

Appendices relating to the Report for the Maritime Labour Convention, 2006

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Appendix 1 Seafarers' Act, Enforcement Decree and Ordinance

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SEAFARERS' ACT

[Enforcement Date 23. Mar, 2013.] [Act No.11690, 23. Mar, 2013., Other Laws
and Regulations Amended]

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purposes)

The purpose of this Act is to maintain order on ships, guarantee and improve the basic life of seafarers and promote the improvement of the qualifications of seafarers by prescribing matters concerning duties, service, standards of labour conditions, employment security, welfare, education and training of seafarers, etc.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. The term "seafarer" means any person who is employed, engaged or works in any capacity on board a ship to which this Act applies. However, those prescribed by the the Presidential Decree shall be excluded;
2. The term "shipowner" means an owner of a ship, or another organization or person, such as manager, agent, bareboat charterer, etc. who has assumed the responsibility for the operation from the owner and who, on assuming such responsibility, has agreed to take over the rights, duties and responsibility imposed on shipowners in accordance with this Act;
3. The term "master" means a seafarer who directs and supervises crew and takes responsibility for the operation and management of a ship;
4. The term "crew" means seafarers working on a ship except a master;
5. The term "officers" means a officer, chief engineer, engineer, chief radio operator, radio operator, chief operating officer and operating officer as defined in subparagraph 3 of Article 2 of the Ship Officer's Act, and other crew prescribed by the Presidential Decree;
6. The term "ratings" means crew other than officers;
7. The term "reserve seafarer" means a seafarer working on a ship but not in service aboard at present;
8. The term "seagoing ship" means a ship other than ships navigating waters

- prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, such as an inland water, waters in harbor areas as defined in subparagraph 4 of Article 2 of the Harbor Act or waters adjacent thereto, etc.;
9. The term "seafarer employment contract" means a contract made for the purpose that a seafarer goes onboard and provides a shipowner with his labour and the shipowner pays wages in compensation for labour;
 10. The term "wages" means wages, salaries and all other money, regardless of its title, paid to seafarers by a shipowner in compensation for labour;
 11. The term "ordinary wages" means hourly wages, daily wages, weekly wages, monthly wages or contracted wages determined to be paid to seafarers regularly and uniformly in compensation for a certain labour or the total labour;
 12. The term "average on-board wages" means the amount given by dividing the total amount of wages paid to a seafarer in the period of his/her boarding before the day when a reason to calculate wages arises (where the period of boarding exceeds three months, referring to the latest three months) by the total number of days of the period of his/her boarding. However, where this amount is smaller than the amount of ordinary wages, ordinary wages shall be deemed the average on-board wages;
 13. The term "monthly fixed pay" means that the owner of a fishing vessel pays a fixed amount monthly to a seafarer of a fishing vessel as wages;
 14. The term "production allowance" means the amount paid to a seafarer of a fishing vessel on the basis of the amount of fishing or a haul of fish, as prescribed by a collective agreement, the rules of employment or Seafarers' employment agreement, as wages paid to a seafarer of a fishing vessel in addition to a monthly fixed pay;
 15. The term "pro rata pay" means the amount apportioned, as wages paid to seafarers of a fishing vessel by the owner of a fishing vessel, from the amount left by deducting the common expenses prescribed by the Presidential Decree from the amount of fishing according to a method of distribution prescribed by a collective agreement, the rules of employment or Seafarers' employment agreement;
 16. The term "hours of work" means hours required of a seafarer to work for a ship;
 17. The term "hours of rest" means hours (excluding short breaks during work) other than hours of work;
 18. The term "maritime affairs and port authorities" means the Minister of Oceans and Fisheries, the administrator of a regional Maritime Affairs and Fisheries

- Office and the head of a maritime affairs office;
19. The term "seafarers' identity document" means a document issued to prove identity of a seafarer according to the Identity Card Convention (185 of 2003) of the International Labour Organization;
 20. The term "seafarer's book" means documents in which the details of boarding service career, certification of qualifications, seafarers employment contract, etc. of a seafarer are stated;
 21. The term "maritime labour certificate" means a document certifying that the labour standards and living standards of a seafarer meet the standards for authentication under this Act and the Maritime Labour Convention 2006 (hereinafter referred to as the "Maritime Labour Convention") as a result of the inspection thereof;
 22. The term "declaration of maritime labour compliance" means a document that proves the measures taken by a shipowner to record the domestic standards implementing the Maritime Labour Convention and observing such standards meet the standards for certification under this Act and the Maritime Labour Convention.

Article 3 (Scope of Application)

- (1) Unless otherwise specifically provided for in this Act, this Act shall apply to seafarers who are in service onboard a ship of the Republic of Korea (including a fishing vessel under the Fishing Vessels Act) under the Ship Act, a bareboat charter of hire purchase foreign ship on condition that she will fly Korean flag and a foreign ship trading only between domestic ports and to the shipowners of such ships; provided, however, that this Act shall not apply to seafarers who are in service onboard any of the following ships and the shipowner of such a ship: *<Amended by Act No. 11188, Jan. 17, 2012; Act No. 11690, Mar. 23, 2013>*
 1. A ship of less than 5 gross tonnage which is not a seagoing ship;
 2. A ship (excluding a tugboat registered under Article 32 of the Harbor Act) sailing only within a lake, river or harbor;
 3. A fishing vessel of less than 20 gross tonnage pertaining to the ships prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries;
 4. A barge under Article 1-2 (1) 3 of the Ship Act; provided, however, that a barge registered to conduct maritime cargo transport business pursuant to Article 24 (1) or (2) of the Shipping Act shall be excluded herefrom.

- (2) The provisions concerning seafarers of this Act shall also apply to a person who embarks on board for practical exercise for the purpose of becoming a seafarer, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 4 (Seafarer Labour Relations Commission)

- (1) The Seafarer Labour Relations Commission shall be established under the control of the Minister of Oceans and Fisheries, as a special labour relations commission under Article 2 (3) of the Labour Relations Commission Act. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Except as expressly provided otherwise for in this Act and the Labour Relations Commission Act, matters necessary for the establishment of the Seafarer Labour Relations Commission (hereinafter referred to as the "Seafarer Labour Relations Commission") under paragraph (1), the title, the location, the area under jurisdiction, the duties concerned, the appointment of members thereof and other matters necessary for the operation thereof shall be prescribed by the Presidential Decree.

Article 5 (Relationship with Other Acts)

- (1) Articles 2 (1) 1 through 3, 3 through 6, 8 through 10, 36, 38, 40, 68, 74, 107 (limited to cases where Articles 8 and 9 are or 40 is violated), 109 (limited to cases where Article 36 is violated), 110 (limited to cases where Articles 10 and 74 are violated) and 114 (limited to cases where Article 6 is violated) of the Labour Standards Act shall apply to labour relations of seafarers.
- (2) The Act on the Development of Workplace Skills of Workers shall not apply to education and training of seafarers.

CHAPTER II DUTIES AND AUTHORITY OF MASTER

Article 6 (Rights to Command and Order)

A master shall command and supervise crew and may give orders necessary to perform his/her duties to those on a ship.

Article 7 (Responsibility for Inspection and Reporting before Departure from Port)

- (1) A master shall conduct an inspection or check prior to departure from a port to ascertain all of the following:

1. whether a ship can withstand the intended navigation or not;
 2. condition of cargo loaded onboard;
 3. preparation and condition of equipment, seafarer manning, food, fuel, etc. adequate for navigation;
 4. other matters prescribed by the Enforcement Ordinance for the safe operation of the ship:
- (2) Master shall submit the result of inspection, etc. under sub-paragraph 1 to the shipowner.
- (3) Master shall request that the shipowner take appropriate action without delay in the case that he/she believes that the result of inspection, etc. under sub-paragraph 1 could be a problem for the intended voyage.
- (4) The shipowner who receives the request from the master under paragraph 3 shall take necessary measures to ensure the safety of the ship and her safe operation. *[Totally amended on Jan. 6, 2015]*

Article 8 (Navigation along Planned Sea Route)

A master shall set sail without delay if he/she has made preparations for sailing, and except for cases where there are unavoidable circumstances, he/she shall sail to the port of arrival along the planned sea route.

Article 9 (Direct Command of Master)

- (1) A master shall command the steering of the ship directly in the cases falling under any one of the following sub-paragraphs: *<Amended on Jan. 6, 2015>*
1. When a ship is entering or leaving a port;
 2. When a ship is passing through a narrow channel;
 3. When a ship is passing through any waters within which marine casualties such as collision, sinking, etc. have occurred frequently;
 4. Other cases, which could cause danger to the ship, prescribed by the Enforcement Ordinance
- (2) Master may allow officers such as chief officer, etc. as set out by Enforcement Decree to command the steering of the ship during his/her hours of rest pursuant to Article 60 (3) except cases falling under paragraph 1. *<Newly introduced on Jan. 6, 2015>*

Article 10 (Duty to Stay on board a Ship)

A master shall not leave his/her ship from the time cargoes are loaded and

passengers start to go onboard until the time all cargoes are unloaded from his/her ship and all passengers leave his/her ship; provided, however, that in cases where there is a special reason that he/she should leave his/her ship, such as abnormal weather conditions, etc., this shall not apply where he/she has appointed a person who is to perform his/her duties on his/her behalf from among officers.

Article 11 (Measures to be Taken when Ship is in Danger)

- (1) Where a ship is in critical danger, a master shall take all the measures necessary to rescue human lives, the ship and cargo. *<Amended on Jan. 6, 2015>*
- (2) A master shall not leave his ship before he takes action to rescue human lives under paragraph 1. *<Newly introduced on Jan. 6, 2015>*
- (3) Paragraphs 1 and 2 shall be mutatis mutandis applicable to seafarers. *<Newly introduced on Jan. 6, 2015>*

Article 12 (Measures to be Taken in Case of Collision of Ships)

When ships collide with each other, the master of each ship shall take all measures necessary to rescue human lives and ships, and inform the counterparty of the name of his/her ship, the shipowner, port of registry, port of departure and port of arrival. However, this shall not apply where a ship under his/her command is in critical danger.

Article 13 (Rescuing Ships in Distress)

When a master comes to know the distress of another ship or airplane, he/she shall take all measures necessary to rescue human lives; provided, however, that this shall not apply to cases prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, such as cases where a ship under his/her command is in critical danger, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 14 (Notification of Abnormal Weather Conditions, etc.)

When the master of a ship prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries is met with concerns that may present hazards to sailing of his/her ship, such as abnormal weather conditions including rainstorm, etc., floating ice, floating or sunken objects, etc., he/she shall notify the master of a nearby ship and the head of a coast guard office of such fact, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries; provided, however, that this shall not apply where the head of a meteorological agency or

coast guard office (in the case of a ship sailing outside of territorial waters of the Republic of Korea, referring to the maritime security agency of the nearest country thereto) has forecasted abnormal weather conditions, such as a rainstorm, etc.<Amended by Act No. 11690, Mar. 23, 2013>

Article 15 (Muster list and Drill)

- (1) A master of a ship which falls into any one of the following subparagraphs shall post the muster list describing the tasks that the seafarer ought to perform in the case of emergencies in a conspicuous place on a ship and conduct drills with those who are aboard, including fire drills, life boat drills, etc. In such cases, seafarer shall participate in drills, performing tasks allocated on the bill. <Amended on Mar. 23, 2013; Jan. 6, 2015>
1. A ship of no less than 500 gross tons; provided, however, that this shall not apply to a ship trading in near coastal waters.
 2. A passenger ship under Article 2 (10) of the Ship Safety Act (hereinafter referred to as "Passenger Ship")
- (2) For all passengers aboard to evacuate in an emergency, a master of a Passenger Ship shall specify the information about emergency signals and locations of muster stations and life-saving equipment, post the evacuation procedures, etc. in easily visible places on the ship, inform passengers on the ship of how to use life-saving equipment to escape in an emergency, and to provide other notifications needed under similar cases. <Newly introduced on Jan. 6, 2015>
- (3) A master shall compensate the seafarer's break time when he/she performs an emergency drill in accordance with Paragraph 1 of this Article. <Amended on Jan. 6, 2015>
- (4) Methods of delivering emergency signalling and time of announcing notification of passenger precautions in an emergency and other information pursuant to Paragraph 2 of this article are prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Newly introduced on Jan. 6, 2015>

Article 16 (Ensuring Safety of Sailing)

In addition to matters prescribed in Articles 7 through 15, the watchkeeping, the prevention of fire on a ship and other matters to be observed by a master for the safety of a voyage shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11690, Mar. 23, 2013>

Article 17 (Burial at Sea)

Where a person aboard a ship dies at sea, a master may bury the deceased body at sea, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 18 (Keeping the Articles Left Behind)

Where a person aboard a ship dies or is missing, except for cases where there are special provisions in Acts and subordinate statutes, the master shall keep the articles left on the ship or take other necessary measures therefor, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 19 (Repatriation of Korean Citizen Residing in Foreign Country)

- (1) When a consul of the Republic of Korea stationed in a foreign country orders a master to repatriate a national of the Republic of Korea, as prescribed by Acts and subordinate statutes, the master shall not refuse such orders without justifiable reasons.
- (2) The bearing of expenses incurred in the repatriation under paragraph (1) and matters necessary for the repatriation shall be prescribed by the Presidential Decree.

Article 20 (Maintenance of Documents)

- (1) A master shall keep the following documents on a ship: *<Amended by Act No. 11690, Mar. 23, 2013>*
 1. A certificate of registry of the ship;
 2. A list of seafarers;
 3. The logbook;
 4. Documents concerning cargoes;
 5. Other documents prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.
- (2) A master shall record and keep a list of seafarers and the logbook, etc. according to the form prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 21 (Reporting on Operation of Ship)

In any of the following circumstances, the master shall report such fact to the competent maritime affairs and port authorities without delay, as prescribed by the

Enforcement Ordinance of the Ministry of Oceans and Fisheries: <Amended by Act No. 11690, Mar. 23, 2013>

1. When a ship collides, sinks, is destroyed or lost, suffers a fire, runs aground, suffers damage to engine, or other marine accident occurs;
2. Where a master comes to know distress of another ship on a voyage (excluding cases where he/she comes to know such distress through wireless communications);
3. Where a ship is engaged in the rescue of human lives or a ship;
4. Where a person aboard a ship dies or is missing;
5. Where a master changes the planned sea route;
6. Where a ship is detained or seized;
7. Where other serious accident happens on a ship.

CHAPTER III MAINTENANCE OF ORDER ON SHIP

Article 22 (Disciplinary Action against Crew)

- (1) Where a crew falls under any of the following cases, a master may take disciplinary action against him/her:
 1. Where he/her fails to obey an official order of his/her superior;
 2. Where he/she leaves a ship without obtaining permission from the master;
 3. Where he/she carries a lethal weapon or narcotics under Article 2 (1) of the Act on Special Cases concerning the Prevention of Illegal Trafficking in Narcotics, etc. onto a ship without obtaining permission from the master;
 4. Where he/she fights, assaults, drinks, causes a disturbance or damages structures intentionally on a ship;
 5. Where he/she neglects his/her duties or interferes with the performance of duties of other crew;
 6. Where he/she fails to go onboard a ship by the time appointed by the master without a justifiable reason;
 7. Where he/she conducts any other act prohibited by a collective agreement, the rules of employment or Seafarers' employment agreement, as an act disturbing order on a ship.
- (2) Disciplinary action shall be admonition, prohibition from taking shore leave and being forced to leave the ship, and the period of prohibition from taking shore leave shall be less than 10 days while a ship is at anchor.
- (3) Disciplinary action of being forced to leave the ship under paragraph (2) shall

be taken only where it is evident that a seaman disturbs order on a ship by an act of violence, etc. or obstructs the sailing of a ship intentionally. In such cases, the master shall inform a shipowner without delay that he/she has taken such disciplinary action.

- (4) Where the master takes disciplinary action against a crew he/she shall first go through a resolution of a disciplinary committee which is comprised of not less than five crew (where the number of crew is less than ten, referring to three crew).
- (5) Matters necessary for the reconciliation and operation of the disciplinary committee under paragraph (4) shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*.

Article 23 (Measures against Dangerous Articles, etc.)

- (1) A person who goes onboard with a lethal weapon, explosives or inflammable articles, toxic substances under the Toxic Chemicals Control Act, or other dangerous articles shall immediately report such to the master.
- (2) A master may take necessary measures, such as maintenance, disuse, etc., against articles falling under paragraph (1).
- (3) When a seaman or any other person onboard intends to conduct an act that is apt to cause harm to human lives or a ship, a master may take measures necessary to prevent such harm.

Article 24 (Requesting Assistance from Administrative Agency)

- (1) When a seaman or any other person onboard does harm to human lives or a ship, or seriously disturbs order on board a ship, the master may request the head of a related administrative agency to give aid to him/her as necessary to maintain order on the ship.
- (2) The head of a related administrative agency upon receipt of a request by the master to give aid under paragraph (1) shall comply with such request.

Article 25 (Restrictions on Actions in Labour Dispute)

Where a ship falls under any of the following cases, no seafarer shall take action in a labour dispute concerning seafarer labour relations: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where a ship is in a foreign port;

2. Where a passenger ship is sailing with passengers onboard;
3. In cases where a ship for exclusive transport of dangerous articles is sailing, where dangerous articles by kind are prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries;
4. Where a ship is sailing under the command of steering by the master, etc. pursuant to Article 9;
5. Where a fishing vessel is conducting a series of fishing operations from the time it casts fishing implements in fishing grounds until the time it completes freezing treatment, etc.;
6. Where other action in a labour dispute concerning seafarer labour relations is apt to do remarkable harm to the security of human lives or a ship.

Article 25-2 (Prohibition of Forced Labour)

A Shipowner and a seafarer shall not force a seafarer to work against his/her own free will through the use of violence, intimidation, confinement, or any other means by which the mental or physical freedom of the seafarer might be unduly restricted.

CHAPTER IV SEAFARERS' EMPLOYMENT AGREEMENT

Article 26 (Contract in Violation of This Act)

Where a Seafarers' employment agreement stipulates the working conditions that fail to meet the standards prescribed by this Act, only such part shall become null and void. In such cases, such null and void parts shall conform to the standards prescribed by this Act.

Article 27 (Clear Statement of Working Conditions)

- (1) Where a shipowner enters into a Seafarers' employment agreement, he/she shall make wages, hours of work and other labour conditions specifically clear to a seafarer. The same shall also apply where he/she changes a Seafarers' employment agreement.
- (2) When a shipowner enters into a Seafarers' employment agreement with a seafarer, where the seafarer wishes, the shipowner shall provide opportunity that the seafarer may review the details of the Seafarers' employment agreement and be provided with advice and suggestions about the same. The same shall also

apply where the shipowner changes a Seafarers' employment agreement.

Article 28 (Violation of Working Conditions)

- (1) Where the working conditions specified in a Seafarers' employment agreement are different from the actual working conditions, a seafarer may cancel the Seafarers' employment agreement and claim damages caused by the violation of the working conditions against a shipowner.
- (2) A seafarer who intends to claim damages pursuant to paragraph (1) may request the Seafarer Labour Relations Commission to ascertain whether a shipowner has violated the working conditions.

Article 29 (Prohibition of Predetermination of Penalty)

No shipowner shall enter into a contract that predetermines a cancellation charge or the amount of damages against the non-fulfillment of a Seafarers' employment agreement.

Article 30 (Prohibition of Compulsory Savings)

No shipowner shall enter into a contract that stipulates compulsory savings or the management of savings annexed to a Seafarers' employment agreement.

Article 31 (Restrictions on Offset)

No shipowner shall offset his/her claim on a seafarer by his/her obligation to pay wages: However, this shall not apply where the amount of offset does not exceed 1/3 of ordinary wages.

Article 32 (Restrictions on Cancellation of Seafarers' employment agreement)

- (1) A shipowner shall neither cancel a Seafarers' employment agreement nor inflict the temporary retirement, the suspension from duty, the reduction of wages or other punishment on a seafarer without a justifiable reason.
- (2) No shipowner shall cancel a Seafarers' employment agreement during any of the following periods; provided, however, that this shall not apply where he/she is authorized by the Seafarer Labour Relations Commission and he/she a lump sum compensation under Article 98, as in cases where he/she is unable to continue to conduct his/her business due to a natural disaster or other unavoidable circumstances:
 1. The period during which a seafarer is not engaged in his work for medical

- treatment of an injury or medical treatment of a disease due to his/her work, and 30 days thereafter;
2. The period during which a female seafarer before and after childbirth is not engaged in her work pursuant to Article 74 of the Labour Standards Act, and 30 days thereafter.

Article 33 (Advance Notice of Rescission of Seafarer employment contract)

- (1) Where a shipowner intends to cancel a Seafarers' employment agreement, he/she shall inform a seafarer of the cancellation of the Seafarers' employment agreement in writing with a period of advance notice of not less than 30 days, and where he/she fails to inform the seafarer of such cancellation, he/she shall pay ordinary wages of not less than 30 days; provided, however, that this shall not apply where a shipowner or seafarer falls under any of the following cases:
 1. Where a shipowner is unable to continue to conduct his/her business due to a natural disaster, sinking or destruction of a ship or other unavoidable circumstances, and where recognition by the Seafarer Labour Relations Commission is obtained;
 2. Where a seafarer leaves a ship without a justifiable reason;
 3. Where a seafarer is submitted to disciplinary measures of forced leave from the ship pursuant to Article 22 (3).
- (2) Where a seafarer intends to rescind a Seafarers' employment agreement, he/she shall inform a shipowner of his/her intention with a period of advance notice of not less than 30 days as stipulated in a collective agreement, the rules of employment or the Seafarers' employment agreement.

Article 34 (Application for Relief from Cancellation without Justifiable Reason)

- (1) Where a shipowner rescind a Seafarers' employment agreement or inflicts temporary retirement, suspension from duty, the reduction of wages or other punishment on a seafarer without a justifiable reason, in violation of Article 32 (1), the seafarer may apply to the Seafarer Labour Relations Commission for the relief therefrom.
- (2) Articles 82 through 86 (excluding Article 85 (5)) of the Seafarers' union and Labour Relations Adjustment Act shall apply mutatis mutandis to an application for relief under paragraph (1), procedures for examination, etc.

Article 35 (Continuance of Seafarers' employment agreement)

- (1) Where a Seafarers' employment agreement is terminated while a ship is out at sea, such contract shall be deemed to continue until the ship enters the next port and unloads all cargoes to be unloaded or lands all passengers who are to leave the ship at the port.
- (2) Where a Seafarers' employment agreement is terminated at a port which is not fit for a shift of boarding and leaving the ship, a shipowner may continue the Seafarers' employment agreement until the ship arrives at a port fit for a shift of boarding and leaving the ship and unloads all cargoes to be unloaded and lands all passengers who are to leave the ship at the port within the extent of not exceeding 30 days.

Article 36 (Special Cases for Termination of Seafarers' employment agreement)

Except for cases by general succession, such as succession, etc., where a shipowner is changed, a Seafarers' employment agreement made with the former shipowner shall be terminated, and from then on, a new Seafarers' employment agreement by and between the new shipowner and the seafarer on the conditions same as those of the former Seafarers' employment agreement shall be deemed to have been made; provided, however, that a new shipowner or seafarer may cancel a Seafarers' employment agreement by informing the cancellation thereof in writing with a period of advance notice of not less than 72 hours.

Article 37 (Unemployment Allowance)

Where a shipowner or seafarer falls under any of the following cases, the shipowner shall pay a seafarer an amount of money equivalent to ordinary wages for two months as an unemployment allowance, in addition to a retirement allowance under Article 55:

1. Where a shipowner cancels a Seafarers' employment agreement though there is no reason imputable to the seafarer;
2. Where a seafarer cancels a Seafarers' employment agreement because the labour conditions stipulated in the Seafarers' employment agreement are different from the actual working conditions;
3. Where a shipowner cancels a Seafarers' employment agreement because he/she is unable to continue to conduct his/her business due to sinking or destruction of a ship, or other extenuating circumstances.

Article 38 (Repatriation)

- (1) Where a seafarer leaves a ship at the port which is not the place of his/her residence or a place where he/she concluded a Seafarers' employment agreement, a shipowner shall repatriate him/her to a place where he/she wishes to be repatriated, either a place of his/her residence or a place where he/she concluded the Seafarers' employment agreement without delay at the cost of the shipowner and on his/her own responsibility; provided, however, that this shall not apply where the shipowner reimburses expenses incurred in the repatriation at the request of the seafarer.
- (2) Notwithstanding paragraph (1), where a seafarer falls under any of the following cases, a shipowner may claim expenses incurred in the repatriation against him/her; provided, however, that the shipowner shall not claim an amount of money equivalent to 50/100 of the expenses incurred in the repatriation of a seafarer repatriated after he/she has worked onboard for six months or more:
 1. Where a seafarer leaves a ship at his/her discretion without a justifiable reason;
 2. Where a seafarer leaves a ship after he/she has been disciplined by being made to leave the ship pursuant to Article 22 (3);
 3. Where a seafarer falls under the reasons prescribed by a collective agreement, the rules of employment or a Seafarers' employment agreement.
- (3) The amount of money to be spent by a shipowner pursuant to paragraph (1) shall include transportation, accommodation, and meals expenses incurred in the repatriation and other expenses prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) In making a Seafarers' employment agreement with a seafarer, no shipowner shall request the seafarer to pay expenses for repatriation in advance.

Article 39 (Repatriation Allowance)

Except for cases where a seafarer falls under any of the subparagraphs of Article 38 (2), a shipowner shall pay the seafarer who left a ship an amount of money equivalent to his/her ordinary wages as a repatriation allowance according to the number of days required for repatriation. The same shall also apply where the shipowner reimburses the expenses for repatriation.

Article 40 (Taking out Repatriation Insurance)

A shipowner prescribed by the Presidential Decree shall take out insurance or become a member of mutual aid as prescribed by the Presidential Decree, in order

to repatriate a seafarer to the place of his/her residence or a place where the shipowner concluded a Seafarers' employment agreement with him/her pursuant to Article 38 (1).

Article 41 (Maintenance of Documents Related to Repatriation)

A shipowner shall carry documents related to Articles 38 through 40 and 42 concerning repatriation and ensure the details related thereto are stated on a ship so that seafarers may read them.

Article 42 (Measures for Repatriation of Seafarers)

- (1) Where a seafarer requests the Minister of Oceans and Fisheries to repatriate him/her because a shipowner fails to perform his/her duty to repatriate him/her under Article 38, the Minister of Oceans and Fisheries shall repatriate the seafarer. In such cases, the Minister of Oceans and Fisheries may claim compensation for the expenses incurred in the repatriation against the shipowner. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Where a foreign seafarer aboard a foreign ship requests the Minister of Oceans and Fisheries to repatriate him/her to his/her country because he/she is deserted in the Republic of Korea, the Minister of Oceans and Fisheries may repatriate the relevant seafarer to his/her country. In such cases, the Minister of Oceans and Fisheries may claim compensation for the expenses incurred in the repatriation against the flag state of the relevant foreign ship. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) The Minister of Oceans and Fisheries shall not charge the expenses incurred in taking measures for repatriation under paragraph (1) or (2) to the seafarer. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) The Minister of Oceans and Fisheries may give an order to detain or detain the relevant ship until the expenses incurred in the measures for repatriation under paragraph (1) or (2) are reimbursed. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 43 (Preparation and Reporting of Seafarers' employment agreement)

- (1) A shipowner who has entered into a Seafarers' employment agreement with a seafarer shall prepare a Seafarers' employment agreement in duplicate in which matters prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries are stated, and keep one copy thereof and give one copy thereof to the seafarer concerned, and report such to the competent maritime affairs and port authorities before the seafarer embarks on board or departs from the

Republic of Korea to go onboard. *<Amended by Act No. 11690, Mar. 23, 2013>*

- (2) In cases falling under paragraph (1), where a Seafarers' employment agreement of the same contents is concluded repeatedly several times, when a shipowner has reported the contents of the Seafarers' employment agreement in advance, he/she may substitute such a report by submitting a document that proves the conclusion of the contract.
- (3) Where a shipowner prepares and reports the rules of employment pursuant to Article 119, a Seafarers' employment agreement prepared according to such rules of employment shall be deemed to have been reported pursuant to paragraph (1).

Article 44 (Official Approval of Seafarer's List)

- (1) A shipowner shall prepare the seafarer's lists for each ship and keep the same on the ship and in an office ashore, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Whenever there is a shift of seafarers' boarding and leaving a ship, a shipowner shall enter such fact and the names of seafarers on the list of seafarers kept on the ship according to the labour conditions of seafarers or the type of operation of the ship, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries; provided, however, that where a shipowner is unable to enter the matters related to a shift on the list of seafarers, a master shall enter the same on behalf of the shipowner. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) Whenever there is a shift of seafarers' boarding and leaving a ship, a ship owner needs to obtain approval for the seafarer's list who are on board a ship trading in near continental waters set out in Article 8 (3) of the Ship Safety Act, excluding the ones by the Presidential Decree, from competent maritime affairs and port authorities (including the approval through the Internet. This shall apply hereunder). In such cases, a master may apply for the approval process on behalf of the shipowner. *<Amended on Jan. 6, 2015>*

Article 45 (Seafarer's book)

- (1) A person who intends to be a seaman shall be issued a seafarer's book from the competent maritime affairs and port authorities, as prescribed by the Presidential Decree; provided, however, that in case of a seaman prescribed by the Presidential Decree, a certificate of good character received from a

shipowner may take the place of a seafarer's book issued, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

- (2) While a seafarer is onboard, he/she shall submit his/her seafarer's book or certificate of good character under paragraph (1) to a master to let him/her keep the same, and where he/she makes a trip to go onboard or leaves a ship, the seaman himself/herself shall keep the same.
- (3) When a shipowner or master obtains official approval of the list of seafarers pursuant to Article 44 (3), he/she shall submit seafarer's books or certificates of good character of crew who go onboard or leave the ship to the competent maritime affairs and port authorities along with the list of seafarers to obtain official approval of boarding or leaving the ship on seafarer's books or certificates of good character, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries; provided, however, that when a shipowner or master does not obtain official approval of the list of seafarers intentionally or is unable to obtain official approval of the list of seafarers for reasons prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, such as unknown whereabouts, etc., a seaman who intends to leave a ship may obtain official approval of a seafarer's book or certificate of good character in person. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) Notwithstanding paragraph 3, the competent maritime affairs and port authorities may waive the approval of a seafarer's book, or identity card, if seafarers' boarding and leaving is approved through the Internet. *<Newly introduced on Jan. 6, 2015>*
- (5) The Minister of Oceans and Fisheries may inspect a seafarer's book in such cases where he/she needs to know about the state of seafarers' employment, whether they carry applicable documents, or other purposes. *<Amended on Mar. 23, 2013; Jan. 6, 2015>*
- (6) Matters regarding the issuance procedures of a seafarer's book shall be prescribed by the Presidential Decree. *<Amended on Jan. 6, 2015>*

Article 46 (Restrictions on Issuance of Seafarer's books)

- (1) The competent maritime affairs and port authorities may refuse to issue a seafarer's book to a person who falls under any of the following cases:
 1. A person whose identity is unclear;
 2. A person who falls under any of the subparagraphs of Article 76 (1) of the Military Service Act;

3. A person notified by an investigation agency as a person under investigation.
- (2) Where the competent maritime affairs and port authorities deems it necessary in issuing a seafarer's book, it may issue a seafarer's book with the limited ship a seaman may go onboard or the limited area he/she may go onboard, or with the fixed period of validity, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 47 (Invalidation of Seafarer's book)

A seafarer's book that falls under any of the following cases shall lose effect:*<Amended by Act No. 11690, Mar. 23, 2013>*

1. A seafarer's book of a seaman who fails to go onboard within five years (excluding the period recognized by the Minister of Oceans and Fisheries, such as the period of military service) from the date the seafarer's book is issued or the date he/she leaves a ship;
2. A deceased seafarer's book;
3. Where a seafarer's book is reissued, the former seafarer's book.

