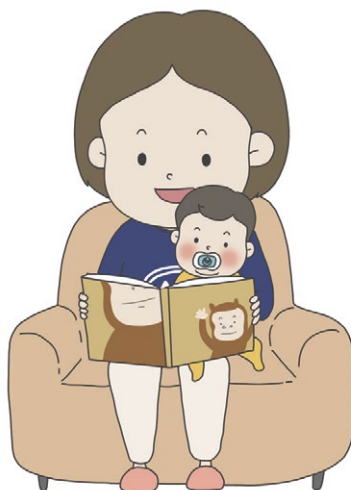


A Guidebook

for Employees in Pregnancy, Childbirth and Parenting period

Maternity & child care
leave at your ease



Basic information

□ Small&mid size company(Enterprise for preferential support)

ENFORCEMENT DECREE OF THE EMPLOYMENT INSURANCE ACT article 12 section 1 attached table 1

Number of regular workforce	Industry
500 people or less	Manufacturing
300 people or less	Mining, construction, transportation, ICT, facility management and business support service, scientific and technical service, health and social welfare service
200 people or less	Wholesale and retail, lodging and food&beverage, financial and insurance industry, art, sports and leisure-related service
100 people or less	Other industries

□ Qualifying days in covered employment

EMPLOYMENT INSURANCE ACT article 41 and 50

- Days calculated for salary within covered employment(employment insured period)
In other words, paid working days.(specifically agreed work days + paid holidays)
- If the last working day of the previous job is less than three years, the qualifying days in covered employment of the previous job is added.
- If unemployment benefits were received, the calculation should be made after that.

□ Ordinary wage

ENFORCEMENT DECREE OF THE LABOR STANDARDS ACT article 6

- Total amount to be paid to an employee for a specifically agreed work on a regular, uniform and flat basis.

Types of wage	Ordinary wage right or wrong
Allowances paid to the person holding certificate and/or qualified for doing certain things	Right
Allowances that may vary in amount depending on the period of continuous employment and/or employee's position.	Right
Family allowances that may vary depending on the number of supported family	Wrong
Family allowances paid regardless of the number of supported family	Right
Bonus and/or merit payments that are paid on regular base with fixed amount	Right
Allowance paid at the discretion of the employer based on the performance of the work and/or the company.	Wrong
Allowance paid only for employees working at a specific time	Wrong
Allowance paid at the resignation in proportion to the number of working days prior to the specific time point	Right

* 「Ordinary wage guideline for labor-management」, Ministry of Employment and Labor, 23 Jan, 2014

○ Protection of pregnant employees

Use the leave of absence for fertility treatment!

All male and female employees who wish to receive fertility treatment can take three days off per a year.

- **Wage** : The first of the three days in fertility treatment is paid leave, but the second/third day depend on employers decision.
- **How to apply** : Submit an application to the employer for a fertility treatment leave(whenever before the leave date)
- **Document** : An application for fertility treatment



Employer can request a document that can verify fertility treatment

- Employer who did not grant a leave of absence for fertility treatment to employee can be punished by an administrative fine not exceeding 5,000,000 KRW.

Pregnant employees cannot work overtime, night or holidays!

Overtime, night or holiday work is prohibited during pregnancy.

※ Night work : working hours between 22PM~6AM.

- Exceptional acceptance for night or holiday work

Pregnant employee's
explicit claim to work



Prior consent with employee
representative and authorization from
Minister of Employment and Labor

- Employer who forced their pregnant employees to work overtime, night, or holiday can be sentenced not more than 2 years in prison or up to 20,000,000 KRW in fines.

Take medical examination of unborn child during working hours.

Pregnant women's regular medical checkup is guaranteed and paid leave.

※ ENFORCEMENT DECREE OF THE MOTHER AND CHILD HEALTH ACT attached table 1

Phase of pregnancy	Medical checkups during pregnancy
Until 28 th weeks	Once every 4 weeks
29 th weeks~36 th weeks	Once every 2 weeks
After 37 th weeks	Once a week

In the early and later stage of pregnancy, pregnant women can reduce work for two hours everyday without deducting wages.

Employees within 12 weeks of pregnancy or after 36 weeks of pregnancy **can apply for a two-hour reduction in working hours per a day without wage deduction.** If an employee works less than 8 hours a day, employee can work **6 hours a day after the reduction.**

- **Target** : Employees in the early stages of pregnancy(within 12 weeks and 0 days) and later stage of pregnancy(after 35 weeks and 1 days)
- **Wage** : Stays same after the reduction of work hours
- **How to apply** : Apply to the employer three days before the reduction
- **Document** :

Application for the reduction of
daily work hours



Medical certificate(to verify the
pregnant weeks)



Reducing daily working hours can be decided freely.

- Can go to work 1 hour late in the morning and leave 1 hour early in the evening.
- Can go to work 2 hour late or leave work 2 hours early.

- Employers who did not allow reduction of working hours for pregnant employee in early/late stage of her pregnancy can be punished by an administrative fine not exceeding 5,000,000 KRW.

An employee can switch to an easier work during pregnancy!

Pregnant employee can request employer to **switch her work to easier work**. Easier work means a work that pregnant employee can handle without hardship.

- Employers who did not allow pregnant employee to switch to easier work can be sentenced not more than 2 years in prison or up to 20,000,000 KRW in fines.

Relevant legal provisions

- LABOR STANDARDS ACT article 70, 74, 74-2, 110 and 116
- ENFORCEMENT DECREE OF THE LABOR STANDARDS ACT article 43-2
- EQUAL EMPLOYMENT OPPORTUNITY AND WORK-FAMILY BALANCE ASSISTANCE ACT article 18-3 and 39
- ENFORCEMENT DECREE OF THE EQUAL EMPLOYMENT OPPORTUNITY AND WORK-FAMILY BALANCE ASSISTANCE ACT article 9-2

Miscarriage and stillbirth leave

Use miscarriage and stillbirth leave!

Employee who had miscarriage or gave stillbirth **can use paid leave** by applying to employer.

