafter, the same shall apply in Article 14).</p> <ol style="list-style-type: none"> 1. Types of housekeeping services 2. Date and time of provision of housekeeping service 3. Domestic worker break time 4. Matters concerning the safety of domestic workers; 5. Housekeeping service usage fee and payment method 6. Matters concerning compensation for damages that may occur due to safety accidents, etc. when providing housekeeping services 7. Other matters prescribed by Ordinance of the Ministry of Employment and Labor in relation to the provision of domestic services and the protection of domestic workers. <p>② When a housekeeping service provider enters into a contract and concludes a service contract to provide housekeeping services, the following items in addition to the items in each subparagraph of Paragraph 1 shall be reflected in the service contract.</p> <ol style="list-style-type: none"> 1. Dormitory space for domestic workers 2. Provision of meals to domestic workers 3. Guaranteed continuous break time". <p>Note that MOEL is expected to release a model contract when the ordinance comes into effect.</p>	<p>Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)</p> <p>MOEL Press Release on Domestic Workers Act</p>

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	1.00	<p>Yes, as of 2022, domestic workers' contracts will be required to include information about working hours, rest and leave. All six of the ILO-recommended terms are required to be included in domestic workers' contracts.</p> <p>Article 17 of the Labor Standards Act on labor contracts does not apply to domestic workers who are instead covered by the Domestic Workers Act. The Domestic Workers Act requires different information for two types of contracts: for domestic workers themselves and for intermediary housekeeping service agents. Domestic workers' contracts are required to include (1) type of work to be performed, (2) normal hours of work, and (5) paid annual leave. Contracts between housekeeping intermediary agents and employers are required to additionally include: (3) daily rest, (4) weekly rest, and (6) sick leave. If domestic workers are hired by service providers, Article 11-3 specifies that the service provider should notify the domestic worker in advance of the details of the contract (between service provider and users) so that the domestic worker provides the household service in accordance with the contract. Thus, the specifics of the contract between service provider and user is made available for domestic workers.</p> <p>Article 14 of the Domestic Workers Act states "The employer of a domestic service provider shall specify the following matters when concluding a labor contract with a domestic worker. The same shall also apply to any changes to the following matters after the conclusion of the labor contract:</p> <ol style="list-style-type: none"> 1. Wages (including constituent items, calculation method, and payment method) 2. Minimum working hours under Article 15; 3. Paid holidays and annual paid leave under Article 16; 4. Types and contents of housekeeping services provided by domestic workers 5. Other matters concerning working conditions prescribed by Presidential Decree. <p>② The employer of the domestic service provider shall deliver a document stating the matters in each subparagraph of Paragraph 1 to the domestic worker. However, if the matters in each subparagraph of Paragraph 1 are changed due to reasons prescribed by Presidential Decree, such as a change in a collective agreement or employment rules, the domestic worker shall, upon request, issue it to the worker."</p> <p>Article 11 of the same Act also states "① The housekeeping service provider shall write a contract for use containing the following matters with a person who intends to use the housekeeping service in accordance with this Act (Article 2 of the 「Basic Act on Electronic Documents and Electronic Transactions」) Including electronic documents according to subparagraph 1. Hereinafter, the same shall apply in Article 14).</p> <ol style="list-style-type: none"> 1. Types of housekeeping services 2. Date and time of provision of housekeeping service 3. Domestic worker break time 4. Matters concerning the safety of domestic workers; 5. Housekeeping service usage fee and payment method 6. Matters concerning compensation for damages that may occur due to safety accidents, etc. when providing housekeeping services 7. Other matters prescribed by Ordinance of the Ministry of Employment and Labor in relation to the provision of domestic services and the protection of domestic workers. <p>② When a housekeeping service provider enters into a contract and concludes a service contract to provide housekeeping services, the following items in addition to the items in each subparagraph of Paragraph 1 shall be reflected in the service contract.</p> <ol style="list-style-type: none"> 1. Dormitory space for domestic workers 2. Provision of meals to domestic workers 3. Guaranteed continuous break time". <p>Note that MOEL is expected to release a model contract when the ordinance comes into effect.</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.86	<p>Yes, as of 2022, domestic workers' contracts will be required to include ILO-recommended information about their wages. Six of the seven ILO-recommended terms are required to be included in their contracts.</p> <p>Article 17 of the Labor Standards Act on labor contracts does not apply to domestic workers who are instead covered by the Domestic Workers Act. The Domestic Workers Act requires different information for two types of contracts: for domestic workers themselves and for intermediary housekeeping service agents. Domestic workers' contracts are required to include (1) wage, (2) method of calculation, (4) rate of pay for overtime, (5) rate of pay for standby, (6) any payments in kind given and their monetary value. (3) periodicity of payments is mandated to be at a monthly period according to Article 43 of the Labor Standards Act. There is no specific requirement for information on (7) any authorized deductions from the wage by employers.</p> <p>Article 14 of the Domestic Workers Act states "The employer of a domestic service provider shall specify the following matters when concluding a labor contract with a domestic worker. The same shall also apply to any changes to the following matters after the conclusion of the labor contract:</p> <ol style="list-style-type: none"> 1. Wages (including constituent items, calculation method, and payment method) 2. Minimum working hours under Article 15; 3. Paid holidays and annual paid leave under Article 16; 4. Types and contents of housekeeping services provided by domestic workers 5. Other matters concerning working conditions prescribed by Presidential Decree. <p>② The employer of the domestic service provider shall deliver a document stating the matters in each subparagraph of Paragraph 1 to the domestic worker. However, if the matters in each subparagraph of Paragraph 1 are changed due to reasons prescribed by Presidential Decree, such as a change in a collective agreement or employment rules, the domestic worker shall, upon request, issue it to the worker."</p> <p>Article 11 of the same Act also states "① The housekeeping service provider shall write a contract for use containing the following matters with a person who intends to use the housekeeping service in accordance with this Act (Article 2 of the 「Basic Act on Electronic Documents and Electronic Transactions」) Including electronic documents according to subparagraph 1. Hereinafter, the same shall apply in Article 14).</p> <ol style="list-style-type: none"> 1. Types of housekeeping services 2. Date and time of provision of housekeeping service 3. Domestic worker break time 4. Matters concerning the safety of domestic workers; 5. Housekeeping service usage fee and payment method 6. Matters concerning compensation for damages that may occur due to safety accidents, etc. when providing housekeeping services 7. Other matters prescribed by Ordinance of the Ministry of Employment and Labor in relation to the provision of domestic services and the protection of domestic workers. <p>② When a housekeeping service provider enters into a contract and concludes a service contract to provide housekeeping services, the following items in addition to the items in each subparagraph of Paragraph 1 shall be reflected in the service contract.</p> <ol style="list-style-type: none"> 1. Dormitory space for domestic workers 2. Provision of meals to domestic workers 3. Guaranteed continuous break time". <p>Article 43 of the Labor Standards Act states "(1) Payment of wages shall be directly made in full to employees in currency: Provided, That if otherwise prescribed by statutes or regulations or by a collective agreement, wages may partially be deducted or may be paid by means other than currency. (2) Wages shall be paid at least once per month on a fixed day."</p> <p>Note that MOEL is expected to release a model contract when the ordinance comes into effect.</p> <p>6/7=0.86</p>	<p>Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)</p> <p>Labor Standards Act</p>