Article 48 (Seafarers' Identity Document)

- (1) A seafarer who intends to go onboard a ship to enter or depart from a foreign port (only applicable to a seafarer who is a citizen of the Republic of Korea) shall be issued a seafarer's identity document from the competent maritime affairs and port authorities, as prescribed by the Presidential Decree.
- (2) Notwithstanding paragraph (1), a person prescribed by the Presidential Decree as a foreigner who goes onboard a ship under the main sentence of Article 3 (1) and a seafarer who is a citizen of the Republic of Korea and goes onboard a foreign ship may be issued a seafarer's identity document, as prescribed by the Presidential Decree.
- (3) The period of validity of a seafarer's identity document shall be 10 years from the date of issuance.
- (4) Articles 46 (1) and 47 shall apply *mutatis mutandis* to restrictions on the issuance and invalidation of a seafarer's identity document. In such cases, a "seafarer's book" shall be deemed a "seafarer's identity document".
- (5) Except in cases where a master keeps a seafarer's identity document with a seafarer's written consent as necessary for the maintenance of security, a seafarer shall carry his/her seafarer's identity document.
- (6) In relation to the process of production, maintenance and issuance of seafarer's

identity documents, their database and information systems, etc., the Minister of Oceans and Fisheries shall prepare the standards for evaluation on the quality of protection of personal information and the condition of security equipment, etc., and evaluate the same every five years. <Amended by Act No. 11690, Mar. 23, 2013>

- (7) Matters necessary for standards of seafarer's identity documents, the contents recorded therein and procedures for the issuance thereof shall be prescribed by the Presidential Decree.

Article 49 (Re-Issuance of Seafarer's book, etc.)

A person who has been issued a seafarer's book or seafarer's identity document may be reissued either of them where he/she loses either of them, he/she is unable to use either of them because of wear and tear, or in other cases prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11690, Mar. 23, 2013>

Article 50 (Prohibition of Lending and Unjust Use of Seafarer's book)

A seafarer shall not use a seafarer's book or seafarer's identity document unjustly or lend either of them to another person.

Article 51 (Issuance of Certificate of Seagoing Service)

Upon receipt of a request to issue a certificate of work experience onboard by a seafarer, a shipowner or master shall immediately issue such certificate to the seafarer.

CHAPTER V WAGES

Article 52 (Payment of Wages)

- (1) A shipowner shall pay wages in full in currency directly to a seafarer; provided, however, that where there are special provisions in Acts and subordinate statutes or a collective agreement, he/she may deduct part of wages or pay wages by means other than currency.
- (2) A shipowner shall pay wages on a regular fixed date not less than once a month; provided, however, that this shall not apply to payments prescribed by the Presidential Decree, such as wages paid temporarily, an allowance, and others corresponding thereto.

- (3) Notwithstanding paragraph (1), where a seafarer requests or there are special provisions in Acts and subordinate statutes or a collective agreement, a shipowner shall pay all or some of wages to his/her family or other person designated by him/her in currency or by means of deposit with a financial company, etc.
- (4) Notwithstanding paragraph (1), where a seafarer working onboard requests, a shipowner shall have a master pay some of the wages to a seafarer directly in currency in common use in the port of call.
- (5) Where wages are calculated by days, 30 days shall be regarded as one month.

Article 53 (Payment before Due Date)

Where a seafarer requests a shipowner to pay wages to make up for expenses incurred in childbirth, disease or accident of a seafarer or his/her family, or other extraordinary cases prescribed by the Presidential Decree, the shipowner shall pay him/her for labour he/she has already provided even before the due date of payment of wages.

Article 54 (Wages of Seafarer in the Service of the Ship During Injury or Illness)

Even if a seafarer working onboard is unable to perform his/her duties due to injury or illness, during a period he/she is in the service of the ship, a shipowner shall pay such wages as if he/she performs his/her duties to a seafarer other than fishers, and pay ordinary wages to fishers; provided, however, that this shall not apply where the Seafarer Labour Relations Commission deems such an injury or illness to be caused by his/her intention.

Article 55 (Retirement Allowance System)

- (1) Where a seafarer whose period of continued service is not less than one year retires, a shipowner shall prepare a system that pays an amount of money equivalent to average wages onboard for the service of 30 days per annum for the period of continued service as a retirement allowance; provided, however, that this shall not apply where a shipowner puts a system substituting a retirement allowance system by a collective agreement or Seafarers' employment agreement into operation with approval from the Seafarer Labour Relations Commission within the extent of not lower than such level.
- (2) When a shipowner puts a retirement allowance system under paragraph (1) into operation, if a seafarer requests, the shipowner may settle exactly a retirement

allowance for the period of the continued service of such a seafarer in advance before he/she retires. In such cases, the period of the continued service for the calculation of a retirement allowance after the settlement shall be calculated from the time of settlement..

- (3) Where a shipowner calculates a retirement allowance, when he/she calculates the period of the continued service of a seafarer whose period of the continued service is not less than one year, for a period less than one year, he/she shall regard less than six months as six months, and not less than six months as one year; provided, however, that when he/she calculates the period of continued service to settle exactly a retirement allowance in advance pursuant to paragraph (2), a period less than one year shall be excluded herefrom.
- (4) Notwithstanding paragraph (3), where the calculation of the period of continued service is prescribed otherwise by a collective agreement or the rules of employment, the same shall apply thereto.
- (5) A shipowner shall pay an amount of money equivalent to average wages onboard for the service of 20 days to a seafarer whose period of continued service is not less than six months but less than one year and who retires because his/her Seafarers' employment agreement expires or is cancelled for reasons not imputable to him/her.

Article 56 (Taking out Insurance Guaranteeing Wage Claims)

- (1) A shipowner (including an association of shipowners; hereafter in this Article the same shall apply) shall take out insurance or become a member of mutual aid prescribed by the Presidential Decree, or raise funds to guarantee the payment of wages and retirement allowance not receivable by a retired seafarer (hereinafter referred to as "outstanding wages") for reasons prescribed by the Presidential Decree, such as a shipowner's bankruptcy, etc.; provided, however, that this shall not apply to a shipowner who is subject to funds to guarantee the payment of outstanding wages of seafarers in accordance with other Acts.
- (2) An insurance, mutual aid or funds under paragraph (1) shall guarantee the payment of outstanding wages falling under all of the following subparagraphs at least:
 1. Wages for the latest three months under Article 52;
 2. A retirement allowance for the latest three years under Article 55.
- (3) Notwithstanding Article 469 of the Civil Act, where a retired seafarer claims outstanding wages, an insurer, mutual aid or operator of funds under paragraph

- (1) shall pay outstanding wages in lieu of a shipowner.
- (4) An insurer, mutual aid or operator of funds who has paid outstanding wages to a seafarer pursuant to paragraph (3) shall subrogate a claim for wages in arrears of a seafarer against the relevant shipowner within the limits of the amount of money paid.
- (5) The right of preferential payment of wage claims under Article 38 (2) of the Labour Standards Act and the right of preferential repayment of retirement allowance under Article 11 (2) of the Guarantee of Workers' Retirement Benefits Guaranty Act shall be made applicable to the right subrogated pursuant to paragraph (4).
- (6) Matters necessary for claim for and payment of outstanding wages shall be prescribed by the Presidential Decree.

Article 57 (Special Cases concerning Wages of Fishers)

- (1) Wages of a fisher may be paid by a monthly fixed pay and production allowance or percentage pay.
- (2) Ordinary wages and average boarding wages applicable to the calculation of an unemployment allowance, etc. under Articles 37, 39, 54, 55, 96, 97 and 99 through 102 for a seafarer of a fishing vessel who receives wages pursuant to paragraph (1) shall be the amount made by multiplying the monthly fixed pay by a rate prescribed by the Presidential Decree.
- (3) Where a shipowner pays wages of a seafarer of a fishing vessel by pro rata pay pursuant to paragraph (1), he/she shall pay an amount equivalent to the monthly fixed pay to the seafarer of the fishing vessel in advance. In such cases, where the monthly amount of percentage pay is less than the monthly fixed pay, an amount equivalent to the monthly fixed pay paid in advance shall be regarded as the monthly amount of pro rata pay.

Article 58 (Payroll)

A shipowner shall keep a payroll and state matters prescribed by the Presidential Decree, such as matters that become the basis of the calculation of wages, etc., therein, whenever he/she pays wages.

Article 59 (Minimum Wages)

Where the Minister of Oceans and Fisheries deems it necessary, he/she may fix the minimum amount of wages of seafarers. In such cases, he/she shall seek advice

prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

CHAPTER VI HOURS OF WORK AND COMPLEMENT

Article 60 (Hours of Work and Hours of rest)

- (1) Hours of work shall be 8 hours a day and 40 hours a week; provided, however, that a shipowner and seafarers may extend hours of work by up to 16 hours a week (hereinafter referred to as "overtime work") by mutual agreement.
- (2) Notwithstanding paragraph (1), a shipowner may order a seafarer who keeps the navigational watch to work overtime within the extent of 16 hours a week, and other seafarers to work overtime within the extent of up to 4 hours a week.
- (3) Notwithstanding paragraphs (1) and (2), a shipowner shall provide seafarers with a minimum of 10 hours in any 24 hours and not less than 77 hours in any one week. In which cases, he/she may split the hours of rest not less than 10 hours in any 24 hours only once, and one of the split times to rest shall continue not less than 6 hours and the interval between consecutive periods of rest not exceed 14 hours.
- (4) Notwithstanding paragraphs (2) and (3), where the competent maritime affairs and port authorities deem it unavoidable in consideration of the frequency of entry into and departure from a port, characteristics of duties of seafarers, etc., it may approve a collective agreement that defines standards of hours of work, and standards for division of the hours of rest and the interval thereof provided for a watchkeeping seafarer or a seafarer working on board a ship on short voyages. In such cases, the administrator of a Regional oceans and Fisheries Administration shall approve a collective agreement that meets standards for relaxation of the hours of rest prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) A collective agreement under paragraph (4) shall include contents that grant paid leave more frequent than the interval of paid leave granted under Article 69 (1) or longer than the number of days of paid leave under Article 70 (1).
- (6) Where there are compelling reasons, such as seeking the safety of human life, a ship or cargoes, emergencies due to marine pollution or to secure maritime safety, or to rescue human life or other ships, a shipowner may order seafarers to work overtime in excess of hours of work under paragraphs (1) and (2) or do necessary work despite the hours of rest under paragraph (3).

- (7) A shipowner shall provide an adequate period of rest in compensation for and corresponding to hours of work to a seafarer who did necessary work despite being during rest time or a seafarer who did not take the normal rest because he/she was called out to work during the hours of rest pursuant to paragraph (6).
- (8) A shipowner shall provide seafarers with holidays not less than one day a week when a ship is at anchor.

Article 61 (Hours of work of Young Seafarers)

A shipowner shall observe the standards on hours of work, hours of rest, etc. prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries for the protection of minor seafarers under 18 years of age. <Amended by Act No. 11690, Mar. 23, 2013>

Article 62 (Overtime Work Allowance)

- (1) A shipowner shall pay any of the following seafarers an amount at least equivalent to 150/100 of ordinary wages for his/her overtime work or holiday work as an overtime work allowance:
1. A seafarer who does overtime work pursuant to Article 60 (1), (2) and (6) (excluding a seafarer who is given a rest in compensation therefor pursuant to paragraph (7) of the same Article);
 2. A seafarer who works on a holiday.
- (2) Notwithstanding paragraph (1), a shipowner may put a system into operation by which he/she pays a certain fixed amount of money as an overtime work allowance taking into consideration of the type of ship, the size of ship, working level and performance of a seafarer depending upon the trading areas, as stipulated by a collective agreement, the rules of employment or a Seafarers' employment agreement.
- (3) A shipowner shall keep documents in which hours of work, hours of rest and overtime work a day of seafarers are to be recorded, and have a master enter hours of work, hours of rest, overtime work and matters concerning payment of overtime work allowances therein.
- (4) A seafarer may request that a shipowner or master provide a copy of records pertaining to him/her under paragraph (3) in which his/her record is stated.
- (5) Notwithstanding paragraph (1), a shipowner shall grant additional one day paid leave for every one month of working onboard to the number of days of paid leave under Article 70 for overtime work of 4 hours a week among overtime

work under Article 60 (1), (2) and (6) in lieu of paying an overtime work allowance.

Article 63 (Duty of Shipowner for Safe Operation)

(1) A shipowner who is subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (hereinafter referred to as the "International Convention on Watchkeeping of Seafarers") shall carry out the matters under the following subparagraphs for the safety of ship operation: *<amended on the 6 January 2015>*

1. The formulation and execution of a plan for shipboard training of seafarers and evaluation thereof to improve their competency;
- 1-2. The conducting on-board emergency drills for prevention of marine casualties.
2. The preparation and execution of detailed standards for watchkeeping;
3. Matters prescribed by the Presidential Decree for the safety of ship operation.

(2) Matters necessary for the establishment of a plan for shipboard training and evaluation thereof under paragraph (1) 1 and the preparation of standards for watchkeeping under subparagraph 2 of the same paragraph shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 64 (Manning of Qualified Seafarers on Board)

- (1) The shipowner of the ships prescribed by the Presidential Decree shall have seafarers qualified as set out by the Enforcement Ordinance of the Ministry of Oceans and Fisheries work on board as watchkeeping seafarers in the deck department or the engine department. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The shipowner of a ship of 500 gross tons or more of which the navigation hours are not less than 16 hours shall have not less than three seafarers qualified under paragraph (1) work on aboard as watchkeeping seafarers of the deck department.
- (3) The shipowner of a ship carrying dangerous cargoes (only applicable to a ship carrying liquid cargoes in bulk) prescribed by the Presidential Decree shall have seafarers qualified as set out by the Enforcement Ordinance of the Ministry of Oceans and Fisheries work onboard. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) The owner of a ship prescribed by the Presidential Decree shall have a seafarer

with the certificate of proficiency in survival craft as set out by the Enforcement Ordinance of the Ministry of Oceans and Fisheries work on board. <Amended by Act No. 11690, Mar. 23, 2013>

- (5) The shipowner of a ship prescribed by the the Presidential Decree shall have a seafarer with qualification necessary for the safe management of passenger ships as set out by the Enforcement Ordinance of the Ministry of Oceans and Fisheries work on board. <Newly introduced on Jan. 6, 2015>

Article 65 (Complement)

- (1) A shipowner shall determine the number of necessary seafarers (hereinafter referred to as "complement") to satisfy Articles 60, 64 and 76 and obtain approval therefor from the competent maritime affairs and port authorities.
- (2) When the competent maritime affairs and port authorities approve the complement of a ship pursuant to paragraph (1), it shall issue a safe manning document, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) A shipowner shall always have the number of seafarers stated in a certificate of complement work onboard, and if a vacancy occurs, he/she shall fill the vacancy without delay; provided, however, that this shall not apply where he/she obtains permission from the Minister of Oceans and Fisheries as deemed impractical to fill a vacancy, such as the relevant ship is in a foreign port, etc. <Amended by Act No. 11690, Mar. 23, 2013>

Article 66 (Special Cases concerning Qualifications of Seafarers)

Where facilities of a ship meet the standards prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, notwithstanding Articles 64 and 65, matters concerning qualifications and the full strength of seafarers applicable to the ship shall be in accordance with the provisions set out in the Enforcement Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11690, Mar. 23, 2013>

Article 66-2 (Standards on Aptitude Test for Master of Passenger ships)

- (1) Master of a passenger ship shall be a person appropriate to the standards on aptitude test as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries(hereinafter referred to as "the standards on aptitude test").
- (2) A shipowner shall not appoint a person failing to meet with the standards on aptitude test as a master of passenger ship.

- (3) The matters necessary for checking procedures, etc. as to whether or not meeting with the standards on aptitude test shall be set out by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.

[Newly introduced on Jan. 6, 2015]

Article 67 (Reserve Seafarer)

- (1) A shipowner shall secure reserve seafarers of not less than 10 percent of the total number of seafarers on board employed by him/her; provided, however, that this may be varied as prescribed by the the Presidential Decree for non-seagoing ships taking into consideration of the types, purposes, etc.<Amended on Jan. 6, 2015>
- (2) A shipowner shall pay 70 percent of ordinary wages as wages to reserve seafarers other than those on paid leave, etc. as prescribed by the Presidential Decree.

Article 68 (Scope of Application)

- (1) The provisions of this Chapter shall not apply to any of the following ships (excluding a tugboat registered under Article 24 of the Act on Ship's Entering or Departing Ports, etc): <Amended by Act No. 11188, Jan. 17, 2012; Act No. 11690, Mar. 23, 2013>
1. A sailing ship that is not a seagoing ship;
 2. A fishing vessel except a ship that transports fish catches;
 3. A ship the gross tonnage of which is less than 500 tons and which is not a seagoing ship;
 4. Other ships prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.
- (2) Where deemed necessary, the Minister of Oceans and Fisheries may separately determine the standards of hours of work and the complement of seafarers applicable to ships falling under any of the subparagraphs of paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>

CHAPTER VII PAID LEAVE

Article 69 (Paid Leave)

- (1) Where a seafarer has worked onboard for eight consecutive months (including working onboard a ship under repair or laid-up; hereafter the same shall also

apply in this Chapter), a shipowner (excluding shipowner of a fishing vessel under Article 74; hereafter the same shall apply in this Article, Articles 72 and 73) shall grant him/her paid leave within four months thereafter; provided, however, that where a ship is on a voyage, he/she may postpone paid leave until she ends a voyage.

- (2) In cases falling under paragraph (1), a period of travel of a seafarer to transfer to another ship of the same shipowner shall be deemed a period of his/her continued service onboard.
- (3) A period during which a female seafarer before and after childbirth has taken holidays due to a leave under Article 74 of the Labour Standards Act shall be deemed a period of her continued service onboard. *<Amended by Act No. 11270, Feb. 1, 2012>*
- (4) Even if a seafarer fails to work onboard for the eight consecutive months, a shipowner shall grant him/her paid leave for the period during which he/she has worked onboard.
- (5) For the protection of a minor seafarer under 18 years of age, a shipowner shall grant him/her paid leave, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 70 (Number of Days of Paid Leave)

- (1) The number of days of paid leave under Article 69 (1), (2), (4) and (5) shall be six days for the one continuous month of working onboard.
- (2) Notwithstanding paragraph (1), the number of days of paid leave of a seafarer working onboard a ship sailing near coastal waters (hereinafter referred to as "coastal waters") designated pursuant to Article 8 (3) of the Ship Safety Act or a ship calling at a domestic port at intervals of not longer than 15 days shall be five days for the one continuous month of his/her working onboard.
- (3) For a seafarer who has worked for two or more consecutive years, one day of paid leave for each year of working onboard shall be added to the number of days of paid leave under paragraph (1) or (2).
- (4) The number of days of paid leave for a period during which a female seafarer takes holidays as a leave referred to in Article 69 (3) shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries in consideration of the method of calculation of the number of days of paid leave under Article 60 (1) of the Labour Standards Act. *<Amended by Act No. 11270, Feb. 1, 2012; Act No. 11690, Mar. 23, 2013>*
- (5) When calculating the number of days of paid leave for a period of working on

board less than one month, paid leave shall be calculated pro rata to the number days a month. However, a period of less than one day shall be counted as one day.

Article 71 (Calculation of Number of Days of Paid Leave Taken)

The number of days of paid leave that a seafarer has actually used shall be calculated from the day following the day on which he/she leaves a ship for the purpose of paid leave and arrives in his/her country (referring to the day when a period for repatriation normally comes pursuant to Article 38 (1)) to the preceding day of his/her boarding day (where he/she goes onboard in a foreign country, referring to the day of his/her departure from his/her country), but none of the following periods shall be included in the number of days of paid leave used:<Amended by Act No. 11690, Mar. 23, 2013>

1. Legal holidays of government and other public offices or Worker's Day;
2. A period of education and training that a seafarer receives pursuant to Article 116 or other Acts and subordinate statutes;
3. Other periods prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.

Article 72 (Method of Granting Paid Leave)

- (1) A shipowner and seafarers shall agree on a time when and a port where paid leave is granted.
- (2) The division of paid leave into parts may be granted as prescribed by a collective agreement.

Article 73 (Paid Leave Allowance)

- (1) A shipowner shall pay ordinary wages to a seafarer who on paid leave as a paid leave allowance.
- (2) Where a seafarer has not taken all or part of paid leave under Articles 69 through 71, a shipowner shall separately pay an amount equivalent to ordinary wages for the number of days of paid leave not taken in addition to wages.

Article 74 (Special Exemption concerning Paid Leave of Fisher)

- (1) The shipowner of a fishing vessel (excluding a ship that transports the fish catches; hereafter the same shall apply in this Article) engaged in fishery prescribed by the Enforcement Ordinance of the Ministry of Oceans and

Fisheries shall grant paid leave to a fisher having worked on a fishing vessel belonging to the same enterprise for not less than one continuous year.
<Amended by Act No. 11690, Mar. 23, 2013>

- (2) Where a seafarer of a fishing vessel has suspended working onboard a fishing vessel without intention or gross negligence, when the period of such suspension does not exceed 30 days, he/she shall be deemed to have worked onboard continuously.
- (3) Matters necessary for the paid leave of a fisher, of a fishing vessel, such as the number of days, the method of granting and the paid leave allowance of paid leave of a fisher, under paragraph (1) shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 75 (Scope of Application)

The provisions of this Chapter shall not apply to any of the following ships:

1. A fishing vessel (excluding a ship that transports the catches of fish and a fishing vessel under Article 74);
2. A sailing ship that is not a seagoing ship;
3. A ship in operation by a family working onboard only, which is not a seagoing ship.

CHAPTER VIII PROVISION OF MEALS, SAFETY AND HEALTH ON SHIP

Article 76 (Providing Meals on Ship)

- (1) A shipowner shall supply seafarers working onboard with food and water of proper quantity and quality, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, provide equipment necessary for cooking and providing meals, and provide meals on a ship. In such cases, he/she shall consider various cultural and religious backgrounds of seafarers working onboard. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) A shipowner shall have a cook on a ship (hereinafter referred to as "ships' cook") who has qualifications prescribed by the Presidential Decree work onboard to provide meals on the ship according to paragraph (1); provided, however, that a ship prescribed by the Presidential Decree may be exempted herefrom, or a shipowner may have a person who has knowledge of and

experience in cooking and providing meals on a ship work onboard in lieu of a ships' cook.

- (3) The Minister of Oceans and Fisheries shall conduct education and an examination for qualifications for a cook on a ship, as prescribed by the Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 77 (Cost for Providing Meals)

- (1) In lieu of supply of foodstuffs under Article 76 (1), a shipowner may disburse expenses incurred in purchase of foodstuffs to provide meals on a ship (hereinafter referred to as "cost for providing meals on a ship") to the master and have him/her manage the provision of meals on a ship with approval therefor from the Minister of Oceans and Fisheries. In such cases, the master shall manage so that meals are provided to all the seafarers on the ship without discrimination. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) When a ship owner disburses costs for providing meals on a ship, he/she shall disclose a daily standard amount per seafarer.
- (3) Costs for providing meals on a ship shall not be disbursed for uses other than expenses for purchase and transport of foodstuffs to provide meals on the ship.
- (4) The Minister of Oceans and Fisheries may fix the minimum standard amount of costs for providing meals on a ship, as prescribed by the Presidential Decree. In such cases, a shipowner shall disburse costs for providing meals on a ship more than the minimum standard amount. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 78 (State's Responsibility and Obligations for Safety and Health on Ship)

- (1) The Minister of Oceans and Fisheries shall take responsibility for implementing the following matters faithfully so that seafarers working onboard may protect their health, lives, work and train under safe and hygienic circumstances: *<Amended by Act No. 11690, Mar. 23, 2013>*
 1. The formulation, execution, adjustment and control of policies for the safety and health on ships;
 2. The preparation of standards for safety, health and prevention of accidents on ships;
 3. The development and spread of domestic guidelines for the promotion of safety and health on ships;
 4. Research and development of technologies for the safety and hygiene on ships and the establishment and operation of the facilities therefor;

5. The publicity and education to encourage the awareness of safety and health on ships and the promotion of safety culture, such as zero-accident campaigns, etc.;
 6. Investigation of accidents on ships and maintenance and management of the statistics thereof;
 7. The protection and promotion of safety and health of seafarers.
- (2) Where necessary, to effectively implement matters falling under the subparagraphs of paragraph (1), the Minister of Oceans and Fisheries shall consult with the representatives of associations of shipowners and seafarers' unions. . <Amended by Act No. 11690, Mar. 23, 2013>
- (3) The Minister of Oceans and Fisheries shall promote cooperation with related international organizations, such as the International Labour Organization, etc., and their member countries so that activities for the safety and health on ships and the prevention of accidents on ships may be conducted and promoted harmoniously. <Amended by Act No. 11690, Mar. 23, 2013>

Article 79 (Standards for Safety and Hygiene and Prevention of Accidents on Ships)

- (1) The following matters shall be included in the standards for safety and hygiene and prevention of accidents on ships (hereinafter referred to as "standards for safety and hygiene on ships") under Article 78 (1) 2: <Amended by Act No. 11690, Mar. 23, 2013>
1. Policies on the evaluation of education and training and dangers related to the safety and health of seafarers;
 2. Measures for the prevention of occupational accidents, injury and disease (hereinafter referred to as "occupational accident, etc.") of seafarers;
 3. Programs on ships to promote the safety and the protection of the health of seafarers;
 4. Inspections, reports and corrections of main causes of hindrances to safety on ships;
 5. Inspections and reports of occupational accidents, etc. on ships;
 6. Duties of the master and persons in charge of safety and health on ships;
 7. The establishment and operation of a safety committee on ships;
 8. Other matters prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.
- (2) The Minister of Oceans and Fisheries shall determine and issue marine notices on standards for safety and hygiene on ships. <Amended by Act No. 11690, Mar. 23, 2013>

Article 80 (Amendment of Standards for Safety and Health on Ships)

The Minister of Oceans and Fisheries shall review the standards for safety and health on ships regularly after consultation with the representatives of associations of shipowners and seafarers' unions, and where necessary, he/she may amend the standards for safety and health on ships taking account of the result of review. <Amended by Act No. 11690, Mar. 23, 2013>

Article 81 (Investigation of Occupational Accidents)

- (1) Upon receipt of a report on the fact of the occurrence of an occupational accident, etc. pursuant to Article 82 (4), the Minister of Oceans and Fisheries shall investigate the fact and causes thereof. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) To prevent occupational accidents, etc., the Minister of Oceans and Fisheries shall maintain and manage statistics regarding occupational accidents, etc. investigated pursuant to paragraph (1), and may analyze such statistics and publish an information package. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) Matters necessary for procedures for and details of an investigation or disposal of the result of an investigation under paragraph (1) shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 82 (Responsibility of Shipowners etc.)

- (1) A shipowner shall provide seafarers with protective equipment and protective devices, etc., and prohibit them from using machinery without a protective device.
- (2) A shipowner shall have a seafarer who has certain experience or technical skill engage in dangerous work on a ship, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) No shipowner shall require seafarers prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries as unfit for duties to work on board among those who have an infectious disease, mental disease or other diseases. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) When an occupational accident, etc. of a seafarer occurs, a shipowner shall immediately report such fact to the competent maritime affairs and port authorities.
- (5) A shipowner shall observe the matters prescribed by the Enforcement Ordinance

of the Ministry of Oceans and Fisheries concerning the prevention of danger when seafarers work on a ship, provision of medicine and medical supplies, maintenance of hygiene on the ship and providing education thereon, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

- (6) Unless there is a unavoidable reason, where a seafarer requests a master to allow him/her to be treated for his/her injury or disease in a medical institution in the port where a ship is calling, the master shall not refuse such a request.
- (7) A shipowner specified by the Presidential Decree shall provide uniforms to seafarers aboard his/her ship. The time of providing such uniform, adoption of uniform regulation, etc. shall be determined by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Newly introduced on Jan. 6, 2015>*

Article 83 (Obligations, etc. of Seafarers)

- (1) A seafarer shall observe the matters prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries concerning the prevention of danger when he/she works on a ship and the maintenance of hygiene on a ship. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) A seafarer may refuse the use of a machine that has no protective equipment or does not operate properly.
- (3) Seafarers shall wear the uniform provided by their shipowner when performing their service pursuant to Article 82 (7). *[Newly introduced on Jan. 6, 2015]*

Article 84 (Medical Doctors Working on Board)

The shipowner of any of the following ships shall have a doctor work onboard the ship; provided, however, that this shall not apply where the shipowner has obtained approval from the competent maritime affairs and port authorities, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A ship engaged in an international voyage for not less than three days and the maximum number of persons onboard is not less than 100 (excluding a fishing vessel);
2. A fishing vessel engaged in mother ship type fishery prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.

Article 85 (Person in Charge of Medical Service)

- (1) The shipowner of any of the following ships among ships that need not have a doctor work onboard shall have a person in charge of medical care on a ship;

provided, however, that this shall not apply to cases prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A ship of 5,000 gross tons or more engaged in ocean waters assigned pursuant to Article 8 (3) of the Ship Safety Act;
 2. A fishing vessel prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.
- (2) A person in charge of medical care (hereinafter referred to as "person in charge of medical service") under paragraph (1) shall be appointed from among seafarers (excluding a person under 18 years of age) who have a certificate of proficiency for in medical care issued pursuant to paragraph (3); provided, however, that this shall not apply where a shipowner obtains approval therefor from the competent maritime affairs and port authorities owing to extenuating circumstances.
- (3) The Minister of Oceans and Fisheries shall issue a certificate of proficiency for in medical care under paragraph (2) to a person who has passed an examination conducted by him/her, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries or a person whom he/she deems to have knowledge and experience equal to or higher than the level of a person who has passed the examination. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) A person in charge of medical care shall be engaged in duties necessary for medical service on a ship, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 86 (Person in Charge of Medical First Aid)

- (1) The shipowner of any of the following ships among ships that need not have a doctor under Article 84 or a person in charge of medical care under Article 85 (1) work onboard shall have a seafarer in charge of medical first aid (hereinafter referred to as "person in charge of medical first aid") on a ship:
1. A ship engaged in waters in or beyond the coastal waters (excluding a fishing vessel);
 2. A passenger ship the passenger capacity of which is not less than 13 persons.
- (2) A shipowner shall elect a person in charge of first aid from among seafarers who have completed education concerning first aid prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 87 (Medical Certificate)

- (1) A shipowner shall only allow those who have a medical certificate of health in which a medical institution equal to or higher than a hospital level under the Medical Service Act or a doctor of a clinic meeting the standards prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries proves them fit duties to work on board as seafarers. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The issuance of a medical certificate of health and other matters concerning a medical examination shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 88 (Medical Advice by Radio Communications etc.)

- (1) Where the master of a ship (including a foreign-flag ship) navigating around the waters of the Republic of Korea requests the Minister of Oceans and Fisheries to give him/her medical advice on a seafarer who is injured or affected by a disease (hereinafter referred to as "injured or sick seafarer"), the Minister of Oceans and Fisheries shall give him/her medical advice free of charge by radio or satellite communications. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) To give medical advice as under paragraph (1), the Minister of Oceans and Fisheries shall request that the Minister of Health and Welfare, who establishes and operates the emergency medical service information center pursuant to Article 27 of the Emergency Medical Service Act, cooperate with him/her, and the Minister of Health and Welfare shall cooperate with him/her unless there is a unavoidable reason. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 89 (Medical Treatment of Foreign Seafarers)

Where a foreign injured or sick seafarer who has entered a domestic port requests that the Minister of Oceans and Fisheries give him/her medical treatment, he/she shall take necessary measures for him/her to take medical treatment. *<Amended by Act No. 11690, Mar. 23, 2013>*

CHAPTER IX MINOR SEAFARERS AND FEMALE SEAFARERS

Article 90 (Legal Ability of Minors)

- (1) If a minor intends to be a seafarer, he/she shall obtain the consent of his/her

legal representative.