- **How to apply** : Submit application form to employer
- **Document** :

Application for miscarriage and stillbirth leave

+

Medical certificate(for verification of miscarriage and stillbirth)

- Q** Do miscarriage and stillbirth leave automatically begins at the date of giving birth just like a maternity leave?
- A** Miscarriage and stillbirth leaves are granted on the employee's request, so if the employee does not claim it, leave does not start. There is no designated application period for miscarriage and stillbirth leave so employee can apply and use on same day when urgent.

- Employers who did not grant miscarriage and stillbirth leave can be sentenced not more than 2 years in prison or up to 20,000,000 KRW in fines.

How many days can I use?

Days of leave are decided according to the pregnancy period, and **leave begins on the day of miscarriage or stillbirth, so the later you apply, fewer the leave days will be.**

Pregnancy period	Within 11 weeks	12-15 weeks	16-21 weeks	22-27 weeks	28 weeks or more
	until 11 weeks and 0 day	between 11 weeks and 1 day to 15 weeks and 0 day	between 15 weeks and 1 day to 21 weeks and 0 day	between 21 weeks and 1 day to 27 weeks and 0 day	from 27 weeks and 1 day and after
Days of leave	5 days	10 days	30 days	60 days	90 days

Q Due to the risk of miscarriage, I was on maternity leave at 28 weeks of pregnancy, and had stillbirth on the 16th day of leave. How many more days can I use?

A Miscarriage and stillbirth leave can be used separately from maternity leave. Therefore, you can use up to 90 days of miscarriage and stillbirth leave according to your pregnancy period which is 28 weeks. In other words, 15 days + 90 days = 105 days are the leaves you can use.

Can I receive salary during miscarriage and stillbirth leave?

When qualifying days in covered employment are more than 180 days at the last day of miscarriage and stillbirth leave, employment insurance will pay your salary.

Index	Salaries for miscarriage and stillbirth leave	
Basis for salary calculation	Ordinary wage for a month(Should be equal to minimum wage when ordinary wage is lower than the minimum)	
Days of leave	First 60 days	Rest 30 days
Conglomerate	Company has to pay 100 % of the ordinary wage according to the leave days	Employment insurance has to pay 100 % of the ordinary wage (Max. 2,000,000 KRW, Min. minimum wage)
Small and mid-sized company	<ul style="list-style-type: none"> • Employment insurance has to pay 100 % of the ordinary wage according to the leave days(Max. 2,000,000 KRW, Min. minimum wage) • If ordinary wage is over 2,000,000 KRW, company has to pay for the rest.) 	

How can I apply for miscarriage and stillbirth leave?

Application Process	Prepare documents → Submit to the employment center of jurisdiction in residence or company.
Application period	<ul style="list-style-type: none"> • (When leaves are less than 30 days) Can apply after the leave • (When leaves are 30 days or more) Can apply 1 month after the leave started and claim 30 days at a time • Salaries for miscarriage and stillbirth disappears after 1 year when not claimed
Documents	<ul style="list-style-type: none"> • Confirmation for miscarriage and stillbirth leave • Application of salary for miscarriage and stillbirth leave • Documents confirming the ordinary wage(payload statement or else) • When received money or goods during the leave, documents confirming the reception. • Medical diagnosis certificate confirming miscarriage or stillbirth.(pregnant period must be written)

Relevant legal provisions

- LABOR STANDARDS ACT article 74 and 110
- ENFORCEMENT DECREE OF THE LABOR STANDARDS ACT article 43
- EMPLOYMENT INSURANCE ACT article 75 and 76
- ENFORCEMENT DECREE OF EMPLOYMENT INSURANCE ACT article 101
- ENFORCEMENT RULE OF EMPLOYMENT INSURANCE ACT article 121, 122 and 123
- EQUAL EMPLOYMENT OPPORTUNITY AND WORK-FAMILY BALANCE ASSISTANCE ACT article 18

○ Maternity leave

Use maternity leave!

According to THE LABOR STANDARDS, pregnant woman has right to use 90 days of maternity leave(must use 45 days or more after the birth). When carrying multiple fetus, pregnant woman has right to use 120 days of maternity leave(must use 60 days or more after the birth).

- Employer who did not grant maternity leave : Can be fined up to 20,000,000 KRW or sentenced not more than 2 years in prison.

Q The end of my maternity leave is 30 days after childbirth because the baby came out later than scheduled date. Can I still use the 45 days of leave after giving birth?

A Even the total leave excess 90(120) days, 45(60) days after the birth MUST be secured. However, excess days of leave can be unpaid leave depending on employer's decision.

Can I use maternity leave during the early stage of pregnancy?

Among 90 days(120 days for multiple fetus), 44 days(59 days for multiple fetus) of maternity leave can be used in advance with certain exceptions.

[44 days + 1 day of birth + 45 days = 90 days / 59 days + 1 day of birth + 60 days = 120 days]

- Exceptions
- ① When a pregnant woman has experienced miscarriage/stillbirth before.
 - ② At the age of 40 or more when applying for maternity leave.
 - ③ When submitted medical diagnosis certificate stating the risk of miscarriage/stillbirth.

Continuous or split use is possible, which does not limit the number of times. However, application must be submitted everytime when using splitted maternity leave.

(May need medical diagnosis certificate)

Can I use maternity leave? I am not a permanent employee.



Every pregnant employee is eligible for maternity leave.

Your employment status and/or working period are not relevant to this matter.

Will the salary be same during maternity leave?

On a monthly basis of ordinary wages, 60 days are provided by employers and 30 days by employment insurance.

Index	Benefits for maternity leave	
Basis for benefit calculation	Ordinary wage for a month(Should be equal to minimum wage when ordinary wage is lower than the minimum)	
Days of leave	First 60 days (multiple fetus 75 days)	30 days after birth (multiple fetus 45 days)
Conglomerate	Employer has to pay	
Small and mid-sized company	<ul style="list-style-type: none">• Employment insurance pays• If ordinary wage is over 2,000,000 KRW, company has to pay for the rest.• If qualifying days in covered employment are less than 180 days, company has to pay 100% of the ordinary wage.	Employment insurance pays (Max. 2,000,000 KRW, Min. minimum wage)

What happens if a fixed-term employee's term of contract expires while using maternity leave?