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B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.75	<p>Yes, while domestic workers' contracts will not be required to include information about living conditions for live-in workers, but contracts between intermediary housekeeping service providers and employers will be required to include information on provisions of accommodation and food, as of 2022. The details of the latter contract must be provided to domestic workers.</p> <p>Article 17 of the Labor Standards Act on labor contracts does not apply to domestic workers who are instead covered by the Domestic Workers Act. The Domestic Workers Act requires different information for two types of contracts: for domestic workers themselves and for intermediary housekeeping service agents. Information on provisions of food and accommodation are not required for domestic worker contracts, but are requirements for the latter. If domestic workers are hired by service providers, Article 11-3 specifies that the service provider should notify the domestic worker in advance of the details of the contract (between service provider and users) so that the domestic worker provides the household service in accordance with the contract. Thus, the specifics of the contract between service provider and user is made available for domestic workers.</p> <p>Article 14 of the Domestic Workers Act states "The employer of a domestic service provider shall specify the following matters when concluding a labor contract with a domestic worker. The same shall also apply to any changes to the following matters after the conclusion of the labor contract:</p> <ol style="list-style-type: none"> 1. Wages (including constituent items, calculation method, and payment method) 2. Minimum working hours under Article 15; 3. Paid holidays and annual paid leave under Article 16; 4. Types and contents of housekeeping services provided by domestic workers 5. Other matters concerning working conditions prescribed by Presidential Decree. <p>② The employer of the domestic service provider shall deliver a document stating the matters in each subparagraph of Paragraph 1 to the domestic worker. However, if the matters in each subparagraph of Paragraph 1 are changed due to reasons prescribed by Presidential Decree, such as a change in a collective agreement or employment rules, the domestic worker shall, upon request, issue it to the worker."</p> <p>Article 11 of the same Act also states "① The housekeeping service provider shall write a contract for use containing the following matters with a person who intends to use the housekeeping service in accordance with this Act (Article 2 of the Basic Act on Electronic Documents and Electronic Transactions.) Including electronic documents according to subparagraph 1. Hereinafter, the same shall apply in Article 14).</p> <ol style="list-style-type: none"> 1. Types of housekeeping services 2. Date and time of provision of housekeeping service 3. Domestic worker break time 4. Matters concerning the safety of domestic workers; 5. Housekeeping service usage fee and payment method 6. Matters concerning compensation for damages that may occur due to safety accidents, etc. when providing housekeeping services 7. Other matters prescribed by Ordinance of the Ministry of Employment and Labor in relation to the provision of domestic services and the protection of domestic workers. <p>② When a housekeeping service provider enters into a contract and concludes a service contract to provide housekeeping services, the following items in addition to the items in each subparagraph of Paragraph 1 shall be reflected in the service contract.</p> <ol style="list-style-type: none"> 1. Dormitory space for domestic workers 2. Provision of meals to domestic workers 3. Guaranteed continuous break time" <p>Note that MOEL is expected to release a model contract when the ordinance comes into effect. Given that this requirement only applies to domestic workers contracted through housekeeping service providers, and so does not cover all types of domestic worker employment relationships, one deduction from South Korea's score is made for this question.</p> <p>1-0.25= 0.75</p> 	<p>Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)</p> <p>Labor Standards Act</p>
B2.2	Regulations for Recruitment and Employment Process			