- (2) A minor who has obtained the consent of his/her legal representative pursuant to paragraph (1) shall have the same legal ability as an adult concerning a Seafarers' employment agreement.

Article 91 (Restrictions on Employment)

- (1) A shipowner shall not appoint a person under 16 years of age as a seafarer; provided, however, that this shall not apply to a vessel on which only his/her family works.
- (2) Where a shipowner intends to employ a person under 18 years of age as a seafarer, he/she shall obtain approval therefor from the competent maritime affairs and port authorities, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) A shipowner shall not assign dangerous work onboard or hygienically harmful work prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries to a seafarer under 18 years of age. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) A shipowner shall not assign work harmful or dangerous to pregnancy or childbirth prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries to a female seafarer. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (5) A shipowner shall not assign work onboard to a pregnant female seafarer; provided, however, that this shall not apply to any of the following cases: *<Amended by Act No. 11690, Mar. 23, 2013>*
1. Where a pregnant female seafarer applies for work onboard with regard to a voyage within the extent prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, and a doctor does not deem such work harmful or dangerous to pregnancy or childbirth;
 2. Where a pregnant female seafarer comes to know the fact that she is pregnant while at sea and is engaged in work necessary for the safety of the relevant ship.
- (6) A shipowner shall not assign dangerous work onboard or hygienically harmful work prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries to a female seafarer in whose cases one year has not passed after childbirth. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (7) Paragraphs (4) through (6) shall not apply to a ship on which only a family works.

Article 92 (Prohibition of Night Work)

- (1) A shipowner shall not have a seafarer under 18 years of age engage in work for at least nine hours at night including hours from midnight to five in the morning; provided, however, that this shall not apply where a shipowner has obtained the consent of such a seafarer and approval from the Minister of Oceans and Fisheries as easy work. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The main sentence of paragraph (1) shall not apply where a shipowner has a minor seafarer engage in work under Article 60 (6), or a ship on which only a family works.

Article 93 (Menstruation Holiday)

A shipowner shall grant a female seafarer a menstruation holiday of one day a month.

CHAPTER X ACCIDENT COMPENSATION

Article 94 (Medical Treatment Compensation)

- (1) Where a seafarer is injured or affected by a disease while working onboard, a shipowner shall let him/her take medical treatment at the cost of the shipowner or reimburse expenses incurred in medical treatment until he/she is recovered from injury or disease.
- (2) Where a seafarer is injured or is affected by a disease due to a cause otherwise than in the service of ship (including a period of landing at a port of call, a period of travel attendant upon boarding or leaving a ship; hereafter in this Chapter the same shall apply), a shipowner shall reimburse expenses incurred in medical treatment up to a period of three months in accordance with the following subparagraphs: *<Amended by Act No. 11141, Dec. 31, 2011>*
 1. Where a seafarer is injured or affected by a disease subject to medical treatment benefits under the National Health Insurance Act, a shipowner shall reimburse expenses equivalent to an amount to be borne by the seafarer himself/herself who takes medical treatment pursuant to Article 44 of the same Act, and where a seafarer is injured or affected by a disease not subject to medical treatment benefits under the same Act, a shipowner shall reimburse expenses incurred in medical treatment of such a seafarer;
 2. Notwithstanding subparagraph 1, where a seafarer working onboard a ship engaged in an international voyage takes medical treatment working onboard

because he/she is injured or affected by a disease, a shipowner shall reimburse expenses incurred in medical treatment of such a seafarer.

- (3) Notwithstanding paragraph (2), a shipowner need not bear expenses to be borne pursuant to paragraph (2) for an injury or disease by intention of a seafarer with approval from the Seafarer Labour Relations Commission.

Article 95 (Coverage of Medical Treatment)

The coverage of medical treatment under Article 94 shall be as follows:

1. Medical examination;
2. Provision of medicine, medical supplies, artificial limbs and other prosthetic appliances;
3. Surgical operation and other medical treatment;
4. Reception in a hospital, clinic or other place necessary for medical treatment other than one's own house (including the provision of meals);
5. Tending a sick person;
6. Transfer;
7. Transportation expenses for outpatient treatment.

Article 96 (Injury and Disease Compensation)

- (1) A shipowner shall make injury and disease compensation in the amount equivalent to ordinary wages once a month to a seafarer under medical treatment pursuant to Article 94 (1) until he/she is recovered from injury or disease up to a period of four months, and where he/she is not recovered from injury or disease even when four months have passed, a shipowner shall make injury and disease compensation in the amount equivalent to 70/100 of ordinary wages once a month until he/she is recovered from injury or disease.
- (2) A shipowner shall make injury and disease compensation in the amount equivalent to 70/100 of ordinary wages once a month to a seafarer under medical treatment pursuant to Article 94 (2) during the period of medical treatment (up to a period of three months).

Article 97 (Compensation for Disability)

Where physical disability remains even after a seafarer has recovered from an occupational injury or disease owing to his/her duties, a shipowner shall compensate him/her for his/her disability in the amount made by multiplying the number of days according to the degree of disability prescribed by the Industrial Accident

Compensation Insurance Act by average boarding wages without delay.

Article 98 (Compensation in Lump Sum)

Where a seafarer who is receiving compensation pursuant to Articles 94 (1) and 96 (1) is not recovered from an injury or disease even after two years have passed, a shipowner may be released from his responsibility for compensation under Article 94 (1), 96 (1) or 97 by paying the amount equivalent to compensation for disability of the first degree under the Industrial Accident Compensation Insurance Act to the seafarer in a lump sum.

Article 99 (Compensation for Bereaved Family)

- (1) Where a seafarer dies due to an occupational accident (including death while under medical treatment owing to an occupational injury or disease), a shipowner shall compensate a bereaved family prescribed by the Presidential Decree for his/her death in the amount equivalent to average boarding wages for his/her service of 1,300 days without delay.
- (2) Where a seafarer dies from a cause otherwise than in the service of ship (including death while under medical treatment under Article 94 (2)), a shipowner shall compensate a bereaved family prescribed by the Presidential Decree for his/her death in the amount equivalent to average boarding wages for his/her service of 1,000 days without delay; provided, however, that this shall not apply where a seafarer dies from a cause by his/her intention and a shipowner obtains approval therefor from the Seafarer Labour Relations Commission.

Article 100 (Funeral Expenses)

- (1) Where a seafarer dies, a shipowner shall pay his/her bereaved family prescribed by the Presidential Decree the amount equivalent to average boarding wages for his/her service of 120 days as funeral expenses without delay.
- (2) Where there is no bereaved family to whom a shipowner should reimburse funeral expenses under paragraph (1), he/she shall reimburse funeral expenses to a person who has actually held a funeral.

Article 101 (Compensation for Missing Seafarers)

- (1) Where a seafarer is missing at sea, a shipowner shall compensate a dependant prescribed by the Presidential Decree for a missing seafarer in the amount

equivalent to ordinary wages for his/her service of one month plus average on-board wages for his/her service of three months.

- (2) Where a seafarer is missing for a period of one month or more, Articles 99 and 100 shall apply thereto.

Article 102 (Compensation for Loss of Belongings)

Where a seafarer loses his/her belongings due to a marine accident while he/she is onboard, a shipowner shall compensate him/her for his/her belongings lost in the amount equivalent to the value thereof up to the amount of his/her ordinary wages for his/her service of two months.

Article 103 (Relationship with Other Benefits)

Where a person who has the right to receive expenses for medical treatment, accident compensation or funeral expenses (hereinafter referred to as "accident compensation") pursuant to Articles 94 through 102 has received benefits equivalent to accident compensation under this Act in accordance with the Civil Act or other Acts and subordinate statutes for the same reasons that he/she may receive such accident compensation, a shipowner shall be released from the responsibility for accident compensation under this Act within the extent of the value thereof.

Article 104 (Examination or Arbitration by Maritime Affairs and Port Authorities)

- (1) A person who is dissatisfied with the recognition of an occupational injury, disease or death of a seafarer during the performance of his/her duties, the method of medical treatment, a decision of the amount of accident compensation and other matters involving accident compensation may file a claim for examination or arbitration with the competent maritime affairs and port authorities.
- (2) Where the competent maritime affairs and port authorities receive a claim for examination or arbitration under paragraph (1), they shall examine or arbitrate the case within one month.
- (3) Even though there is no claim for examination or arbitration under paragraph (1), if the competent maritime affairs and port authorities considers it necessary, they may examine or arbitrate the case ex officio.
- (4) Where the competent maritime affairs and port authorities examines or arbitrates the case pursuant to paragraphs (2) and (3), it shall hear the opinions of the master or other interested parties.

- (5) If the competent maritime affairs and port authorities considers it necessary where they examine or arbitrate the case pursuant to paragraphs (2) and (3), they may have a doctor diagnose or examine the case.
- (6) A claim for examination or arbitration under paragraph (1) shall be deemed a judicial claim concerning the interruption of prescription.

Article 105 (Examination and Arbitration by Seafarer Labour Relations Commission)

- (1) Where the competent maritime affairs and port authorities fail to examine or arbitrate the case within the period under Article 104 (2), or where a person who is dissatisfied with the results of examination or arbitration, he/she may file a claim for examination or arbitration with the Seafarer Labour Relations Commission.
- (2) Where the Seafarer Labour Relations Commission receives a claim for examination or arbitration pursuant to paragraph (1), it shall examine or arbitrate the case within one month.

Article 106 (Taking out Insurance, etc.)

- (1) A shipowner shall buy insurance policies or join mutual aids, both of which are prescribed by the Presidential Decree, so that he/she fully covers accident compensation described herein for all seafarers aboard a relevant ship of his or hers. *<Amended on Jan. 6, 2015>*
- (2) In the case that a shipowner buys insurance policies or joins mutual aids in accordance with Paragraph 1 of this article, he/she shall make insured amount not less than average on-board wages. *<Newly introduced on Jan. 6, 2015>*

CHAPTER XI WELFARE, EMPLOYMENT SECURITY AND EDUCATION AND TRAINING

Article 107 (Formation of Master Plan for Seafarers Policy, etc)

- (1) For efficient and systematic implementation of seafarers policy, the Minister of Oceans and Fisheries shall establish and implement a basic plan on seafarers policy (hereinafter referred to as "Master Plan of Seafarers Policy") that passes the review of Seafarers Policy Committee written in Paragraph 3 of this article every five years.
- (2) The Master Plan for Seafarers Policy shall include the following subparagraphs:
 1. Matters concerning seafarers' welfare:

- (a) Measurement and forecast of seafarers welfare demands;
 - (b) Long and mid-term supply plan of seafarers welfare facilities;
 - (c) Procurement, management and support of seafarers welfare resources, including manpower, organization and finance;
 - (d) Enhancement of seafarers job security and job rehabilitation;
 - (e) Collection and assortment of welfare statistics;
 - (f) Selection of a port in need of seafarers welfare facilities;
 - (g) Improvement of food and nutrition on board;
 - (h) Link seafarers welfare with social welfare service and health and medical care service;
 - (i) Other matters deemed necessary for seafarers welfare by the Minister of Oceans and Fisheries.
2. Matters concerning demand and supply of seafarers:
- (a) Forecasting demand for seafarers and meeting it;
 - (b) Operating institutions offering jobs, seeking jobs and recruiting and placing seafarers ;
 - (c) Employing foreign seafarers;
 - (d) Other matters deemed necessary for demand and supply of seafarers by the Minister of Oceans and Fisheries.
3. Matters concerning the education and training of seafarers:
- (a) Mid- and long-term goals of education and training of seafarers;
 - (b) Short-, mid- and long-term plans for education and training of seafarers;
 - (c) Methods of managing and operation of maritime education and training institutions.
 - (d) Other matters deemed necessary for education and training of seafarers by the Minister of Oceans and Fisheries.
- (3) Seafarers Policy Committee shall be under the Ministry of Oceans and Fisheries for the review of the following subparagraphs with regard to seafarers:
1. Matters regarding formulation and changes to the Master Plan for Seafarers Policy;
 2. Matters regarding evaluation of performance and improvement of seafarers policy;
 3. Matters regarding seafarers policy requested by international organizations and others;
 4. Other matters concerning seafarers welfare, demand and supply as well as education and training of seafarers deemed necessary by the Minister of

Oceans and Fisheries.

- (4) The Seafarers Policy Committee consists of no more than 20 members, including the Minister of Oceans and Fisheries who will chair the committee herein. In such cases, at least a third of the membership shall go to representatives of seafarer organizations or experts.
- (5) Other matters with regard to the formation and operation of Seafarers Policy Committee shall be prescribed by the Presidential Decree.

[Wholly amended on Jan. 6, 2015]

[Implemented on Jan. 9, 2015] Passenger Ship and bulk carrier under the amended Article 136

[Implemented on Jan. 10, 2016] Article 136

[Implemented on Jan. 9, 2015] Passenger Ship and bulk carrier under the amended Article 137

[Implemented on Jan. 10, 2016] Article 137 (6)

Article 108 (Business for Employment Security of Seafarers)

- (1) The Minister of Oceans and Fisheries shall conduct the following business to secure necessary seafaring manpower and promote the employment security of seafarers: *<Amended by Act No. 11690, Mar. 23, 2013>*
1. Business concerning effective job referral service, recruitment and support of employment of seafarers;
 2. Business concerning registration of seafarers to sum up the actual conditions of supply and demand of seafaring manpower, and countermeasures against unemployment;
 3. Business concerning the direction and supervision on the seafarer management business under Article 112;
 4. Business concerning an aptitude test of seafarers.
- (2) The Minister of Oceans and Fisheries shall conduct business prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries as business related to cooperation with related international organizations, such as the International Labour Organization, etc., and the member countries thereof. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 109 (Registration of Job Seeking and Job Offers for Seafarers)

- (1) A person who intends to work onboard a ship shall register himself/herself on the list of job seekers with the Korea Seafarer's Welfare and Employment Center under Article 142 or an institution prescribed by the Presidential Decree

(hereinafter referred to as "institution for registration of job seeking and job offers") as an institution related to job seeking and job offers, as determined by the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

- (2) A person who intends to employ a seafarer shall register a job offer with an institution for registration of job seeking and job offers, as determined by the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) When an institution for registration of job seeking and job offers conducts job placement services for seafarers, it may request an association of shipowners or association of companies engaged in seafarer recruitment and placement service under Article 112 to cooperate therewith.

Article 110 (Prohibition of Seafarer Recruitment and Placement Service)

A person other than an institution for registration of job seeking and job offers, a seafarer management business operator under Article 112 (3), an organization or institution related to maritime affairs and fisheries prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, shall not be engaged in recruiting or placing seafarers. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 111 (Prohibition of Receipt of Money and Other Valuables)

A person who intends to employ a seafarer, a person engaged in job placement, recruitment, employment or management of seafarers or persons engaged in labour and personnel management business of seafarers shall not receive money or other valuables or other benefits, under any circumstances, from a seafarer or person who intends to become a seafarer in relation to job placement, recruitment, employment, etc.

Article 112 (Seafarer Recruitment and Placement Service)

- (1) Where the Minister of Oceans and Fisheries intends to formulate or change a seafarer recruitment and placement service system, he/she shall consult with a related association of shipowners and seafarers' unions. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) A person other than a person who has registered a ship management business pursuant to Article 33 of the Shipping Act shall not be engaged in a seafarer recruitment and placement service for another (hereinafter referred to as "seafarer recruitment and placement service").
- (3) A person engaged in a seafarer recruitment and placement service (hereinafter

referred to as "seafarer recruitment and placement agency") shall conduct the entrusted business faithfully as a person in charge of human resources management of a shipowner, and when this Act applies to business prescribed by the Presidential Decree of the entrusted business, he/she shall be deemed a shipowner.

- (4) Where a seafarer recruitment and placement agency is entrusted with seafarer recruitment and placement agency or there is a change in the details thereof, he/she shall report the same to the competent maritime affairs and port authorities.
- (5) A seafarer recruitment and placement agency shall explain a seafarer who intends to work onboard of the details of the entrusted business before he/she enters into a Seafarers' employment agreement with a seafarer.
- (6) Where a seafarer recruitment and placement agency is entrusted with human resources management business of seafarers by a shipowner (including a foreigner), he/she shall include the following matters in such business:
 1. Matters concerning the working conditions;
 2. Matters concerning accident compensation.
- (7) Regarding the responsibility for premiums or charges under the National Health Insurance Act, the National Pension Act and the Employment Insurance Act, a seafarer recruitment and placement agency shall be deemed an employer.

Article 113 (Observance, etc. of International Convention)

- (1) An institution for registration of job seeking and job offers, seafarer recruitment and placement agencies, or organizations or institutions related to maritime affairs and fisheries that conduct official business with permission from the Minister of Oceans and Fisheries shall operate seafarer recruitment and placement services by method of protecting and promoting the labour right to labour of seafarers, and observe matters prescribed by this Act, the Shipping Act and the Maritime Labour Convention in relation to recruitment and placement service of seafarers. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Where a shipowner intends to employ a seafarer through a seafarer recruitment and placement agency in a country to which the Maritime Labour Convention does not apply, he/she shall ascertain whether the seafarer recruitment and placement agency meets the standards of the Maritime Labour Convention and then shall employ a seafarer placed by a seafarer recruitment and placement agency that meets the standards prescribed by the Maritime Labour Convention,

as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 114 (Lodging Complaint and Investigation)

Where a seafarer lodges a complaint in relation to recruitment and placement activities of an institution for registration of job seeking and job offers, seafarer recruitment and placement agency, organization or institution related to maritime affairs and fisheries prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, the Minister of Oceans and Fisheries shall investigate the case immediately, and where necessary, he/she may have the relevant shipowner and the representatives of seafarers participate in such investigation. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 115 (Management of Demand and Supply of Seafaring Manpower)

- (1) The Minister of Oceans and Fisheries may establish a system for the management of demand and supply of seafaring manpower (hereinafter referred to as "system for the management of demand and supply of seafaring manpower") to improve the qualification of seafarers and promote the balance of demand and supply of seafaring manpower. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Where the Minister of Oceans and Fisheries deems it inevitable to adjust the demand and supply of seafaring manpower because the demand and supply of seafaring manpower has lost its balance, he/she may take necessary measures, such as setting priorities in supplying seafaring manpower after reviewing by the Seafarers Policy Committee as prescribed by Article 107 *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) Matters necessary for the enforcement of a system for the management of demand and supply of seafaring manpower shall be prescribed by the Presidential Decree.

Article 116 (Education and Training of Seafarers)

- (1) A seafarer and a person who intends to be a seafarer shall receive education and training conducted by the Minister of Oceans and Fisheries, as prescribed by the Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The Minister of Oceans and Fisheries shall restrict, unless there is an unavoidable reason, work on board of a seafarer who fails to complete education and training under paragraph (1). *<Amended by Act No. 11690, Mar.*

23, 2013, Jan. 6, 2015>

Article 117 (Entrustment of Education and Training of Seafarers)

- (1) The Minister of Oceans and Fisheries may entrust education and training services under Article 116 to the Korea Institute of Maritime Affairs and Fisheries Technology (hereinafter referred to as the "Korea Institute of Maritime Affairs and Fisheries Technology") established in accordance with the Korea Institute of Maritime Affairs and Fisheries Technology Act or other seafarer education institution, as prescribed by the Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) A shipowner who employs seafarers or a person who receives education and training under Article 116 shall bear expenses incurred in education and training, as prescribed by the Presidential Decree; provided, however, that he/she may be exempted from some of such expenses regarding education prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, such as marine safety training for boarding a ship, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) Matters necessary for the supervision of a person entrusted with education and training services by the Minister of Oceans and Fisheries pursuant to paragraph (1) shall be prescribed by the Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 118 (Government Subsidies)

- (1) The Minister of Oceans and Fisheries may subsidize necessary expenses to the Korea Institute of Maritime Affairs and Fisheries Technology entrusted with services pursuant to Articles 117 (1) and 158 (1) and the Korea Seafarer's Welfare and Employment Center, or lend them State property or port facilities free of charge, as prescribed by the Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Where the Minister of Oceans and Fisheries deems it necessary for the promotion of the welfare of seafarers and the improvement of their technological competence, he/she may subsidize operating expenses or lend State property or port facilities free of charge to a person who conducts the relevant services. *<Amended by Act No. 11690, Mar. 23, 2013>*

CHAPTER XII RULES OF EMPLOYMENT

Article 119 (Preparation and Reporting of Rules of Employment)

- (1) A shipowner shall prepare the rules of employment in which the following matters are included and report the same to the competent maritime affairs and port authorities, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. The same shall also apply where he/she modify the rules of employment: *<Amended by Act No. 11690, Mar. 23, 2013>*
1. Matters concerning the determination, calculation, method of payment, deadline and timing of payment of wages and a rise in wages;
 2. Matters concerning hours of work, holidays, service on a ship and the complement;
 3. Matters concerning conditions for granting of paid leave, a shift of boarding and leaving a ship and traveling expenses;
 4. Matters concerning the provision of meals on a ship and the welfare, safety, medical service and health of seafarers;
 5. Matters concerning retirement from service;
 6. Matters concerning unemployment allowance, retirement allowance, accident compensation, taking out accident compensation insurance, etc.;
 7. Matters concerning personnel management, reward and punishment, and disciplinary action;
 8. Matters concerning education and training;
 9. Where a collective agreement exists, matters concerning the working conditions of seafarers according to the details of the collective agreement;
 10. Matters concerning the maternity protection of female seafarers, such as leave before and after childbirth, maternity leave, etc., and support of the coexistence of work and family life.
- (2) Where a shipowner reports the rules of employment pursuant to paragraph (1), he/she shall submit documents in which the details of a collective agreement under Article 31 of the Seafarers' union and Labour Relations Adjustment Act are stated along with the rules of employment (excluding cases where a collective agreement has been submitted).

Article 120 (Procedures for Preparation of Rules of Employment)

- (1) Where there is a labour union organized by the majority of seafarers employed by a shipowner to whom the rules of employment apply, the shipowner who intends to prepare or change the rules of employment pursuant to Article 119

- (1) shall hear the opinion of the labour union, and where there is no labour union organized by the majority of seafarers, he/she shall hear the opinion of the majority of seafarers; provided, however, that where he/she changes the rules of employment to the disadvantage of seafarers, he/she shall obtain their consent.
- (2) Where a shipowner reports the rules of employment pursuant to Article 119 (1), he/she shall attach documents in which the details of the opinion or the consent under paragraph (1) are stated thereto.

Article 121 (Supervision of Rules of Employment)

The competent maritime affairs and port authorities may order a shipowner to change the rules of employment that violate Acts and subordinate statutes or a collective agreement.

Article 122 (Effect of Rules of Employment)

In the case of a Seafarers' employment agreement that stipulates working conditions that do not meet the standards prescribed by the rules of employment, only the relevant parts shall become null and void. In such cases, such void parts shall conform to the standards prescribed by the rules of employment.

CHAPTER XIII SUPERVISION, ETC.

Article 123 (Inspection on Labour Standards, etc. of Seafarers)

- (1) The Minister of Oceans and Fisheries shall inspect a ship and other company office every three years to ascertain whether the working and living standards of seafarers meet the standards prescribed by this Act and other Acts and subordinate statutes; provided, however, that he/she may exempt a ship that keeps a Maritime Labour Certificate, etc. pursuant to Article 136 (1) from inspection. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) For a fishing vessel falling under the Fishing Vessels Act, the Minister of Oceans and Fisheries may extend the inspection interval under paragraph (1), as prescribed by the Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 124 (Administrative Disposition)

- (1) Where a shipowner or a seafarer violates this Act, the Labour Standards Act (limited to a part applicable to labour relations of seafarers pursuant to Article

5 (1); hereinafter the same shall apply) or an order issued under this Act, the Minister of Oceans and Fisheries may order such a shipowner or seafarer to take necessary measures for the correction thereof. *<Amended by Act No. 11690, Mar. 23, 2013>*

- (2) Where a shipowner or seafarer fails to comply with an order issued under paragraph (1), and a continuation of a voyage may pose considerable danger to the relevant ship and persons aboard the ship, the Minister of Oceans and Fisheries may detain the ship or give an order to detain the ship. In such cases, where a ship is at sea, the Minister of Oceans and Fisheries shall designate a port such a ship should enter. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) With regard to a ship on which the Minister of Oceans and Fisheries has imposed a disposition pursuant to paragraph (2), where he/she deems unnecessary to continue such a disposition on the ship, he/she shall without delay cancel such a disposition. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 125 (Seafarers' Labour Inspectors)

- (1) The Ministry of Oceans and Fisheries shall employ seafarers' labour inspectors to conduct inspections under Article 123 and supervise seafarers' labour conditions. *. <Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Matters necessary for qualifications, appointment and dismissal and duties of a seafarers' labour inspector shall be prescribed by the Presidential Decree.

Article 126 (Authority of Seafarers' Labour Inspectors)

- (1) A seafarers' labour inspector may ask for the attendance of a shipowner, seafarer or other interested persons, or order them to submit books or documents, and have access to a ship or other company office to inspect or question, for the purpose of supervising seafarers' labour conditions under this Act.
- (2) Where a seafarers' labour inspector has access to or inspects a ship or other company office pursuant to paragraph (1), he/she shall inform a person subject to inspection of an inspection plan involving the period of inspection, reasons for inspection, details of inspection, etc. seven days before the commencement of the inspection; provided, however, that this shall not apply where an urgent inspection is required or where, if he/she gives prior notice thereof, he/she deems it impossible to achieve the purposes of the inspection due to destruction of evidence, etc.

- (3) A seafarers' labour inspector who has access to and inspects a ship or other company office pursuant to paragraph (1) shall carry identification indicating his/her authority and show it to interested persons, and produce a document in which his/her name, the time of access, the purpose of access, etc. are stated to interested persons at the time of his/her access.
- (4) A seafarers' labour inspector may commission a doctor to examine a seafarer deemed to have a disease who should be prohibited from working onboard.
- (5) A doctor commissioned pursuant to paragraph (4) shall show a medical examination order issued by the Minister of Oceans and Fisheries to a seafarer.
<Amended by Act No. 11690, Mar. 23, 2013>

Article 127 (Judicial Police Power)

- (1) A seafarers' labour inspector shall perform duties of a judicial police official, as prescribed by the Act on the Persons Performing the Duties of Judicial Police Officials and the Scope of their Duties.
- (2) Only a public prosecutor and a seafarers' labour inspector shall conduct an investigation, such as submission of documents, formal interrogation, questioning, etc. under this Act, the Labour Standards Act and other Acts and subordinate statutes concerning seafarers labour relations; provided, however, that this shall not apply to the investigation of a crime concerning duties of a seafarers' labour inspector.

Article 128 (Duty of Confidentiality)

- (1) A person who is or was a seafarers' labour inspector shall not divulge confidential information he/she has had access to while performing duties.
- (2) A seafarers' labour inspector shall perform his/her duties fairly and independently.
- (3) A seafarers' labour inspector shall not conduct business in which he/she has direct or indirect interests in relation to the supervision of seafarers' labour.

Article 129 (Reporting to Supervisory Agencies)

- (1) Where a seafarer recognizes the existence of the fact that a shipowner or master has violated this Act, the Labour Standards Act or an order issued under this Act, he/she may lodge a complaint with the shipowner or master, or report the fact to the competent maritime affairs and port authorities, seafarers' labour inspector or the Seafarers Labour Relations Commission as prescribed by the

Presidential Decree.

- (2) A shipowner shall not cancel a seafarer employment contract with a seafarer or treat him/her unfavorably for reason that he/she has lodged a complaint or filed a report thereon pursuant to paragraph (1).
- (3) Procedures for the conduct of matters reported pursuant to paragraph (1) shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.
- (4) A shipowner shall establish procedures for the handling of complaints on his/her ship and post a notice of the same in a conspicuous place on a ship, as prescribed by the Presidential Decree, to handle complaints lodged by seafarers pursuant to paragraph (1). *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 130 (Mediation of Maritime Affairs and Port Authorities)

The competent maritime affairs and port authorities may mediate the settlement of a dispute on labour relations raised between a shipowner and seafarers (excluding a labour dispute under subparagraph 5 of Article 2 under the Trade Union and Labour Relations Adjustment Act).

Article 131 (Affairs of Administrative Agency in Foreign Country)

In a foreign country, a consul of the Republic of Korea shall conduct affairs that the competent maritime affairs and port authorities should conduct in accordance with this Act, as prescribed by the Presidential Decree.

Article 132 (Inspection of Foreign Ships)

- (1) The Minister of Oceans and Fisheries may have a public official under his/her control inspect the following matters with regard to a foreign ship in a domestic port (including an anchorage: hereinafter the same shall apply):
<Amended by Act No. 11690, Mar. 23, 2013>
 1. A safe manning document issued by the flag state and whether seafarers according to such document are onboard;
 2. Whether the watchkeeping is maintained in accordance with the standards of watchkeeping in the International Convention on Standards of Training, Certification and Watchkeeping as amended;
 3. Whether a seafarer carries a valid certificate of qualifications for a seafarer or the dispensation in accordance with the International Convention on Standards of Training, Certification and Watchkeeping as amended;

4. Whether a seafarer carries a Maritime Labour Certificate and a declaration of the maritime labour compliance in accordance with the Maritime Labour Convention;
 5. Whether a shipowner observes the working and living standards of seafarers in accordance with the Maritime Labour Convention.
- (2) Where the Minister of Oceans and Fisheries inspects a ship pursuant to paragraph (1), he/she may have a civil servant under his/her control have access to the ship, examine books, documents and other articles, question the relevant seafarer, or directly examine the working and living standards, etc. for seafarers.
<Amended by Act No. 11690, Mar. 23, 2013>
- (3) Article 68 of the Ship Safety Act shall apply to inspections on the matters provided for in paragraph (1) 1 through 3.

Article 133 (Procedures, etc. for Inspection of Foreign Ships)

- (1) Procedures for inspection of a foreign ship under Article 132 (1) 4 and 5 shall be as follows:
1. Inspection of basic items:
 - (a) Confirmation of the appropriateness and validity of a Maritime Labour Certificate and a declaration of maritime labour compliance in accordance with the Maritime Labour Convention;
 - (b) Whether the working and living standards of seafarers meet the standards of the Maritime Labour Convention;
 - (c) Whether a ship has changed her registry to avoid compliance with the Maritime Labour Convention;
 - (d) Whether a seafarer has lodged a complaint;
 2. Where a ship falls under any of the following cases as a result of the inspection of the basic items under subparagraph 1, detailed inspections shall be conducted. In such cases, a civil servant in charge shall inform the master of the fact that he/she will conduct detailed inspections:
 - (a) Where he/she discovers fact that may risk the safety, health or security of seafarers;
 - (b) Where there are grounds to believe, as a result of inspection, that a shipowner has seriously violated the standards of the Maritime Labour Convention.
- (2) The scope of detailed inspections under paragraph (1) 2 shall be prescribed by the Presidential Decree; provided, however, that when a complaint has been lodged pursuant to paragraph (1) 1 (d), the scope of inspection shall be limited

to the relevant complaint lodged.

