

# SEOUL METROPOLITAN GOVERNMENT FRAMEWORK ORDINANCE ON LABOR

Enactment No. 5664, Mar. 20, 2014  
Amendment of Other Laws No. 5930, May. 14, 2015  
Partial Amendment No. 6181, Mar. 24, 2016  
Partial Amendment No. 6641, Sep. 21, 2017  
Amendment of Other Laws No. 6851, Mar. 22, 2018  
Amendment of Other Laws No. 7044, Mar. 28, 2019  
Partial Amendment No. 7219, Jul. 18, 2019  
Whole Amendment No. 7975, Mar. 25, 2021

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONS The purpose of this Ordinance shall be to enable all laboring citizens of Seoul Metropolitan City to realize their dignity and value as human beings and enjoy a happy life by protecting and promoting their labor rights.

### Article 2 (Definitions)

The terms used in this Ordinance are defined as follows:

1. The term "labor" refers to the work under Article 2 of the Labor Standards Act;
2. The term "laborer" refers to all persons who provide their labor for wages irrespective of types of employment status or agreement, including employees under the labor-related statutes.

### Article 3 (Subjects of Application)

This Ordinance shall be applied to the following:

1. A laborer who works in a business place whose address falls under Seoul Metropolitan City (hereinafter referred to as the "City");  
or
2. A laborer who resides in the City.

### Article 4 (Rights of Laborers)

- (1) A laborer shall have the right to work in a pleasant and safe environment where he/she can protect his/her life and health.
- (2) A laborer shall have the right to a wage and recess to maintain his/her dignity and value as a human being.
- (3) A laborer shall have the right to work with respect for his/her human right and the right to work without discrimination.

### Article 5 (Duties of the Mayor)

- (1) The Mayor of Seoul Metropolitan City (hereinafter referred to as the "Mayor") shall endeavor to protect and promote the rights of laborers.
- (2) The Mayor shall endeavor so that laborers may work for reasonable wages in a pleasant and safe environment where their lives, health, dignity and values could be protected.
- (3) The Mayor shall endeavor to break up from practices in which laborers are discriminated against based on their type of occupation, status of their employment, type of employment agreement, etc. and for laborers to be treated justly.

### Article 6 (Relation with Other Ordinances)

- (1) Where other ordinances are enacted or revised to protect and promote the rights of laborers, they shall be enacted or revised under this Ordinance.

## CHAPTER II FORMULATION AND ENFORCEMENT OF LABOR POLICIES

### **Article 7 (Formulation of the Master Labor Plan)**

CHAPTER II FORMULATION AND ENFORCEMENT OF LABOR POLICIES (1) The Mayor shall formulate and enforce the Master Labor Plan of Seoul Metropolitan City (hereinafter referred to as the "Master Plan") every five years to protect and promote the rights of laborers.

(2) The Master Plan shall include the following:

1. Basic direction and objective of labor policy;
2. Plan to find and promote core tasks by field;
3. Funds for the enforcement of the Master Plan;
4. Investigation, research, education, and counseling of labor; and
5. Other matters that the Mayor recognizes as necessary to protect and promote laborers' rights.

(3) The Mayor may collect citizens' opinions through public hearing, debate, etc., when formulating the Master Plan.

(4) The Mayor shall check and evaluate whether or not to enforce the Master Plan on a regular basis.

### **Article 8 (Annual Implementation Plan)**

The Mayor shall formulate and implement an annual implementation plan based on the Master Plan.

### **Article 9 (Survey)**

The Mayor may conduct a survey, where necessary, to regularly inspect and evaluate the labor status and the implementation of the Master Plan.

### **Article 10 (Projects to Protect and Promote Labor Rights)**

(1) The Mayor may promote the following projects to protect and promote labor rights:

1. A project in accordance with the Master Plan under Article 7;
2. A project to improve a labor environment;
3. A project to support the following: development of social security network for vulnerable labor classes; incomes; and subscription of social insurance;
4. A project to protect and promote workers' rights in special employment types, platform laborers, freelancers, etc.;
5. A project for labor safety and health and prevention of industrial disasters;
6. A project to develop a system in cooperation with organizations, institutions, etc. for labor rights; and
7. Other projects that the Mayor recognizes as necessary to protect and promote labor rights.

(2) The Mayor may consign related corporations, organizations, etc. under the Seoul Metropolitan Government Ordinance on Private Consignment of Administrative Affairs to efficiently promote tasks under paragraph (1) above.