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	0.1	<p>No, there is no specific mention of regulation around how private employment agencies recruit and place local and migrant domestic workers.</p> <p>While, the Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) regulates "household service providers" intermediary agents, there is no specific mention of recruitment and placing.</p> <p>Article 4 of the Domestic Workers Act states "Household service providers and users and users' families (hereafter referred to as "users, etc." in this Article) shall not force domestic workers to work against their free will, and Efforts should be made to provide an appropriate working environment, such as giving rest time. ② Household service providers shall endeavor to deal with and mediate complaints or complaints raised by domestic workers, such as conflicts between domestic workers and users, in relation to the provision of housekeeping services, and domestic workers have raised complaints."</p> <p>Article 7 of the Act also states "A person who falls under any of the following subparagraphs cannot become a representative or an executive of a housekeeping service provider.</p> <ol style="list-style-type: none"> 1. Minors, adult guardians, or limited guardians 2. A person who has not been reinstated after being declared bankrupt; 3. A person for whom two years have not elapsed since the day the prison sentences was completed or paroled after being sentenced to imprisonment without prison labor or a heavier punishment; 4. A person who has been sentenced to probation of imprisonment without prison labor or heavier punishment and is in the period of such grace; 5. A person who was sentenced to a fine for violating this Act and for whom one year has not passed since the sentence became final and conclusive; 6. A person who was a representative or an executive of a housekeeping service provider whose certification has been revoked pursuant to Article 23 (2), and for whom two years have not passed since the date the certification was revoked" <p>Hence, Korea can only be scored 0.1 for this question.</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	<p>No, there is no specific mention of measures against agent fee deductions from domestic worker remuneration in both the Labor Standards Act and the Domestic Workers Act.</p> <p>While Article 9 of the Labor Standards Act states "No person shall intervene in the employment of another person for making a profit or gain benefit as an intermediary, unless otherwise prescribed by any Act" there is no specific mention of agent fee deductions.</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	<p>No, there is no specific mention of measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results in both the Labor Standards Act, the Domestic Workers Act, Fair Hiring Procedure Act, or Equal Employment Opportunity and Work-family Balance Assistance Act.</p> <p>While Article 2.1 of the Equal Employment Opportunity and Work-family Balance Assistance Act prohibits discrimination on grounds of pregnancy, stating that "The term 'discrimination' means that an employer discriminates against an employee in employment or working conditions, or takes any other disadvantageous measures without any justifiable reason, on grounds of gender, marriage, status within family, pregnancy or childbirth, etc" – this does not extend to the recruitment process.</p> <p>Article 7.2 of the Equal Employment Opportunity and Work-family Balance Assistance Act only mentions "In recruiting or employing female employees, no employer shall exhibit or demand physical conditions including appearance, height, weight and unmarried status not required for performing the relevant duties, or any other conditions prescribed by Ordinance of the Ministry of Employment and Labor." Article 4.3 of the Fair Hiring Procedure Act also only states that "No job offerer shall demand that a job applicant include the following information, which is not necessary in the performance of the job duties, in the basic examination materials or collect it as evidentiary materials:</p> <ol style="list-style-type: none"> 1. Physical conditions of a job applicant, such as appearance, height, and weight; 2. The place of birth, marital status, and property of a job applicant; 3. Academic background, occupation, and property of a job applicant's lineal ascendant or descendant and sibling." 	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act Equal Employment Opportunity And Work-family Balance Assistance Act Fair Hiring Procedure Act
B3.	Decent Working and Living Conditions			
B3.1	Working Hours and Environment			



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B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.00	No, there is no requirement of normal hours of work for domestic workers. Domestic workers are explicitly excluded from the Labor Standards Act Article 50's 40-hour weekly work limit. Article 6 of the Domestic Workers Act states "Regarding the labor relationship of domestic workers, Articles 17, 54 (excluding resident domestic workers), Articles 55, 60 (1), (2), (4) and (5) does not apply; and Articles 50 and 53 of the Labor Standards Act do not apply to the labor relationship of domestic workers. "	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	No there is no specific mention in the Labor Standards Act and Domestic Workers Act on whether periods during which domestic workers remain to respond to possible calls are required to be regarded as hours of work.	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	No there is no specific mention in the Labor Standards Act and Domestic Workers Act on limits to the number of hours of standby work domestic workers can be given, or compensation for standby work hours.	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	There is no specific mention that hours of work be accurately recorded and the records be freely accessible to the domestic worker in the Labor Standards Act and Domestic Workers Act. The Domestic Workers Act makes an allowance for non-record keeping of hours of work – Article 17 states "If it is difficult to calculate the actual working hours of a domestic worker, it shall be deemed that they worked for the hours specified in the contract of use under Article 11 (1)."	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	1.00	Yes, there will be a requirement to provide domestic workers with a safe and healthy working environment as of 2022. Domestic work is subject to the Occupational Health and Safety Act. In addition, Article 21 of the Domestic Workers Act states "① The Minister of Employment and Labor may, if necessary for the improvement of the quality of domestic services and the improvement of working conditions for domestic workers , conduct a fact-finding survey on the operating status of domestic service providers and the satisfaction of users of domestic services. ② The Minister of Employment and Labor may, if necessary for a fact-finding investigation under paragraph (1), request the domestic service provider to submit data or state opinions. In this case, the domestic service provider in receipt of the request shall comply therewith, unless there is a justifiable reason.	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)
B3.2	Rest and Leave			
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	0.00	No, there is no requirement to provide daily rest for non-resident domestic workers. Domestic workers are explicitly excluded from Article 54 of the Labor Standard Act. Article 6 of the Domestic Workers Act states "Regarding the labor relationship of domestic workers, Articles 17, 54 (excluding resident domestic workers), Articles 55, 60 (1), (2), (4) and (5) does not apply ; and Articles 50 and 53 of the Labor Standards Act do not apply to the labor relationship of domestic workers." Article 54 of the Labor Standard Act states "An employer shall allow employees a recess of not less than thirty minutes in cases of working for four hours, or a recess of not less than one hour in cases of working for eight hours, during work hours."	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act