If term of contract expires during maternity leave, the leave expires at the same time. Since the leave expired, benefit paid by the employment insurance shall be stopped.

However, current law will be changed from July 1st, 2021.

Fixed-term employee who is already on the maternity leave during July 1st, 2021 or plan to use maternity leave after July 1st, 2021, can receive all benefit paid by employment insurance.

Any employee can receive maternity leave benefits covered by the employment insurance?

Where maternity leave is eligible for all pregnant employees, **maternity leave benefits are only eligible for those whose qualifying days in covered employment are over 180 days.**

How can I apply for maternity leave benefits?

Application Process	Prepare documents → Submit to the employment center of jurisdiction in residence or company.
Application Cycle	Every 30 days or collectively claim after returning to work
Application period	<ul style="list-style-type: none">• Can apply after 1 month of maternity leave• Must apply before 1 year from the end of maternity leave
Documents	<ul style="list-style-type: none">• Confirmation for maternity leave• Application for maternity leave benefits• Documents confirming the ordinary wage(payload statement or else)• When received money or goods during the leave, documents confirming the reception.

Working mom
can do breast
feeding too!



- Employer has to give paid break time for breast feeding when requested by female employee who has baby younger than 1 year old.(should be 2 times a day, more than 30 minutes each)
- Break time can be 1 hour per 1 day or other way upon discussion.



- ① Female employee can use the break to pump and preserve milk to feed baby after work.
- ② It's also possible to get to work one hour late or get off work one hour early by discussing with the employer.

Employer fired me because of using maternity leave!

During the maternity leave and after 30 days from leave, employer cannot fire an employee for any reasons.

When fired for using maternity leave, an employee can **request for remedy from unfair dismissal from the Labor Relations Commission, or can appeal to Ministry of Employment and Labor.**

If you have been treated unfairly such as experiencing dismissal or resignation for using maternity leave, please consult with 'Rescue team for working mom's right'

We can help you how to handle the conflict and claim your rights.

- Employers who fired employee during(or within 30 days after returning) maternity leave or miscarriage and stillbirth leave can be sentenced not more than 5 years in prison or up to 50,000,000 KRW in fines.

My work changed after returning from maternity leave!

Employer **has to return employee with same amount of salary and same level of work.**

If not, consult with 'Rescue team for working mom's right'

We can help you how to handle the conflict and claim your rights.

- Employer who did not pay same amount of salary or same level of work to employee returned from maternity leave can be fined up to 5,000,000 KRW.

Relevant legal provisions

- LABOR STANDARDS ACT article 23, 28, 74, 75, 107, 110 and 114
- EMPLOYMENT INSURANCE ACT article 75 and 76
- ENFORCEMENT DECREE OF EMPLOYMENT INSURANCE ACT article 101
- ENFORCEMENT RULE OF EMPLOYMENT INSURANCE ACT article 121, 122 and 123
- EQUAL EMPLOYMENT OPPORTUNITY ACT article 18

○ Paternity leave

Use paternity leave!



An employee can use up to 10 days of leave for spouse's labor.

- **Candidate** : An employee who's spouse is scheduled for labor or less than 90 days after labor.
- **Duration** : 10 days
- **Partial use** : Can use partially up to 1 time within 90 days from spouse's labor.
- **How to apply** : Submit document to employer
- **Document** : Application of paternity leave



Employer can request document proving spouse's labor.

- Q** Does paternity leave(10 days) includes holidays?
- A** Paternity leave does not includes holidays. 10 days can be used during work days.
- Q** Can a temporary agency worker use paternity leave?
- A** Any male employee who has spouse before/after labor can use paternity leave regardless of employment status.(temporary/fixed term employees, company hiring less than 5 employees and etc)

Do I get benefit during paternity leave?

Paternity leave	First 5 days	Rest 5 days
Conglomerate	Employer pays 100% of ordinary wage	Employer pays 100% of ordinary wage
Small and mid-sized company	<ul style="list-style-type: none">• Employment center pays 100% (Max. 382,770 KRW, Min. minimum wage)• If ordinary wage for 5 days is more than 382,770 KRW, company has to pay for the rest.	

How do I apply for paternity leave benefit?

Application Process	Prepare documents → Submit to the employment center of jurisdiction in residence or company.
Application period	Must apply before 1 year from the end of paternity leave.
Documents	<ul style="list-style-type: none"> • Confirmation for paternity leave • Application for paternity leave benefit • Documents confirming the ordinary wage (payroll statement or else) • When received money or goods from employer during the leave, documents confirming the reception.

Have you been treated unfairly due to using paternity leave? Don't worry daddy!

Employer cannot fire or lower the working condition of an employee because of using paternity leave.

When fired for using paternity leave, an employee can **request for remedy from unfair dismissal from the Labor Relations Commission, or can appeal to Ministry of Employment and Labor.**

If you have been treated unfairly such as experiencing dismissal or resignation for using paternity leave, please consult with the 'Rescue team for working mom's right.'

We can help you how to handle the conflict and claim your rights.

- Employers who fired or gave disadvantage to an employee can be sentenced not more than 3 years in prison or pay up to 30,000,000 KRW in fines.
- Employers who did not grant paternity leave or did not pay benefits can be punished by an administrative fine not exceeding 5,000,000 KRW.

Relevant legal provisions

- EMPLOYMENT INSURANCE ACT article 75 and 76
- ENFORCEMENT DECREE OF EMPLOYMENT INSURANCE ACT article 101
- ENFORCEMENT RULE OF EMPLOYMENT INSURANCE ACT article 121, 122 and 123
- EQUAL EMPLOYMENT OPPORTUNITY ACT article 18, 18-2, 37 and 39

Artist & labor provider's maternity benefit

Apply maternity benefit for artist!

