SHIN & KIM
법무법인(유) 세종

COVID-19 & Beyond: Employment Ministry Issues Comprehensive Employers' Guide on Working from Home

As the COVID-19 pandemic continues to evolve in South Korea, many employers are extending or beginning to implement work-from-home ("WFH") options for their employees, or combining remote work and office time.

Changing Workplace Landscape in Korea

Prior to the COVID-19 outbreak, WFH or remote working had not been systematically implemented in the country. As such, specific rules or guidance on WFH were not clearly set out in Korean labor laws or regulations. And in some cases, lack of established precedents have made it difficult for employers to respond with certainty.

In particular, over the last several months, we have received inquiries from many employers on labor & employment law issues that have arisen, or that may arise, from implementing WFH or remote work arrangements, sometimes for the first time in their companies' history.

Government Publishes WFH Manual to Aid Employers

On September 16, 2020, Korea's Ministry of Employment and Labor ("MOEL") issued comprehensive and detailed **guidelines** (the "Manual"), defining "remote work" and how companies should manage their employees, who are working from home. Among other things, the 204-page Manual provides practical guidance on WFH planning and implementation procedures, how to draft relevant WFH policies, guidance on related HR management and legal issues, as well as various illustrative cases.
We believe this Manual will serve as a practical and helpful tool for employers, who have begun – or are about to begin – implementing WFH arrangements.

MOEL's Consulting Program for SMEs

For small and medium-sized enterprises ("SMEs"), the MOEL has established a specific consulting program to provide support for SMEs with their WFH arrangements.
For eligible companies, we recommend that you consider applying for this consulting program. We are also available to answer any questions or provide appropriate support.

Key Implications for Employers

MOEL's comprehensive Manual is expected to answer many employers' questions relating to WFH issues. However, since some of the content in the Manual may seem abstract or somewhat ambiguous from a Korean labor & employment law perspective, employers may benefit from, or require, expert legal advice.

Even if you are an employer, who has been carrying out remote work or WFH arrangements prior to the COVID-19 pandemic, we recommend that you consider reviewing and confirming the various details of your organization's WFH policies and procedures through a customized consultation about your specific situation. This review and discussion may include whether your existing remote work or WFH policies and/or procedures need to be revised in light of the evolving situation, whether employee's consent is required to implement your WFH arrangements, or how to effectively manage attendance and employee performance evaluation under your WFH arrangements.

Contact Us

Should you have any questions or comments about the contents of this newsletter, or if we can assist with your employment & labor needs affecting your business in Korea, please do not hesitate to contact us.

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