- (3) Where it is revealed that the working and living standards of seafarers do not conform to the standards of the Maritime Labour Convention based on the outcomes of detailed inspections under paragraph (1) 2, the Minister of Oceans and Fisheries shall take measures prescribed by the Presidential Decree, such as notifying the flag state of such fact. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) Where a ship falls under any of the following cases based on the outcomes of detailed inspections under paragraph (1) 2, the Minister of Oceans and Fisheries may detain the ship or give an order to detain the ship: *<Amended by Act No. 11690, Mar. 23, 2013>*
1. Where the conditions onboard are clearly hazardous to the safety, health and security of seafarers;
 2. Where a ship violates the standards of the Maritime Labour Convention seriously or repeatedly.
- (5) Where the Minister of Oceans and Fisheries conducts a disposition imposed under paragraph (4), he/she shall take measures prescribed by the Presidential Decree, such as notifying the flag state of such disposition. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (6) Article 68 (5) through (7) of the Ship Safety Act shall apply mutatis mutandis to an objection filed by a person dissatisfied with the disposition under paragraph (4) and procedures for the handling thereof.

Article 134 (Procedures for Handling of Complaints by Seafarers on Foreign Ship)

Where the Minister of Oceans and Fisheries receives information from a seafarer, etc. that a foreign ship at anchor or riding at moorings in a domestic port has violated the standards of the Maritime Labour Convention, he/she shall take measures prescribed by the Presidential Decree, such as conducting an inspection pursuant to Article 132. *<Amended by Act No. 11690, Mar. 23, 2013>*

CHAPTER XIV MARITIME LABOUR CERTIFICATE AND DECLARATION OF MARITIME LABOUR COMPLIANCE

Article 135 (Scope of Application)

The provisions of this Chapter shall apply to any of the following ships (excluding fishing vessels):

1. A seagoing ship of 500 gross tonnage or more engaged in international voyage;

2. A seagoing ship of 500 gross tonnage or more trading between ports in another country;
3. In addition to ships falling under subparagraphs 1 and 2, a ship requested by a shipowner.

Article 136 (Maintenance of Maritime Labour Certificate on Ship, etc.)

- (1) The shipowner of a ship falling under Article 135 shall keep a maritime labour certificate issued pursuant to Article 138 and a declaration of maritime labour compliance according to procedures prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries on the ship, and post one copy of each in a conspicuous place on the ship. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The form and content of a declaration of maritime labour compliance under paragraph (1) shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

[Enforcement Date: Jan. 9, 2015] Passenger Ship and bulk carrier in amended provisions under Article 137 (6)

[Enforcement Date: Jan. 10, 2016] Article 137 (6)

Article 137 (Inspection for certification of Maritime Labour Certificate)

- (1) Where the owner of a ship falling under Article 135 intends to be issued a Maritime Labour Certificate pursuant to Article 138 (1), he/she shall undergo an Inspection for certification according to the following classifications: *<Amended by Act No. 11690, Mar. 23, 2013>*
 1. The initial Inspection for certification: The initial inspection conducted to ascertain whether maritime labour condition meets the standards of this Act and the Maritime Labour Convention;
 2. Inspection for renewal of certification: An inspection conducted when the period of validity of a Maritime Labour Certificate expires;
 3. Intermediate Inspection for certification: An inspection conducted during the period prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries between the initial inspection and an inspection for renewal of certificate or between an inspection for renewal of certificate and inspection for renewal of certificate.
- (2) Specific standards of an Inspection for certification, such as the working and living standards of seafarers, shall be prescribed by the Presidential Decree.
- (3) Where a shipowner intends to put a ship into navigation for reasons prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, such as

change of flag of a ship before undergoing the initial Inspection for certification under paragraph (1) 1, he/she shall undergo an interim inspection for certification. *<Amended by Act No. 11690, Mar. 23, 2013>*

- (4) Where there are reasons prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, such as substantial alteration of seafarer accommodations on a ship or arising of a labour dispute on a ship, the Minister of Oceans and Fisheries may conduct a special Inspection for certification. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (5) Matters necessary for the details of, procedures for and method of an Inspection for certification under paragraphs (1), (3) and (4) shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (6) The shipowner of a ship falling under Article 135 shall not put a ship into navigation fails to pass the relevant Inspection for certification for a voyage; provided, however, that this shall not apply to cases prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, such as a sea trial of a ship. *<Amended by Act No. 11690, Mar. 23, 2013>*

[Enforcement Date: Jan. 9, 2015] Passenger Ship and bulk carrier in amended provisions under Article 137 (6)

[Enforcement Date: Jan. 10, 2016] Article 137 (6)

Article 138 (Issuance, etc. of Maritime Labour Certificate)

- (1) The Minister of Oceans and Fisheries shall issue a Maritime Labour Certificate for a ship that has passed the initial Inspection for certification under Article 137 (1) 1 or renewal inspection for certification under Article 137 (1) 2, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, and enter the fact of such issuance in the book of issuance and make it available to public. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Notwithstanding paragraph (1), where a foreign ship is issued a Maritime Labour Certificate after undergoing the initial Inspection for certification or renewal inspection for certification according to standards equal to or higher than the standards of this Act by the government of a flag state or a Recognized Organization entrusted by such a government and keeps the valid certificate on the ship, the Maritime Labour Certificate shall be deemed a certificate issued in accordance with this Act.
- (3) The Minister of Oceans and Fisheries shall indicate the outcome of inspection on a Maritime Labour Certificate issued pursuant to paragraph (1) for a ship

that has passed an interim Inspection for certification under Article 137 (1) 3 or special Inspection for certification under paragraph (4) of the same Article, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.<Amended by Act No. 11690, Mar. 23, 2013>

- (4) The Minister of Oceans and Fisheries shall issue an interim Maritime Labour Certificate for a ship that has passed an interim Inspection for certification under Article 137 (3), as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) The period of validity of a Maritime Labour Certificate issued pursuant to paragraph (1) shall be prescribed by the Presidential Decree for up to five years; provided, however, that the period of validity of a interim Maritime Labour Certificate issued pursuant to paragraph (4) shall not exceed six months.
- (6) Matters necessary for a method of the calculation of the period of validity under paragraph (5) shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>
- (7) Where a shipowner fails to pass an interim Inspection for certification under Article 137 (1) 3, the validity of the Maritime Labour Certificate issued pursuant to paragraph (1) shall be suspended until he/she passes such inspection.
- (8) Where it is discovered that a ship which has been issued a Maritime Labour Certificate has failed to meet the standards under Article 137 (2) as a result of an additional Inspection for certification, the Minister of Oceans and Fisheries may order a shipowner to take necessary corrective measures within a prescribed period, and where he/she fails to follow such order, the Minister of Oceans and Fisheries may order him/her to return the Maritime Labour Certificate.<Amended by Act No. 11690, Mar. 23, 2013>

Article 139 (Maritime Labour Inspector)

The Minister of Oceans and Fisheries may appoint a maritime labour inspector (hereinafter referred to as "labour inspector") from among civil servants under his/her control who have relevant qualifications prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, and who is to conduct the following affairs:<Amended by Act No. 11690, Mar. 23, 2013>

1. Affairs including the inspection of foreign ships pursuant to Articles 132 through 134;
2. Affairs concerning approval of a declaration of maritime labour compliance under Article 136 (1);

3. Affairs concerning a labour inspection, interim labour inspection and special labour inspection under Article 137 (1), (3) and (4);
4. Affairs concerning the issuance of a Maritime Labour Certificate under Article 138.

Article 140 (Conduct of Labour Inspection etc. as Recognized Organization)

- (1) Where deemed necessary, the Minister of Oceans and Fisheries may have a recognized organization designated by him/her conduct affairs provided for in subparagraphs 2 through 4 of Article 139 on his/her behalf. In such cases, the Minister of Oceans and Fisheries shall enter into an agreement with an agency designated (hereinafter referred to as "agency of Inspection for certification"), as prescribed by the Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Matters necessary for standards for authorization of an RO for certification, qualifications for a person who may be engaged in an Inspection for certification, etc. shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.
- (3) A person who intends to undergo a labour inspection, etc. by an RO for labour inspection pursuant to paragraph (1) shall pay a fee fixed by the relevant agency for labour inspection.
- (4) An RO for labour inspection shall obtain approval from the Minister of Oceans and Fisheries in fixing a fee under paragraph (3). The same shall also apply to changes to approved fees. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (5) An RO for labour inspection shall report to the Minister of Oceans and Fisheries regarding vicariously conducting labour inspections, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (6) Where an RO for labour inspection falls under any of the following cases, the Minister of Oceans and Fisheries may cancel its authorization or suspend its business within a prescribed period not exceeding six months; provided, however, that where it falls under subparagraphs 1 and 6, he/she shall cancel its designation: *<Amended by Act No. 11690, Mar. 23, 2013>*
 1. Where it obtains authorization by fraudulent or other unlawful means;
 2. Where it fails to meet the standards for authorization of an RO for labour inspection;
 3. Where it is deemed incapable of conducting business concerning the labour inspection;
 4. Where it collects fees without obtaining approval of fees or approval for the

- change thereof, in violation of paragraph (4);
5. Where it fails to report on conducting vicarious labour inspections in violation of paragraph (5);
 6. Where it continues to conduct vicarious labour inspection during the period of suspension after having been subject to disposition of the suspension of business.
- (7) Procedures for imposing disposition, etc., such as the suspension of business under paragraph (6), shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (8) Where the Minister of Oceans and Fisheries intends to cancel authorization of an RO for labour inspection pursuant to paragraph (6), he/she shall hold a hearing. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 141 (Filing of Objections)

- (1) A person dissatisfied with a labour inspection may file an objection against the Minister of Oceans and Fisheries along with a statement of the reason therefor within 30 days after receipt of the written notification regarding the outcome of the inspection. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Where an objection is filed under paragraph (1), the Minister of Oceans and Fisheries shall take necessary measures, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) Matters necessary for filing objections under paragraph (1) shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

CHAPTER XV KOREA SEAFARERS' WELFARE AND EMPLOYMENT CENTER

Article 142 (Incorporation)

- (1) The Minister of Oceans and Fisheries shall incorporate the Korea Seafarers' Welfare and Employment Center (hereinafter referred to as the "Center") in order to improve seafarers' welfare, facilitate their employment, and enhance their job security. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The Center shall be a corporation.
- (3) The Center shall come into existence by registering its incorporation at the seat

of its principal office.

- (4) Where the Center intends to amend its articles of association, it shall obtain approval thereof from the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 143 (Business)

- (1) The Center shall conduct the following business:
1. The establishment and operation of seafarers' welfare facilities;
 2. The collection, analysis and provision of information regarding current job openings and information on seafarers' employment at home and abroad;
 3. Registration of job seeking and job offers for seafarers;
 4. Activities for employment security of seafarers entrusted by the State;
 5. Business related to seafarers entrusted by the State, a local government, other public organization or private organization;
 6. Business incidental to the business provided for in subparagraphs 1 through 5.
- (2) The Center may conduct profit-making projects related to the business under paragraph (1), as necessary to achieve the purposes thereof with approval from the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 144 (Executives)

- (1) The Center shall have not more than 13 directors including one chairperson and one auditor as executives.
- (2) Directors excluding the chairperson and the auditor shall be non-standing.
- (3) The chairperson and the auditor shall be elected by the board of directors, as prescribed by the articles of association, with approval from the Minister of Oceans and Fisheries. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (4) Qualifications, election, term of office and duties of executives and other necessary matters shall be prescribed by the articles of association.

Article 145 (Board of Directors)

- (1) The board of directors shall be established in the Center to deliberate on and resolve important matters concerning affairs of the Center.
- (2) Matters necessary for the board of directors shall be prescribed by the articles of association.

Article 146 (Lease, etc. of State Property)

- (1) Notwithstanding the State Property Act, where the State deems it necessary for the Center to engage in its activities efficiently, the State may lease State property free of charge to the Center, or let the Center gratuitously use or profit from State property.
- (2) Matters necessary for lease, use or profit under paragraph (1) shall be prescribed by the Presidential Decree.

Article 147 (Approval, etc. of Operational Plan)

- (1) The business year of the Center shall follow the fiscal year of the Government.
- (2) The Center shall prepare an operational plan and a budget statement for every fiscal year with approval thereof from the Minister of Oceans and Fisheries, as prescribed by the Presidential Decree. The same shall also apply to changes thereto. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) The Center shall submit the business performance and the settlement of accounts audited by a certified public accountant or accounting corporation for every fiscal year to the Minister of Oceans and Fisheries by the end of February of the next year. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 148 (Direction and Supervision)

- (1) Where deemed necessary, the Minister of Oceans and Fisheries may have the Center report matters concerning its affairs, accounting and property, or have a civil servant under his/her control inspect books, documents, facilities and other articles of the Center. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) Where the Center falls under any of the following cases as a result of the reporting or inspection under paragraph (1), the Minister of Oceans and Fisheries may request the Center to take corrective measures or other necessary measures: *<Amended by Act No. 11690, Mar. 23, 2013>*
 1. Where the Center has executed the budget differently from an approved business plan;
 2. Where the Center has executed the budget in violation of Acts and subordinate statutes related to accounting;
 3. Where the Center has conducted a profit-making project without having obtained approval, in violation of Article 143 (2).

Article 149 (Application Mutatis Mutandis of Civil Act)

Except as otherwise specifically provided for in this Act, the provisions concerning incorporated foundations of the Civil Act shall apply mutatis mutandis to the Center.

Article 150 (Deemed Civil servants for Purposes of Penal Provisions)

Executives and employees of the Center shall be deemed civil servants for the purposes of Articles 129 through 132 of the Criminal Act.

CHAPTER XVI SUPPLEMENTARY PROVISIONS

Article 151 (Public Announcement of Rules of Employment)

- (1) A shipowner shall post documents, in which this Act or orders issued under this Act, a collective agreement and the rules of employment are stated, in a conspicuous place on a ship, and keep one copy of a seafarers' employment agreement prepared pursuant to Article 43 (1) on a ship.
- (2) A shipowner (excluding the shipowner of a ship sailing between domestic ports and the shipowner of a fishing vessel under the Fishing Vessels Act) shall prepare and keep documents in which the details of the working and living standards of seafarers are stated in Korean and English on a ship, as prescribed by the Minister of Oceans and Fisheries.<Amended by Act No. 11690, Mar. 23, 2013>

Article 152 (Prohibition of Transfer or Foreclosure)

The right to receive unemployment allowance, retirement allowance, expenses for repatriation, repatriation allowance, injury and disease compensation or accident compensation shall not be subject to transfer or foreclosure.

Article 153 (Preservation of Documents)

A shipowner shall preserve the seafarer's list, a seafarers' employment agreement, the rules of employment, the payroll and documents concerning accident compensation, etc. for three years from the date of making them out.

Article 154 (Cooperation with Foreign Government)

Where a foreign government takes legal action against a shipowner or seafarer of the Republic of Korea for any of the following reasons, the Minister of Oceans and Fisheries shall cooperate therewith, as prescribed by the International

Convention on Standards of Training, Certification and Watchkeeping for Seafarers: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where a shipowner or master has a seafarer work onboard without a certificate of qualifications required by the STCW Convention, as amended;
2. Where the relevant master allows a person holding no certificate of seafarer qualifications to perform duties that should be performed by a person holding an appropriate certificate of seafarer qualifications under the STCW Convention, as amended.
3. Where a person does not hold an appropriate certificate of seafarer qualifications under the STCW Convention, as amended and works onboard by fraudulent or other unlawful means, in order to perform duties that should be performed by a person who holds such a certificate of seafarer qualifications.

Article 155 (Fees)

- (1) A person who applies for an issuance of documents, approval thereon and certification, etc. under this Act, or for examination through which he/she becomes a ship's cook, or a person in charge of medical care on a ship, shall pay a fee prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended on Mar.23, 2013; Jan.6, 2015>
- (2) Notwithstanding Paragraph 1, the fee hereto may be exempted in the case that a shipowner receives an approval of boarding and leaving of a ship through the Internet in accordance with Article 44.<Newly introduced Jan.6, 2015>

Article 156 (Special exemption on Prescription)

A claim of a seafarer on a shipowner (including a claim for accident compensation) shall lapse by prescription unless he/she exercises his/her claim within three years.

Article 157 (Application to State or Local Government)

This Act or an order under this Act shall also apply to the State or a local government, except for matters prescribed by the Presidential Decree.

Article 158 (Delegation or Entrustment of Power)

- (1) The Minister of Oceans and Fisheries may delegate part of his/her power under this Act to the head of an agency under his/her control or entrust part of his/her power under this Act to the Korea Institute of Maritime and Fisheries

Technology, the Center or an institution prescribed by the Presidential Decree, as prescribed by the Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) A corporation entrusted with business pursuant to paragraph (1) may collect fees related to entrusted affairs, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended by Act No. 11690, Mar. 23, 2013>

Article 159 (Electronic Processing of Civil Petitions, etc.)

Article 89 of the Harbor Act shall apply mutatis mutandis to electronic processing, etc. of civil petitions under this Act.

CHAPTER XVII PENAL PROVISIONS

Article 160 (Penal Provisions)

Where a master abuses his/her authority to force a seafarer or a person on a ship to do work that he/she has no duty to engage in or to prevent a seafarer or a person on a ship from exercising his/her right, the master shall be punished by imprisonment for not less than one year but not more than five years.

Article 161 (Penal Provisions)

A person who is in violation of Article 11 shall be punished according to the following classifications:

1. A master who does not take all measures necessary to rescue human lives, or causes the death of a person aboard, by leaving his/her ship without taking all measures necessary to rescue human lives: imprisonment for life or for not less than three years;
2. A crew member who does not take all measures necessary to rescue human lives, or causes the death of a person aboard, by leaving his/her ship without taking all measures necessary to rescue human lives: imprisonment for not less than three years;
3. A seafarer who does not take all measures necessary to rescue human lives, or causes the death of a person aboard, by leaving his/her ship without taking all measures necessary to rescue human lives: imprisonment for not less than one year but not more than five years;
4. A seafarer who causes damage to a ship or cargoes, by not taking all measures necessary to rescue the ship and the cargoes: imprisonment for not

more than one year or a fine of not more than ten million won.

[Wholly revised on Jan. 6, 2015]

Article 162 (Penal Provisions)

A person who is in violation of Article 12 shall be punished according to the following classifications:

1. A master who causes the death of a person aboard, by not taking all measures necessary to rescue human lives: imprisonment for life or for not less than three years;
2. A master who injures a person aboard, by not taking all measures necessary to rescue human lives: imprisonment for less than five years but more than one year; or
3. A master who does not take all measures necessary to rescue his/her ship: imprisonment for not more than one year or a fine of not more than 10 million won.

[Wholly revised on Jan. 6, 2015]

Article 163 (Penal Provisions)

A master shall be punished by imprisonment for not more than three years or a fine of not more than 30 million won, when he/she falls under any of the following cases: *<Amended on Jan.6, 2015>*

1. Where he/she fails to take all the necessary measures for the rescue of human lives in violation of Article 13;
2. Where he/she abandons a ship;
3. Where he/she abandons a crew in a foreign country.

Article 164 (Penal Provisions)

A master shall be punished by imprisonment for not more than one year or by a fine of not more than 10 million won, when he/she falls under any of the following cases: *<Amended on Jan.6, 2015>*

1. When the master violates the responsibility for inspection before departure from port, etc. under Article 7 (1);
- 1-2 When the master does not present reports, or makes false reports under Article 7 (2);
- 1-3 When the master does not request the measures under Article 7 (3);
2. When the master changes the planned sea route, in violation of Article 8;

3. When the master does not command the steering of the ship directly, in violation of Article 9 (1);
4. When the master leaves his/her ship, in violation of Article 10;
5. When the master violates the responsibility of ensuring safety of navigation under Article 16;
6. When the master buries a dead body at sea, in violation of Article 17;
7. When the master refuses to repatriate a Korean citizen, in violation of Article 19 (1);
8. When the master prepares and keeps falsified documents under the subparagraphs of Article 20 (1);
9. When the master files false reports about cases under Article 21;
10. When the master refuses the request to treat injury or disease of seafarers, in violation of Article 82 (6).

Article 165 (Penal provisions)

- (1) A seafarer who assaults or threatens his/her senior shall be punished by imprisonment for not more than three years or a fine of not more than 30 million won. *<Amended on Jan. 6, 2015>*
- (2) A person who goes on a strike in violation of Article 25 shall be punished according to the following classifications:
 1. A person who leads a strike or plays a leading role: Imprisonment for not more than three years;
 2. A person who actively participates in conference for a strike or instigates a strike: Imprisonment for not more than one year or a fine of not more than ten million won.
- (3) In cases falling under paragraph (2), where a person goes on the relevant strike by reason that a shipowner (including his/her agent) violates Acts and subordinate statutes against the interests of seafarers or violates a Seafarers' employment agreement without a justifiable reason, he/she shall not be punished.

Article 166 (Penal Provisions)

Where a seaman falls under any of the following cases, he/she shall be punished by imprisonment for not more than one year:

1. Where he/she leaves a ship without a master's permission where a ship is in critical danger;
2. Where he/she fails to obey an official order of his/her senior where a master

takes necessary measures for the rescue of human lives, a ship or cargoes in accordance with Articles 11 through 13.

Article 167 (Penal Provisions)

Where a shipowner or a seafarer falls under any of the following cases, he/she shall be punished by imprisonment for not more than five years or a fine not exceeding 50 million won: *.<amended on Jan. 6, 2015>*

1. Where he/she cancels a Seafarers' employment agreement in violation of Article 32 (1), or takes disciplinary measures such as temporary retirement, suspension from duty, reduction of wages or other discipline;
2. Where he/she rescinds a seafarers' employment agreement, in violation of Article 32 (2).
3. Where a shipowner or a seafarer violates the provision of Article 25

Article 168 (Penal Provisions)

(1) Where a shipowner (in cases falling under subparagraph 5, including a person other than a shipowner) falls under any of the following cases, he/she shall be punished by imprisonment for not more than three years or a fine not exceeding 30 million won: *.<amended on Jan. 6, 2015>*

1. Where he/she violates Article 52 (1) through (4);
 2. Where he/she fails to pay monthly fixed wages, a production allowance or percentage wages in violation of Article 57 (1) or (3);
 3. Where he/she fails to pay an overtime allowance in violation of Article 62 (1) or (2);
 4. Where he/she violates Article 91 (2) or (4) through (6);
 5. Where he/she receives money, other valuables or other benefits from a seafarer or person who intends to be a seafarer in relation to job placement, recruitment and employment, in violation of Article 111.
- (2) With regard to the penal provisions under paragraph (1) 1 through 3, a public prosecutor shall not institute a public action against an intention clearly expressed by a victim.

Article 169 (Penal Provisions)

Where a shipowner fails to pay not less than the minimum amount of wages determined by the Minister of Oceans and Fisheries pursuant to Article 59, he/she shall be punished by imprisonment for not more than three years or a fine not

exceeding 30 million won.<Amended by Act No. 11690, Mar. 23, 2013, Jan. 6, 2015>

Article 170 (Penal Provisions)

Where a shipowner falls under any of the following cases, he/she shall be punished by imprisonment for not more than two years or a fine not exceeding 20 million won:<Amended by Act No. 11141, Dec. 31, 2011, Jan. 6, 2015>

1. Where he/she enters into a contract that stipulates for compulsory savings, etc. in violation of Article 30;
2. Where he/she fails to pay not less than 30 days' ordinary wages in violation of Article 33 (1);
3. Where he/she fails to pay a retirement allowance in violation of Article 55 (1) or (5);
4. Where he/she fails to grant paid leave in violation of Article 62 (5);
5. Where he/she fails to grant paid leave in violation of Article 69 (1) or (4);
6. Where he/she fails to pay a paid leave allowance in violation of Article 73 (1) or (2);
7. Where he/she fails to grant paid leave to a seafarer of a fishing vessel in violation of Article 74 (1);
8. Where he/she employs a person under 16 years of age as a seafarer in violation of Article 91 (1);
9. Where he/she has a seafarer under 18 years of age engage in night work in violation of Article 92 (1);
10. Where he/she does not allow a seafarer to receive medical treatment or fails to reimburse expenses incurred in medical treatment in violation of Article 94 (1);
11. Where he/she fails to reimburse expenses incurred in medical treatment in violation of Article 94 (2) (limited to cases that do not fall under paragraph (3) of the same Article), fails to reimburse expenses that should be borne by a seafarer who receives medical treatment pursuant to Article 44 of the National Health Insurance Act or reimburse expenses incurred in medical treatment;
12. Where he/she fails to make injury and disease compensation in violation of Article 96 (1) or (2);
13. Where he/she fails to make compensation for disability in violation of Article 97;
14. Where he/she fails to make compensation for the bereaved family in

- violation of Article 99 (1) or (2);
15. Where he/she fails to reimburse funeral expenses in violation of Article 100;
 16. Where he/she fails to make compensation for missing seafarers in violation of Article 101;
 17. Where he/she rescinds a seafarers' employment agreement or treats a seafarer unfavorably in violation of Article 129 (2).

Article 171 (Penal Provisions)

A person who conducts a seafarer recruitment and placement service for seafarers, in violation of Article 110, shall be punished by imprisonment for not more than two years or a fine not exceeding 20 million won.<amended on Jan. 6, 2015>

Article 172 (Penal provisions)

Where a shipowner violates Article 7 (4) or Article 82 (1) through (3), he/she shall be punished by imprisonment for not more than one year or a fine not exceeding ten million won.<amended on Jan. 6, 2015>

Article 173 (Penal Provisions)

- (1) Where a shipowner falls under any of the following cases, he/she shall be punished by imprisonment for not more than one year or a fine not exceeding ten million won:
1. Where he/she fails to give an unemployment allowance in violation of Article 37;
 2. Where he/she fails to repatriate a seafarer, in violation of Article 38 (1);
 3. Where he/she requests a seafarer to reimburse expenses for repatriation in advance in violation of Article 38 (4);
 4. Where he/she fails to give a repatriation allowance in violation of Article 39;
 5. Where he/she fails to take out insurance or become a member of mutual aid for repatriation in violation of Article 40;
 6. Where he/she fails to pay wages to a seafarer during his/her injury or sickness while serving on board, in violation of Article 54;
 7. Where he/she fails to take out insurance or become a member of mutual aid, or create a fund that may guarantee the payment of outstanding wages to seafarers in violation of Article 56 (1);
 8. Where he/she fails to have a seafarer with relevant qualifications work on board in violation of Article 64 (1) through (4);

9. Where he/she fails to obtain approval of the complement in violation of Article 65 (1), or fails to have the complement work onboard or fill a vacancy in violation of paragraph (3) of the same Article;
 10. Where he/she violates qualifications for and the complement of seafarers under Article 66;
 - 10-2. When a shipowner allows a man/woman who fails to meet the Aptitude Test to serve as a master, in violation of Paragraph 2 of Article 66-2.
 11. Where he/she fails to secure reserve seafarers, in violation of Article 67 (1) or fails to pay wages to reserve seafarers, in violation of paragraph (2) of the same Article;
 12. Where he/she fails to provide meals on a ship under Article 76 (1), or fails to have a cook work on board a ship in violation of paragraph (2) of the same Article;
 13. Where he/she fails to have a doctor work on board in violation of Article 84;
 14. Where he/she fails to employ a person in charge of medical care on a ship in violation of Article 85 (1), or fails to select and appoint a seafarer holding a certificate in proficiency in medical care as a medical care person in violation of paragraph (2) of the same Article;
 15. Where he/she fails to employ a person in charge of medical first aid on a ship in violation of Article 86 (1) or fails to select and appoint a seafarer who has completed training on medical first aid as a person in charge of first aid in violation of paragraph (2) of the same Article;
 16. Where he/she fails to make compensation for loss of belongings in violation of Article 102;
 17. Where he/she fails to take out insurance or become a member of mutual aid that may make accident compensation fully in violation of Article 106.
- (2) With regard to the penal provisions under paragraph (1) 6 and 11, a public prosecutor shall not institute a public action against an intention expressed clearly by a victim.

Article 174 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than one year or a fine not exceeding ten million won:

1. A person who reports a seafarers' employment agreement under Article 43 (1) by fraudulent or other unlawful means;

2. A person who is issued a seafarer's book, or is issued a seafarers' identity document or receives a revision thereon by fraudulent or other unlawful means;
3. A person who is lent or uses a seafarer's book or seafarers' identity document of another;
4. A person who uses a seafarer's book or seafarers' identity document unlawfully or lends it to another in violation of Article 50;
5. A person who disobeys an order for the suspension of a voyage, in violation of the former part of Article 124 (2), or an order for embargo, in violation of Article 133 (4).

Article 175 (Penal Provisions)

- (1) Where a shipowner violates Article 27 (1), 53, 91 (3) or 93, he/she shall be punished by a fine not exceeding ten million won.
- (2) With regard to the penal provisions under Article 53, a public prosecutor shall not institute a public action against an intention expressed clearly by a victim.

Article 176 (Penal Provisions)

Where a person who is or was a seafarers' labour inspector violates Article 128 (1), he/she shall be punished by a fine not exceeding 10 million won.<Amended on Jan. 6, 2015>

Article 177 (Penal Provisions)

Any of the following persons shall be punished by a fine not exceeding five million won:

1. A shipowner who enters into a contract that stipulates for a penalty, etc. in advance, in violation of Article 29;
2. A shipowner who offsets his/her claim on a seafarer by his/her obligation to pay wages, in violation of Article 31;
3. A shipowner who fails to prepare or report a seafarers' employment agreement or fails to give one copy of a seafarers' employment agreement to a seafarer in violation of Article 43;
4. A shipowner who fails to prepare the rules of employment or prepares and reports the rules of employment falsely in violation of Article 119 (1);
5. A shipowner who fails to prepare the rules of employment in accordance with procedures for preparing the rules of employment in violation of Article

120 (1);

6. A person who fails to obey an order to change the rules of employment in violation of Article 121;
7. A shipowner who uses a ship that has failed to pass an inspection for certification for a voyage in violation of Article 137 (6);
8. A shipowner who fails to return a maritime labour certificate under Article 138 (8), in violation of an order to return the same;
9. A person who fails to keep documents for three years in violation of Article 153.

Article 178 (Joint Penal Provisions)

If a representative, agent, employee or other worker of a shipowner commits an offense provided for in Articles 167 through 170, 172, 173, subparagraphs 1 and 2 of Article 174, Article 175 or 177 in connection with the business of the shipowner, not only shall the offender be punished but the shipowner shall also be punished by a fine under the relevant Articles; provided, however, that this shall not apply where the shipowner (where the shipowner is a corporation, referring to the representative thereof, and where the shipowner is a minor who does not have the same ability as adults, a quasi-incompetent or incompetent, referring to his/her legal representative) has not been negligent in giving due attention and supervision to the relevant business in order to prevent such an offense.