An artist can receive benefit from the employment insurance in case of child birth, miscarriage or stillbirth.

Artists who meet all of the following conditions receive maternity benefits from employment insurance.

- Prior to the date of child birth, miscarriage or stillbirth, the total of qualifying days in covered employment must be 3 months or longer as an artist.
- Not to provide labor during the period of payment of maternity benefits and etc.
- Apply within 12 months from the date of child birth, miscarriage or stillbirth.

If not applied within 12 months due to the following reasons, an artist can apply within 30 days when the reason ends.

- ① Natural disaster
- ② Illnesses or injuries of oneself or spouse, or direct ancestor or descendent of oneself or spouse
- ③ Imprisonment or execution of sentences for criminal charges

What is the standard and period of maternity benefit for artists?

Index	Miscarriage/stillbirth					child birth
Standard for benefit	100% of average monthly salary for the previous year, retroactively from the date of child birth or miscarriage or stillbirth(Max. 2,000,000KRW, Min. 600,000KRW)					
Period	Max. 90 days					90 days for single fetus and 120 days for multiple fetus including birth date(It should be arranged after 45 days for single fetus and 60 days for multiple fetus)
	within 11 weeks	12~15 weeks	16~21 weeks	22~27 weeks	after 28 weeks	
	5 days	10 days	30 days	60 days	90 days	

How does an artist apply for artist's maternity benefit?

Application Process	Prepare documents → Submit to the employment center of jurisdiction in residence or company.
Application period	<ul style="list-style-type: none"> • (When leaves are less than 30 days) Can apply after the leave • (When leaves are 30 days or more) Can apply 1 month after the leave started and claim 30 days at a time • Within 12 months from the day of child birth, miscarriage and stillbirth
Documents	<ul style="list-style-type: none"> • Application for artist's maternity benefit • Documents confirming that applicant has not provided labor • (In case of child birth) Medical diagnosis certificate confirming child birth • (In case of miscarriage or stillbirth) Medical diagnosis certificate confirming miscarriage or stillbirth • Document confirming the income during the payment period if labor was provided or self-employed • Documents confirming the reception when received money or goods from company as an artist during the payment period

Apply maternity benefit for labor provider

Labor provider (persons in special types of employment) can receive maternity benefit from the employment insurance! (from July 1st, 2021)

Labor providers who meet all of the following conditions receive maternity benefits from employment insurance.

- Labor provider's scope must be defined by the employment law
- Must be insured by employment insurance
- Must be unable to provide labor due to child birth, miscarriage, or stillbirth
- Must meet conditions written in Enforcement Decree of Employment Law

Labor-provider's range of benefit, period, application process shall to be decided and written in Enforcement Decree and Enforcement Rule of Employment

Relevant legal provisions

- EMPLOYMENT INSURANCE ACT article 77-2 and 77-4
- ENFORCEMENT DECREE OF EMPLOYMENT INSURANCE ACT article 104-5, 104-8 and 104-9
- ENFORCEMENT RULE OF EMPLOYMENT INSURANCE ACT article 125-5 and 125-6

Child care leave

Use child care leave!

Employees who need a leave to raise their young children can use childcare leave.

- **Candidate** : ① Employee who has child less than 9 years old or less than 3rd grade in elementary school
② worked for more than 6 months.
 - **Duration** : Maximum 1 year per 1 child
 - **How to apply** : Submit application to employer 30 days before the leave starts.*
- * Can apply the leave 7 days before when
- ① a child is born earlier than scheduled
 - ② became hard to raise a child due to death, injury, disease, handicapped or divorced from spouse.
- **Document** : Application of child care leave

- Employer who refused to give child care leave can be fined 5,000,000 KRW or less

- Q** My child became 9 years old during the leave. Does that mean my leave is over?
- A** When a child became 9 or 3rd grade in elementary school, you can use the rest of child care leaves. It matters only at the beginning of the leave, your child should be less than 9 or less than 3rd grade.
- Q** Can an employee who's consecutive working days are less than 6 months apply for the leave?
- A** Employee who's consecutive working days are less than 6 month can also use child care leave if an employer approves. However, it does not violates the law if an employer refuses. If your consecutive working days are less than 6 months but your employer approve the leave than you can also receive child care leave benefit. (It only applies to an employee who's qualifying days in covered employment are more than 180 days)

Q I am a contract-base employee. Will my contract extended if I use child care leave?

A Contract employee or temporary agency worker's contract won't be automatically renewed during child care leave. But employer can extend employee's duration for work until the end of child care leave. Extended days will not be counted as contract term so employer does not have an obligation to hire you as a permanent employee.

Each parents can use 1 year per 1 child.

All together, **total 2 years of child care leave is secured for 1 child.**

Can I divide the child care leave? YES!

You can use child care leave **at once or can divide 2 times.**
You can even **extend 1 time** while using the leave.

Extend means you **prolong the leave before the applied child care leave days are over**, and **divide** means **using remaining days after the applied child care leave days are over.**



When calculating annual paid leave, child care leave is considered same as working days.

So when returned from child care leave, your annual paid leave won't be decreased.

Employment Insurance supports benefit to the employees on child care leave.

In order to receive child care leave benefit, 2 requirements must meet.

- ① Must be more than 30 days of using child care leave
- ② Qualifying days in covered employment must be more than 180 days

Benefit is calculated based on the monthly ordinary wage of the first day of child care leave.

Benefit for child care leave	
First 3 months	80% of monthly ordinary wage (Max. 1,500,000 KRW, Min. 700,000 KRW)
Rest months (maximum 9 months)	50% of monthly ordinary wage (Max. 1,200,000 KRW, Min. 700,000 KRW)

Single-parent employees are subject to receive special benefits for child care leave.