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B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	0.75	<p>Yes, but with one exclusionary condition. While there will be a requirement for weekly rest for domestic workers as of 2022, there is no mention that it has to be of at least 24 consecutive hours.</p> <p>Domestic workers are explicitly excluded from Article 55 of the Labor Standard Act. Article 6 of the Domestic Workers Act states "Regarding the labor relationship of domestic workers, Articles 17, 54 (excluding resident domestic workers), Articles 55, 60 (1), (2), (4) and (5) does not apply; and Articles 50 and 53 of the Labor Standards Act do not apply to the labor relationship of domestic workers." Article 55 of the Labor Standard Act states "An employer shall guarantee to employees at least one paid holiday per week on the average."</p> <p>Article 16 of the Domestic Workers Act states "The employer of a housekeeping service provider shall grant paid holidays and annual paid leave equivalent to Articles 55 and 60 of the Labor Standards Act to domestic workers"</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.00	<p>No, there is no mention of defined exceptions when domestic workers may be asked to work during periods of rest in the Labor Standards Act or Domestic Workers Act and no mention of mandatory compensatory rest.</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.50	<p>No, paid annual leave will only be 15 days (<3 weeks) per year for domestic workers, as of 2022 and will only become available after the worker has worked at least 80 percent of one year.</p> <p>Article 16 of the Domestic Workers Act states "The employer of a housekeeping service provider shall grant paid holidays and annual paid leave equivalent to Articles 55 and 60 of the Labor Standards Act to domestic workers." Article 60 of the Labor Standard Act states " Every employer shall grant any employee who has worked not less than 80 percent of one year a paid leave of 15 days."</p> <p>1-0.25-0.25=0.5</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	<p>No, there is no mention a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave in the Labor Standards Act or Domestic Workers Act.</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.3	Wages			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	1.00	<p>Yes, the minimum wage for domestic workers will be at least the national minimum wage as of 2022.</p> <p>Article 6 of the Domestic Workers Act states "Domestic workers subject to this Act shall be subject to the application of labor-related laws such as the Labor Standards Act, the Act on Equal Employment of Men and Women and the Support for Work-Family Balance, and the Minimum Wage Act. Housekeeping services performed by domestic workers subject to this Act shall not be regarded as household employment activities excluded from the application of labor-related laws such as the Employee Retirement Benefit Guarantee Act."</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	<p>No, there is no specific mention of an overtime compensation rate for domestic workers.</p> <p>Article 56 of the Labor Standards Act requires a 1.5 times overtime compensation rate, stating "An employer shall, in addition to the ordinary wages, pay employees at least 50/100 thereof for extended work (referring to the work during the hours extended pursuant to Articles 53 and 59 and to the proviso of Article 69)." However, as domestic workers are excluded from the Labor Standards Act Article 50's 40-hour weekly work limit, overtime compensation may not apply. Article 6 of the Domestic Workers Act states "Regarding the labor relationship of domestic workers, Articles 17, 54 (excluding resident domestic workers), Articles 55, 60 (1), (2), (4) and (5) does not apply; and Articles 50 and 53 of the Labor Standards Act do not apply to the labor relationship of domestic workers."</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	1.00	<p>Yes, there will be limitations placed on wages paid in the form of payments in kind for domestic workers as of 2022.</p> <p>Article 43 of the Labor Standards Act states "Payment of wages shall be directly made in full to employees in currency".</p>	Labor Standards Act



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B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	1.00	Yes, there will be a requirement to provide at least a monthly payment of wages in cash for domestic workers as of 2022. Article 43 of the Labor Standards Act states "(1) Payment of wages shall be directly made in full to employees in currency : Provided, That if otherwise prescribed by statutes or regulations or by a collective agreement, wages may partially be deducted or may be paid by means other than currency. (2) Wages shall be paid at least once per month on a fixed day ."	Labor Standards Act
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	0.00	No, although there is a requirement for employers to retain a wage ledger, there is no requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment. Article 48 of the Labor Standards Act states "An employer shall prepare a wage ledger for each workplace and shall enter therein the matters which serve as a basis for calculating wages and family allowances, the amount of wages, and other matters as prescribed by Presidential Decree, at each time of paying wages ." Article 39 also states "Whenever an employer is requested by an employee to issue a certificate specifying the term of employment, kind of work performed, positions taken, wages received, and other necessary information, he or she shall immediately prepare and deliver a certificate based on facts, even after the retirement of the employee."	Labor Standards Act
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	0.00	There is no specific mention that it is a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers. Article 26 of the Labor Standards Act states "When an employer intends to dismiss an employee (including dismissal for management reasons), he or she shall give the employee a notice of dismissal at least 30 days in advance of such dismissal, and, if the employer fails to give such advance notice, he or she shall pay such employee a 30 days' ordinary wage at the least"	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.4	Social Security			
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	Yes, domestic workers will be eligible for healthcare coverage as of 2022. Article 18 of the Domestic Workers Act states "For domestic service providers and domestic workers, the State shall provide employment insurance premiums and industrial accident compensation insurance premiums under the Act on the Collection, etc. of Premiums for Employment Insurance and Industrial Accident Compensation Insurance, premiums under the National Health Insurance Act, and the National Pension Act. Part of the pension insurance premium may be subsidized."	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)
B3.4.2	Are domestic workers eligible for paid sick leave?	0.00	There is no mention of paid sick leave in the Domestic Workers Act or Labor Standards Act. In addition, a report by Replicon South Korea Labor Compliance Guide states " There is no provision on sick leave in Labor legislation . Accordingly, where an employee wants to use sick leave on the grounds of personal injury or disease, the employee may follow the regulation, if it is prescribed by a collective agreement, the rules of employment, and a labor contract, etc. Meanwhile, if sick leave is not provided by the company's regulation, an employer is not obliged to grant it. In cases where sick leave regulation is not provided in a workplace, it might not be granted, and an employee may use annual paid leave."	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act Replicon South Korea Labor Compliance Guide
B3.4.3	Are domestic workers eligible for unemployment benefits?	1.00	Yes, domestic workers will be eligible for unemployment benefits as of 2022. Article 18 of the Domestic Workers Act states "For domestic service providers and domestic workers, the State shall provide employment insurance premiums and industrial accident compensation insurance premiums under the Act on the Collection, etc. of Premiums for Employment Insurance and Industrial Accident Compensation Insurance, premiums under the National Health Insurance Act, and the National Pension Act. Part of the pension insurance premium may be subsidized." Article 10-2 of the Employment Insurance act states "(1) This Act shall apply to foreign workers to whom the Act on the Employment of Foreign Workers applies"	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Employment Insurance Act
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	1.00	Yes, domestic workers will be eligible for old-age benefits as of 2022. Domestic workers are included under the national pension scheme and are also eligible for long-term care insurance for older persons under the Basic Pensions Act and the Act for Long-Term Care Insurance for Older Persons. Article 18 of the Domestic Workers Act states "For domestic service providers and domestic workers, the State shall provide employment insurance premiums and industrial accident compensation insurance premiums under the Act on the Collection, etc. of Premiums for Employment Insurance and Industrial Accident Compensation Insurance, premiums under the National Health Insurance Act , and the National Pension Act . Part of the pension insurance premium may be subsidized."	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)