Article 179 (A Fine for Negligence)

- (1) A person who falls under the following subparagraphs shall be punished by a fine for negligence of not more than 5 million won: *<Amended on Jan.6, 2015>*
 1. A master who does not perform exercise drills under Article 15 (1);
 2. A master who does not render the information necessary for passengers aboard to evacuate in the case of an emergency under Article 15 (2);
 3. A master who shortens hours of the seafarer's rest for the reason of conducting emergency drills, in violation of Article 15 (3);
 4. A shipowner who does not perform his/her duties under Article 63 (1);
 5. A shipowner who does provide a uniform to seafarers, in violation of Article 82 (7); and,
 6. A seafarer who makes a false report about the provisions of Article 129 (1).
- (2) A person who falls under the following subparagraphs shall be punished by a fine of not more than 2 million won: *<Amended on Jan.6, 2015>*

1. A person who does not make notifications under the main sentence of Article 12, or Article 14, or who does not take measures under Article 18;
 2. A person who violates Article 109 (1) and (2), or Article 151;
 3. A person who does not keep documents under Article 20 (1);
 4. A person who does not file reports under Article 21;
 5. A person who does reports about cases under Article 23 (1);
 6. A person who does not enter the name of a seafarer on a seafarer's list, or who does not obtain an approval of a seafarer's list, in violation of Article 44 (2), or Article 44 (3);
 7. A shipowner who does not keep books related to hours of work, hours of rest and overtime work, or does not allow a master to enter hours of work, etc, in violation of Article 62 (3);
 8. Deleted <Jan.6, 2015>;
 9. A master who provides meals in a discriminating way, in violation of the latter part of Article 77 (1);
 10. A shipowner who does not immediately report an official accident, etc. to the competent maritime affairs and port authorities, in violation of Article 82 (4);
 11. A shipowner who violates Article 82 (5);
 12. A shipowner who allows a seafarer without a medical certificate to work on board, in violation of Article 87 (1);
 13. A person who does not report the fact of consigning the seafarer management business and changes in detail thereof, in violation of Article 112 (4);
 14. A person who does not report rules of employment, in violation of Article 119 (1); and,
 15. A person who does not follow the request of the attendance, or who rejects, avoids or hinders the entrance in a ship or a place of business, who does not follow the order of submission of books and documents, or who falsifies books and documents or makes false statements, in violation of Article 126 (1).
- (3) A person who falling under any one of the following subparagraphs shall be punished by a fine for negligence not exceeding 1 million won: <Amended on Jan.6, 2015>:
1. A shipowner who does not keep a payroll or does not state matters, etc. that become the basis of the calculation of wages, in violation of Article 58; and,

2. A seafarer who does not wear a uniform, in violation of Article 83 (3).
- (4) The competent maritime affairs and port authorities shall impose and collect a fine for negligence under Paragraphs 1 through 3 prescribed by the Presidential Decree.

Article 180 (Application to Person Who Vicariously Performs Duty of Master)

The provisions of this Chapter that shall apply to a master shall also apply to a person who vicariously performs the duty of master.

ADDENDA<No. 11024, 04. Aug, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation; provided, however, that the following matters shall enter into force on the date fixed according to the following classifications:

Article 2 (Transitional Measures concerning Enforcement Date)

Before the amended provisions of subparagraph 1 of Article 2, Articles 54, 60, 62, 68, 69, 75, 76 (2), 106, 129, 132 and 151 enter into force pursuant to the proviso to Article 1 of the Addenda, the previous subparagraph 1 of Article 3, Articles 50, 55, 60, 66, 67, 73, 74 (2), 98, 114, 119 and 123 corresponding thereto shall apply.

Article 3 (Prior Preparations for Issuance of Maritime Labour Certificate)

- (1) In preparation for the effectuation of the Maritime Labour Convention before this Act enters into force, the Minister of Land, Transport and Maritime Affairs may conduct matters prescribed in the following subparagraphs in advance before this Act enters into force:
- (2) All kinds of administrative disposition conducted and preparations made pursuant to paragraph (1) shall be deemed to have been conducted and made in accordance with this Act.

Article 4 (Transitional Measures concerning seafarers' employment agreement)

The former provisions shall apply to wages to be paid, a retirement allowance to be given, allowance to be given, expenses for repatriation to be reimbursed, paid leave allowance to be given or accident compensation to be made to seafarers by a shipowner for reasons that arise before this Act enters into force.

Article 5 (Transitional Measures concerning Reporting, Approval or Certificate of Qualifications)

- (1) A person who has reported or obtained authorization or approval, etc. in accordance with the former provisions at the time this Act enters into force shall be deemed to have reported or obtained authorization or approval, etc. in accordance with this Act.
- (2) A seafarer who holds a license or a medical certificate or has received education and training for seafarers in accordance with the former provisions at the time this Act enters into force shall be deemed to hold a license or a medical certificate, or to have received education and training for seafarers.

Article 6 (General Transitional Measures concerning Disposition, etc.)

An act by an administrative agency or in relation to an administrative agency under the former provisions at the time this Act enters into force shall be deemed an act by an administrative agency or in relation to an administrative agency under this Act corresponding thereto.

Article 7 (Transitional Measures concerning Penal provisions or Fines for Negligence)

In applying the penal provisions or the provisions on fines for negligence to an act committed before this Act enters into force, the former provisions shall apply.

Article 8 Omitted.

ADDENDA<No. 11141, 31. Dec, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force on September 1, 2012. (Proviso Omitted.)
Articles 2 through 22 Omitted.

ADDENDA<No. 11188, 17. Jan, 2012>

This Act shall enter into force on February 5, 2012.

ADDENDA<No. 11270, 01. Feb, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 7 Omitted.

ADDENDA<No. 11690, 23. Mar, 2013>

Article 1 (Enforcement Date)

- (1) This Act shall enter into force on the date of its promulgation.
- (2) Omitted.

Articles 2 through 7 Omitted.

ADDENDA <No. 13186, Feb.3, 2015> (The Act on Entry and Departure of Ships)

Article 1 (Enforcement Date)

This Act shall enter into force after six months from the date of its promulgation.

Article 2 through Article 7 Omitted.

Article 8 (Amendment to other Acts)

Paragraphs (1) and (2) omitted.

- (3) Part of the Seafarers' Act shall be amended as follows:

Article 32 of the Harbor Act written in the subparagraph 2 of the Article 3 (1) and provisions of Article 68 (1) excluding the subparagraphs thereof shall be replaced with Article 24 of the Act on Entry and Departure of Ships.

Paragraph 4 through Paragraph 9 omitted.

Article 9 omitted.

ENFORCEMENT DECREE OF THE SEAFARERS' ACT

[Enforcement Date: Jul. 7, 2015] [the Presidential Decree No.26386, partially amended on Jul. 6, 2015]

Seafarers Policy Division, Ministry of Oceans and Fisheries
(044-200-5746, 5745)

CHAPTER I GENERAL PROVISIONS

Regulation 1 (Purpose)

The purpose of this Decree is to provide the matters entrusted by the Seafarers' Act and the matters necessary for the enforcement thereof. *<Amended by the Presidential Decree No. 20037, Apr. 27, 2007; the Presidential Decree No. 21530, Jun. 9, 2009>*

Regulation 2 (Person not regarded as a seafarer)

Persons set out by the Enforcement Decree under the proviso of Article 2(1) of the of the Seafarers' Act (hereinafter referred to as "the Act") shall be any one of the following:

1. ship inspectors under Article 77 (1) of the Ship Safety Act;
2. technicians and workers temporarily joining a ship for the purpose of repairing the ship;
3. harbor pilots under the Article 2(2) of the Pilotage Act;
4. workers employed for the purpose of running a harbor transport business under the Article 2(2) of the Harbor Transport Business Act or the harbor transport-related business paragraph (4) of the same article;
5. persons joining a ship for taking onboard training for the purpose of becoming a seafarer;
6. celebrity joining a ship temporarily for public performance
7. any person announced by the Minister of Oceans and Fisheries as he/she is regarded as a comparable person to one of the paragraphs 1 to 6 above after consultation with the representatives of shipowners' and seafarers' organizations.

[Newly introduced on April 15, 2014]

Regulation 3 (Scope of Other Staff)

"Other crew as prescribed by the Presidential Decree" subparagraph 4 of Article 3 of the Seafarers' Act (hereinafter referred to as the "Act"), means persons falling under the following sub-paragraphs: *<Amended by the Presidential Decree No. 15892, Sep. 17, 1998; the the Presidential Decree No. 20722, Feb. 29, 2008; the Presidential Decree No. 21530, Jun. 9, 2009, April. 4, 2014>*

1. A fishing officer;
2. clerk;
3. medical doctor;
4. A crew treated equally as or better than those prescribed in subparagraphs 1 through 3, as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.

Regulation 3-2 (Calculation Methods of Ordinary Hourly Wages)

(1) Where ordinary wages referred to in subparagraph 8 of Article 3 of the Act are calculated into hourly wages, the method under any of the following subparagraphs shall be applied: *<Amended by the Presidential Decree No. 15892, Sep. 17, 1998>*

1. The amount determined in terms of hourly wages;
2. The amount determined by dividing the amount of daily wages by the fixed daily hours of work;
3. The amount determined by dividing the amount of weekly wages by the fixed weekly hours of work;
4. The amount determined by dividing the amount of monthly wages by the fixed monthly hours of work;
5. The amount calculated in accordance with subparagraphs 2 through 4 with respect to the wages for a specified period other than a day, week, or month;
6. The amount determined by dividing the total contracted amount calculated by the invited contract system by the total number of hours of work in the relevant period for wage calculation (where a wage payment deadline exists, referring to the due date of the payment for the contract; hereinafter the same shall apply) with respect to the contracted amount determined in accordance with the contract; and
7. The sum of the amount calculated respectively in accordance with the

methods of subparagraphs 1 through 6 in a case where the manner of the compensation consists of not less than two of the methods stipulated in sub-paragraphs 1 through 6 with respect to those parts.

- (2) The term "fixed daily hours of work" or "fixed weekly hours of work" in paragraph (1) means the hours of work determined by the collective bargaining agreement or between the seafarers and the shipowner within the scope of hours of work referred to in Article 55 of the Act, and the term "fixed monthly hours of work" means the hours amounting to the number of fixed monthly working days multiplied by the number of fixed daily hours of work; provided, however, that in a case where a wage structure is fixed without regard to the hours of work, the fixed hours of work of a person on watchkeeping duty at sea shall be the same as those of the seafarers who are not on watchkeeping duty at sea. *<Amended by the Presidential Decree No. 15892, Sep. 17, 1998>*

[This Regulation Newly Introduced by the Presidential Decree No. 13263, Jan. 29, 1991]

Regulation 3-3 (Methods of Calculating Average On-Board Wages)

- (1) If the seagoing service period of a seafarer under Regulation 2 (12) falls under the following subparagraphs, the number of days and its wages shall be deducted from the total seagoing service period of his/hers and the total amount given to him/her: *<Amended on Feb. 3, 2012>*
1. A period during which a seafarer is unable to perform his/her duties due to injury or sickness prescribed by Article 54 of the Act;
 2. A practical exercise period necessary for a person to go on board for the purpose of becoming a seafarer.
- (2) The total wages under Regulation 2 (12) shall include wages paid temporarily or an allowance only prescribed by the Minister of Oceans and Ministries. *<Amended on Aug. 8, 1996; Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>*
- (3) Average on board wages for day seafarers shall be the amount prescribed by the Minister of Oceans and Fisheries by industry. *<Amended on Aug. 8, 1996; Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>*
- (4) In the case that average on board wages cannot be calculated under subparagraph 12 of Regulation 2, Paragraph 1 and 2 of the same Regulation, they shall be determined by the Minister of Oceans and Fisheries.

<Amended on Aug. 8, 1996; Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>

[This Regulation Newly Introduced on Jan. 29, 1991]

Regulation 3-4 (Adjustment of Ordinary Wages and Average On-Board Wages)

- (1) Ordinary wages and average on-board wages that shall be applied to injured or sick seafarers under Article 96 through Article 102 of the Act shall be adjusted to changed amounts, in consideration of changed ratios thereof, in the case that per capita monthly wages of seafarers, for the period when the related injury or the sickness arises, who are under the same duties with the aforementioned seafarers, are not less than 105/100, or not more than 95/100, in a schedule to be adopted from the following month of the cause of adjustment arising; provided, however, that the adjustment of ordinary wages and average onboard wages, for its second round and thereafter, shall be based on the ordinary wages of the month when the cause of change occurs. *<Amended on Feb. 3, 2012>*
- (2) In the case that the place of business of an injured, or sick seafarer is closed, a category of business, a place of business and a ship which is in the same scale of his or hers shall be used for the application of Paragraph 1.
- (3) In the case that there is no seafarer whose duty is the same as the injured, or sick seafarer in Paragraphs 1 and 2, average ordinary wages of seafarers whose duties are similar to his or hers shall be employed.
- (4) For the calculation of unemployment allowance and retirement allowance under Article 37 and Article 55 of the Act for an injured or sick seafarer under Article 94 (1) of the Act, the applicable ordinary wages and average onboard wages shall be adjusted ordinary wages and average onboard wages that are prescribed in Paragraph 1 through Paragraph 3. *<Amended on Feb. 3, 2012>*

[This Regulation Newly Introduced on Jan. 29, 1991]

[Title Amended on Feb. 3, 2012]

Regulation 3-5 (Shared Expenses)

The shared expenses prescribed by the Presidential Decree under Article 2 (15) of the Act means direct costs that incurred from the initial departure for fishing to the termination of fishing operation. *<Amended on Jan. 29, 1991; Feb. 3, 2012>*

[This Regulation Newly Introduced on Jan. 29, 1991]

[Move from Regulation 3-2 to here <Jan. 29, 1991>]

Regulation 3-6 (Officers Eligible for Commanding the Steering of a Ship in lieu of a Master)

Officers, including chief officer, etc. set out by the Presidential Decree under Article 9(2) of Seafarers' Act shall be the following subparagraphs: *<Amended on Jul. 6, 2015>*

1. Chief officer;
2. Chief operating officer; and,
3. An officer who has qualifications for chief officer or chief operating officer under Attached Table 3 of Enforcement Decree of the Ship Officer's Act.

[This Regulation Newly Introduced on Apr. 15, 2014]

Regulation 4 (Bearing Expenses Incurred for the Repatriation of Korean Citizen Residing in Foreign Country and reimbursement)

- (1) A repatriated person shall bear repatriation expenses incurred under Article 19 of the Act, which include carriage, meals, medical treatment and others.
- (2) A person who is repatriated in accordance with Article 10 of the Act shall promptly reimburse expenses incurred for his or her repatriation, if he or she was claimed for the amount by a shipowner or a master.

CHAPTER II SEAFARERS' EMPLOYMENT AGREEMENT

Regulation 5 (Scope of those Covered by Repatriation Insurance)

- (1) A shipowner prescribed by the Presidential Decree under Article 40 of the Act means the shipowner of a ship engaged in international voyages. *<Amended on Apr. 15, 2014>*
- (2) Insurance or mutual aid as prescribed by the Presidential Decree, under Article 40 of the Act, is as follows:*<Amended on Mar. 23, 2013; Apr. 15, 2014>*
 1. 「Indemnity insurance policy run by a Shipowners' Mutual Protection & Indemnity Insurance Club Act (hereinafter referred to as "Shipowners' Mutual Protection & Indemnity Insurance Club Act") under Article 2 of the Act on Shipowners' Mutual Protection & Indemnity Insurance Club Act.
 2. 「Indemnity insurance policy under Article 2 (4) of the Insurance Business Act that covers repatriation expenses of a seafarer and is run by insurance companies falling under Article 2 (6) and (8) the Act thereof and foreign insurance companies.
 3. Mutual aid running by shipowners associations which collect contributions from their members, etc. for the purpose of ensuring a seafarers' repatriation expenses, in accordance with the article of association under Article 6 of Korea Shipping Association Act, Article 60 of National Federation of Fisheries Cooperatives Act, or Article 28 of Korea Overseas Fisheries

Promotion Act.

4. Mutual aid running by a corporation, established under Article 32 of the Civil Act with the permission of the competent authorities, which collects contributions from its members, etc. for the purpose of ensuring a seafarers' repatriation expenses in accordance with the article of association under Article 40 of the Civil Act.
 5. Mutual aid of an international mutual aid association, the ability of which is recognized and announced by the Minister of Oceans and Fisheries to be capable of guaranteeing repatriation expenses of a seafarer.
- (3) A shipowner who buys insurance policies or becomes a member of mutual aids, in accordance with Article 40 of the Act, shall designate a seafarer as the insured so that he/she directly claims the insured amount to an insurance company or a mutual aid association.

[Wholly Amended on Feb. 3, 2012]

Regulation 6 (Exemption of Approval of a Seafarer's List)

The term "a person who is prescribed by the Presidential Decree" in the former part of Article 44 (3) of Seafarers' Act means any of the following subparagraphs: *<Amended on Sep. 30, 2005; Apr. 27, 2007; Sep. 28, 2007; Oct. 31, 2007; Apr. 20, 2010; and, Feb. 3, 2012>*

1. A rating who works on a ship that is used for continental fishery, under Article 41 (1) of the Fisheries Act;
2. A rating who works on a ship that is used for coastal fishery, under Article 41 (2) of the Fisheries Act;
3. A seafarer who works on a barge operating in near coastal waters, under Section 2 (1) 3 (1) of Enforcement Ordinance of the Ship Safety Act; and
4. A seafarer who works on a public ship as a state or local government official.

[This Regulation Newly Introduced on Jun. 29, 2001]

[Title Amended on Feb. 3, 2012]

Regulation 7 Deleted <Sep. 17, 1998>

Regulation 8 (Issuing Procedure of Seafarer's Book)

- (1) For the issuance of seafarer's book pursuant to Article 45 (1) of Seafarers' Act, an application shall be filed to the administrator of a Regional Maritime Affairs and Fisheries Office (which also means the head of a maritime affairs office in

the jurisdiction of the office. This shall apply hereunder) by a seafarer, a shipowner, the president of the Korea Institute of Maritime and Fisheries Technology established under the Act on the Korea Institute of Maritime and Fisheries Technology (hereinafter referred to as "president of the Korea Institute of Maritime and Fisheries Technology"), a person or an organization that operates a seafarer recruitment and placement service under Article 112 of the Act (hereinafter referred to as "seafarer recruitment and placement agency"), the head of a designated training organization under Regulation 2 (7) of the Enforcement Decree of the Ship Officer's Act, or the head of an institution or a group designated by the Minister of Oceans and Fisheries; provided, however, that a Korean residing in a foreign country shall apply to a consul of the Republic of Korea stationed in the foreign country.<Amended on Sep. 24, 1988; Jan. 29, 1991; Aug. 8, 1996; May 24, 1997; Sep. 17, 1998; Jan. 29, 2004; Sep. 30, 2005; Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>

- (2) A foreign seafarer who is in service onboard a ship of the Republic of Korea shall obtain confirmation that he/she is qualified for service from his or her own country in advance (including a consul of his or her country stationed in Korea). <Amended on Feb. 3, 2012>
- (3) A person who holds a seafarer's book shall not apply for issuance of the seafarer's book, except for the cases of re-issuance under Article 49 of the Act. <Amended on Sep. 30, 2005; Feb. 3, 2012>

[Title Amended on Feb. 3, 2012]

Regulation 9 (Application for the Issuance of Seafarer's Book of a Minor)

When a minor applies for the issuance of a seafarer's book, his/her application form shall include the consent of his/her legal representative.<Amended on Feb. 3, 2012>

[Title Amended on Feb. 3, 2012]

Regulation 10 (Certificate of Good Character in Lieu of Seafarer's Book)

- (1) The term "seafarers prescribed by the Presidential Decree" in the proviso of Article 45 (1) of the Act shall be the following:<Amended on Sep. 17, 1998; ; Jun. 29, 2001; Sep. 30, 2005; Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>

1. A rating who works on a ship engaged in fishing in a foreign territory but not calling at its port; provided, however, that this shall not apply to watchkeeping ratings and any person prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries;

2. A rating who works on a passenger ship trading only between domestic ports and is prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries;
3. A seafarer who is in service on board a barge trading within near coastal water area; and
4. A foreign seafarer

(2) Deleted <Jun. 8, 1999>

[Title Amended on Jun. 29, 2001]

Regulation 11 (Return of Seafarer's Book)

A person who has the seafarer's book of another person shall return it without delay, if he/she person is requested to do so by the person; provided, however, that this shall not apply to a master who keeps a seafarer's book pursuant to Article 45 (2) of the Act.

[This Regulation Newly Introduced on Sep. 30, 2005]

Regulation 12 (Form of Seafarer's Book, etc)

Necessary matters concerning form and issuance and correction of seafarer's book shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended on Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>

[This Regulation Newly Introduced on Sep. 30, 2005]

Regulation 13 (Issuance of Seafarer's Identity Document, etc)

- (1) A person who intends to be issued a Seafarers' Identity Document pursuant to Article 48 (1) and (2) of the Act shall apply for issuance to the administrator of a Regional Maritime Affairs and Fisheries Office (in case of the head of a Maritime Affairs Office, only to the head whose office is equipped with issuing equipment). <Amended on Feb. 29, 2008; Feb. 3, 2012>
- (2) When a minor applies for the issuance of a seafarer's identity document, his/her application form shall be attached with a document of the consent of his/her legal representative.<Amended on Feb. 3, 2012>
- (3) A person who has a seafarer's identity document applies for its issuance before the expiration date under Article 48 (3) of the Act or for its reissuance under Article 49 of the Act, or for the correction of entries thereon shall return seafarer's identity document in his/her hand. <Amended on Feb. 3, 2012>
- (4) Necessary matters concerning issuance and correction of seafarer's identity

document shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. <Amended on Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>

[This Regulation Newly Introduced on Sep. 30, 2005]

[Title Amended on Feb. 3, 2012]

Regulation 14 (Issuance of Seafarer's Identity Document to a Foreigner)

The term "a person prescribed by the Presidential Decree" under Article 48 (2) of the Act shall be those who have permanent residence under subparagraph 28 (3) of Attached Table 1 of Enforcement Decree of the Immigration Control Act. <Amended on Feb. 3, 2012>

[Wholly Amended on Sep. 30, 2005]

[Title Amended on Feb. 3, 2012]

Regulation 15 (Standard and Entries of Seafarer's Identity Document)

(1) Standard size of a seafarer's identity document under Article 48 (7) of the Act shall be 86mm x 54mm. <Amended on Feb. 3, 2012>

(2) Seafarer's identity document shall include the following:

1. Front side: Document number, name, gender, nationality, date of birth, place of birth, resident registration number, body features, place of issue, date of issue, date of expiry, image, signature.
2. Back side: Office of issue, biometric information (fingerprint), machine-readable data.

(3) Necessary matters concerning the material quality of seafarer's identity document, etc., shall be determined and announced by the Minister of Oceans and Fisheries. <Amended on Feb. 29, 2008; Mar. 23, 2013>

[Wholly Amended on Sep. 30, 2005]

Regulation 16 (Issuance of Certificate of seagoing service)

In case of issuance of a certificate of seagoing service, a shipowner or a master shall enter only matters requested by an applicant and shall not leave a signal or a mark that may work against the applicant, or false information thereon. <Amended on Feb. 3, 2012>

[Title Amended on Feb. 3, 2012]

CHAPTER III WAGES

Regulation 17 (Payment of Wages)

(1) The term "payments prescribed by the Presidential Decree, such as wages paid

temporarily, an allowance, and others corresponding thereto" in the proviso of Article 52 (2) of the Act shall mean any of the following subparagraphs:

1. Continuous work allowance to be paid for work that is sustained for certain periods exceeding one month;
 2. Incentive and efficiency allowance, or bonus that is calculated for reasons that continue more than one month; and
 3. Other types of allowance that are paid irregularly.
- (2) A shipowner shall provide a seafarer with details of wages that include the following subparagraphs under Article 52 of the Act, when he/she pays wages:
1. Matters concerning the amount of wages;
 2. Matters concerning items that consist wages; and
 3. Matters concerning applied exchange rates

[Wholly Amended on Feb. 3, 2012]

Regulation 17-2 (Payment before due date)

The term "extraordinary cases prescribed by the Presidential Decree" under Article 53 of the Act are the cases where a seafarer or his/her family member falls under any of the following subparagraphs: *<Amended on Mar. 23, 2013>*

1. Marriage or death;
2. When a seafarer lands for not less than seven days due to unavoidable reasons prescribed by the Minister of Oceans and Fisheries.

[This Regulation Newly Introduced on Feb. 3, 2012]

Regulation 18 (Reason for Payment of Outstanding Wages)

The term "reasons prescribed by the Presidential Decree, such as a shipowner's bankruptcy, etc." under Article 56 (1) of the Act means any of the following subparagraphs: *<Amended on Feb. 29, 2008; Feb. 3, 2012>*

1. Adjudication of bankruptcy or determination of rehabilitation commencement (hereinafter referred to as "adjudication of bankruptcy, etc.") under Debtor Rehabilitation and Bankruptcy Act;
2. Recognition of facts of bankruptcy, etc. by the Administrator of the Regional Maritime Affairs and Port Office under the provisions of Regulation 18-2.

[This Regulation Newly Introduced on Sep. 30, 2005]

Regulation 18-2 (Requirements and Procedures for Recognition of Facts of Bankruptcy, etc.)

- (1) Where a shipowner falls under any of the following subparagraphs, and where

there exists an application of seafarers retired without receiving the payment of wages and retirement allowances from the relevant shipowner, the Administrator of the Regional Maritime Affairs and Port Office may recognize that the relevant shipowner does not have the ability to pay the unpaid wages and retirement allowances (hereinafter referred to as the "outstanding wages") (hereinafter referred to as "recognition of facts of bankruptcy, etc."): *<Amended on Feb. 29, 2008>*

1. The business is discontinued or it is in the process of discontinuance due to causes falling under any of the following items:
 - (a) Where principal business facilities have been seized or provisionally seized at the status of suspension of business activities of relevant business, or transferred for a repayment of debts (including the cases of progress of auctions under the Civil Execution Act);
 - (b) Where authorization, permit, registration, etc. for the relevant business have been cancelled or deleted; and,
 - (c) Where the operational activities of relevant business have been suspended for not less than one month.
2. Payment of outstanding wages shall be remarkably difficult due to a lack of ability to pay the outstanding wages or a cause falling under any of the following items:
 - (a) Whereabouts of the shipowner have been unknown for not less than one month as of the date of recognition of facts of bankruptcy, etc.;
 - (b) Where it is recognized that the conversion or recovery of shipowners' assets shall take not less than three months from the date of application for recognition of facts of bankruptcy, etc.
- (2) Application for recognition of facts of bankruptcy, etc. under the provisions of Paragraph 1 shall be made within one year from the day following the seafarer's retirement.
- (3) Matters necessary for the application, etc. for recognition of facts of bankruptcy, etc. under the provisions of Paragraph 1 shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Feb. 29, 2008; and, Mar. 23, 2013>*

[This Regulation Newly Introduced on Sep. 30, 2005]

Regulation 18-3 (Types of Wage Claims Guarantee Insurance, etc.)

- (1) Insurance, mutual aids or funds to be joined or created by a shipowner

(including an association of shipowners) under the main sentence of Article 56 (1) of the Act shall be the following subparagraphs:<Amended on Apr. 27, 2007; Jan. 24, 2011; Feb. 3, 2012; and, Apr. 15, 2014>

1. Indemnity insurance to be operated by a shipowners mutual aids cooperative;
 2. Indemnity insurance under subparagraph 4 of Article 2 of the Insurance Business Act to be operated by an insurance company and a foreign insurance company under subparagraph 6 and 8 of Article 2 of the same act for the purpose of guaranteeing seafarers' wage claims;
 3. Mutual aids to be operated by an association of shipowners by collecting the contributions from its subordinate enterprises, etc. according to the articles of association under the provisions of Article 6 of the Korea Shipping Association Act, Article 60 of the Fisheries Cooperatives Act, or Article 28 of National Federation of Fisheries Cooperatives Act for the purpose of guaranteeing seafarers' wage claims;
 4. Funds to be operated by an association of shipowners by collecting the contributions from its subordinate enterprises, etc. according to the articles of association under the provisions of Article 10 of the Korea Shipping Association Act, Article 17 of the National Fisheries Cooperatives Act, or Article 28 of Korea Overseas Fisheries Promotion Act for the purpose of guaranteeing seafarers' wage claims; and
 5. Mutual aids or funds to be operated by an incorporated association established pursuant to Article 32 of the Civil Act by collecting the contributions from its subordinate enterprises, etc. according to the articles of association under the provisions of Article 40 of the same act for the purpose of guaranteeing seafarers' wage claims.
- (2) Mutual aids business operators under subparagraphs 3 and 5 of Paragraph 1 shall determine the matters necessary for its operation, such as the funding standards of mutual aids money and requirements for payment, and obtain approval of the Minister of Oceans and Fisheries.<Amended on Feb. 29, 2008; Feb. 3, 2012; Mar. 23, 2013; and, Apr. 15, 2014>
- (3) Matters necessary for its operation, such as the funding standards under subparagraph 4 and 5 of Paragraph 1 and requirements for payment, shall be determined by the Minister of Oceans and Fisheries. <Amended on Feb. 29, 2008; Feb. 3, 2012; Mar. 23, 2013; and, Apr. 15, 2014>

[This Regulation Newly Introduced on Sep. 30, 2005]

Regulation 18-4 (Demand for and Payment of Outstanding Wages)

- (1) Seafarers intending to receive payment of outstanding wages under Article 56 of the Act shall demand payment of outstanding wages to a shipowners mutual aids cooperative, an insurance business operator, a mutual aids business operator or a fund operator under Regulation 18-3, within two years from the date on which there exists an adjudication of bankruptcy, etc. to the relevant shipowner, or a recognition of fact of bankruptcy, etc. *<Amended on Feb. 3, 2012; Apr. 15, 2014>*
- (2) When a shipowners mutual aids cooperative, an insurance business operator, a mutual aids business operator or a fund operator has received a demand for payment of overdue wages under the provisions of Paragraph 1, it shall pay the outstanding wages within seven days from the date of receiving the demand for outstanding wages unless he has any special reasons. *<Amended on Apr. 15, 2014>*
- (3) Other necessary matters concerning the demand and payment of outstanding wages under the provisions of Paragraphs 1 and 2 shall be prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Feb. 29, 2008; and, Mar. 23, 2013>*

[This Regulation Newly Introduced on Sep. 30, 2005]

Regulation 18-5 (Confirmation, etc. of Causes for Payment of Outstanding Wages)

- (1) When demanding the payment of outstanding wages under the provisions of Regulation 18-4, a confirmation of the Administrator of the Regional Maritime Affairs and Port Office on the matters falling under each of the following subparagraphs shall be obtained and submitted together therewith: *<Amended on Feb. 29, 2008>*
 1. Date on which an adjudication of bankruptcy, etc. or a recognition of facts of bankruptcy, etc. has been made, and the date of application therefor;
 2. Date of retirement; and,
 3. Unpaid amount among the wages for the final three months and the retirement allowances for the final three years.
- (2) Where it is necessary for a confirmation under the provisions of Paragraph 1, the Administrator of the Regional Maritime Affairs and Port Office may take necessary measures against the relevant shipowner or manager, etc., such as conducting a site investigation, demanding a report on matters related to an adjudication of bankruptcy, etc., or a submission of related documents. *<Amended on Feb. 29, 2008; Feb. 3, 2012>*

[This Regulation Newly Introduced on Sep. 30, 2005]

Regulation 18-6 (Subrogation of Entitlements on Outstanding Wages)

When a shipowners mutual aids cooperative, an insurance business operator, a mutual aids business operator or a fund operator under the provisions of Regulation 18-3 makes the subrogation of Entitlements of seafarer's outstanding wages under Article 56 (4) of the Act, it may take necessary measures on the exercise, securing, etc. of Entitlements.<Amended on Feb. 29, 2008; and, Feb. 3, 2012>

[This Regulation Newly Introduced on Sep. 30, 2005]

Regulation 19 (Special exemption of Pay for Fishers)

(1) Deleted.<Sep. 24, 1988>

(2) Deleted. <Sep. 30, 2005>

(3) Deleted. <Sep. 24, 1988>

(4) The calculation of the pro rata pay and production allowances for a Fisher under Article 57 (1) of the Act shall be based on the unit period from the initial departure for fishing to the termination of fishing operation, and where the period is shorter than one month, it shall be calculated as a unit of a month and where the period is six months or more, it shall be calculated as a unit of six months; provided, however, that it may be otherwise determined by the collective bargaining agreement or employment rules when the period is six months or more.<Amended on Jan. 29, 1991; Feb. 3, 2012>

(5)Deleted. <Sep. 24, 1988>

Regulation 19-2 (Basis of Calculation of Ordinary Wages and Average On-board Wages of Fishers)

(1) The ordinary wages for a Fisher under Article 57 (2) of the Act shall be calculated in accordance with the methods falling under the following subparagraphs: <Amended on Feb. 3, 2012>

1. A Fisher shall be paid the monthly fixed wages plus production allowances, and he/she shall be paid 135 percent of the monthly fixed wages in case of an industrial category or a ship whose proportion of the monthly fixed wages is high among total pay and where Fishers and a shipowner have come to a mutual consent;
2. Where a Fisher is paid the monthly fixed wages plus production allowances, which are cases other than those in subparagraph 1, he/she shall be paid 140 percent of the monthly fixed wages; and,
3. In case of an industrial category or a ship other than those in subparagraphs 1 and 2, a Fisher shall be paid 145 percent of the monthly fixed wages.