Child care leave benefit	
First 3 months	100% of monthly ordinary wage (Max. 2,500,000 KRW, Min. 700,000 KRW)
4~6 months	80% of monthly ordinary wage (Max. 1,500,000 KRW, Min. 700,000 KRW)
Rest months (7months~)	50% of monthly ordinary wage (Max. 1,200,000 KRW, Min. 700,000 KRW)

Receive 'Daddy's month' special benefits

When parents take child care leave sequentially for the same child, second person to use the leave can receive 100% of his/her ordinary wage for first 3 month. **(Maximum 2,500,000 KRW)**

However, during Daddy's months(first 3 months of second person's leave) if both parents' leaves overlap, those overlapping days must not be implied to special benefits.



What's post-payment for child care leave benefit?

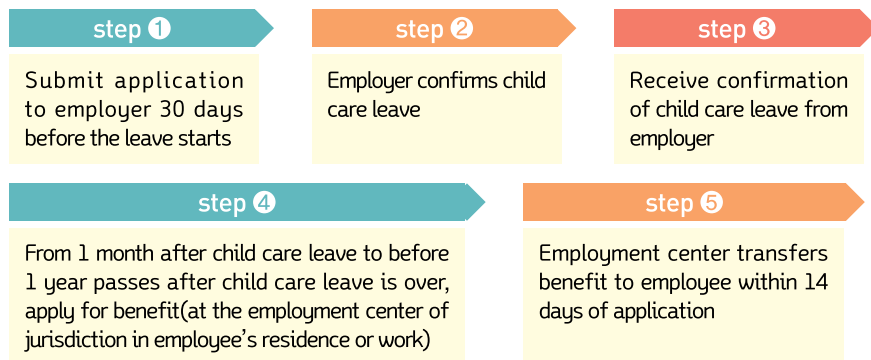
According to the Employment Insurance Act, 75% of child care leave benefits are paid during the leave, and the remaining 25% are paid if an employee has worked for more than 6 months after the leave ends. The remaining 25% of the benefit are called post-payment for child care leave benefit.

For example, if the benefit are 1.2 million KRW per month, during the child care leave only 900,000 KRW are paid monthly. If an employee returns to company and works more than 6 months after the leave, at that point remaining(300,000 KRW X numbers of child care leave months) shall be paid.

However, when employee resigns after using child care leave due to a legitimate reason under Appendix 2 of the Enforcement Rule of the Employment Insurance Act, post-payment for child care benefit shall be paid even if an employee worked less than 6 months after returning.

During the period of "Daddy's Month" and the period of child care leave for single-parent employees, the full amount of child care leave benefit is paid every month without dividing.

Shall we apply for child care leave and benefit?



• Documents

- Application of child care leave
- Application of benefit for child care leave, confirmation of child care leave
- Documents confirming the ordinary wage(payload statement or else)
- When received money or goods from employer during the leave, documents confirming the reception.

Worried about getting fired because of using child care leave? Don't!

- Employers who fired or gave disadvantage to an employee during child care leave can be sentenced not more than 3 years in prison or pay up to 30,000,000 KRW in fines.
- Employer who did not pay same amount of salary or same level of work to employee returned from child care leave can be fine up to 5,000,000 KRW.

If you suffer from using child care leave, consult with 'Rescue team for working mom's right team.'

We can help you how to handle the conflict and claim your rights.

Relevant legal provisions

- EMPLOYMENT INSURANCE ACT article 70
- ENFORCEMENT DECREE OF EMPLOYMENT INSURANCE ACT article 95 and 95-2
- ENFORCEMENT RULE OF EMPLOYMENT INSURANCE ACT article 116, 117 and 118
- EQUAL EMPLOYMENT OPPORTUNITY ACT article 19, 19-4, 37
- ENFORCEMENT DECREE OF EQUAL EMPLOYMENT OPPORTUNITY ACT article 10, 12 and 14

○ Reduction of working hours for period of child care

Use reduction of working hours for the period of child care!

Use reduction of working hours for the period of child care to nurture your child.

- **Candidate** : ① Employee who has child less than 9 years old or less than 3rd grade in elementary school
② and worked for more than 6 months.
- **Duration** : Maximum 2 years(1 year per 1 child + remaining days of child care leave)
- **Reduced hours** : Can work at least 15 hours to 35 hours.
- **How to apply** : Submit application to employer 30 days before the reduction starts.*

* Can apply the leave 7 days before when

- ① a child is born earlier than scheduled
- ② became hard to raise a child due to death, injury, disease, handicapped or divorced from spouse.

- An employer who refuse to allow reduction of working hours can be punished by an administrative fine not exceeding 5,000,000 KRW.

Q Can I work overtime during reduction of working hours?

A Employee can work overtime within 12 hours a week when requested by employee. Employer cannot ask for overtime work. When violated, employer can be fined up to 10,000,000 KRW. When employee asked for overtime work, employer must pay additional 50% of the ordinary wage.

Q Can employer disapprove using reduction of working hours?

A Employer can disapprove for following reasons

1. Where an application is filed by an employee whose continuous work period in the relevant business until the scheduled commencement date of reduction does not exceed 6 months.
2. Where an employer fails to employ a substitute employee in spite of his/her endeavor for at least 14 days to employ a substitute employee after filing an application for an employee with an employment security office.
3. Where it is impracticable, given the nature of the relevant duties, to divide the working hours in performing the duties of an employee who has applied for a reduction of working hours for a period of child care or where such reduction of working hours for a period of child care substantially impedes the normal business operation, which shall be verified by an employer.

Can I divide using reduction of working hours during period of child care?

You can divide using reduction of working hours anytime. It must be 3 months or more when using the reduction of working hours.

Even fixed-term workers with less than 3 months left in the labor contract can use the reduction until the end of the employment contract.

You can decide freely how to use reduction of working hours!

Employee can decide how to utilize reduction or working hours.

Within 15 hours to 35 hours you can choose when to start and finish work.

When applying for reduction of working hours, don't forget to state the starting and finishing hours of daily work.

How will my annual paid leave should be calculated during reduction of working hours?

The calculation method is same as calculating holidays for short time employees.