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B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	Yes, domestic workers will be eligible for employment injury benefits as of 2022. Article 78 of the Labor Standards Act states "An employer shall provide necessary medical treatment at his or her expense or bear corresponding expenses for an employee who suffers from an occupational injury or disease ." Article 7.3 of the Domestic Workers Act also states "The domestic worker shall have means for compensation for personal and material damages that may occur due to safety accidents, etc. in the process of providing housekeeping services"	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	Yes, domestic workers will be eligible for invalidity benefits as of 2022. Article 80 of the Labor Standards Act states "When an employee suffers a physical disability remaining after finishing treatment for an occupational injury or disease , the employer shall provide him or her with a compensation for disability calculated by multiplying the average wages by the number of days as provided for in attached Table in accordance with the grade of disability." Article 7.3 of the Domestic Workers Act also states "The domestic worker shall have means for compensation for personal and material damages that may occur due to safety accidents, etc. in the process of providing housekeeping services"	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	Yes, domestic workers will be eligible for survivors' benefit as of 2022. Article 82 of the Labor Standards Act states "An employer shall provide a compensation equivalent to the average wages for 1,000 days to surviving family members of an employee who has deceased during the performance of his or her duties immediately after the employee has deceased."	Labor Standards Act
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	1.00	Yes, there will be protections of domestic workers' claims in the event of the employer's insolvency or death as of 2022. The Wage Claim Guarantee Act "guarantee[s] the payment of overdue wages, etc. to workers, etc. who have retired without receiving their wages, etc. because companies were unable to continue their business or their management was unstable due to economic volatility, changes in industrial structure". Article 46 of the Labour Standards Act also states "(1) When a business shuts down due to a cause attributable to the employer, he or she shall pay the employees concerned allowances of not less than 70/100 of their average wages during the period of shutdown: Provided, That if the amount equivalent to 70/100 of their average wages exceeds that of their ordinary wages, their ordinary wages may be paid as their shutdown allowances. (2) Notwithstanding paragraph (1), the employer who is unable to continue to carry on the business for any unavoidable reason may, with the approval of the Labor Relations Commission concerned, pay the employees shutdown allowances lower than the standards as prescribed in paragraph (1)."	Wage Claim Guarantee Act Labor Standards Act
B3.5	Living Conditions for Live-in Workers			
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	No, there is no mention in the Labor Standards Act and the Domestic Workers Act of measures to ensure that domestic workers are free to decide whether or not to live in the household.	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.5.2	For live-in workers, is there any requirement for the employer to provide accommodation that offers privacy?	0.00	No, there is no mention in the Labor Standards Act and the Domestic Workers Act of requirement for the employer to provide accommodation that offers privacy for live-in workers. There are regulations on dormitories in the Labor Standards Act but this may not apply to household-based live-in workers. Article 100-2 of the Labor Standards Act states "With regard to a dormitory constructed pursuant to Article 100, the employer shall take measures for the maintenance of health, protection of privacy, etc. of employees."	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	No, there is no mention in the Labor Standards Act and the Domestic Workers Act of requirement for the employer to provide access to suitable sanitary facilities.	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act



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B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	No, there is no mention in the Labor Standards Act and the Domestic Workers Act of requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning. There are regulations on dormitories in the Labor Standards Act but this will likely not apply to household-based live-in workers. Article 100 of the Labor Standards Act states "Where an employer constructs and operates a dormitory attached to the workplace, he or she shall meet the guidelines on the following matters as prescribed by Presidential Decree: 1. The structure and facilities of the dormitory; 2. The location of the dormitory; 3. Creation of a residential environment in and surrounding the dormitory; 4. The size of the dormitory; 5. Other matters necessary for safe and pleasant living of employees"	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	No, there is no mention in the Labor Standards Act and the Domestic Workers Act of requirement for the employer to provide appropriate meals of good quality and sufficient quantity.	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.00	No, there is no mention in the Labor Standards Act and the Domestic Workers Act of measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave.	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	No, there is no mention in the Labor Standards Act and the Domestic Workers Act of a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer for live-in workers.	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	0.00	No, there is no mention in the Labor Standards Act, the Domestic Workers Act, and the Act on Employment, etc of Foreign Workers of legal entitlement of live-in workers to keep in their possession their travel and identity documents. Article 27 of the Immigration Act states "A foreigner sojourning in the Republic of Korea shall carry at all times his or her passport, seaman's identification paper, foreigner entry permit, alien registration certificate or landing permit (hereinafter referred to as "passport, etc.")" A report by Migrant Forum Asia on the Korean Employment Permit System notes that "South Korean employers routinely confiscate the passports and identity documents of migrant workers on arrival, holding them until their contracts are complete. This practice, while illegal, is widely tolerated and unsupervised".	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act Act on Employment of Foreign Workers Immigration Act Migrant Forum Asia
B4.	Labor Rights and Protections			
B4.1	Freedom of Association and Access to Collective Bargaining			
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	Yes, there will be legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing. As of 2022, Domestic Workers will be included under the Trade Union and Labor Relations Adjustment Act. Article 5 of the Trade Union and Labor Relations Adjustment Act states "Workers shall be free to establish a trade union or to join it". There are existing unions representing domestic workers in Korea such as the National House Manager's Cooperative.	Trade Union and Labor Relations Adjustment Act



