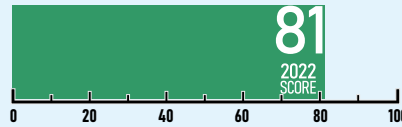


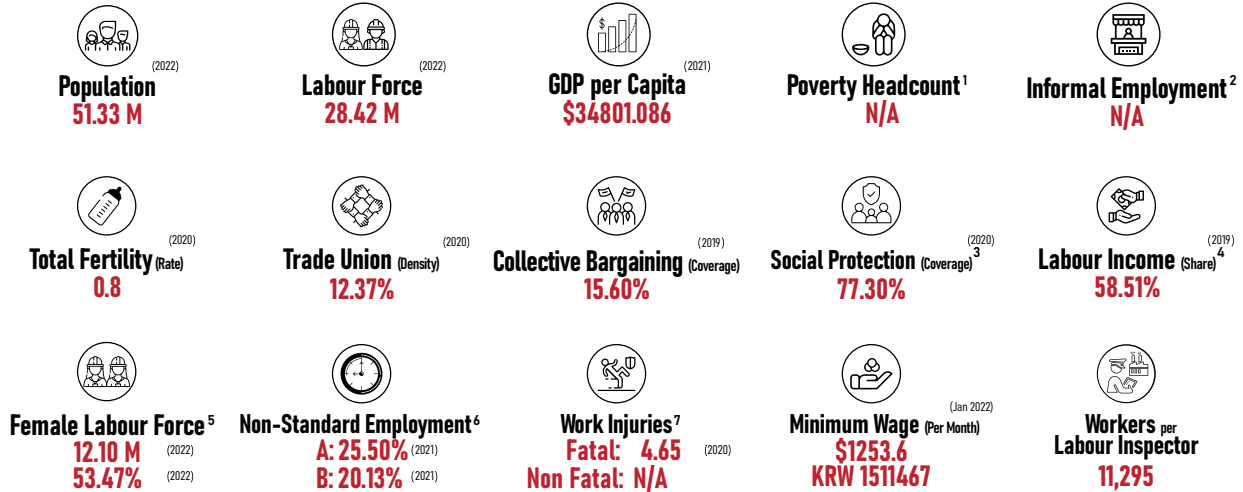


Republic of Korea



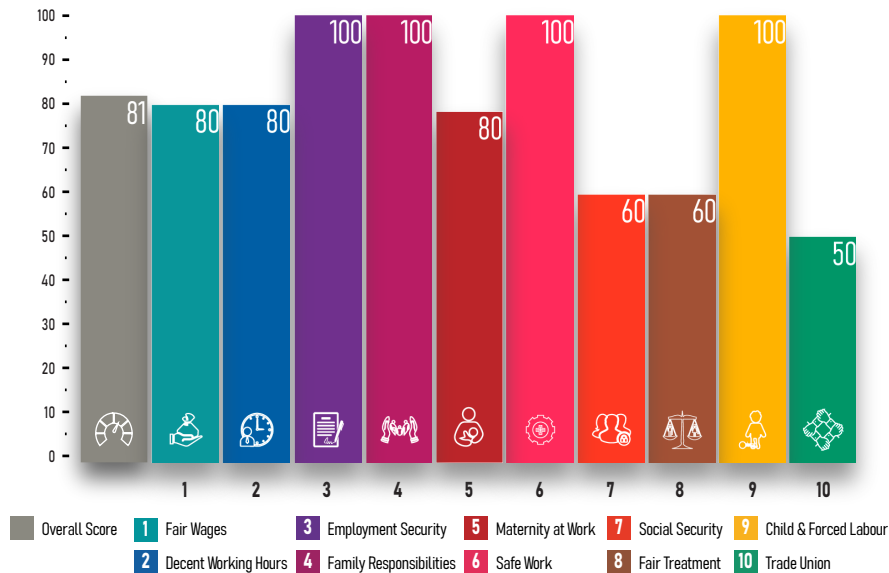
75.5 2020 SCORE
East Asia
High income
Approaching Decent Work
LRI RATING

Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

The Republic of Korea's overall score is 81 out of 100. The overall score for the Republic of Korea is higher than the regional average observed across East Asia (76.75). Within the Eastern European region, the highest score is observed for Mongolia (82.5).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§ 4-11 of the Minimum Wage Act, 1986	●
	Does the law require regular payment of wages?	Yes	§02, 08, 10, 28 & 31 of the Minimum Wage Act, 1986; §2(1), 43(1 & 2) & 45 of the Labour Standards Act, 1997	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§56 of the Labour Standards Act, 1997	●
	Does the law require additional compensation for working on a weekly rest day?	No	§56 of the Labour Standards Act, 1997	●
2. Decent Working Hours	Does the law require additional compensation for night work?	Yes	§56 & 57 of the Labour Standards Act, 1997	●
	Does the law stipulate general working hours as 48 hours or lower?	Yes	§50-53, 57 and 59 of the Labour Standards Act, 1997	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§53(1) of the Labour Standards Act, 1997	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§55 of the Labour Standards Act, 1997	●
	Does the law require paid public holidays?	Yes	§55 of the Labour Standards Act, 1997; Establishment of Labour Day Act, 1994	●
3. Employment Security	Does the law require at least three working weeks of paid annual leave?	No	§60-62 of the Labour Standards Act, 1997; §33 of the Enforcement Decree of the Labour Standards Act 1997	●
	Does the law require written employment contracts or at least written employment particulars?	Yes	§17 of the Labour Standards Act, 1997	●
	Does the law restrict the hiring of fixed-term contract workers?	Yes	§17 of the Labour Standards Act, 1997	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	Yes	§16 of the Enforcement Decree of the Labour Standards Act; §77 of the Labour Standards Act, 1997	●
	Does the law require a 30-day notice before contract termination?	Yes	§23-30 & 35 of the Labour Standards Act, 1997	●
4. Family Responsibilities	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§02 & 08-12 of the Employee Retirement Benefit Security Act No. 7379, 2005	●
	Does the law require parental leave for parents?	Yes	§19(1 & 2) of the Act on Equal Employment and Support for Work-Family Reconciliation, 1987	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§18(2) of the Act on Equal Employment and Support for Work-Family Reconciliation, 1987	●
	Does the law require flexible work arrangements for workers with family responsibilities?	Yes	§19-1, 19-2 & 22(3) of the Act on Equal Employment and Support for Work-Family Reconciliation, 1987	●
5. Maternity at Work	Does the law require paid nursing breaks?	Yes	§75 of the Labour Standard Act, 1997; §44(2) & (3) of the Infant Care Act, 2016	●
	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§2 & 7 of the Equal Employment Opportunity and Work-Family Balance Assistance Act, 2016	●
	Does the law require paid maternity leave of at least 14 weeks?	No	§74(1-4) of the Labour Standard Act, 1997; §43 of the Enfor. Decree of the Labour Standards Act, 1997	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§74(1-4) of the Labour Standard Act, 1997; §18 of the Act on Equal Employment and Support for Work-Family Reconciliation, 1987	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§74(1-4) of the Labour Standard Act, 1997; §18 of the Act on Equal Employment and Support for Work-Family Reconciliation, 1987	●
6. Safe Work	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§23(2) of the Labour Standard Act, 1997	●
	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§32 (1 & 2), 33 (1) of the Ordinance of the Occupational Safety and Health Standards, 1981	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§31 (1) of the Ordinance of the Occupational Safety and Health Standards, 1981	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§65 & 74(7 & 8) of the Labour Standard Act, 1997	●
	Does the law provide for employment injury benefit?	Yes	§36-94 of the Industrial Accident Compensation Insurance Act, 1963; ISSA Country Profile for Republic of Korea	●
	Does the law provide for an old age pension?	No	§61 of the National Pension Act, 1986; Basic (old-age) Pension Act, 2007; ISSA Country Profile for Republic of Korea	●
7. Social Security	Does the law provide for a dependants/survivors' pension?	Yes	National Pension Act, 1986; ISSA Country Profile for Republic of Korea	●
	Does the law provide for unemployment benefit?	Yes	§37-69 of the Employment Insurance Act 1993; ISSA Country Profile for Republic of Korea	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	§41-2 of the Act on Prevention and Management of Contagious Disease, 2009	●
	Does the law provide for invalidity benefit?	Yes	National Pension Act, 1986; ISSA Country Profile for Republic of Korea	●
	Does the law require equal remuneration for work of equal value?	Yes	§8(1 & 2) & 37(2) of the Equal Employment and Support for Work-Family Reconciliation Act, 1987	●
8. Fair Treatment	Does the law prohibit sexual harassment in employment?	Yes	§2 & 12-14 & 37(2) of the Equal Employment and Support for Work-Family Reconciliation Act, 1987	●
	Does the law prohibit discrimination in employment matters? ¹⁰	No	§7-11 & 37 (1), Equal Employment and Support for Work-Family Reconciliation Act 1987; §6 & 114, Labour Standards Act, 1997	●
	Does the law allow women to do the same jobs as men?	No	§11, 15 & 32 of the Constitution, 1948; §65 & 72 of the Labour Standards Act, 1997	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	National Pension Act, 1986; ISSA Country Profile for Republic of Korea	●
	Does the law prohibit employment of children?	Yes	§64-70 of the Labour Standards Act No. 5309, 1997	●
9. Child and Forced Labour	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§8 of the Framework Act on Education, 1997; §12-13 of the Elementary and Secondary Education Act, 1997	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	Labour Standards Act No. 5309 of 1997; Juvenile Protection Act 1997	●
	Does the law prohibit forced labour?	Yes	§7 & 8 of the Labour Standards Act No. 5309, 1997; §289-292 of the Criminal Act, 1953	●
10. Trade Union	Does the law allow workers to form and join unions of their own choice?	No	§33, Constitution 1948; §2, 5 & 10-28, Trade Union and Labour Relations Adjustment Act No. 5310, 1997	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	§33, Constitution 1948; §29-36, Trade Union and Labour Relations Adjustment Act No. 5310 of 1997	●
	Does the law provide for the right to strike?	No	§33, Constitution 1948; §37-46 & 71, Trade Union and Labour Relations Adjustment Act No. 5310, 1997	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§33 of the Constitution, 1948; §43 of the Trade Union and Labour Relations Adjustment Act No. 5310, 1997	●

Covid 19 and Labour Market in Republic of Korea*

Total Covid Cases	18.94 Million
Total Covid Deaths	24,777
Partial Vaccinated	87.0%
Fully Vaccinated	86.0%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✓
Paid Sick Leave	✓
Add. Unemployment Benefits	✗

Protection from Dismissals	✗
Telework/flexible work	✓
Improved Health Access	✗
Training (activation measures)	✓

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). No score is available for the Republic of Korea on SDG 8.8.2

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change