※ Short time employees' annual paid leave calculation

$$\text{Ordinary employee's annual paid leave days} \times \frac{\text{short time employee's specifically agreed working hours}}{\text{ordinary employee's specifically agreed working hours}} \times 8 \text{ hours}$$



Less than 1 hour is considered 1 hour.

If you are having difficult time calculating annual paid leaves during reduction of working hours, please call Seoul Southwestern Working Mom Support Center! We can help you calculate.

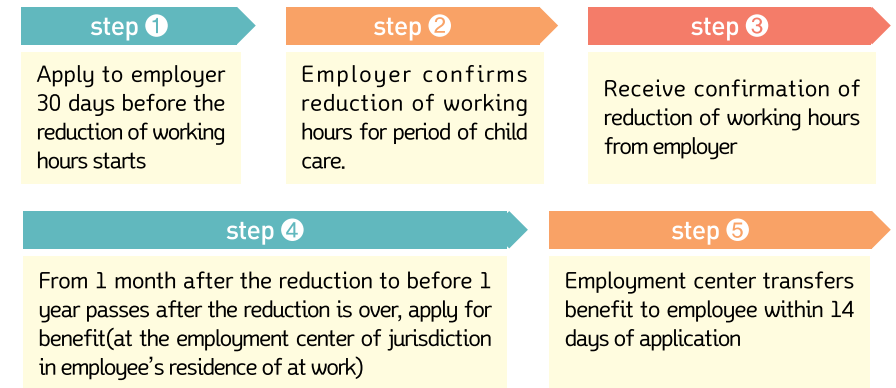


Benefits are supported by the Employment insurance during reduction of working hour for the period of child care.

For employees whose qualifying days of covered insurance are more than 180 days, Employment insurance will support benefits.

Benefit for reduction of working hours		
First 5 hours of reduction per week	100% of ordinary wage calculated at the first day of reduction of working hours (Max. 2,000,000 KRW, Min. 500,000 KRW)	5
Remaining reduced hours per week	80% of ordinary wage calculated at the first day of reduction of working hours (Max. 1,500,000 KRW, Min. 500,000 KRW)	Fixed working hours before the reduction - fixed working hours after the reduction - 5
		specifically agreed working hours before the reduction

Shall we apply for reduction of working hours for the period of child care and benefit?



• Documents

- Application of reduction of working hours for the period of child care
- Application of benefit for reduction of working hours for the period of child care, confirmation of reduction of working hours for the period of child care
- Documents confirming fixed working hours before and after the reduction, documents confirming working conditions such as ordinary wage(contract, payroll, etc)
- When received money or goods during the reduction, documents confirming the reception.

Use reduction of working hours for the period of child care at your ease!

- Employer who fired or gave disadvantage to an employee during reduction of working hours can be sentenced not more than 3 years in prison or pay up to 30,000,000 KRW in fines.

- Employer who did not pay same amount of salary or same level of work to employee—other than the reduced working hour that employee asked for—while using the reduction can be sentenced not more than 3 years in prison or pay up to 30,000,000 KRW in fines.
- When an employer request to work overtime without employee's request of work overtime during reduction of working hours can be fined up to 10,000,000 KRW.
- Employer who did not pay same amount of salary or same level of work to employee after the reduction can be fined up to 5,000,000 KRW
- Employer who did not approve the use of reduction of working hours can be punished by an administrative fine not exceeding 5,000,000 KRW.
- Employer who did not state the status of reduced working condition of the employee can be punished by an administrative fine not exceeding 5,000,000 KRW.

If you suffer from disadvantage from using reduction of working hours, consult with 'Rescue team for working mom's right'.

We can help you how to handle the conflict and claim your rights.

Relevant legal provisions

- EMPLOYMENT INSURANCE ACT article 73-2
- ENFORCEMENT DECREE OF EMPLOYMENT INSURANCE ACT article 104-2
- ENFORCEMENT RULE OF EMPLOYMENT INSURANCE ACT article 116, 117 and 118
- EQUAL EMPLOYMENT OPPORTUNITY ACT article 19-2, 19-3, 19-4, 37 and 39
- ENFORCEMENT DECREE OF EQUAL EMPLOYMENT OPPORTUNITY ACT article 15 and 15-2

Family care leave systems

You can use 90 days of leave to take care of your family!

- **Candidate** : Employees whose grand parents, parents, spouse, parents of spouse, children or grandchildren need to be taken care of due to disease, accident and senility.
- **Duration** : At most 90 days per year(Can divide the leave not less than 30 days at a time)
- **How to apply** : Submit application to employer 30 days before the leave starts.
- **Document** : Application of family care leave



Employer can request a document that proves the need of family care leave.

Q Can employer disapprove my family care leave?

A For following reasons, employer can disapprove your family care leave.

1. When employee's consecutive working days are less than 6 months at the application for the leave
2. (In case when employee applied to take care of his/her parents, children or spouse's parents) When family members other than yourself including parents, children or spouse can look after the family member who needs to be taken care of.
3. (In case when employee applied to take care of his/her grandparents or grand children) When direct ancestor or descendant exists other than yourself.
※ Even if direct ancestor or descendant exists, when they suffer illness, senility, handicapped or underage, employer can not disapprove the leave.
4. When an employer fails to employ a substitute employee in spite of his/her endeavor for at least 14 days to employ a substitute employee after filing an application for an employee with an employment security office.
※ This shall not apply where he/she has rejected employment on at least two occasions without any justifiable reason despite the recommendation for job placement by the head of an employment security office.
5. When a family care leave of a employee substantially impedes the normal business operation, which shall be verified by an employer.

Is there a short term family care leave for taking care of a family member?

- **Candidate** : Employees whose grand parents, parents, spouse, parents of spouse, children or grandchildren need to be taken care urgently due to disease, accident, senility or nurturing child.
- **Duration** : 10 days per year(at most 20 days according to the notification of Ministry of Employment and Labor)
※ Days used as short term family care leave are included in the family care leave
- **How to apply** : Submit application to employer(you can start on the same day you applied)



Employer can request a document that proves the need of short term family care leave.

