Statutory Working Hours

Experts from the Investment Consulting Center tackle your frequently asked questions, one inquiry at a time

Q. What are the statutory working hours?
A. According to the Labor Standards Act, working hours shall not exceed eight hours per day and 40 hours per week.

Additional information
As of April 2013, the 40-hours-per-week policy applies to workplaces with five or more workers. Working hours per day shall not exceed eight hours, with a recess period not counted, and working hours per week shall not exceed 40 hours. In the case of a workplace with less than five workers, the provisions about working hours and holidays stipulated in the Labor Standards Act are not applicable, which leaves it not bound by the obligation to implement a 40-hours-per-week policy in principle.

• Statutory extended working hours
If the concerned parties reach an agreement, working hours may be extended up to 12 hours per week.

* In the case of the types of work listed below, working hours may exceed 12 hours per week through a written agreement reached with the representative of the workers.
  - Transportation, merchandise and storage, finance and insurance
  - Film production and promotion, communication, educational research and investigation
  - Advertising, medical practice and sanitary services, hotels and restaurants, incineration and cleaning services
  - Barber, social welfare services

Extended work wages
Q. How much should a worker be additionally paid for extended work?
A. In the case of extended work exceeding the statutory working hours, workers should be paid 50 percent of the ordinary wages.\(^1\) A workplace applying a 40-hours-per-week policy for the first time can pay 25 percent instead of 50 percent of the ordinary wages for the first four hours of extended work for the first three years.

Additional information
As for night work (10 p.m. to 6 a.m.) and holiday work, workers should be paid their original wages plus an additional 50 percent of their ordinary wages. When the work applies to two or three of the following types of work — night work, extended work or holiday work — workers should be additionally paid for each type of work.

By Sunny Lee, Executive Consultant
amorfati@kotra.or.kr
+82-2-3497-1740

Sunny Lee is a labor consultant working at the Investment Consulting Center, part of the one-stop service offered to foreign investors by Invest KOREA.

1) The term ‘ordinary wages’ means hourly wages, daily wages, weekly wages, monthly wages, or contract wages which are determined to be paid periodically or in lump sum to a worker for his/her prescribed work or whole work. [Art.6 (1), Enforcement Decree of the Labor Standards Act \(^1\)]