(3) The Mayor may provide the relevant corporations, organizations, etc. that protect and promote the labor rights under paragraph (1) above with all or part of the necessary expenses within a budgetary limit.

### **Article 11 (Education on the Protection and Promotion of Labor Rights)**

(1) The Mayor shall endeavor to develop a labor law education system, such as various educational institutions, facilities, etc. so that laborers could be educated on the protection and promotion of labor rights.

(2) The Mayor shall endeavor to create an administrative culture cognitive of labor so that public officials and employees could be educated on the promotion and protection of rights of laborers.

(3) A head of an organization contributed to or invested in by the City shall endeavor to create an administrative culture cognitive of labor so that his/her employees could be educated on the protection and promotion of laborers' rights.

### **Article 12 (Legal Support)**

The Mayor may provide laborers with the following services: tax counseling; labor counseling; legal counseling related to the right to protection, such as contractual dispute, etc.

### **Article 13 (Installation and Functions of the Labor Right Center)**

(1) The Mayor may install the Labor Right Center of Seoul Metropolitan City (hereinafter referred to as the "Center") to enforce a labor policy and protect and promote the rights of laborers.

(2) The Center shall perform the following:

1. A labor survey and an R&D policy;
2. Legal and educational support for laborers' rights;
3. An activity to improve and promote labor awareness;
4. A project to improve labor conditions of vulnerable laborers, such as part-time laborers, low-wage laborers, etc.;
5. A project for labor safety and health and prevention of industrial disasters;
6. A policy support for the comprehensive support center by regions and autonomous Gus;
7. A project to develop a system in cooperation with organizations, institutions, etc. for labor rights; and
8. Other projects that the Mayor recognizes as necessary to protect and promote labor rights.

### **Article 14 (Guidelines for Fair Trade)**

(1) The Mayor may develop and distribute the Fair Trade Guidelines (hereinafter referred to as the "Fair Trade Guidelines") for laborers, including standard agreements by the type of business, to protect labor rights, improve citizens' status, and guarantee contractual rights.

(2) The Mayor may have the City and public corporations, public agencies, invested and contributed organizations of the City (hereinafter referred to as the "Affiliated Organizations") follow the Fair Trade Guidelines under paragraph (1) above and recommend heads of private businesses, organizations, associations, etc. to apply the Fair Trade Guidelines.

(3) The Mayor may request the City and the Affiliated Organizations to enter into a service agreement or subsidized private businesses, organizations, associations, etc. to follow the Fair Trade Guidelines.

### **Article 15 (Labor Investigators)**

(1) The Mayor may appoint labor investigators (hereinafter referred to as "Investigators") to protect and promote the rights of laborers.

(2) 5 or less investigators that fall under any of the following subparagraphs shall be employed as a public official with a term of office:

1. An attorney-at-law or a public labor attorney who has worked in relevant fields with a practicing certificate; or
2. A person who has worked for 5 years or more in a labor-related international organization, state or local government, public institution, research institute, labor department of a private business, a labor union, etc. and is recommended by labor organizations.

(3) Investigators may investigate any violation of the labor-related statutes by the following organizations and recommend to rectify such violation:

1. The City and its administrative agencies;
2. Autonomous Gu (only in the case of affairs delegated by the City and matters that a head of autonomous Gu within Seoul Metropolitan City requests to be investigated under the ordinance of the relevant local government);
3. Affiliated organization of the City; or
4. Other organizations that the City consigns with its tasks.

(4) A head of an organization to be investigated shall actively cooperate on the investigation under paragraph (3) above.

### **Article 16 (Building of Cooperation System)**

The Mayor may build a cooperation system with central administrative agencies, local governments, the related specialized agencies, etc. to efficiently and systematically protect and promote laborers' rights.

### **Article 17 (International Cooperation to Respect Laborers' Rights and Establish an Urban Labor Model)**

(1) The Mayor shall endeavor after international cooperation to respect and promote laborers' rights.

(2) The Mayor may perform the following tasks and provide relevant project expenses to promote international cooperation related to the respect and promotion of laborers' rights:

1. Build a decent job urban council (hereinafter referred to as the "Council") in which urban governments participate from all over the world to plan and promote leading labor policies;

2. Develop and disseminate an urban labor model based on ILO's decent job requirements (hereinafter referred to as the "Decent Job Urban Labor Model");
  3. Promote joint research and projects to build the Decent Job Urban Labor Model;
  4. Develop a program that improves an urban government's capability in labor policy and plan and operate a human exchange program;
  5. Attract and support international organizations that respect and promote laborers' rights (under subparagraph 2 of Article 2 of the Seoul Metropolitan Government Ordinance on the Promotion of International Exchange and Cooperation);
  6. Hold and support an international forum for a decent job city and an international seminar for labor policy; or
  7. Other matters that the Mayor recognizes as necessary for international cooperation to respect and promote laborers' rights.
- (3) The Mayor may provide expenses and human resources necessary to operate a Council secretariat for smooth operation and activity thereof.