Q Can employer refuse to give short term family care leave?

A If an employee applies to take care of grand parents or grand children, application can be rejected in the case of other direct ancestor or descendent exist. Employee can still use the leave upon employer's approval, but it does not violates the law even if employer disapproves.

Q Can I use short term family care leave on a date that I wish to go?

A When an employee's short term family care leave substantially impedes the normal business operation, employer can change the date upon discussion. But when it does not affect business operation, employer must approve the date employee applied.

Q Do I get paid during family care leave, short term family care leave and reduction of working hour for the period of family care?

A Family care leave and short term family care leave are unpaid holidays. However, you can get paid according to the actual working hours during reduction of working hour for the period of family care. For family care leaves, Employment insurance does not pay for benefits. Yet, if your company has employment rule or some sort of collective agreement stating the benefit during family care leaves, then you can get paid.

Q Will my severance pay be affected by family care leaves?

A Family care leave, short term family care leave and reduction of working hour for the period of family care will not affect your severance pay. It will be included in your period of continuous service but will be excluded when calculating average wage.

You can reduce working hours for family care!

Implemented after Jan. 01. 2020(company with 300 or more employees)

Implemented after Jan. 01. 2021(company of 30~300 employees)

Implemented after Jan. 01. 2022(company with 30 or less employees)

• Candidate

- ① When an employee cares for his/her family on grounds of their disease, accident, or senility
- ② When an employee cares for himself/herself on grounds of his/her disease, injury due to accident, etc.
- ③ When an employee aged 55 years or older prepares for his/her retirement
- ④ When an employee pursues his/her studies

• **Hours** : Within 15~30 hours a week

• **Period** : Maximum 3 years(1 year + 2 years extended)

(However, extension will not be approve when using family care to pursue studies)

• **How to apply** : Apply to an employer 30 days before the reduced working hour for family care begins.



Employer can request a document that proves the need of reduced work hours for family care.

Q Can employer disapprove using reduction of working hours for family care leave?

A Employer can disapprove for following reasons :

1. When an application is filed by an employee whose continuous work period in the relevant business does not exceed 6 months.
2. When an employer fails to employ a substitute employee in spite of his/her endeavor for at least 14 days to employ a substitute employee after filing an application for an employee with an employment security office.
※ This shall not apply where he/she has rejected employment on at least two occasions without any justifiable reason despite the recommendation for job placement by the head of an employment security office.
3. When it is impracticable, given the nature of the relevant duties, to divide the working hours in performing the duties of an employee who has applied for a reduction of working hours for family care where such reduction substantially impedes the normal business operation, which shall be verified by an employer.
4. When employee applies within in less than 2 years from the last reduction of working hours for family care.

Use family care leave at your ease!



- Employers who fired or gave disadvantage to an employee during family care leave or short term family care leave can be sentenced not more than 3 years in prison or pay up to 30,000,000 KRW in fines.
- Employer who refused using family care or short term family care leaves can be punished by an administrative fine not exceeding 5,000,000 KRW.
- Employers who fired or gave disadvantage to an employee during reduction of working hours for family care can be sentenced not more than 3 years in prison or pay up to 30,000,000 KRW in fines.
- Employer who did not pay same amount of salary or same level of work to employee—other than the reduced working hour that employee asked for—while using the reduced hour for family care can be sentenced not more than 3 years in prison or pay up to 30,000,000 KRW in fines.
- When an employer request to work overtime without employee's request of work overtime during reduction of working hours can be fined up to 10,000,000 KRW.

If you suffer from disadvantage from using family care leave systems, consult with 'Rescue team for working mom's right.'

We can help you how to handle the conflict and claim your rights.

Relevant legal provisions

- EQUAL EMPLOYMENT OPPORTUNITY ACT article 22-2, 22-3, 22-4, 37 and 39
- ENFORCEMENT DECREE OF EQUAL EMPLOYMENT OPPORTUNITY ACT article 16-2, 16-3, 16-7 and 16-8

○ Employer support system

For employers who protect the rights of employees are eligible for receiving 'Incentives for employment security during period of childbirth and child care.'

1. Indirect labor cost will be supported when approving child care leave and other benefits.

Let employee use child care leave or reduction of working hours for the period of child care for more than 30 days.



Keep employees employed more than 6 months after returning from child care leave and other leaves.



Apply for 'Incentives for employment security during period of childbirth and child care' through employment center of jurisdiction within your business.

※ Applied 50% of the incentive every 3 months after 1 month from starting child care leave and the rest should be redeemed at once after 6 months of continuous employment from the finishing date of the leave.



Receive 'Incentives for employment security during period of childbirth and child care' at the employment center.

Categories	Targets	Incentive(per 1 employee)
Child care leave	Enterprise for preferential support	300,000 KRW per month
Reduction of working hours during the period of child care	Enterprise for preferential support	300,000 KRW per month
	Large companies	100,000 KRW per month

※ Additional 100,000 KRW per month are given to the company(enterprise for preferential support) for the first, second and third employee using child care leave and/or reduction of working hours)

2. Subsidies for substitute employees

Have you hired more than 30 days of substitute employee for maternity, miscarriage and stillbirth, maternity leave and etc?

※ Substitute employment is accepted when hired after 60 days of maternity leave and other leaves.

However, when pregnant employee used reduction of daily working hours and continuously used maternity leave or other leaves, substitute employee hired during reduction of working hours during pregnancy can be counted as newly hired employee.



From 3 months before and 1 year after hiring substitute employee, have you not fired or removed position of and employee? Plus, an employee who used leaves has returned and worked more than 30 days?

※ If returning employee voluntarily left company, you are still eligible for the subsidies.



Apply for subsidies to employment center within your business area.

※ Apply 50% of the incentive every 3 months after 1 month from starting of the maternity leave and the rest should be redeemed at once after 1 month of hiring substitute employee.