(2) The average on-board wages for a Fisher under Article 57 (2) of the Act shall be calculated in accordance with the methods falling under the following subparagraphs: *<Amended on Feb. 3, 2012>*

1. The monthly fixed wages and the production allowances shall be paid as wages, and a Fisher shall be paid 165 percent of the monthly fixed wages in case of an industrial category or a ship whose proportion of the monthly fixed wages is high among total pay and where Fishers and a shipowner have come to a mutual consent;
2. Where the monthly fixed wages and the production allowances are paid, which are cases other than those in subparagraph 1, a Fisher shall be paid 170 percent of the monthly fixed wages; and,
3. In case of an industrial category or a ship other than those in subparagraph 1 and 2, a Fisher shall be paid 175 percent of the monthly fixed wages.

(3) Deleted.<Sep. 17, 1998>

[This Regulation Newly Introduced on Jan. 29, 1991]

Regulation 20 (Matters to be Recorded in Wages Ledger)

The term "matters as prescribed by the Presidential Decree" in Article 58 of the Act means:<Amended Feb. 3, 2012>

1. The name, resident registration number, employment date, and duty of a seafarer;
2. The matters used as basis for calculation of wage and family allowances;
3. Days and hours of work;
4. Hours of work in case of overtime work or holiday work;
5. Amount of wages by categories; and
6. Reasons for deduction and the deducted amount in case of deduction in part of wages under the proviso of Article 52 (1) of the Act.

[This Regulation Wholly Amended by the Presidential Decree No. 15892, Sep. 17, 1998]

Regulation 20-2 Deleted.<by the Presidential Decree No. 15892, Sep. 17, 1998>

CHAPTER IV QUALIFICATION FOR MANNING STANDARDS OF SEAFARERS

Regulation 21 (Ship for Seafarers Satisfying Qualification Requirements)

(1) The term "ships designated by the Presidential Decree" in Article 64 (1) of the

Act means ships of not less than 500 tons in gross tonnage or ships of not less than 750 kilowatts in the propulsion of main engine under subparagraph 10 of Regulation 2 of the Enforcement Decree of the Ship Officer's Act; provided, however, that this shall not apply to a ship whose navigation area is the near coastal water areas, a tugboat prescribed under subparagraph 6 of Article 2 of the Harbor Act and a wing in ground effect craft under subparagraph 4 of Article 2 of the Maritime Safety Act. <Amended on Aug. 13, 1987; Jul. 1, 1998; Sep. 17, 1998; Jun. 29, 2001; Sep. 30, 2005; Feb. 3, 2012; and, Apr. 15, 2014>

- (2) The term "ships carrying dangerous cargoes as prescribed by the Presidential Decree" in Article 64 (3) of the Act means ships used exclusively for carrying liquid petrochemical products or liquified gas which are loaded without any container, etc.; provided, however, that this shall not apply to a ship whose navigation area is the near coastal water areas. <Amended on Sep. 17, 1998; and, Feb. 3, 2012>
- (3) The term "ships as prescribed by the Presidential Decree" in Article 64 (4) of the Act means ships which shall be equipped with lifeboats, life-rafts, rescue boats, or high-speed rescue boats from among ship facilities under subparagraph 2 of Article 2 of the Ship Safety Act. <Amended on Sep. 17, 1998; Sep. 30, 2005; Sep. 28, 2007; and, Feb. 3, 2012>
- (4) The term "ships as prescribed by the Presidential Decree" in Article 64 (5) of the Act means passenger ships which fall under subparagraph 10 of Article 2 of the Ship Safety Act; provided, however, that this shall not apply to a ship whose navigation area is the near coastal water areas and ships used for an excursion ship business or a ferry business under subparagraph 1 or 2 of Article 2 of Excursion Ship and Ferry Business Act. [Newly Introduced on Jul. 6, 2015]

Regulation 21-2 (Reserve Seafarers)

- (1) Pursuant to the proviso of Article 67 (1) of the Act, a shipowner whose ship is not a seagoing ship may secure less than 10 percent of the total number of seafarers onboard as reserve seafarers, in case that the shipowner falls under any of the following subparagraphs: <Amended on May 24, 1997; Sep. 17, 1998; Feb. 29, 2008; Feb. 3, 2012; and, Jul. 6, 2015>
 1. Where a shipowner's ships are not more than three in number; provided, however, that this shall not apply to the shipowner whose ship falls under the following items:

- (a) A ship carrying dangerous cargoes under Regulation 21 (2);
 - (b) A ship that engages in a passenger transportation business prescribed by subparagraph 1, 3, 5, or 6 of Article 3 of the Shipping Act.
2. Where a seafarer has concluded a seafarers' employment agreement by specifying a ship to go aboard upon the approval of the Administrator of the Regional Maritime Affairs and Port Office; and
 3. Where a ship is engaged exclusively in near coastal water areas.
- (2) Notwithstanding the proviso of subparagraph 1 of Paragraph 1, a shipowner may secure reserve seafarers at lower than 10 percent of the total number of seafarers he/she hires, in case that the shipowner joins other shipowners who have the same type of ship as his or hers to secure reserve seafarers not less than 10 percent of the total number of seafarers who are jointly employed, in which case the jointly secured seafarers need to be confirmed by the Minister of Oceans and Fisheries, .<Newly Introduced on Jul. 6, 2015>
- (3) The term "person prescribed by the Presidential Decree" in Article 67 (2) of the Act means a person falling under any of the following subparagraphs: <Amended on Feb. 3, 2012; Jul. 6, 2015>
1. A person on paid leave;
 2. A person who has landed due to causes attributable to his/her shipowner;
 3. A person who is attending compulsory education and or training under Article 116 of the Act or other acts and subordinate statutes; and
 4. Other persons as determined by the collective bargaining agreement or employment rules.
- (4) Article 67 of the Act, on the duty of securing reserve seafarers and paying wages, shall not apply to a seafarer who is on temporary retirement and suspension from duty. <Amended on Feb. 3, 2012; Jul. 6, 2015>
- [This Regulation Newly Introduced on Jan. 29, 1991]

CHAPTER V PROVISION OF MEALS, SAFETY AND HEALTH ON SHIP<Amended on Jul. 6, 2015>

Regulation 22 (Qualifications for a Ship's Cook on a Ship, etc.)

- (1) The term "a ship's cook who has qualifications prescribed by the Presidential Decree under Article 76 (2) of the Act means a person whose age is not less than 18 and who falls under each of the following subparagraphs:

1. A person who completed education for becoming a ship's cook, prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, and passed an examination for qualifications for becoming a ship's cook (hereinafter referred to as "qualification examination of a ship's cook") conducted by the Minister of Oceans and Fisheries;
 2. A person who falls under any of the following items:
 - (a) A person who completed education for becoming a ship's cook prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries among those who hold a certificate of cooking technician or higher grade than it under the National Technical Qualifications Act and have not less than three years of cooking experience on ships;
 - (b) A person who completed education for becoming a ship's cook prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries among those who have not less than six years of cooking experience on ships;
 3. A person who obtained qualifications for cooking and providing meals on a ship from a foreign government under the Maritime Labour Convention 2006
- (2) Qualification examination for becoming a ship's cook shall be conducted by a written test.
- (3) Subjects of the examination are the following items:
1. Group meals and hygiene control;
 2. Prevention and control of food poisoning
- (4) Procedure of the qualification examination for becoming a ship's cook, passing criteria thereof and other matters necessary concerning the test shall be determined by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.

[This Regulation Newly Introduced on Apr. 15, 2014]

Regulation 22-2 (Exemption of Mandatory Manning of a Ship's Cook)

The term "a ship prescribed by the Presidential Decree" in the proviso of Article 76 (2) of the Act means any of the following subparagraphs:

1. A ship that is not a seagoing ship;
2. A ship the complement of which, under Article 65 (1) of the Act, is less than 10; and
3. A fishing vessel

[This Regulation Newly Introduced on Apr. 15, 2014]

Regulation 23 (Determination of Minimum Amount for Food Catering Cost)

When the Minister of Oceans and Fisheries is to determine the minimum amount for the food catering cost pursuant to the former part of Article 77 (4) of the Act, he/she shall go through consultation as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries. *<Amended on Aug. 8, 1996; Jun. 29, 2001; Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>*

Regulation 23-2 (A Ship required to Provide Uniform)

The term "a shipowner prescribed by the Presidential Decree" in the former part of Article 82 (7) of the Act means a shipowner who has a ship that engages in a marine passenger transportation business under Article 3 of the Shipping Act.

[This Regulation Newly Introduced on Jul. 6, 2015]

CHAPTER VI ACCIDENT COMPENSATION

Regulation 24 (Scope of Occupational Disease)

With respect to the scope of occupational disease as provided in Articles 94 (1) and 97 of the Act, the provisions of Regulation 44 of the Enforcement Decree of the Labour Standards Act shall apply mutatis mutandis. *<Amended by the Presidential Decree No. 15892, Sep. 17, 1998; the Presidential Decree No. 19077, Sep. 30, 2005; the Presidential Decree No. 20142, Jun. 29, 2007, Feb. 3, 2012>*

Regulation 25 Deleted.<Feb. 3, 2012>

Regulation 26 Deleted.<by the Presidential Decree No. 17262, Jun. 29, 2001>

Regulation 27 (Class of Disability)

Regulation 53 of the Enforcement Decree of the Industrial Accident Compensation Insurance Act shall apply to the matters of calculation of the disability class pursuant to Article 97 of the Act. *<Amended by the Presidential Decree No. 14628, Apr. 15, 1995; the Presidential Decree No. 19077, Sep. 30, 2005; the Presidential Decree No. 20875, Jun. 25, 2008, Feb. 3, 2012>*

[This Regulation Wholly Amended by the Presidential Decree No. 13263, Jan. 29, 1991]

Regulation 28 Deleted.<by the Presidential Decree No. 13263, Jan. 29, 1991>1991.1.29.>

Regulation 29 (Scope of Bereaved Family)

The term "bereaved family as prescribed by the Presidential Decree" in Article 99 (1) of the Act, the main sentence of Article 99 (2) and Article 100 (1) of the Act means each of the following subparagraphs: *<Amended on Jun. 29, 2001; Feb. 3, 2012>*

1. The seafarer's spouse (including a person who has a de facto marital relationship with the seafarer; hereinafter the same shall apply), children, parents, grandchildren, and grandparents who are supported by the seafarer at the time of the seafarer's death;
2. The seafarer's spouse, children, parents, grandchildren or grandparents who are not supported by the seafarer at the time of the seafarer's death;
3. The seafarer's brothers and sisters who are supported by the seafarer at the time of the seafarer's death;
4. The seafarer's brothers and sisters who are not supported by the seafarer at the time of the seafarer's death;
5. Parents of the seafarer's spouse, children of his brothers and sisters, and his parents' brothers and sisters, who are supported by the seafarer at the time of the seafarer's death; and
6. Parents of the seafarer's spouse, children of his brothers and sisters, and his parents' brothers and sisters, who are not supported by the seafarer at the time of the seafarer's death.

[This Regulation Wholly Amended by the Presidential Decree No. 15892, Sep. 17, 1998]

Regulation 30 (Order of Bereaved Family)

(1) The regular order by which the bereaved family's compensation (including the expense for the funeral service; hereinafter the same shall apply) is paid shall be the order of the subparagraphs of Regulation 29. In case of persons falling under the same subparagraph of the above Regulation, the regular order shall be the order within the same subparagraph. In the case of Regulation 29 (1) 1 and Regulation 29 (1) 2, the spouse, children and parents shall take the same order. Concerning parents, the foster parents shall take precedence over the natural parents. With regard to grandparents, the parents of the foster parents shall take precedence over the parents of the natural parents, and the foster parents of the parents shall take precedence over the natural parents of the parents. *<Amended on Sep. 17, 1998; Apr. 15, 2014>*

(2) Where a seafarer designates a person falling under any of the subparagraphs of Regulation 29 by means of his dying wish or notice to his/her shipowner, this

shall take precedence over Paragraph 1.

- (3) An unborn child shall, in the application of subparagraph 1 and 2 of Regulation 29, be deemed to have been born already. *<Amended on Sep. 17, 1998>*
- (4) Where there are two or more persons who have the same priority in receiving the bereaved family's compensation, that bereaved family's compensation shall be divided equally by the number of the persons who are qualified to receive it. *<Amended on Jan. 29, 1991>*
- (5) Where a person who had been qualified to receive the bereaved family's compensation died, he/she shall lose the right to receive it. Where there is a person with the same priority, the person shall take the right, and where there is not a person with the same priority, a person in the next priority shall take the right. *<Amended on Sep. 17, 1998>*

Regulation 31 (Scope, etc. of Dependents)

With respect to the scope and priority of the dependent who is entitled to receive the missing compensation in accordance with Article 101 (1) of the Act, the provisions of Regulations 29 and 30 shall apply *mutatis mutandis*. *<Amended by the Presidential Decree No. 13263, Jan. 29, 1991, Feb. 3, 2012>*

Regulation 32 (Enrollment in Insurance)

- (1) The term "insurance or mutual aid prescribed by the Presidential Decree" under Article 106 (1) of the Act means any of the following subparagraphs: *<Amended on Mar. 23, 2013; Apr. 15, 2014; and, Jul. 6, 2015>*
1. Indemnity insurance to be operated by a shipowners mutual aids cooperative;
 2. Indemnity insurance under Article 2 (4) of the Insurance Business Act to be operated for the purpose of accident compensation for a seafarer by insurance companies and foreign insurance companies under Article 2 (6) and (8) of the same act;
 3. Mutual aids to be operated by an organization of shipowners by collecting the contributions from its subordinate enterprises, etc., according to the articles of association under the provisions of Article 6 of the Korea Shipping Association Act, Article 60 of the Fisheries Cooperatives Act, or Article 28 of National Federation of Fisheries Cooperatives Act for the purpose of accident compensation for a seafarer;
 4. Mutual aids to be operated by an incorporated association established pursuant to Article 32 of the Civil Act by collecting the contributions from its subordinate enterprises, etc., according to the articles of association under

Article 40 of the same act for the purpose of accident compensation for a seafarer; and

5. Mutual aid of an international mutual aid association the ability of which is judged and announced by the Minister of Oceans and Fisheries to be capable of guaranteeing accident compensation for a seafarer.
- (2) A shipowner who buys insurance policies or becomes a member of mutual aids shall designate a seafarer as a beneficiary so that he/she directly claims insured amount to an insurance company or a mutual aid association.

[Wholly Amended on Feb. 3, 2012]

CHAPTER VII EMPLOYMENT STABILITY AND PRACTICAL TRAINING OF SEAFARERS

Regulation 33 Deleted. <Sep. 17, 1998>

Regulation 34 Deleted. <Sep. 17, 1998>

Regulation 35 Deleted.<Sep. 17, 1998>

Regulation 36 Deleted.<Sep. 17, 1998>

Regulation 37 (Agency for Registration of Job Seeking and Offering)

The term "other agency for the registration of job seeking and offering prescribed by the Presidential Decree" in Article 109 (1) of the Act means the Administrator of the Regional Maritime Affairs and Port Office.<Amended by the Presidential Decree No. 17262, Jun. 29, 2001; the Presidential Decree No. 19077, Sep. 30, 2005; the Presidential Decree No. 20722, Feb. 29, 2008, Feb. 3, 2012>

[This Regulation Wholly Amended by the Presidential Decree No. 16391, Jun. 8, 1999]

Regulation 38 (Seafarers Recruitment and Placement Service)

- (1) The term "duties as prescribed by the Presidential Decree among the entrusted jobs" in Article 103 (2) of the Act means the businesses falling under the following subparagraphs: <Amended by the Presidential Decree No. 15892, Sep. 17, 1998>

1. Drawing up, keeping and application for official approval of a seafarer's list on board referred to in Article 44 of the Act;

2. Application for official approval of boarding or landing referred to in Article 45 (3) of the Act;
 3. Delivery of Certificate of seagoing service referred to in Article 46 of the Act;
 4. Keeping and recording of wages ledger referred to in Article 53 of the Act;
 5. Matters on medical examination referred to in Article 79 of the Act;
 6. Registration for job-offering referred to in Article 100 (2) of the Act;
 7. Bearing the expenses necessary for education and training referred to in Article 107 (2) of the Act; and
 8. Payment of fees referred to in Article 127 of the Act.
- (2) The Minister of Ocean and Fisheries may separately determine the detailed criteria for the matters under Article 103 (4) 1 and 2 of the Act to be included in case where the Seafarers Recruitment and Placement Agency is entrusted with the manpower management affairs for seafarers by the shipowner (including foreigners) pursuant to the provisions of Article 103 (4) of the Act. *<Amended by the Presidential Decree No. 19077, Sep. 30, 2005; the Presidential Decree No. 20722, Feb. 29, 2008>*
- (3) The Minister of oceans and Fisheries shall direct and supervise the Seafarers Recruitment and Placement Agency to perform the prescribed matters under Article 103 (4) of the Act in good faith. *<Amended by the Presidential Decree No. 15135, Aug. 8, 1996; the Presidential Decree No. 19077, Sep. 30, 2005; the Presidential Decree No. 20722, Feb. 29, 2008>*
- [This Regulation Wholly Amended by the Presidential Decree No. 12526, Sep. 24, 1988]*

Regulation 39 (Management Plan of Supply and Demand of Seafarers Manpower)

- (1) The Minister of Oceans and Fisheries shall carry out a plan concerning the matters of the following subparagraphs in order to enforce a system concerning management of supply and demand for seafarers manpower in accordance with Article 115 of the Act: *<Amended on Mar. 23, 2013>*
1. Matters concerning demand forecast on seafarers manpower and nurturing;
 2. Matters concerning education and training for nurturing seafarers manpower;
 3. Matters concerning operation of an institution related to job seeking and job offers and seafarer recruitment and placement services;
 4. Criteria for employment system of foreign seafarers; and
 5. Other measures deemed necessary by the Minister of Oceans and Fisheries for the management of supply and demand of seafarers.
- (2) Where the Minister of Oceans and Fisheries finds it necessary to establish and

carry out a plan of demand and supply of seafarers under Paragraph 1, he/she may request a relevant central administrative agency, a local government, a public institution and a corporation or an organization related to demand and supply of seafarers to cooperate therewith. *<Amended on Mar. 23, 2013>*

- (3) Where the Minister of Oceans and Fisheries determines the criteria for employment system of foreign seafarers as referred in subparagraph 4 of Paragraph 1, he/she shall have consultation with the head of a relevant central administrative agency. *<Amended on Mar. 23, 2013>*

[Wholly Amended on Feb. 3, 2012]

Regulation 40 Deleted.<by the Presidential Decree No. 16391, Jun. 8, 1999>

Regulation 41 Deleted.<by the Presidential Decree No. 16391, Jun. 8, 1999>

Regulation 42 Deleted.<by the Presidential Decree No. 16391, Jun. 8, 1999>

Regulation 43 (Education and Training for Seafarers)

- (1) The education and training of seafarers as provided in Article 106 (1) of the Act shall be classified into basic safety training, advanced safety training, training for watchkeeping ratings, training for able seafarers, training for electro-technical ratings, basic tanker training, advanced tanker training, training for medical care person and training for high-speed craft, training for ship's cook and ship security training. *<Amended on Feb. 3, 2012>*
- (2) The trainees, curriculum, education period by education course, and other necessary matters prescribed in Paragraph 1 shall be determined by the Enforcement Ordinance of the Ministry of Oceans and Fisheries.*<Amended on Jun. 29, 2001; Feb. 29, 2008; and, Mar. 23, 2013>*
- (3) Deleted. *<Jun. 8, 1999>*
- (3) Where the Minister of Oceans and Fisheries recognizes that the education and training as required by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended is equal to or higher than the level of the training of the education course under Paragraph 2, the seafarer who finished the education and training thereof (including a foreign seafarer) shall be deemed to have completed the education and training course under Paragraph 1.*<Amended on Sep. 17, 1998; Jun. 8, 1999; Sep. 30, 2005; Feb. 29, 2008; and, Mar. 23, 2013>*

Regulation 44 (Entrustment of Education and Training of Seafarers)

(1) In case of entrustment of the education and training of seafarers pursuant to Article 117 (1) of the Act, the Minister of Oceans and Fisheries shall make an agreement that includes matters as prescribed in the following subparagraphs:

<Amended on Mar. 23, 2013>

1. Content and scope of entrustment;
2. Matters concerning term and extension of entrustment;
3. Matters concerning report of entrustment;
4. Matters concerning change and termination of agreement; and
5. Other measures determined by the Minister of Oceans and Fisheries for the efficient conduct of entrusted business.

(2) In case that an agreement is concluded in accordance with Paragraph 1, the Minister of Oceans and Fisheries shall make the notification of the conclusion in an official Gazette. *<Amended on Mar. 23, 2013>*

[This Regulation Newly Introduced on Feb. 3, 2012]

Regulation 45 (Who Bears Expenses for Education and Training of Seafarers)

A shipowner or a person who takes education and training (hereinafter referred to as the "trainee") shall pay the expenses necessary for the education and training according to the following categories under Article 117 (2) of the Act: *<Amended on Jun. 29, 2001: Feb. 3, 2012>*

1. Where the trainee is employed by a shipowner: The shipowner; and
2. Where the trainee is not employed by a shipowner: The trainee.

[Wholly Amended on Sep. 17, 1998]

Regulation 46 Deleted.<by the Presidential Decree No. 15892, Sep. 17, 1998>

Regulation 47 (Scope of Government Subsidy)

The government subsidy referred to in Article 118 of the Act shall be provided within the limits of the budget. *<Amended Feb. 3, 2012>*

[This Regulation Wholly Amended by the Presidential Decree No. 13263, Jan. 29, 1991]

CHAPTER VIII SUPPLEMENTAL PROVISIONS

Regulation 48 Deleted.<by the Presidential Decree No. 19077, Sep. 30, 2005>

Regulation 49 (Report to Supervisory Organization)

In case that a seafarer is to report under Article 129 (1) of the Act, he/she shall submit documents or other materials to prove the fact that the shipowner or master has violated the Act, the Labour Standards Act or orders issued pursuant to the Act. <Amended by the Presidential Decree No. 15892, Sep. 17, 1998; the Presidential Decree No. 19077, Sep. 30, 2005, Feb. 3, 2012>>

Regulation 49-2 (Posting Procedures for the Handling of Complaints on Board)

Procedures for the handling of complaints on board that a shipowner shall establish and post it on a ship pursuant to Article 129 (4) of the Act shall include the following subparagraphs:

1. Ways through which a seafarer may raise a complaint on a ship;
2. Procedural chart that shows handling of a complaint on a ship;
3. A person in charge of grievance settlement who deals with the complaint of a seafarer on a ship; and
4. Matters concerning roles and authority of a person in charge of grievance settlement on a ship under Paragraph 3.

[This Regulation Newly Introduced on Apr. 15, 2014]

Regulation 49-3 (Services of Administrative Authorities in Foreign Countries)

- (1) A consul of the Republic of Korea shall, in accordance with Article 131 of the Act, perform the following subparagraphs as services of the regional maritime affairs and port office in a foreign country:
 1. Receipt of reporting on operation of ship by a master under Article 21 of the Act;
 2. Approval on a seafarer's list under Article 44 (3) of the Act;
 3. Receipt of reporting of a shipowner under Article 82 (4) of the Act; and
 4. Receipt of complaints of a seafarer under Article 129 (1) of the Act.
- (2) Where a consul conducts tasks stated in paragraph (1), he/she shall make notification to an administrator of a related institution in accordance with the Enforcement Ordinance of the Ministry of Oceans and Fisheries.
- (3) The administrator of a related institution who receive the notification under paragraph (2) may take necessary measures. In such cases, he/she shall notify the result of the actions taken to the consul.
- (4) A consul may inform a related seafarer, a master of a related ship, or a related foreign institution of the notification made in accordance with paragraph (3),

where deemed necessary.

[This Regulation Newly Introduced on Apr. 15, 2014]

Regulation 49-4 (Scope of Detailed Inspection)

The scope of detailed inspection under subparagraph 2 of Article 133 (1) of the Act (hereinafter referred to as the "detailed inspection") shall be the content of a declaration of the maritime labour compliance pursuant to Article 136 (2) of the Act.

[This Regulation Newly Introduced on Apr. 15, 2014]

Regulation 49-5 (Measures against Foreign Ship)

(1) The term "measures prescribed by the Presidential Decree, such as notifying a flag state of such fact" under Article of 133 (3) of the Act means each of the following subparagraphs:

1. Written notification of the following items shall be made to a master:

- (a) Result of detailed inspection;
- (b) Matters that need to be rectified regarding the working and living standards of seafarers based on inspection result and the deadline by which those rectification should be completed.

2. Written notification of the following items shall be made to Korean seafarers' and shipowners' organizations.

- (a) Result of detailed inspections;
- (b) Report of a complaint by a seafarer under Article 133 (1) 1 (4) of the Act.

3. Notification of a related foreign ship violating the Maritime Labour Convention, 2006 shall be made to the following items, such as a foreign government, etc. (limited to cases where deemed necessary by the Minister of Oceans and Fisheries):

- (a) The government of the flag state of a related foreign ship or a consul thereof stationed in the Republic of Korea;
- (b) A government of a next port of call of a related foreign ship.

(2) The Minister of Oceans and Fisheries shall write and manage a detailed inspection report that contains details of inspection on a foreign ship and, where deemed necessary, may notify the Director General of the International Labour Organization with a copy of the report thereof with the attachment of all documents sent by the government of the flag state of the related foreign ship.

(3) Where a cause of detaining a ship or ordering to detain a ship under Article

133 (4) of the Act is remedied or is deemed to be remedied rapidly, the Minister of Oceans and Fisheries shall determine whether to revoke those measures thereof without delay.

- (4) The term "measures prescribed by the Presidential Decree, such as notifying a flag state" under Article 133 (5) of the Act means the notification of the fact of detaining a ship or giving an order to detain a ship under Article 133 (4) of the Act to the government of the flag state of the related foreign ship or a consul thereof stationed in the Republic of Korea.
- (5) Where the Minister of Oceans and Fisheries makes the notification of measures stated in paragraph (4) under Article 133 (5) of the Act, he/she may ask for the attendance of the representative of the government of the flag state or a response to the government of the flag state within a specified deadline.

[This Regulation Newly Introduced on Apr. 15, 2014]

Regulation 49-6 (Handling of Seafarer's Complaints on Foreign Ship)

- (1) The term "measures prescribed by the Presidential Decree, such as conducting an inspection" under Article 134 of the Act means each of the following subparagraphs:
1. Advising to utilize on-board complaint handling procedures of under Article 129 (3) of the Act; and
 2. Conducting an inspection and carrying out the remedial measures based on the outcome thereof in accordance with Articles 132 and 133 of the Act.
- (2) The Minister of Oceans and Fisheries shall take necessary measures not to reveal the identity of a seafarer who reports the violation stated in Article 134 of the Act, etc.

[This Regulation Newly Introduced on Apr. 15, 2014]

Regulation 50 Deleted. <Apr. 15, 2014>

Regulation 50-2 (Standards of Inspection for Certification)

- (1) Standards of an Inspection for certification pursuant to Article 137 (2) of the Act are the following subparagraphs: *<Amended on Mar. 23, 2013>*
1. Standard on working condition of a seafarer;
 2. Standard on living condition of a seafarer;
 3. Standard on welfare of a seafarer;
 4. Standard on safety of a seafarer on a ship;

5. Standard on health and meal provision of a seafarer; and
 6. Other standards deemed necessary by the Minister of Oceans and Fisheries in consideration of relevant acts and international conventions related to the labour issues of a seafarer.
- (2) Matters necessary for details of standards of inspection for certification under paragraph (1) shall be determined and announced by the Minister of Oceans and Fisheries. <Amended on Mar. 23, 2013>
- [This Regulation Newly Introduced on Feb. 3, 2012]*
- [Regulation 50-2 before revision was moved to Regulation 50-6 <Feb. 3, 2012>]*

Regulation 50-3 (Validity of Maritime Labour Certificate, etc)

- (1) The validity of maritime labour certificate under Article 138 (5) of the Act is five years, and that of interim maritime labour certificate is six months.
 - (2) Period of validity of maritime labour certificate and interim maritime labour certificate shall be reckoned from the following classification:
 1. Maritime labour certificate:
 - (a) In the case of the initial Inspection for certification: The date on which maritime labour certificate is issued;
 - (b) In the case of renewal inspection for certification: The day following the expiry date of maritime labour certificate, provided, however, that the validity shall be calculated from the date on which a related inspection for certification was performed, where the inspection thereof was conducted before the expiry date thereon.
 2. Interim maritime labour certificate: The date on which interim maritime labour certificate was issued.
- [This Regulation Newly Introduced on Feb. 3, 2012]*

Regulation 50-4 (Conclusion of Agreement, etc)

- In case of making an agreement with a Recognized Organization for Inspection for certification in accordance with the latter part of Article 140 (1) of the Act, the Minister of Oceans and Fisheries shall include the following items: <Amended on Mar. 23, 2013>
1. Matters concerning the scope of vicarious inspections;
 2. Matters concerning the term of vicarious inspections and extension;
 3. Matters concerning change and termination of agreement;
 4. Matters designated by the International Maritime Organization; and

5. Other matters deemed necessary by the Minister of Oceans and Fisheries for efficient performance of a vicarious inspection.

[This Regulation Newly Introduced on Feb. 3, 2012]

Regulation 50-5 (Free Loan, etc. of State Property)

- (1) Free loan, use or profit under Article 146 (1) of the Act shall be upon an agreement between the Korea Seafarer's Welfare and Employment Center (hereinafter referred to as the "Center") and an administrative agency of a related state property.
- (2) An administrative agency of state properties may terminate the agreement with the Center, where it uses state property for purposes other than those stated in paragraph (1).

[This Regulation Newly Introduced on Feb. 3, 2012]

Regulation 50-6 (Approval of Business Plans)

- (1) Pursuant to Article 147 (2) of the Act, the Center shall submit a business plan and budget plan for each fiscal year to the Minister of Oceans and Fisheries not later than 30 days prior to the commencement of a relevant fiscal year and obtain his/her approval therefor. *<Amended on Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>*
- (2) The Center shall, where it intends to alter the business plan or the budget plan for which an approval has been obtained under paragraph (1), submit a new business plan or a new budget plan in advance entered with the contents of and reasons for the alteration, to the Minister of Oceans and Fisheries and obtain his/her approval therefor. *<Amended on Feb. 29, 2008; Mar. 23, 2013>*
- (3) The business plan under paragraph (1) shall state business objectives, implementation guidelines and budget proposal by business, with their classifications.

