

In case that employer doesn't want to apply for IAI

IAI does not depend on the business owner's choice. It is their duty to apply for this. You can apply for IAI to KCOMWEL in person, KCOMWEL will deal with this.

※ No matter what is your status is, IAI covers all workers. Even you're unregistered migrant workers.

Layoff during the period of treatment

In the middle of treatment the employer can't fire the employee, and also after 30 days of this, he/she cannot fire the worker. But, the termination of contract between worker and the employer, he/she can force worker to leave.

Forced deportation from Korea

Undocumented Migrant Worker cannot be deported during the medical treatment period. After you get the approval for your compensation, you can go to Immigration Office to apply for G-1 visa and you can stay with G-1 visa and get proper treatment.

※ Required documents : 통합신청서(신고서)[별지 제34호 서 (application form of immigration office), passport, standard photo, a fee, 산재보상심사청구서(application of KCOMWEL), medical certificate, etc.

The claim for damage by Industrial accident.

Worker can pursue civil action against the employer to claim damage and compensation for the accident.

Busan Foreign Workers Support Center
is open to all migrants



Contact Numbers

English	051) 304-4721
Chinese	051) 304-4722
Vietnamese	051) 304-4723
Indonesian	051) 304-4724
Myanmar	051) 304-4725



Office Hours

Sunday ~ Thursday
9am ~ 6pm

영어

MIGRANT WORKER'S RIGHTS



Busan Foreign Workers
Support Center

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Current Minimum Wage

[Currency : KRW]

Year	per hour	per day (8 hours)	Monthly (209 hours)	Monthly (226 hours)
2015	5,580	44,640	1,166,220	1,261,080
2016	6,030	48,240	1,260,270	1,362,780
2017	6,470	51,760	1,352,230	1,462,220



Overtime Pay, Night Work Pay and Holiday Pay (company with 5 employees or more)

1.5 times regular rate of pay.

- **Overtime work** : Required after 8 hours of work in a day, 40 hours of work in a workweek.
- **Night Work** : 10pm ~ 6am [breaks are not included]
- **Holiday Work** : A weekly holiday (normally Sunday), Labor day and holidays written in the labor contract.

※ Not be enforced on company with less than 5 employees or Agricultural and Dairy Industries.



Annual leave and Annual leave allowance (company with 5 employees or more only)

If you got 80% of attendance in the previous year, you can get 15 days annual paid holiday and additional 1 day in every 2 years working period. Less than 1 year or 80% of attendance, you can use one day paid holiday after you work without absence in a month. If you don't use annual leave, you will get allowance as per unused annual leave. The allowance depends on your ordinary wage.



Severance Pay

If you worked completely 1 year in the company, severance pay is granted to all employees.

※ For E-9, Insurance company (Samsung Fire & Marine Insurance Co., Ltd.) will pay insurance benefit of

Departure Guarantee Insurance when you leave Korea. If the amount of benefit you receive from insurance company is less than the severance pay entitled to receive, the employer have to pay the remaining within 14 days after termination of employment.



Unpaid Wage or Severance Pay

When you haven't received a wage or severance pay in 14 days after your retirement, you should submit a petition to the Ministry of Labor. The labor officer will order your employer to pay your unpaid wage or severance pay. If your employer does not comply with it, he/she will be subject for punishment under the laws and you can file a lawsuit. For lawsuit, you may get some help for free from the local Korea Legal Aid Corporation in each city.

※ As of July 2015, the 소액채당금 system has implemented. If you have filed a suit within 2 years of the day after your retirement and got the favorable judgment, you can get paid maximum 3,000,000 KRW. (Until December 31, 2015, it also apply to workers who file a suit within 3 years)



Changing a Company

Under The Employment Permit System (EPS), migrant workers (E-9) are not allowed to change their workplace freely. However, worker can change the workplace in specific reasons designated in EPS rules and regulations, like layoff, termination or expiration of contract, violation of labor contract, physical and verbal abuse, bankruptcy, 3 months delayed wages, accident on duty, occupational disease, pregnancy, and childbirth, etc. You can change 3 times for first 3 years under EPS, and then 2 times more if the worker is extended for 1 year 10 months. In case of reasons caused by not migrant workers, it is not counted. So in this case, you should make sure that they are not your responsibility.



Injuries at work

If you are employed in a company with 1 employee or more, or construction project worth 20 million won and get injured at work or suffer from occupational disease and worker have to take rest more than 4 days, Industrial Accident Insurance(IAI) can provide treatment and compensation without any reason.

※ Even if the employer does not pay the premium, workers are eligible to file for workers compensation



Way to apply to the Industrial Accident Insurance(IAI)

Worker should apply to the Korea Workers Welfare Compensation and Welfare Service(KCOMWEL).

※ Required documents : 최초요양신청서(application form), ID card, note by witness, etc.



Industrial Accident Insurance Benefits

Benefits	Contents of compensation
Medical-treatment	More than 4 days of rest because of industrial accident, provide all medical expenses less than maximum range.
Temporary - incapacity	70% of average salary for incapacity to get job by rest.
Injury & disease compensation	More than 2 years of disease period and get incurable disease 1~3 grade provide high quality of insurance benefit instead of temporary incapacity benefit.
Disability	After the treatment, if there is disability (1~14 degree).

※ There are personal care benefit, survivor's benefit, funeral service expenses, occupational rehabilitation salary.