※ Apply subsidies after 30 days of the beginning of maternity leave and etc. for turn over period.



Receive subsidies for substitute employees at the employment center.

(per 1 employee, per 1 month)

Targets	Subsidies	
	During turn over time	During the leaves
Enterprise for preferential support	1,200,000 KRW	800,000 KRW
Large companies	300,000 KRW	300,000 KRW

※ Subsidies are supported during 2 months of turn over period and period that substitute employee worked during maternity leave or other leaves.

For employers who have reduced the contractual work hours per week at the request of their employees, Employment Insurance provides a work-life balanced job benefit.

3. Work-life balanced job benefit

An employer has to allow employee to use reduction of working hours for the period of family care when following conditions meet.

1. An employee has been working for 6 months or longer and whose contractual work hours exceeded 30 hours per week for 3 months prior to the start date of the reduction of working hours.
2. The reasons for the reduction should be for family care, health of issue of oneself, preparing for retirement and studying etc.



Reduce more than 1 hour of contractual work hours so the total work hours of employee per week should be 15 hours or more to 30 hours of less.(However, when using reduction of work hours during pregnancy, contractual work hours per week should be 30 hours or less according to Labor Standards Act)



Employer should electronically and mechanically record attendance and leave, and ensure that employees' salaries are proportional to or above working hours compared to before the reduced working hours.



Submit documents to the employment center of jurisdiction for work-life balanced job benefit.

Work-life balance job benefit is classified to ① compensation for wage reduction

② Indirect labor costs ③ substitute employee cost.

※ Apply for benefit to the employment center of jurisdiction every month starting either on the day of employee's reduction started or the 1st day of following month after hiring substitute employee.

※ Must apply within 6 month of the day reduction of work hour started

Receive work-life balance job benefit at the employment center.

1. Compensation for wage reduction

Index	Target employees	Contractual work hours after applying	Compensation(Max. 1 year)
All companies	employees	15 hours or more~25 hours or less	Max. 400,000KRW per month
		25 hours or more~35 hours or less	Max. 240,000KRW per month
	Pregnant employees	15 hours or more~30 hours or less	Max. 400,000KRW per month

2. Indirect labor costs

Index	Compensation(Max. 1 year)
Enterprise for preferential support	200,000KRW per month
Mid-sized company	200,000KRW per month

3. Substitute employee cost

Index	Compensation	
	Transferring period (Max. 2 months)	Employment period for substitute employees (Max. 1 year)
Enterprise for preferential support	Max. 600,000 KRW per month	Max. 600,000 KRW per month
Large companies	Max. 300,000 KRW per month	Max. 300,000 KRW per month

Part of the indirect labor costs are provided to employers who have implemented the flexible work system to balance employees' work-life!

4. Support for indirect labor costs among the support for improving the environment for work-family balance

- **Types of flexible work** : flex-time work, selective work, working from home and remote work

Apply for the participation at the employment center of jurisdiction and receive the evaluation and approval by the committee of employment center.



Write a labor contract for flexible work between employees and the employer without unreasonable discrimination against current wages and etc.

- ※ For flex-time and/or selective work, set rules for work hours. For working from home and/or remote work, set rules for work places.
- ※ For selective work, employer has to sign a written agreement with representative of employees and add to office regulation/employment rule.



Have employees use flexible work at least once a week, and conduct time and attendance management in an electronic/mechanical method.

- ※ When the flex-time work, work from home and/or remote work system are implemented, an employee's contractual work hours per week must be in between 35 hours or more~40 hours or less.(when over-time occurred on the day of flex-time work, work from home and/or remote work, support is excluded that day)
- ※ When the selective work system is implemented, set a settlement period for less than 1 month, and the average contractual work hours per week for employees must be in between 35 hours or more~40 hours or less.(the average overtime per week is over 12 hours, support is excluded for those period)



Apply for the support for improving the environment for work-family balance at the employment center of jurisdiction.

- ※ Employer should apply for the support every month at the Employment center of jurisdiction from the next month of flex-time work occurred.



Receive support for improving the environment for work-family balance at the employment center.

Type	Weekly support	
	Use 1~2 times a week	Use more than 3 times a week
flex-time work, work from home, remote work	50,000KRW	100,000KRW
Selective work	100,000KRW	

- ※ Given only to enterprises for preferential support and mid-sized companies for Max. 1 year.



Seoul Southwestern Working Mom Support Center



SEOUL METROPOLITAN GOVERNMENT

File a report to
'Rescue team for working mom's right'
about companies who refuse to give maternity/child care leaves to employees.

On behalf of working moms and dads, 'Rescue team for working mom's right' appeals to Ministry of Employment and Labor, requests relief to Labor Council and requests special labor inspector. We support working moms and dads who live and/or work in Seoul city.

In house counseling

312 Ho, Gasan W center,
181, Gasan digital 1-ro,
Geumcheon-gu, Seoul

Online counseling

Web site
www.gworkingmom.net

Kakao talk counseling

Kakao Talk Channel
'서남권직장맘지원센터'



Phone counseling

02)852-0102

File report
when

- Asking pregnant employee to work overtime, night time or on holidays.
- Fired for using maternity/child care leaves
- Salary has decreased after using maternity/child care leaves
- Disapproved from using reduction of working hours during pregnancy or Child care period.

We support working mom's continuous work

Free counseling



Phone

02)852-0102



In house

312 Ho, Gasan W center, 181,
Gasan digital 1-ro, Geumcheon-gu, Seoul



Online

www.gworkingmom.net



Visiting
service

Available for working mom
who can't visit the center due
to pregnancy and childbirth



Kakao talk

Search '서남권직장맘지원센터'

※ Counseling services are only available in Korean language



Counseling
hours

- Monday~Wednesday, Friday 10:00~17:00
- Thursday 10:00~20:00
- Lunch 12:00~13:00



**Seoul Southwestern
Working Mom Support Center**



Seoul Southwestern Working Mom Support Center is jointly operated by Seoul city
and Women Labor Law Support Center