[This Regulation Newly Amended on Jun. 29, 2001]

[Moved from Regulation 50 (2) <Feb. 3, 2012>]

Regulation 51 (Application to State or Public Organization)

The term "matters prescribed by the Presidential Decree" in Article 157 of the Act means naval vessels, coast guard ships or other ships separately determined by the Minister of oceans and Fisheries. *<Amended on Aug. 8, 1996; Feb. 29, 2008; Feb. 3, 2012; and, Mar. 23, 2013>*

[Title Amended on Feb. 3, 2012]

Regulation 52 (Delegation and Entrustment of Authority)

- (1) The Minister of Oceans and Fisheries shall delegate the authority falling under the following subparagraphs to an administrator of the Regional Maritime Affairs and Port Office pursuant to Article 158 (1) of the Act: *<Amended on Mar. 23, 2013>*
1. Matters concerning corrective order in accordance with Article 124 (1) of the Act;
 2. Matters concerning orders of detention, detention, designation of a port where a ship should enter and the cancellation thereof pursuant to Article 124 (2) and (3) of the Act;
 3. Matters concerning inspection and confirmation on a foreign ship in accordance with Article 132 (1) and (2) of the Act;
 4. Matters concerning measures, orders of detention, detention and objection filing under Article 133 (3) through (6) of the Act;
 5. Matters concerning receipt of report and the measures therein under Article 134 of the Act;
 6. Matters concerning inspection, interim inspection and additional inspection for certification of maritime labour certificate under Article 137 (1), (3) and (4) of the Act; and
 7. Matters concerning issuance of maritime labour certificate and making it public, issuance of interim maritime labour certificate and corrective order based on outcome of additional inspection for certification under Article 138 (1), (3), (4) and (8) of the Act.
- (2) The Minister of Oceans and Fisheries shall, under Article 158 (1) of the Act, entrust the Korea Institute of Maritime Fisheries Technology with services prescribed in each of the following subparagraphs: *<Amended on Apr. 15, 2014>*
1. Providing qualification education for and conducting qualification examination for becoming a ship's cook in accordance with Article 76 (3) of the Act;
 2. Hosting qualification examination for and issuing certificate of qualifications for a person in charge of medical care in accordance with Article 85 (3) of the Act.
- (3) The Minister of Oceans and Fisheries shall, pursuant to Article 158 (1) of the Act, entrust the Center with the services under Article 108 (1), (2) and (4) of the Act. *<Amended on Mar. 23, 2013>*
- (4) The Minister of Oceans and Fisheries may, where deemed necessary, control the

services of those entrusted in accordance with paragraph (2) and (3), including by requesting a report on the progress of the services thereof, or ordering their improvement. *<Amended on Mar. 23, 2013>*

[Wholly Amended on Feb. 3, 2012]

Regulation 52-2 (Responsibility of Shipowner for Safe Operation)

The shipowner subject to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended shall perform the matters of the following subparagraphs for safe operation of the ship in accordance with Article 63 (1) 3 of the Act: *<Amended on Jun. 8, 1999; Sep. 30, 2005; and, Feb. 3, 2012>*

1. Conducting education in order to make a seafarer familiar with obligations on a ship and the characteristics of his/her ship;
2. Furnishing a master with a manual of duty on a ship;
3. Supplying a master with materials, including domestic and foreign regulations concerning safety of life at sea and marine environmental protection; and
4. Allowing sufficient time for seafarers to take over and accept duties in case of change of seafarers.

[This Regulation Newly Introduced on Sep. 17, 1998]

Regulation 53 (Standard for Imposition of Fines for Negligence)

The disposition of fines for negligence under the provisions of Article 179 (4) of the Act shall be pursuant to attached Table 2. *<Amended Feb. 3, 2012>*

[This Regulation Wholly Amended on April 4, 2011]

Regulation 54 (Issuance, etc. of Seafarer's Book and Seafarer's Identity Document to Person Working on Foreign Ship)

- (1) An administrator of the Regional Maritime Affairs and Port Office may, where there is an application for issuance, issue a seafarer's book or seafarer's identity document to a person who intends to work on a foreign ship that does not fall under the scope of application of Article 2 of the Act. In such cases, Regulations 8, 9 and 11 or 16 shall apply *mutatis mutandis*. *<Amended on May 24, 1997; Jun. 8, 1999; Sep. 30, 2005; Feb. 29, 2008; and, Feb. 3, 2012>*
- (2) An administrator of the Regional Maritime Affairs and Port Office may order the person who received seafarer's book in accordance with paragraph (1) to attend the education provided in Regulation 43. *<Amended on May 24, 1997; Feb.*

29, 2008; and, Feb. 3, 2012>

- (3) An Administrator of the Regional Maritime Affairs and Port Office may prohibit a person who has not received the education provided in paragraph (2) from working on a ship. <Amended on May 24, 1997; Feb. 29, 2008>

[Title Amended on Sep. 30, 2005; Feb. 3, 2012]

Regulation 55 (Processing of Private Information)

The Minister of Oceans and Fisheries, an institution that registers job seeking and job offers and the Center provided in Article 109 (1) of the Act may process data that contain resident registration numbers under subparagraph 1 of Regulation 19 of the Enforcement Decree of the Personal Information Protection Act, where there are inevitable grounds when performing the registration of seafarer's job seeking and job offers of those intending to employ a seafarer.

[This Regulation Newly Introduced on Aug. 6, 2014]

Regulation 56 (Reexamination of Regulation)

The Minister of Oceans and Fisheries shall review whether the issuance application for seafarer's book of a minor, provided in Regulation 9, is proper and take measures therefor, including the improvement thereon, every two years (meaning the period before Jan. 1 of the second year thereof), on the basis of Jan. 1 of 2015.

[This Regulation Newly Introduced on Dec. 9, 2014]

ADDENDA <No. 11764, 12. Sep, 1985>

Regulation 1 (Enforcement Date)

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

Regulation 2 Omitted.

Regulation 3 (Preparations for Establishment of Seafarers Registrar and Seafarers' Educational Institution)

- (1) The Director of Maritime Affairs and Fisheries Office may commission 5 promoters respectively and entrust them with the affairs of the organization of the seafarers registrar and seafarers' educational institution.
- (2) Promoters shall make out the articles of incorporation for the seafarers registrar and seafarers' educational institution and obtain the authorization thereon from the Minister of Maritime Affairs and Fisheries Office.

- (3) Where the promoters obtain the authorization as provided in the above paragraph (2), they shall, immediately, register the institution for organization under joint signature.

ADDENDA <No. 12225, 13. Aug, 1987>

Regulation 1 (Enforcement Date)

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

Regulations 2 and 3 Omitted.

ADDENDA <No. 12526, 24. Sep, 1988>

- (1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.
- (2) (Transitional Measures on Particular Labour Contracts) The particular labour contracts which are shorter than 6 months and are already concluded prior to the enforcement of this Act shall, notwithstanding the amended provisions of Regulation 18 (2), be governed by the previous provisions.

ADDENDA <No. 13263, 29. Jan, 1991>

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

ADDENDA <No. 14447, 23. Dec, 1994>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Regulations 2 through 5 Omitted.

ADDENDA <No. 14628, 15. Apr, 1995>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on May 1, 1995.

Regulations 2 through 5 Omitted.

ADDENDA <No. 15135, 08. Aug, 1996>

Regulation 1 (Enforcement Date)

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

Regulations 2 through 8 Omitted.

ADDENDA <No. 15379, 24. May, 1997>

Regulation 1 (Enforcement Date)

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

Regulations 2 through 6 Omitted.

ADDENDA <No. 15830, 01. Jul, 1998>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Regulation 2 Omitted.

ADDENDA <No. 15892, 17. Sep, 1998>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation; provided, however, that the amendment to Regulation 21-2 (1) 1 shall enter into force on January 1, 1999.

Regulation 2 (Special exemption concerning Reporting of Employment Regulations)

The shipowner whose total sum of tonnage of ships owned weighs less than 70 tons may until December 31, 2000, not report on employment regulations, notwithstanding the amendment to Regulation 48.

Regulation 3 Omitted.

ADDENDA <No. 16391, 08. Jun, 1999>

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

ADDENDA <No. 17262, 29. Jun, 2001>

This Decree shall enter into force on the date of its promulgation; provided, however, that the amended provisions of Regulation 48 shall enter into force on January 1, 2002.

ADDENDA <No. 18254, 29. Jan, 2004>

Regulation 1 (Enforcement Date)

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

Regulations 2 and 3 Omitted.

ADDENDA <No. 18543, 09. Sep, 2004>

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

ADDENDA <No. 19077, 30. Sep, 2005>

- (1) (Enforcement Date) This Decree shall enter into force on October 1, 2005; provided, however, that from among the amended provisions of Regulation 8 (3), 11 and 12 and the amended provisions of Regulations 13 through 15, 50 and 54, the matters on seafarers' identity document shall enter into force on the date of its promulgation, and from among the amended provisions of Regulations 18 through 18-6, the matters on the subscription to wage claims guarantee insurance, etc. of the shipowner of a fishing boat engaged in the continental fishery under the provisions of Article 41 of the Fisheries Act, and the confirmation of payment causes and payment, etc. shall enter into force on July 1, 2006.
- (2) (Application Example to Demand for Outstanding Wages and Payment) The amended provisions of Regulation 18-4 shall apply from the portion of occurrence of payment causes after the enforcement of this Decree.
- (3) (Special exemption of Application Concerning Adjudication of Bankruptcy, etc.) The amended provisions of subparagraph 1 of Regulation 18 shall be deemed to be each of the following subparagraphs not later than the day immediately before the enforcement date of the Debtor Rehabilitation and Bankruptcy Act (Act No. 7428):

ADDENDA <No. 20037, 27. Apr, 2007>

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

ADDENDA <No. 20142, 29. Jun, 2007>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2007. (Proviso Omitted.)

Regulations 2 through 5 Omitted.

ADDENDA <No. 20300, 28. Sep, 2007>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on November 4, 2007.

Regulations 2 through 7 Omitted.

ADDENDA <No. 20351, 31. Oct, 2007>

Regulation 1 (Enforcement Date)

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

Regulations 2 through 9 Omitted.

ADDENDA <No. 20722, 29. Feb, 2008>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Regulations 2 through 6 Omitted.

ADDENDA <No. 20875, 25. Jun, 2008>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2008.

Regulations 2 through 15 Omitted.

ADDENDA <No. 21530, 09. Jun, 2009>

This Decree shall enter into force on Aug. 7, 2009.

ADDENDA <No. 22127, 20. Apr, 2010>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on Apr. 23, 2010.

Regulations 2 through 11 Omitted.

ADDENDA <No. 22157, 04. May, 2010>

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

ADDENDA <No. 22637, Jan. 24, 2011> (Enforcement Decree of the Insurance Business Act)

Regulation 1 (Enforcement Date)

This Decree shall enter into force on Jan. 24, 2011. (Proviso Omitted.)

Regulation 2 through Regulation 21 Omitted.

Regulation 22 (Amendment of other Acts and subordinate statutes)

Paragraph (1) through paragraph (7) Omitted.

(8) Part of the Enforcement Decree of the Seafarers' Act shall be amended as follows:

In Regulation 18-3 (1) 1, the term "provisions of subparagraph 5 of Article 2 of the Insurance Business Act" shall be replaced with "subparagraph 6 of Article 2 of the Insurance Business Act", the term "prescribed by subparagraph 7 of Article 2 of the Act" shall be replaced with "under subparagraph 8 of Article 2

of the same Act", and the term "subparagraph 3 of Article 2 of the Insurance Business Act" shall be replaced with "subparagraph 4 of Article 2 of the Insurance Business Act".

Paragraph (9) through paragraph (13) Omitted.

Regulation 23 Omitted.

ADDENDA <No. 22829, Apr. 4, 2011>

(Partial Amendment of Decree of the Act on Special Measures for Designation and Management of Development Restriction Zones, etc. for Economic Activation and Elimination of public inconvenience, etc.)

Regulation 1 (Enforcement Date)

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

Regulation 2 (Applicable Example of Floor Area Ratio Calculation in accordance with the Amendment of Enforcement Decree of the Building Act)

The amended provision in Regulation 119 (1) 4 (4) of the Enforcement Decree of the Building Act shall be applied to the first building permission granted after the Decree enters into force.

Regulation 3 (Applicable Example of Change of Approval according to the Enforcement Decree of the Amendment of Enforcement Decree of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents)

The amended provision in subparagraph 3 of Regulation 27 shall be applied to the first change of details of a cooperative establishment granted after the Decree enters into force.

Regulation 4 (Transitional Measures for Penalty or Fine for Negligence)

- (1) Where violations committed before the enforcement of the Decree are punished by a penalty or a fine for negligence, previous provisions shall be applied.
- (2) A penalty or a fine for negligence for violations imposed prior to the Enforcement of the Decree shall not be included in the counting of the number of violations in accordance with the amended provisions therein.

ADDENDA <No. 23620, Feb. 3, 2012>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on Feb. 5, 2012; provided, however, that the amended provisions of Regulation 3-2 (2), Regulation 3-3 (1) 1, Regulation 32 (1), Regulation 49, Regulation 52 (1) 3, subparagraph 2 (12), (23) and (24) of Attached Table shall enter into force on the date when the Maritime Labour Convention 2006 enters into force in the Republic of Korea.

Regulation 2 (Transitional Measures on Enforcement Date)

Prior to the enforcement of amendments in accordance with the proviso of Regulation 1 of Addenda, the previous provisions related thereto shall be applied. The citations made in the previous provisions shall be regarded as referring to the Seafarers' Act that is applied under Regulation 2 of Addenda of wholly amended provisions of the Seafarers Act, No. 11024.

Regulation 3 (Applicable Example of Repatriation Insurance)

The amended provision of Regulation 5 (1) 2 shall be applied to the first ship that departs a port after the Decree enters into force.

Regulation 4 (grandfather clause on payment before due date)

The amended provision in Regulation 17-2 shall be applied to a seafarer who is onboard a ship that departs a port after the Decree enters into force.

Regulation 5 (Applicable Example of Ordinary Wages and Average On-board Wages Calculation of Fisher)

The amended provision in Regulation 19-2 shall be applied to the first case where ordinary wages and average boarding wages apply after the Decree enters into force.

Regulation 6 (Applicable Example of Education and Training Entrustment for Seafarers)

- (1) The amended provision in Regulation 44 shall be applied to the first entrustment of education and training after the Decree enters into force.
- (2) Korea Institute of Maritime and Fisheries Technology which had been entrusted for education and training for seafarers under the previous Regulation 52 (3) shall be deemed to have been entrusted for the same purpose therewith in

accordance with Article 117 (1) of the Act and the amended provision of Regulation 44 of the Decree.

Regulation 7 (Applicable Example of Free Loan, etc. of State Property)

The amended provision in Regulation 50-5 shall be applied to the first free loan to, use of, or profit of the Center after the Decree enters into force.

Regulation 8 (Amendment of other Acts and Subordinate Statutes)

(1) Part of Enforcement Decree of the National Pension Act shall be amended as follows:

In Article 22 (1) 2, the term "Article 2 of the Seafarers Act" shall be "Article 3 of the Seafarers Act".

(2) Part of the Enforcement Decree of the Military Service Act shall be amended as follows:

In the former part of Regulation 40-4 (4), the term "maritime affairs and fisheries authorities" and "a seafarer's list" shall be "competent maritime affairs and port authorities " and "a seafarers' list", respectively. In the former part of paragraph (5) of the same Article, the term "from Article 67 through 69 of the Seafarers Act" shall be "from Article 69 through 71 of the Seafarers Act". In paragraphs (6) of the same Article, the term "Article 85 (1) or Article 88 of the Seafarers Act" shall be "Article 94 (1) or Article 97 of the Seafarers Act".

In Article 40-6 (1) 5, the term "Article 85 (1) or Article 88 of the Seafarers' Act" shall be "Article 94 (1) or Article 97 of the Seafarers' Act".

(3) Part of the Enforcement Decree of the Special Act on Assistance to Fisher, etc. and Development of Fisheries Following the Fishing Industry Promotion Act shall be amended as follows:

In the main sentence of Article 4 (2), the term "subparagraph 8 of Article 3 of the Seafarers Act" shall be "subparagraph 11 of Article 2 of the Seafarers Act". In the main sentence of subparagraph 3 of the same Article, the term "maritime affairs and fisheries authorities" and "Article 109 (1) of the Seafarers' Act" shall be "competent maritime affairs and port authorities " and "Article 119 (1) of the Seafarers' Act", respectively.

(4) Part of the Enforcement Decree of the Electronic Government Act shall be amended as follows:

In the civil request column in subparagraph 15 of Attached Table 1, the term "Article 63 (3) of the Seafarers' Act" shall be "Article 64 (3) of the Seafarers' Act".

(5) Part of the Enforcement Decree of the Immigration Control Act shall be amended as follows:

In the column for those qualified for residence or activity scope in subparagraph 25

(4) of Attached Table 1, the term "subparagraph 5 of Article 3 of the Seafarers' Act" shall be "subparagraph 6 of Article 2 of the Seafarers' Act".

ADDENDA <No. 24443, Mar. 23, 2013>

(Organization of the Ministry of Land, Infrastructure and Transport and Institutions Attached thereto)

Regulation 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Regulation 2 through Regulation 5 Omitted.

Regulation 6 (Amendment of other Acts and Subordinate Statutes)

From (1) through (123) Omitted.

<124> Part of the Enforcement Decree of the Seafarers' Act shall be amended as follows:

The term "Enforcement ordinance" in subparagraph 4 of Regulation 3, the proviso of Regulation 10 (1) 1, subparagraph 2 of the same paragraph, Regulation 12, Regulation 13 (4), Regulation 18-2 (3), Regulation 18-4 (3), Regulation 23, Regulation 43 (2) and subparagraph 2 (6) of Attached Table 2 shall be "Enforcement Ordinance of the Ministry of Oceans and Fisheries".

The term "the Minister of Land, Transport and Maritime Affairs" in Regulation 3-3 (2) through Regulation 3-3 (4), Regulation 5 (2) 5, the main sentence of Regulation 8 (1), Regulation 15 (3), subparagraph 2 of Regulation 17-2, Regulation 18-3 (2) and (3), Regulation 23, Regulation 32 (1) 5, Regulation 38 (2) and (3), Regulation 39 (1) other than the subparagraphs, Regulation 39 (1) 5, Regulation 39 (2) and (3), Regulation 43 (4), Regulation 44 (1) other than the subparagraphs, subparagraph 5 of Regulation 44, Regulation 44 (2), Regulation 50-2 (1) 6, Regulation 50-2 (2), Regulation 50-4 other than the subparagraphs, subparagraph 5 of Regulation 50-4, Regulation 50-6 (1) and (2), Regulation 51, Regulation 52 (1) other than the subparagraphs and Regulation 52 (2) through Regulation 52 (4) shall be "the Minister of Oceans and

Fisheries".

From <125> through <146> Omitted.

ADDENDA <No. 25310, Apr. 15, 2014>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation; provided, however, that amended provisions in the following subparagraphs shall enter into force in accordance with each classified date thereof:

1. Regulation 2, Regulation 3, Regulation 3-6, Regulation 32 (1) 1, Regulation 49-2, Regulation 49-4, Regulation 49-5 and Regulation 49-6: The date when the Maritime Labour Convention 2006 enters into force;
2. Regulation 5 (1) : The date three months after the promulgation of this Decree; and
3. Regulation 22, Regulation 22-2 and Regulation 52 (2) 1: Feb. 6, 2015.

Regulation 2 (Preparation, etc. for Qualifications of Ship's Cook)

- (1) The Minister of Oceans and Fisheries may conduct education for and qualification examination for a ship's cook prescribed in amended provisions under Regulation 22 and Regulation 52 (2) 1, prior to the date in accordance with subparagraph 3 of Regulation 1 of the Addenda.
- (2) Prior to the education for and qualification examination for ship's cook pursuant to paragraph (1), a person who completes education for and passes qualification examination for becoming a cook on a ship, both of which are carried out by the Korea Institute of Maritime and Fisheries Technology, he/she shall be deemed to a person who finishes education for and passes qualification examination for becoming a ship's cook in accordance with the amended provisions in Regulation 22 (1) through (4).

Regulation 3 (Applicable Example on Taking out Repatriation Insurance)

The amended provisions in Regulation 5 (1) shall be applied to a shipowner whose ship departs a port after the enforcement date under subparagraph 2 of Regulation 1 of the Addenda.

Regulation 4 (Transitional Measure on Order of Bereaved Family)

Notwithstanding the amended provisions in Regulation 30 (1), the order by which

the bereaved family's compensation is paid shall follow the previous provisions, where a related cause for the compensation arises before this Decree enters into force.

Regulation 5 (Transitional Measure on Service of the Maritime Affairs and Port Office in Foreign Country)

Actions conducted by, or on a consul of the Republic of Korea in accordance with the previous Regulation 50, prior to the enforcement date of this amendment, shall be deemed to be performed as such in accordance with amended Regulation 49-3.

ADDENDA <No. 25532, Aug. 6, 2014>

(Partial Amendment Decree of Enforcement Decree of the Act on the Management of Public Institutions, etc. for laying a foundation for Sensitive Information and Personally Identifiable information)

This Decree shall enter into force on Aug. 7, 2014.

ADDENDA <No. 25751, Nov. 19, 2014> (The Ministry of the Interior and Institutions Attached thereto)

Regulation 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation; provided, however, that part of the amended provisions in Presidential Decree under Regulation 5 of the Addenda which were promulgated but not effective shall enter into force on each date related thereto.

Regulation 2 through Regulation 4 Omitted.

Regulation 5 (Amendment of other Acts and Subordinate Statutes)

From(1) through <383> Omitted.

<384> Part of the Enforcement Decree of the Seafarers' Act shall be amended as follows:

In the column of violation in subparagraph 2 (2) of Attached Table 2, the term "a marine police agency" shall be "a coast guard office".

From <385> through <418> Omitted.

ADDENDA <No. 25840, Dec. 9, 2014>

(Part of the amended decree, including for the Enforcement Decree of the Building Act, etc., for setting regulation-reviewing deadlines, etc. for streamlining regulations

Regulation 1 (Enforcement Date)

This Decree shall enter into force on Jan. 1, 2015.

Regulation 2 through Regulation 16 Omitted.

ADDENDA <No. 26386, Jul. 6, 2015>

Regulation 1 (Enforcement Date)

This Decree shall enter into force on Jul. 7, 2015.

Regulation 2 (Applicable Example of Reserve Seafarer)

The amended provisions in Regulation 21-2 (1) and (2) shall be applied to a shipowner whose ship departs a port after this Decree enters into force.

Regulation 3 (Applicable Example of Uniform Provision)

The amended provisions in Regulation 23-2 shall be applied to a shipowner whose ship departs a port after this Decree enters into force.

Attached Table and Form

[Attached Table 1] Deleted. <Jan. 29, 1991>

[Attached Table 2] Imposing Standard of Fine for Negligence(related to Regulation 53)

[Attached Table 2] <Amended on Jul. 6, 2015>

Imposing Standards for Fine for Negligence (related to Regulation 53)

1. General standard

- (1) The fine-imposing standard based on the number of negligent acts committed shall apply to a case where a violated action punished by a fine for negligence repeats itself within one year. In such cases, the period during which a fine for negligence is imposed and an action of the same negligence is uncovered shall be the term for the counting of violations.
- (2) Those authorized to impose a fine may decrease the amount of a fine for negligence under subparagraph 2 to the extent of 1/2, where the fine falls under any of the following cases; provided, however, that this shall not apply to those violators whose fine is in arrears:
 - 1. A violator falls under any subparagraph of Regulation 2-2 (1) of the Act on the Regulation of Violations of Public Order;
 - 2. A violated action is deemed to have been caused by minor careless action or error;
 - 3. Where a violator is deemed to have made efforts to correct or address his/her violation; and
 - 4. Other cases where reduction is deemed necessary in consideration of the degree of a violated action, the motive and its consequence.
- (3) Those authorized to impose a fine may increase the amount of a fine for negligence under subparagraph 2 to the extent of 1/2, where the fine falls into any of the following cases; provided, however, that the increased amount of a fine shall not exceed the upper limit provided by Article 179 (1) through (3) of the Act.
 - 1. The content and the degree are deemed serious to cause large damage to seafarer's working and living, etc.;
 - 2. The period of a law being violated continues for not less than six months; and
 - 3. Other cases where aggravation is deemed necessary in consideration of the degree of a violated action, the motive and its consequence.

2. Individual standard

(Unit: Tens of Thousand Won)

Violation	Judicial reference provision	Amount of fine by the
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		number of violations		
		Once	Twice	Three times and more
(1) In violation of the main sentence of Article 12 of the Act, a master fails to inform his/her counterpart of the name of his/her ship, the shipowner, a port of registry, port of departure and port of arrival, where his/her ship collides with another.	Article 179 (2) 1 of the Act	50	100	200
(2) In violation of the main sentence of Article 14 of the Act, a master fails to notify the master of a nearby ship and a head of a coast guard office of matters that may be hazardous to the sailing of his/her ship, including abnormal weather conditions such as a rainstorm, etc. and floating ice, floating or sunken objects, etc.	Article 179 (2) 1 of the Act	50	100	200
(3) A master fails to conduct emergency drills under Article 15 (1).	Article 179 (1) 1 of the Act	125	250	500
(4) A master fails to notify passengers of matters necessary for them to escape from emergency pursuant to Article 15 (2) of the Act.	Article 179 (1) 2 of the Act	125	250	500
(5) A master causes any inconvenience to seafarer's hours of rest, where he/she conducts emergency drills, in violation of Article 15 (3) of the Act.	Article 179 (1) 3 of the Act	125	250	500
(6) A master fails to keep the articles left on the ship or take other necessary measures therefor, where a person onboard a ship dies or is missing, in violation of Article 18 of the Act.	Article 179 (2) 1 of the Act	30	60	100
(7) A master fails to keep a certificate of registry of a ship, a seafarers'list, the logbook, documents concerning cargoes and other documents prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries, in violation of Article 20 (1) of the Act.	Article 179 (2) 3 of the Act	30	60	100
(8) A master fails to report such facts that fall under any of the following cases to the competent maritime affairs and port authorities without delay, in violation of Article 21 of the Act: When a ship collides, sinks, is destroyed or lost, suffers from a fire, runs aground, suffers damage to engine or other marine accident happens; where a master comes to know the distress of another ship on a voyage (excluding cases where he/she comes to know such distress through wireless communications); where a ship is engaged in the rescue of human lives or a ship; where a person aboard a ship dies or is missing; where a master changes the planned	Article 179 (2) 4 of the Act	50	100	200

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sea route; where a ship is detained or seized; and, where other serious accident happens on a ship.				
(9) A person who goes onboard with a lethal weapon, explosive or inflammable articles, toxic substances under the Toxic Chemicals Control Act or other dangerous articles and fails to report such carriage to a master, in violation of Article 23 (1) of the Act.	Article 179 (2) 5 of the Act	30	60	100
(10) A shipowner or a master fails to enter the fact of a shift of seafarers' boarding and leaving a ship and the names of seafarers on the list of seafarers, whenever there is such a case, in violation of Article 44(2) of the Act.	Article 179 (2) 6 of the Act	10	30	50
(11) A shipowner or a master fails to obtain approval on the list of seafarers, where there is a shift of seafarers' boarding and leaving a ship, in violation of Article 44(3) of the Act.	Article 179 (2) 6 of the Act	30	60	100
(12) A shipowner fails to keep a payroll or state matters that become the basis of the calculation of wages, etc., whenever he/she pays wages, in violation of Article 58 of the Act.	Article 179 (3) 1 of the Act	10	30	50
(13) A shipowner fails to keep documents in which working hours a day, hours of rest and overtime work of seafarers are to be stated, and have a master enter matters concerning working hours, hours of rest, overtime work and payment of overtime work allowances therein, in violation of Article 62 (3) of the Act.	Article 179 (2) 7 of the Act	10	30	50
execute a plan for shipboard training of seafarers and the evaluation thereon to improve seamanship ability; conduct drills in preparation for emergency; prepare and carry out detailed standards for watchkeeping; and, perform matters for the safety of ship operation stated under Article 52-2, in violation of Article 63 (1).	Article 179 (1) 4 of the Act	125	250	500
(15) A master commits discrimination regarding meals, in violation of the latter part of Article 77 (1) of the Act.	Article 179 (2) 9 of the Act	30	60	100
(16) A shipowner fails to report an official accident, etc., to the competent maritime affairs and port authorities without delay, in violation of Article 82(4) of the Act.	Article 179 (2) 10 of the Act	50	100	200
(17) A shipowner fails to observe matters concerning the prevention of danger when seafarers work on a ship, provision of medicine and medical supplies, maintenance of hygiene on a ship and the conduct of education thereon, etc., in violation of Article 82 (5) of the Act.	Article 179 (2) 11 of the Act	50	100	200
(18) A shipowner fails to provide a uniform to a seafarer who is onboard a ship, in violation of Article 82 (7) of the Act.	Article 179 (1) 5 of the Act	125	250	500

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(19) A seafarer fails to wear the uniform provided by the shipowner of the ship he/she is onboard without any justifiable cause, in violation of Article 83 (3) of the Act.	Article 179 (3) 2 of the Act	30	60	100
(20) A shipowner allows those who do not have a medical certificate to work onboard as seafarers, in violation of Article 87 (1) of the Act.	Article 179 (2) 12 of the Act	50	100	200
(21) A person who intends to work on a ship delivers his/her service onboard a ship without registering himself/herself on the list of job seekers with the Korea Seafarer's Welfare and Employment Center or an agency for registration of job seeking and offering, in violation of Article 109 (1) of the Act.	Article 179 (2) 2 of the Act	10	20	30
(22) A person who intends to employ a seafarer hires a seafarer without registering a job offering with an agency for the registration of job seeking and offering, in violation of Article 109 (2) of the Act.	Article 179 (2) 2 of the Act	50	100	200
(23) A seafarer recruitment and placement agency fails to report the entrustment of seafarers' recruitment and placement service or a change in the details therein to the competent maritime affairs and port authorities, in violation of Article 112 (4) of the Act.	Article 179 (2) 13 of the Act	50	100	200
(24) A shipowner fails to prepare the rules of employment and report them or on changes therein to the competent maritime affairs and port authorities, in violation of Article 119 (1) of the Act.	Article 179 (2) 14 of the Act	50	100	200
(25) Cases where attendance request of a seafarer's labour supervisor is not responded to, or access to a ship or other place of business was refused, avoided or hampered; where an order to submit books and documents is not obeyed, or false books and documents are submitted or false statement is made, in violation of Article 126 (1) of the Act.	Article 179 (2) 15 of the Act	50	100	200
(26) A seafarer makes a false report on matters under Article 129 (1) of the Act.	Article 179 (1) 6 of the Act	125	250	500
(27) A shipowner is in violation of Article 151 of the Act.	Article 179 (2) 2 of the Act	50	100	200

Enforcement Ordinance of the Seafarers' Act

[Enforcement on Jul. 7, 2015] [No. 148 of Ordinance of the Ministry of Oceans and Fisheries, Partially Amended on Jul. 7, 2015]

Seafarers Policy Division,
Ministry of Oceans and Fisheries
044-200-5746, 5745

CHAPTER I GENERAL PROVISION

Section 1 (Purpose)

The purpose of this Rule is to provide matters entrusted by the Seafarers' Act and the Enforcement Decree thereof and those necessary for their enforcement.
<Amended on Oct. 17, 2005>

Section 1-2 (Sailing Waters of Seagoing Ship)

The term "waters prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in subparagraph 8 of Article 2 of the Seafarers' Act (hereinafter referred to as the "Act") means the waters within the territory under Article 1 of the Territorial Sea and Contiguous Zone Act. <Amended on Mar. 24, 2013>

[This Section Newly Amended on May 18, 2012]

Section 2 (Fishing Vessel Excluded from Application)

The term "a fishing vessel of less than 20 gross tonnage pertaining to the ships prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" means a vessel (including a fish transporting vessel) of less than 20 GT and that engages in fishing near coastal water area prescribed by subparagraph 3(a) of Regulation 2 (1) of the Enforcement Decree of the Ship Safety Act (hereinafter referred to as "near coastal water area"), in the coastal waters prescribed by subparagraph 3(b) of the main sentence of Regulation 2 (1) of the Enforcement Decree of the same Act (hereinafter referred to as "coastal waters"), or the near continental waters prescribed by Section 15 (4) of the Enforcement Ordinance of the same Act (hereinafter referred to as "near continental waters"). <Amended on Nov. 8, 1988; Dec. 15, 1997; Sep. 5, 1998; Mar. 24, 1999; Oct. 17, 2005; Nov. 23, 2007;

Mar. 14, 2008; May 18, 2012; Mar. 24, 2013; and, Jul. 7, 2015>

Section 3 (Scope of Application of Trainees)

(1) Pursuant to Article 3 (2) of the Act, a person who goes onboard for on-board training for the purpose of becoming a seafarer shall be applied to the following subparagraphs: *<Amended on Feb. 22, 1991; Jul. 31, 1993; Mar. 24, 1999; Jun. 24, 1999; Oct. 17, 2005; Aug. 28, 2008; and, May 18, 2012>*

1. Provisions of maintaining order on a ship prescribed by Articles 22 and 25 of the Act;
2. Provisions relating to repatriation, taking out repatriation insurance, a seafarers' list, seafarer's book, seafarer's identity document and certificate of seagoing service of Article 38, Article 40 and Article 44 through Article 51 of the Act;
3. Provisions relating to provision of meals, cost for providing meals and medical certificate in accordance with Article 76 (excluding paragraph (2)), 77 and 87 of the Act;
4. Provisions relating to young seafarers and women seafarers in accordance with Chapter IX (from Article 90 through Article 93 of the Act);
5. Provisions relating to accident compensation in accordance with Chapter X (from Article 94 through Article 106 of the Act); and
6. Provisions relating to education and training in accordance with Article 116 of the Act.