## **CHAPTER III LABORERS' RIGHTS PROTECTION COMMITTEE**

### **Article 18 (Installation and Functions)**

CHAPTER III LABORERS' RIGHTS PROTECTION COMMITTEE (1) The Mayor shall install the Seoul Metropolitan Government Laborers' Rights Protection Committee (hereinafter referred to as the "Committee") to deliberate and consult about the major policy that protects and promotes the rights of laborers.

(2) The Committee shall perform the following:

1. Deliberate and consult about the formulation of the Master Plan;
2. Deliberate and consult about an annual implementation plan of the Master Plan;
3. Consult about the laws and policy that have an effect on the rights and interests of laborers; and
4. Consult about the development and operation of a system that protects the rights of laborers.

### **Article 19 (Organization)**

(1) The Committee shall comprise not more than 15 members including 1 chairperson and 1 vice-chairperson. The chairperson and vice-chairperson shall be elected among the members by mutual vote.

(2) Members are commissioned from among the following persons by the Mayor and a labor division head of the City shall become an ex-officio member:

1. Members of the Seoul Metropolitan Council;
2. People with expertise and research experience in the labor field; or
3. A person with expertise and experience, such as working in government agencies relating to labor, civil society organizations, labor organizations, international organizations, etc.

(3) The Committee shall appoint a secretary who is a head of department in charge of labor administration and the protection of laborers.

### **Article 20 (Term of Office)**

(1) A member's term of office shall be 2 years and such member may serve consecutive terms only once.

(2) A term of office of supplementary members shall be the remaining term of office of the preceding member.

### **Article 21 (Exclusion, Recusal, or Avoidance of Member)**

(1) A member who has interests in an agenda related to advice shall be regarded as not qualified to deliberate the relevant agenda.

(2) Where it is difficult to expect that a member would advise and mediate the relevant agenda, a chairperson shall exclude such member from advice of the relevant agenda.

(3) Where a member comes to know that he/she has interests in the relevant agenda, such member shall, for himself/herself, not participate in the deliberation on the relevant agenda.

### **Article 22 (Grounds for Decommissioning Members)**

- (1) The Mayor shall decommission a member, where the member falls under any of the following subparagraphs:
1. Where it is difficult for the member to perform his/her duties due to his/her personal reasons, such as accident, etc.;
  2. Where the member leaks any secret that he/she comes to know in connection with his/her duties;
  3. Where the member has frequently been absent from Committee meetings; or
  4. Where it is determined that the member is ineligible to perform his/her duties due to injury to dignity.

### **Article 23 (Duties of Chairperson)**

- (1) A chairperson shall represent the Committee and supervise the work thereof.
- (2) A vice-chairperson shall aid the chairperson. And where a chairperson cannot perform his/her duties due to unavoidable reasons, a vice-chairperson shall become an acting chairperson.

### **Article 24 (Meetings)**

- (1) Meetings shall be classified into regular meetings and special meetings.
- (2) Regular meetings shall be held twice a year and special meetings shall be convened by a chairperson whenever the chairperson recognizes as necessary or when 1/3 or more registered members request to convene.
- (3) Meetings shall be started when a majority of registered members are present and resolved by vote of a majority of members present.
- (4) All meetings shall be disclosed and the minutes shall be prepared and furnished so that everyone may peruse them; Provided, That where it is improper to disclose due to the nature of the matter, the meeting may not be disclosed or perusal of minutes may be restricted by resolution of the Committee.

### **Article 25 (Subcommittees)**

- (1) The Commission may establish subcommittees, if necessary.
- (2) Members of subcommittees shall be commissioned from among members of the Committee by a chairperson after being deliberated by the Committee.

### **Article 26 (Allowances)**

Allowances and travel expenses may be provided for members present in a Committee meeting within a budgetary limit in accordance with the Seoul Metropolitan Government Ordinance on the Provision of Allowances and Travel Expenses to Committees.

### **Article 27 (Enforcement Rules)**

Matters required to enforce this Ordinance shall be prescribed as rules.

### **Addendum <Ordinance No. 7975, Mar. 25, 2021>**

This Ordinance shall enter into force on the date of its promulgation.