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B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	<p>Yes, there will be legislative provisions to recognize domestic workers' rights to collective bargaining as of 2022.</p> <p>As of 2022, Domestic Workers will be included under the Trade Union and Labor Relations Adjustment Act. Article 29 of the Trade Union and Labor Relations Adjustment Act states "(1) The representative of a trade union shall have the authority to bargain and make a collective agreement with the employer or employers' association for the trade union and its members. (2) The representative of a representative bargaining trade union (hereinafter referred to as "representative bargaining trade union") determined pursuant to Article 29-2 shall have the authority to bargain and make a collective agreement with an employer for all the trade unions and members requesting bargaining. (3) A person who is delegated authority by a trade union, an employer, or an employers' association to bargain and make a collective agreement may exercise the authority within the scope of said delegation for the trade union, the employer or the employers' association."</p>	Trade Union and Labor Relations Adjustment Act
B4.2	Access to Complaint Mechanisms			
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	<p>Yes, there will be complaint mechanisms for domestic workers to report non-compliance with labor protections as of 2022. They are able to go to their agent (if they have one) or directly to the Ministry of Employment and Labor.</p> <p>Article 4.2 of the Domestic Workers Act states "Household service providers shall endeavor to deal with and mediate complaints or complaints raised by domestic workers, such as conflicts between domestic workers and users, in relation to the provision of housekeeping services, and domestic workers have raised complaints. No adverse action shall be taken against domestic workers for raising complaints." Article 104 of the Labor Standards Act states "Employees may report to the Minister of Employment and Labor or a labor inspector if any violation of this Act or Presidential Decree under this Act occurs at a business or workplace."</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	<p>Yes, there will be measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms as of 2022.</p> <p>Domestic workers as 2022 may access dispute resolution mechanisms through the intermediary housekeeping agent or may also report directly to the Ministry of Employment and Labor. Article 4.2 of the Domestic Workers Act states "Household service providers shall endeavor to deal with and mediate complaints or complaints raised by domestic workers, such as conflicts between domestic workers and users, in relation to the provision of housekeeping services, and domestic workers have raised complaints. No adverse action shall be taken against domestic workers for raising complaints." Article 104 of the Labor Standards Act states "Employees may report to the Minister of Employment and Labor or a labor inspector if any violation of this Act or Presidential Decree under this Act occurs at a business or workplace."</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act
B4.3	Enforcement and Protection Mechanisms			
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.00	<p>No, while there are specified conditions under which access to agency premises must be granted for on-site labor inspections of the employers of domestic workers, there is no specific mention of the right to access employer households for on-site labor inspections.</p> <p>Article 21.1 of the Domestic Workers Act states "The Minister of Employment and Labor may, if necessary for the improvement of the quality of domestic services and the improvement of working conditions for domestic workers, conduct a fact-finding survey on the operating status of domestic service providers and the satisfaction of users of domestic services." Article 22 also states "When it is necessary for supervision of a domestic service provider, the Minister of Employment and Labor allows relevant public officials to enter the office and other necessary places of the domestic service provider, as prescribed by Presidential Decree, to collect books, documents, Other items may be inspected or related persons may be asked questions, and the relevant institution may be ordered to report on its business or to submit related documents."</p>	Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act) Labor Standards Act



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B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	1.00	<p>Yes, there will be penalties for private employment agencies for non-compliance with domestic worker protection laws as of 2022.</p> <p>Article 26 of the Domestic Workers Act states "① A person who fails to grant paid holidays and annual paid leave at the time requested by domestic workers, in violation of Article 16 (1) or (3) (proviso to paragraph (3) of the same Article)) shall be punished by imprisonment for not more than two years or a fine not exceeding 20 million won. (2) A person who divulges a secret learned in business or uses it for purposes other than business purposes, in violation of Article 9 (3) or 24 (4), shall be punished by imprisonment for not more than one year or by a fine not exceeding ten million won. ③ A person who falls under any of the following subparagraphs shall be punished by a fine not exceeding five million won. 1. A person who pretends to be a domestic service provider certified under this Act, in violation of Article 7 (5); 2. A person who fails to specify the relevant matters in the labor contract or issue a document stating the relevant matters, in violation of Article 14 (1) or (2);"</p> <p>Article 28 also states "A person who falls under any of the following subparagraphs shall be subject to a fine for negligence not exceeding 5 million won. 1. A housekeeping service provider that has failed to obtain a change certification or report a change in violation of Article 7 (4); 2. A housekeeping service provider that has a domestic worker provide housekeeping services without entering into a contract for use in violation of Article 11 (1) and (2) or has concluded a contract for use without including matters to be included in the contract of use; 3. A housekeeping service provider that has provided protection and nurturing services for children under the age of 12 in violation of Article 12"</p>	<p>Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)</p> <p>Labor Standards Act</p>
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	1.00	<p>Yes, there will be penalties for employers for non-compliance with domestic worker protection laws as of 2022.</p> <p>Article 26 of the Domestic Workers Act states "① A person who fails to grant paid holidays and annual paid leave at the time requested by domestic workers, in violation of Article 16 (1) or (3) (proviso to paragraph (3) of the same Article)) shall be punished by imprisonment for not more than two years or a fine not exceeding 20 million won. (2) A person who divulges a secret learned in business or uses it for purposes other than business purposes, in violation of Article 9 (3) or 24 (4), shall be punished by imprisonment for not more than one year or by a fine not exceeding ten million won. ③ A person who falls under any of the following subparagraphs shall be punished by a fine not exceeding five million won. 1. A person who pretends to be a domestic service provider certified under this Act, in violation of Article 7 (5); 2. A person who fails to specify the relevant matters in the labor contract or issue a document stating the relevant matters, in violation of Article 14 (1) or (2);"</p> <p>Chapter XII of the Labour Standards Act also outlines penalties for non-compliance with worker protections stated in the Act.</p>	<p>Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)</p> <p>Labor Standards Act</p>
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	1.00	<p>Yes, domestic workers will be legally protected against all forms of workplace abuse, harassment, and violence from mid-2022.</p> <p>Article 8 of the Labor Standards Act states "An employer shall not do violence to an employee for the occurrence of accidents or for any other reason." Article 76-2 of the Act also states "No employer or employee shall cause physical or mental suffering to other employees or deteriorate the work environment beyond the appropriate scope of work by taking advantage of superiority in rank, relationship, etc. in the workplace (hereinafter referred to as "workplace harassment")."</p>	<p>Act on Employment Improvement, Etc. for Domestic Workers (Domestic Workers Act)</p> <p>Labor Standards Act</p>
B5.	Protections for Forced/Under-age Domestic Workers			
B5.1	Protections against Forced/Compulsory Labor			
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes, the illegal extraction of forced or compulsory labor of domestic workers is punishable as a penal offence.</p> <p>Article 7 of the Labor Standards Act states "An employer shall not force an employee to work against his or her own free will through the use of violence, intimidation, confinement, or any other means by which the mental or physical freedom of the employee might be unduly restricted." Its violation is a penal offence; Article 107 of the Act also states "A person who has violated Article 7, 8, 9, 23 (2) or 40 shall be punished by imprisonment with labor for not more than five years or by a fine of not exceeding 50 million won."</p> <p>Article 289.3 of the Criminal Act also states "A person who buys or sells another for the purpose of labor exploitation, sex trafficking, sexual exploitation, or the acquisition of organs shall be punished by imprisonment for at least two years up to 15 years."</p>	<p>Labor Standards Act</p> <p>Criminal Act</p>



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B5.1.2	Are domestic worker victims of forced labor provided with any protection?	0.00	<p>There is no specific mention that domestic worker victims of forced labor are provided with any protection in the Labor Standards Act, Domestic Workers Act, and Criminal Act.</p> <p>As yet there is no dedicated anti-trafficking law apart from the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims, although a new law may come into force in 2023. According to the US Department of State 2021 Trafficking in Persons Report: South Korea, the South Korean government "often deported [foreign] victims without providing them adequate services or investigating their traffickers". The National Human Rights Commission has developed an Index on Identification and Protection of Human Trafficking Victims in 2016 which has been disseminated to relevant agencies.</p>	US Department of State 2021 Trafficking in Persons Report: South Korea National Human Rights Commission Index
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	0.00	<p>There is no specific mention that domestic worker victims of forced labor are provided with any access to remedies in the Labor Standards Act, Domestic Workers Act, and Criminal Act.</p> <p>As yet there is no dedicated anti-trafficking law apart from the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims, although a new law may come into force in 2023. According to the US Department of State 2021 Trafficking in Persons Report: South Korea, the South Korean government "often deported [foreign] victims without providing them adequate services or investigating their traffickers". According to this Korean Herald article, the new proposed bill may not have any penalty provisions for trafficking offenses.</p>	US Department of State 2021 Trafficking in Persons Report: South Korea
B5.2	Protections for Under-age Laborers			
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	0.50	<p>No, the minimum age for domestic workers is 15 or higher, if they are not attending school.</p> <p>Article 64 of the Labor Standards Act states "A minor under the age of 15 (including any minor under the age of 18 who attends a middle school under the Elementary and Secondary Education Act) shall not be employed at any work".</p>	Labor Standards Act
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	1.00	<p>Yes, domestic workers, who are under the age of 18 and above the minimum age of employment, are still able to access compulsory education, or opportunities for further education or vocational training.</p> <p>Persons under the age of 18 but have not completed compulsory education may not be employed as domestic workers. Article 64 of the Labor Standards Act states "A minor under the age of 15 (including any minor under the age of 18 who attends a middle school under the Elementary and Secondary Education Act) shall not be employed at any work".</p>	Labor Standards Act
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	<p>Yes, there are extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment.</p> <p>Article 69 of the Labor Standards Act states "The work hours of a person aged between 15 and less than 18 shall not exceed seven hours per day and 35 hours per week: Provided, That the work hours may only be extended by up to one hour per day and five hours per week by a mutual agreement between the parties concerned."</p>	Labor Standards Act
B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	0.75	<p>Yes, there are measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night, but with exclusionary conditions.</p> <p>Article 70 of the Labor Standards Act states "An employer shall not have pregnant women and nursing mothers and those under 18 years old work during the time from 10:00 p.m. to 6:00 a.m. and on holidays: Provided, That this shall not apply to any of the following cases where approval of the Minister of Employment and Labor is obtained:</p> <ol style="list-style-type: none"> Where there exists a consent of those under 18 years old; Where there exists a consent of women for whom one year has not passed after childbirth; Where a woman in pregnancy makes a clear request." <p>As consent of minors are not prohibited but can be manipulated, Korea is scored 0.75 for this question.</p>	Labor Standards Act
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	1.00	<p>Yes, there are extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment.</p> <p>Article 65 of the Labor Standards Act states "An employer shall not employ women in pregnancy or women for whom one year has not passed after childbirth (hereinafter referred to as "pregnant women and nursing mothers") and those under the age of 18 in any work detrimental to morality or health or any dangerous work."</p> <p>Article 72 of the Act also states "An employer shall not have a woman or a minor under the age of 18 do any work inside a pit: Provided, That this shall not apply where it is temporarily required for carrying out the affairs as prescribed by Presidential Decree, such as health and medical treatment, the gathering and report of news, etc."</p>	Labor Standards Act
B6.	Protections for Migrant Domestic Workers			
B6.1	Employment Support			



GLOBAL CARE POLICY INDEX (GCPI)
2022 Country Score
South Korea

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	1.00	<p>Yes, migrant domestic workers are required to receive an enforceable contract of employment via the Employment Permit System (EPS) prior to crossing national borders.</p> <p>Migrant domestic workers enter Korea via a H-2 (Working Visit) visa. Entry and placement occurs through the EPS which requires a written and enforceable contract of employment prior to entry to Korea.</p> <p>According to the EPS guidelines, "When a certain worker is selected by an employer, the Standard Labor Contract is forwarded to the Sending Agency by HRD [Human Resource Development Services] Korea. Sending Agency informs the contents of the labor contract to the job seeker and report the job seeker's intention to HRD Korea... If the foreign worker is not satisfied with the contents of the contract, the job seeker can refuse to sign the contract once, but if the job seeker refuses to sign the contract a second time, job application will be restricted for 1 year."</p>	EPS Guidelines on Standard Labor Contract Signing
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	1.00	<p>Yes, there is a hotline for the National Labor Consultation Center run by the Ministry of Employment and Labor. There are dedicated hotlines for English and Chinese translations.</p>	National Labor Consultation Center
B6.2	Support after Termination of Employment			
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	1.00	<p>Yes, there are measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence. There is a 3-month time period for workers to change employers.</p> <p>Article 25.1 of the Act on the Employment, Etc of Foreign Workers allows migrant workers to apply for a change of employer in the event of loss of employment within the contract period, stating "Where any of the following events occur, a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor:</p> <ol style="list-style-type: none"> 1. If his or her employer intends to terminate his or her employment contract during the contract period, or intends to refuse renewal of his or her employment contract after its expiration, on a justifiable ground; 2. Where the Minister of Employment and Labor gives public notice, as he or she deems, under a social norm, that the foreign worker is unable to continue to work in the business or place of business on a ground not attributable to him or her, such as temporary shutdown, closure of business, cancellation of the employment permit under Article 19 (1), limitation on the employment under Article 20 (1), provision of a dormitory in violation of Article 22-2, or his or her employer's violation of terms and conditions of employment or unfair treatment; 3. Where any other cause or event prescribed by Presidential Decree occurs." <p>Article 25.3 of the Act limits this grace period to 3 months, stating "Any foreign worker who fails to obtain permission for change of workplace under Article 21 of the Immigration Act within three months from the date of the application for change of business or place of business under paragraph (1) or who fails to file an application for change of business or place of business within one month after the expiration of the employment contract with the employer shall leave the Republic of Korea: Provided, That for a foreign worker who is unable to obtain permission for change of workplace or file an application for change of workplace due to causes, such as an accident on duty, illnesses, pregnancy and childbirth, such period shall be calculated from the date on which such cause ceases to exist."</p>	Act on the Employment, Etc of Foreign Workers

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	1.00	<p>Yes, if it is established that the termination of employment was not justified, migrant domestic workers will be entitled to reinstatement or compensation when the Domestic Workers Act comes into force in June 2022.</p> <p>According to the Employment Permit System guidelines, "National Labor Relations Acts such as Labor Standards Act, Minimum Wage Act, Industrial Safety and Health Act are applied to foreign workers and native Koreans equally. Remedy of Rights is possible through Working Condition Improvement Department and Labor Relations Commission in case of illegal act/mistreatment by employers such as labor contract violation, unfair dismissal. However, National Relations Act is not applied to those who employed in household or care-giver for the sick (equally applies to natives and foreign workers)." Under the Domestic Workers Act which will come into force in June 2022, all relevant labor legislation will include domestic workers.</p> <p>Article 30 of the Labor Standards Act states "(1) If a dismissal, etc. is judged to be unfair in consequence of the examination under Article 29, the Labor Relations Commission shall issue to the employer an order for remedy, and, if the dismissal, etc. is judged not to be unfair, make a decision to reject the request for remedy. (2) The judgment, order for remedy and decision of rejection under paragraph (1) shall be notified in writing to the employer and employee, respectively. (3) In issuing an order for remedy (only referring to an order for remedy following dismissal) under paragraph (1), if an employee does not desire to be reinstated in his or her former office, the Labor Relations Commission may, instead of issuing an order to reinstate him or her in his or her former office, order the employer to pay such employee the amount of money or other valuables equivalent to or higher than the amount of wages which he or she would have been paid if he or she had offered work during the period of dismissal."</p>	Labor Standards Act Employment Permit System: Legal Rights
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	1.00	<p>Yes, migrant domestic workers are entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment.</p> <p>Article 25.1 of the Act on the Employment, Etc of Foreign Workers allows migrant workers to apply for a change of employer in the event of termination of employment within the contract period, stating "Where any of the following events occur, a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor: 1. If his or her employer intends to terminate his or her employment contract during the contract period, or intends to refuse renewal of his or her employment contract after its expiration, on a justifiable ground; 2. Where the Minister of Employment and Labor gives public notice, as he or she deems, under a social norm, that the foreign worker is unable to continue to work in the business or place of business on a ground not attributable to him or her, such as temporary shutdown, closure of business, cancellation of the employment permit under Article 19 (1), limitation on the employment under Article 20 (1), provision of a dormitory in violation of Article 22-2, or his or her employer's violation of terms and conditions of employment or unfair treatment; 3. Where any other cause or event prescribed by Presidential Decree occurs."</p> <p>There is a three-month period to obtain a final decision. Article 25.3 of the Act states "Any foreign worker who fails to obtain permission for change of workplace under Article 21 of the Immigration Act within three months from the date of the application for change of business or place of business under paragraph (1) or who fails to file an application for change of business or place of business within one month after the expiration of the employment contract with the employer shall leave the Republic of Korea: Provided, That for a foreign worker who is unable to obtain permission for change of workplace or file an application for change of workplace due to causes, such as an accident on duty, illnesses, pregnancy and childbirth, such period shall be calculated from the date on which such cause ceases to exist."</p> <p>Article 60 of the Immigration Act on expulsion orders also states "If a suspect intends to protest a deportation order, the suspect shall file a written objection with the Minister of Justice through the head of the competent Regional Immigration Service within seven days after receipt of the written order of deportation."</p>	Act on the Employment, Etc of Foreign Workers Immigration Act
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	0.00	<p>No, migrant domestic workers are not entitled to repatriation at no cost on the expiry or termination of the employment contract.</p> <p>Article 15 of the Act on the Employment, Etc of Foreign Workers states "Any foreign worker shall purchase an insurance policy or a trust deed to cover expenses necessary for their return to home country."</p>	Act on the Employment, Etc of Foreign Workers



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South Korea

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B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	0.00	<p>There is no specific mention in the Act on the Employment, Etc of Foreign Workers or the Immigration Act that migrant domestic workers can still access complaint mechanisms and pursue legal civil and criminal remedies after termination of employment and departure from Korea.</p> <p>However, Article 28 of the Labor Standards Act states "(1) When an employee is subjected by the employer to any unfair dismissal, etc., he or she may request a remedy therefor from a labor relations commission. (2) A request for remedy under paragraph (1) shall be made within three months from the date of the unfair dismissal, etc." According to the Employment Permit System guidelines, "National Labor Relations Acts such as Labor Standards Act, Minimum Wage Act, Industrial Safety and Health Act are applied to foreign workers and native Koreans equally. Remedy of Rights is possible through Working Condition Improvement Department and Labor Relations Commission in case of illegal act/mistreatment by employers such as labor contract violation, unfair dismissal. However, National Relations Act is not applied to those who employed in household or care-giver for the sick (equally applies to natives and foreign workers)." Under the Domestic Workers Act which will come into force in June 2022, all relevant labor legislation will include domestic workers.</p>	<p>Labor Standards Act</p> <p>Employment Permit System: Legal Rights</p>