(2) In applying paragraph (1) 5, ordinary wages and average onboard wages for seafarers on a ship for on-board training shall be 70/100 of the ordinary wages and average boarding wages of seafarers whose class is the same as the trainees will be appointed upon the training course. *<Newly Introduced on Feb. 22, 1991>*

Section 3-2 Deleted. <Feb. 22, 1991>

**CHAPTER || DUTIES AND AUTHORITY OF
MASTER**

Section 4 (Inspection or Check before Departure from Port)

- (1) A master shall prepare a checklist to inspect or check and conduct inspection and checking in accordance with Article 7 (1) of the Act.
- (2) The term "matters prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in Article 7 (1) 4 of the Act means each of the following subparagraphs:
 1. Appropriateness of a sailing route and passage plan;
 2. Information on meteorological and sea conditions relating to Navigation of Ship;
 3. Muster list and seafarers' familiarization about their duty in case of emergency pursuant to Article 15 of the Act; and
 4. Other matters deemed necessary for safe operation of a ship by a master.

[This Section Newly Introduced on Jul. 7, 2015]

Section 4-2 (Direct Command of Master)

The term "cases prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in Article 9(1) 4 means any of the following subparagraphs:

1. Where there is a risk of a ship's running aground or colliding with another ship due to remarkably restricted visibility caused by fog, snow or rainstorm, etc.;
2. Where maintaining a ship's course is difficult due to sea current, tidal current, or strong wind, etc;
3. Where a ship encounters a group of fishing vessels, while at sea, or there is a remarkable increase in traffic on the route on which a ship is navigating; and
4. Where a ship is not likely to be operated under normal conditions, including malfunction of the equipment for the safe operation of a ship, etc.

[This Section Newly Introduced on Jul. 7, 2015]

Section 5 (Limitation of Rescue Obligation on Wrecked Ship, etc)

(1) The term "cases where a ship under his/her command is in critical danger, etc." provided in the proviso of Article 13 of the Act means any of the following subparagraphs: *<Amended on Dec. 15, 1997; Mar. 14, 2008; May 18, 2012; and, Mar. 24, 2013>*

1. Where there is a notification that a rescue is not necessary from a ship at a place of distress;
2. Where a rescue is not possible due to an unavoidable reason or deemed not

- necessary, when a ship approaches to a place of distress;
3. Where going to a place of distress is impossible due to an unavoidable cause or a rescue is deemed improper due to other reasons; and
 4. Where there is an imminent danger on the ship that is commanded by the master.
- (2) In case that a master does not perform a rescue operation in accordance with subparagraph (1)2 through subparagraph (1)4, he/she shall notify another ship adjacent to the ship in distress or airplane in distress of the intention thereof. Where deemed that a rescue by another ship is not likely, he/she shall make the notification of the fact to a head of a coast guard office. *<Amended on Dec. 15, 1997; May 18, 2012; and, Nov. 19, 2014>*
- [Title Amended on May 18, 2012]*

Section 6 (Notification of Abnormal Weather Conditions, etc)

- (1) The term "a ship prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in the main sentence of Article 14 of the Act means a ship that is equipped with radio telegraph or radio telephone. *<Amended on Dec. 15, 1997; Mar. 14, 2008; May 18, 2012; and, Mar. 24, 2013>*
 - (2) Matters that shall be notified to another ship adjacent to a master's and to a head of a coast guard office, pursuant to the main sentence of Article 14 of the Act are shown in Attached Table 1. *<Amended on Dec. 15, 1997; May 18, 2012; and, Nov. 19, 2014>*
- [Title Amended on May 18, 2012]*

Section 7 (Emergency Drill on Ship)

- (1) Deleted. *<Jul. 7, 2015>*
- (2) Emergency drills, including fire drills, lifeboat drills, etc. pursuant to Article 15 (1) of the Act shall be conducted monthly on a designated day by a master. In case of a passenger ship, those drills shall be performed every 10 days (every seven days for a passenger ship engaged between a domestic port and a foreign port). *<Amended on Jul. 26, 2001; May 18, 2012>*
- (3) Deleted. *<Jul. 7, 2015>*
- (4) Where not less than 1/4 of seafarers of a related ship are changed, a master thereof shall conduct emergency drills on his/her ship within 24 hours upon departing a port.
- (5) A master shall use lifeboats in rotation when he/she conducts lifeboat drills, preferably bimonthly by having them float on sea one by one.

- (6) Methods for making emergency signal under Article 15 (2) of the Act shall be a combination of seven short consecutive blasts and one long sound of whistle or siren. *<Amended on Jul. 7, 2015>*
- (7) Pursuant to Article 15 (2) of the Act, a master of a passenger ship shall make the following subparagraphs known to passengers by way of announcement through broadcast or video-clip, within one hour upon departing a port (within four hours, in case of a passenger ship engaged in international voyage): *<Newly Introduced on Jul. 7, 2015>*
1. Matters necessary for passengers' safety, including keeping order when boarding and leaving a ship, etc.;
 2. How to use life-saving appliance, fire extinguisher, etc. on a passenger ship;
 3. Guidelines for passengers in an emergency;
 4. Hours underway, weather information and expected time of arrival at and departure from a port; and
 5. Other matters that a passenger should know in preparation for emergency.

Section 8 (Keeping Records of Matters relating to Emergency Drills on Ship)

A master shall record details of emergency drills in the logbook and make a video or take picture of such, and keep them, whenever there is an emergency drill on a ship. *<Amended on Jan. 6, 2015>*

Section 9 (Inspection and Check on Ship)

- (1) A master or a person designated by a master shall take a daily patrol of his/her ship to inspect and check life-saving appliances, escape routes and other matters relating to safety, and record the fact thereof in the logbook; provided, however, that a ship that sails to the same destination not less than twice a day shall conduct and record them every time it operates. *<Amended on Jan. 8, 2014>*
- (2) A master or a person designated by a master shall inspect the following subparagraphs not less than once a month and keep and manage the record thereof: *<Newly Introduced on Jan. 8, 2014>*
1. Amount of foods and drinking water stored on a ship;
 2. State of hygiene and operation of a place and equipment used for storing and handling foods and drinking water on a ship;
 3. State of hygiene and operation of a cooking place that prepares and provides meals and other cooking facilities on a ship; and
 4. State of hygiene and maintenance of crew accommodation.

[Title Amended on Jan. 8, 2014]

Section 10 (Ensuring Safe Operation of Ship)

Matters, including watchkeeping, prevention of fire on a ship and other matters to be observed by a master for the safety of navigation, pursuant to Article 16 of the Act, are each of the following subparagraphs: *<Amended on Dec. 15, 1997; Jun. 24, 1999; Oct. 17, 2005; and, May 18, 2012>*

1. Observation of the Convention on the International Regulation for Preventing Collisions at Sea;
2. Observation of International Convention for the Safety of Life at Sea;
3. Periodical inspection of all navigation equipment and keeping the records thereof; and
4. Periodical inspection of crew accommodation and keeping the records thereof.

[Wholly Amended on Feb. 22, 1991]

[Title Amended on May 18, 2012]

Section 11 (Burial at Sea)

(1) Pursuant to Article 17 of the Act, a master may bury a dead body at sea, where a related case falls under each of the following subparagraphs: *<Amended on Jun. 24, 1999; Jul. 7, 2015>*

1. When a ship is on high seas;
2. 24 hours elapsed after a death; provided, however, that this shall not apply to a death of infectious disease;
3. Where a dead body cannot be preserved on a ship in a hygienic manner or a ship thereof is planned to enter a port that bans the incoming of such a ship carrying a dead body;
4. Where there is a medical doctor onboard a ship, the burial shall be done after the issuance of death certificate by the doctor therein; and
5. Where a death is caused by infectious disease, a proper sterilization by a medical doctor or medical care person shall be performed before the burial.

(2) A master shall perform a proper service when he/she buries a dead body at sea and take necessary measures for the body thereof not to be afloat.

(3) In case of burial at sea, a master shall keep hairs of the dead person and other articles of his/hers. *<Amended on May 18, 2012>*

Section 12 (Keeping Articles Left Behind)

- (1) Pursuant to Article 18 of the Act, where a person onboard a ship dies or is missing, a master shall have a relative or a next of kin of the dead or the missing participate in witnessing articles of his/hers and prepare a list of them, without delay. Where there is no relative or next of kin on a ship, two other persons onboard shall participate. *<Amended on May 18, 2012>*
- (2) The list of articles left behind in paragraph (1) shall be entered with the following subparagraphs, together with the signature of a master and participants: *<Amended on Dec. 15, 1997; May 18, 2012>*
 1. Name and address of person who dies or is missing;
 2. Time and location of death or when last seen;
 3. Identity and quantity of articles left behind;
 4. Date of investigating articles left behind and preparing a list of them; and
 5. Reasons for and details of disposal, where there is such action.
- (3) A master shall deliver or hand over articles left behind and a list of them under paragraph (1) to the bereaved family or family of a person who dies or is missing. *<Amended on Dec. 15, 1997; May 18, 2012>*

Section 13 (Document to be carried)

- (1) Deleted. *<Jun. 24, 1999>*
- (2) The term "other documents prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in Article 20 (1) 5 of the Act means each of the following subparagraphs: *<Amended on Nov. 8, 1988; Dec. 15, 1997; Jul. 26, 2001; Apr. 13, 2007; Mar. 14, 2008; May 18, 2012; Mar. 24, 2013; and Jan. 8, 2014>*
 1. Ship Inspection Certificate;
 2. Nautical chart of the navigation area;
 3. A engine logbook;
 4. A list of fitting;
 5. Safe manning document;
 6. A copy of insurance policies of accident compensation, wage claim and repatriation that designates a seafarer as a beneficiary or a copy of a document that demonstrates a fund is established to guarantee the payment of outstanding wages of a seafarer; and
 7. Books that contain contents of the Maritime Labour Convention, 2006 (excluding a non-seagoing ship and a fishing vessel).

Section 14 (Format of document to be carried)

Forms of a seafarers' list and a logbook, etc., in accordance with Article 20 of the Act, shall be each of the following subparagraphs: *<Amended on Mar. 24, 1999; Jul. 26, 2001; and, May 18, 2012>*

1. A seafarers' list: Attached Form No. 1; provided, however, that to a person exempted from approval on a seafarer's list, Attached Form 1-2 shall be applied;
2. A logbook: Attached Form No. 2;
3. Deleted; and *<Mar. 24, 1999>*
4. A list of fitting: Attached Form No. 4.

Section 15 (Reporting on Operation of Ship)

- (1) Reports prescribed by Article 21 of the Act shall be made on Attached Form No. 5, while oral reports are allowed during an emergency. In such cases, related persons, not less than three in number, including a master, shall submit a statement of reason with their signatures thereon. *<Amended on Feb. 22, 1991>*
- (2) When there is an inevitable reason, a master may have his/her representative report on paragraph (1). Where a master or his/her representative cannot make reports, a shipowner shall report it.
- (3) Where reports on provisions in Article 21 of the Act are made, a logbook shall be submitted to the competent maritime affairs and port authorities, provided, however, that this shall not apply to a case in which a logbook is destroyed or lost due to a marine accident or other causes. *<Amended on Dec. 15, 1997; Aug. 24, 1999; and Mar. 14, 2008>*

[Title Amended on Feb. 22, 1991]

CHAPTER III Maintenance of Order on Ship

Section 16 (Disciplinary Committee)

- (1) The disciplinary committee under Article 22 (4) of the Act shall consist of chief engineer, chief operating officer, chief officer, second engineer, first operating officer, chief radio officer and a person with the highest position among ratings of same department who is to be disciplined. Where forming the committee with these people is impossible, persons who are designated by a master shall constitute the committee. *<Amended on Mar. 24, 1999; May 18, 2012>*
- (2) A meeting of the disciplinary committee shall be convened at the request of a

master.

- (3) The disciplinary committee shall allow a crew who is to be disciplined to be present and make his/her statement. Where deemed necessary, the committee may have another crew attend a meeting and make his/her assertion.
- (4) Where the disciplinary committee determines disciplinary actions against a crew the committee shall prepare discipline review documents and a record of discussion signed by the members thereof.
- (5) Deleted. <Nov. 8, 1988>

Section 17 (Restrictions on Strikes)

The term "dangerous articles by kind are prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" under subparagraph 3 of Article 25 of the Act means a case where a ship is sailing, loaded with any harmful substance of the following subparagraphs under Section 3 of Rules on Transport and Storage of Harmful substance on Ship; provided, however, that subparagraph 1 or 2 apply to a case where a ship is sailing without being loaded with the related harmful substance thereto: <Amended on Mar. 14, 2008; May 18, 2012; and, Mar. 24, 2013>

1. High pressure gas;
2. Flammable liquids;
3. Radioactive materials;
4. Explosives;
5. Oxidizing materials;
6. Corrosive materials; and
7. Harmful materials

[This Section Newly Introduced on Oct. 17, 2005]

CHAPTER IV Seafarers' Employment Agreement

Section 18 (Reporting on Offset between Claim and Obligation)

Pursuant to the proviso of Article 31 of the Act, where a shipowner offsets between a seafarer's wage claim and obligation, he/she shall report the fact thereof to a Regional Maritime Affairs and Port Office without delay. <Amended on Dec. 15, 1997; Mar. 14, 2008; and, May 18, 2012>

Section 19 (Scope of Repatriation Expenses)

The term "expenses prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" under Article 38 (3) of the Act means each expense of the following subparagraphs: *<Amended on Mar. 24, 2013>*

1. Transport expense for seafarer's luggage of no more than 30 kg.
2. Necessary expenses for medical treatment for a seafarer with injury or disease.

[This Section Newly Introduced on May 18, 2012]

Section 20 (Matters to be Included in Seafarers' Employment Agreement)

The term "matters prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" under Article 43 (1) of the Act means each of the following subparagraphs: *<Amended on Mar. 24, 2013>*

1. Seafarer's nationality, full name, date of birth and place of birth;
2. Shipowner's name (in case of corporation, the name of its representative) and address (in case of corporation, the address of its head office);
3. Place and date where seafarer's employment agreement is made;
4. Matters concerning seafarer's duty;
5. Matters concerning seafarer's wage;
6. Matters concerning the number of days of paid leave;
7. Matters concerning termination of seafarer's employment agreement;
8. Matters concerning protection of health and social security, etc., the expenses of which are borne by a shipowner;
9. Matters concerning seafarer's repatriation expenses;
10. Matters concerning seafarer's working condition; and
11. Matters concerning a related collective agreement, where provisions about collective agreement are necessary.

[Wholly Amended on May 18, 2012]

[Enforcement Date] The date when the Maritime Labour Convention, 2006 enters into force in the Republic of Korea.

Section 20-2 (Package Approval)

- (1) Pursuant to Article 44 (2) and (3) of the Act, where any of the following subparagraphs applies, a regional competent maritime affairs and port authorities office may grant package approval on seafarer's lists and ships through which seafarers whose manning qualifications are the same as those onboard ships of which the performance and the scale are similar to each other perform shiftwork onboard : *<Amended on Mar. 14, 2008; Dec. 19, 2008; and, May 18, 2012>*

1. Where different ships that are under the same shipowner (excluding a fishing vessel) engage in continuous sailing on the same or adjacent route not less than twice of round trips a day;
 2. Where a reserve passenger ship is in preparation for a case where a passenger ship in service is not operable due to repair, etc. (limited to a case where the complement of a reserve passenger ship does not exceed that of the passenger ship in service); and
 3. Where many fishing vessels under the same shipowner are engaged in joint fishing in an adjacent location.
- (2) A shipowner who intends to apply for package approval provided in paragraph (1) shall submit an application on Attached Form No. 8-3 to the regional competent maritime affairs and port authorities . <Amended on Mar. 14, 2008>

[This Section Newly Introduced on Jul. 26, 2001]

Section 20-3 (Approval in Advance)

- (1) Pursuant to Article 44 (2) and (3) of the Act, an administrator of a regional competent maritime affairs and port authorities office may approve in advance a seafarer who shall take over for another seafarer, where he/she cannot perform his/her duty due to death, disease, injury, etc. that may arise while a ship is in service. <Amended on Mar. 14, 2008>
- (2) In case of paragraph (1), a seafarer who is going to assume duty shall have qualifications for it.
- (3) Where a shipowner intends to apply for approval in accordance with paragraph (1), he/she shall submit an application on Attached Form No. 8-4 to the regional competent maritime affairs and port authorities . <Amended on Mar. 14, 2008>

[This Section Newly Introduced on Jul. 26, 2001]

Section 21 (Approval Application for a Seafarers' List, etc.)

- (1) Where a shipowner or a master applies for approval on boarding or leaving a ship, or cancellation of boarding on a seafarers' list, a seafarer's book or identity card, he/she shall submit an application on Attached Form No. 7 to the regional competent maritime affairs and port authorities. Where a shipowner or a master applies for approval on changes of duty and contract renewal, he/she shall submit an application on Attached Form No. 8-2, which is for approval on changes in boarding, to the competent regional competent maritime affairs

and port authorities (including submission through fax or the Internet); provided, however, that, where there are inevitable reasons, including the place of such cases occurring being far away from the regional competent maritime affairs and port authorities or a ship being in service, etc., the application thereof may be submitted to another regional competent maritime affairs and port authorities office that controls the next port that the ship is expected to enter. *<Amended on Dec. 15, 1997; Mar. 24, 1999; Jun. 24, 1999; Mar. 8, 2000; Jul. 26, 2001; Oct. 17, 2005; Mar. 14, 2008; Dec. 19, 2008; and May 18, 2012>*

- (2) The identity card prescribed in the proviso of Article 45 (1) of the Act shall be on Attached Form No. 8-5. *<Newly Introduced on Jun. 24, 1999; Jul. 26, 2001>*

[Title Amended on May 18, 2012]

Section 22 (Approval Application where Submission of a Seafarers' List is Impossible)

Where a person who intends to apply for his/her leaving a ship upon the termination of a seafarer's employment agreement cannot submit a seafarer's list, he/she shall submit an application of Attached Form No. 9 for approval application for destroyed, lost or damaged seafarer's list with the attachment of a statement of reason therefor and seafarer's book and identity card to the regional competent maritime affairs and port authorities.

[Wholly Amended on May 18, 2012]

Section 23 (Approval Application where Submission of Seafarer's Book is Impossible)

- (1) Where the submission of seafarer's book or identity card is impossible due to an inevitable reason when applying for the application in accordance with the main sentence of Article 45 (3) of the Act, a statement of reason on Attached Form No. 10 for not submitting seafarer's book (identity card), shall be attached to the application form. *<Amended on May 18, 2012>*

- (2) Where the inevitable cause that does not allow the submission of seafarer's book or identity card is removed, a seafarer who is approved under paragraph (1) shall submit documents without delay that demonstrate the fact of being approved and seafarer's book or identity card to the regional competent maritime affairs and port authorities office for approval. *<Amended on Dec. 15, 1997; Mar. 14, 2008; and, May 18, 2012>*

[Title Amended on May 18, 2012]

Section 24 (Approval on Seafarer's Disembarkation)

- (1) The term "reasons, such as unknown whereabouts, etc., prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in the proviso of Article 45 (3) of the Act means any of the following subparagraphs:
<Amended on Mar. 24, 2013>
1. Where a shipowner or a master does not obtain approval on a seafarer's list by intention or without justifiable reasons;
 2. Where a shipowner or a master is missing for not less than a month; and
 3. Where a shipowner or a master dies (in case that a shipowner is a corporation, bankruptcy)
- (2) A seafarer who intends to obtain approval on his/her disembarkation pursuant to the proviso of Article 45 (3) of the Act shall submit the approval application on Attached Form No. 7 with the attachment of seafarer's book or identity card and documents that demonstrate reasons that fall under paragraph (1) to the regional competent maritime affairs and port authorities .
- (3) Notwithstanding paragraph (2), where a seafarer who intends to obtain approval on his/her disembarkation cannot submit seafarer's book or identity card, the procedure and method for the approval application and the confirmation on the approval thereof after it being issued shall apply standards to Section 23.

[This Section Newly Introduced on May 18, 2012]

Section 25 Deleted. <Dec. 15, 1997>

Section 26 (Confirmation on Approval Application)

- (1) Where requested by a shipowner or a master to grant an approval on boarding a ship, the regional competent maritime affairs and port authorities office shall give an approval after reviewing the following subparagraphs (including an approval through sharing administrative information in accordance with Article 36 (1) of the Electronic Government Act. This shall apply hereunder in this Section) pursuant to Article 45 (3) of the Act; provided, however, that the request of a master who does not have his/her seafarer's employment agreement shall be checked with subparagraph 4 and 6 before approval: <Amended on Mar. 24, 1999; Jun. 24, 1999; Oct. 17, 2005; Aug. 17, 2007; Mar. 14, 2008; Apr. 11, 2011; and, May 18, 2012>
1. Whether or not seafarer's employment agreement is in violation of Acts and

- subordinate statues related to the safety of navigation or seafarer's labour;
2. Whether or not a shipowner takes out insurance or joins a mutual aid for accident compensation and repatriation;
 3. Whether or not seafarer's employment contract is agreed upon by the parties;
 - 3-2. Whether or not insurance, a mutual aid or a fund for wage claims guarantee is taken out, pursuant to Article 56 of the Act;
 4. Medical certificate pursuant to Article 87 (1) of the Act (in case of a foreign seafarer, medical certificate issued in his/her home country may take its place);
 5. Whether or not job seeking and job offering are registered pursuant to Article 109 of the Act (excluding a foreigner);
 6. Matters concerning education and training of a seafarer pursuant to provisions of Section 57; and
 7. Whether or not seafarer's book or a visa is issued under the Immigration Control Act (limited to a foreign seafarer who goes onboard in the Republic of Korea).
- (2) The regional competent maritime affairs and port authorities that receive approval application on boarding a ship though fax or the Internet pursuant to Section 21 (1) shall review each subparagraph under paragraph (1) and send a copy of a seafarers' list and seafarer's book or identity card that is approved. A shipowner or a master who obtains the copy of them may come by ex post facto approval on the original copy of a seafarer's list and seafarer's book or identity card. <Amended on Dec. 19, 2008; May 18, 2012>
- (3) Deleted. <Jul. 7, 2015>

Section 27 (Confirmation Request of Approved Matters concerning Boarding Ship)

- (1) Where a seafarer's list maintained on a ship is lost, torn, or too worn to be usable, a shipowner or a master shall without delay prepare a new seafarer's list and apply for a confirmation on current state of seafarers onboard a ship to the regional competent maritime affairs and port authorities . <Amended on Dec. 15, 1997; Mar. 14, 2008; and, May 18, 2012>
- (2) The application pursuant to paragraph (1) shall be made on Attached Form No. 9 of confirmation on a seafarer's list destroyed, lost or damaged with the attachment of each of the following subparagraphs: <Amended on May 18, 2012>
 1. A newly prepared seafarer's list;
 2. Seafarer's book and identity card that contains current boarding records; and

3. A statement of reason.

Section 28 (Approval When Reissuing Seafarer's Book)

Where a seafarer's book is reissued to a seafarer, he/she shall obtain approval on currently approved matters from the regional competent maritime affairs and port authorities. *<Amended on Dec. 15, 1997; Mar. 14, 2008; and, May 18, 2012>*
[Title Amended on May 18, 2012]

Section 29 Deleted. <Oct. 17, 2005>

Section 30 (Approval on Seafarer's Book after Returning)

Where a seafarer returns to his/her home country without obtaining approval of disembarkation in a foreign country, a shipowner or a seafarer recruitment and placement agency shall report the fact thereof to the regional competent maritime affairs and port authorities and obtain approval on the seafarer's book within 20 days. *<Amended on Dec. 15, 1997; Mar. 14, 2008>*

Section 31 (Certification, etc., When Seafarer's Book is Destroyed or Lost)

- (1) Where a holder of a seafarer's book loses it or a seafarer's book is torn or too worn to be usable, he/she may request that the regional competent maritime affairs and port authorities issue a certificate that proves approval on boarding and leaving a ship. *<Amended on Jan. 3, 1990; Feb. 22, 1991; Dec. 15, 1997; Mar. 24, 1999; Mar. 14, 2008; and, May 18, 2012>*
- (2) A person who intends to apply pursuant to paragraph (1) shall submit an application form completed with each of the following subparagraphs to a regional competent maritime affairs and port authorities office: *<Amended on Jan. 3, 1990; Feb. 22, 1991; Dec. 15, 1997; Mar. 24, 1999; Mar. 14, 2008; and, May 18, 2012>*
 1. Name, date of birth and address of applicant;
 2. The regional competent maritime affairs and port authorities that issued the seafarer's book and the number thereof;
 3. Matters that need to be certified; and
 4. Reasons for certification.

Section 32 Deleted. <Mar. 24, 1999>

Section 33 Deleted. <Mar. 24, 1999>

Section 34 (Application for Issuing Seafarer's Book)

A person who intends to apply for the issuance of a seafarer's book pursuant to Regulation 8 of the Enforcement Decree of the Seafarers' Act (hereinafter referred to as the "Decree") shall submit an application for the issuance of a seafarer's book on Attached Form No. 15 with the attachment of the following subparagraphs to the regional competent maritime affairs and port authorities. In such cases, the regional competent maritime affairs and port authorities shall check for certificate of military service (limited to males whose age is not less than 18 but not more than 30, from Jan. 1 to Dec. 31 of the year of application for seafarer's book, excluding foreigners) and certificate of alien registration (limited to foreigners) through sharing administrative information in accordance with Article 36 (1) of the Electronic Government Act. Where an applicant does not agree to the checking thereof, related documents (in case of certificate of alien registration, a copy of it) shall be attached: <Amended on Jan. 3, 1990; Feb. 22, 1991; Jul. 31, 1993; Dec. 15, 1997; Mar. 24, 1999; Mar. 8, 2000; Oct. 17, 2005; Aug. 17, 2007; Mar. 14, 2008; Dec. 31, 2008; Apr. 11, 2011; and, May 18, 2012>

1. Deleted; <Mar. 24, 1999>
2. Deleted; <Aug. 17, 2007>
3. Deleted; <Mar. 8, 2000>
4. A photograph (taken within six months of which the size is 3.5 centimeters by 4.5 centimeters);
5. In case of a foreigner, documents in the following items:
 - (a) A copy of passport; and
 - (b) Seafarer's book which is issued in his/her country or documents approved by provisions in Regulation 8 (2) of the Decree.
6. Deleted. <Jun. 24, 1999>

[Title Amended on May 18, 2012]

Section 34-2 (Application for Issuing Seafarer's Identity Document, etc.)

A person who intends to apply for the issuance of a seafarer's identity document pursuant to Regulation 13 of the Decree shall submit an application for the issuance of a seafarer's identity document on Attached Form No. 15-2 with the attachment of the following subparagraphs to the regional competent maritime affairs

and port authorities. In such cases, a regional competent maritime affairs and port authorities office shall check for certificate of military service (limited to males whose age is not less than 18 but not more than 30, from Jan. 1 to Dec. 31 of the year of application for seafarer's book, excluding foreigners) and certificate of alien registration (limited to foreigners) through sharing administrative information in accordance with Article 36 (1) of the Electronic Government Act. Where an applicant does not agree to the checking thereof, related documents (in case of certificate of alien registration, a copy of it) shall be attached: *<Amended on Aug. 17, 2007; Mar. 14, 2008; Apr. 11, 2011; and, May 18, 2012>*

1. Deleted; *<Aug. 17, 2007>*
2. Seafarer's book; and
3. Seafarer's identity document (excluding a case of new application for issuance)

[This Section Newly Introduced on Oct. 17, 2005]

[Title Amended on May 18, 2012]

Section 35 (Identity Investigation)

- (1) Where requested to issue a seafarer's book or seafarer's identity document pursuant to Section 34 and 34-2, the regional competent maritime affairs and port authorities shall check without delay the identity of a person to whom a seafarer's book or seafarer's identity document is issued through the administrative electronic network related to the issuance.
- (2) Where the regional competent maritime affairs and port authorities cannot check identity in accordance with paragraph (1), the office shall send an application of identity investigation using Attached Form No. 15 Form and No. 15-2 to an identity check organization for the purposes of checking of it.

[Wholly Amended on May 18]

Section 35-2 (Special Exemption of Seafarer's Book Issuance)

- (1) The term "those as prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in the proviso of Regulation 10 (1) 1 of the Decree means any of the following subparagraphs: *<Amended on Jun. 24, 1999; Sep. 16, 1999; Mar. 14, 2008; May 18, 2012; and, Mar. 24, 2013>*
 1. Deleted;*<Sep. 16, 1999>*
 2. A lifeboatman who is rating;
 3. A person in charge of medical care; and

4. A rating who is working on a deep sea fishing vessel other than those under paragraph (2) and (3).
- (2) The term "a worker prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in Regulation 10 (1) 2 of the Decree means a person who engages in work that is not related to the operation of a ship, including clerk, canteen staff and guide. *<Amended on Mar. 14, 2008; Mar. 24, 2013>*
[This Section Newly Introduced on Mar. 24, 1999]
[Title Amended on May 18, 2012]

Section 36 Deleted. <Jun. 24, 1999>

Section 37 (Issuance of Seafarer's Book, etc.)

- (1) Seafarer's book shall use Attached Form No. 16 and may be issued to the principal or through an application therefor of a person prescribed by Regulation 8 (1) of the Decree. *<Amended on May 18, 2012>*
- (2) Seafarer's identity document shall use Attached Form No. 16-2 and may be issued to the principal or a representative designated by the principal (limited to a master or a person who hires the principal). *<Newly Introduced on Oct. 17, 2005; May 18, 2012>*
- (3) An examination committee shall be put under the regional competent maritime affairs and port authorities in order to determine whether or not a person to whom a seafarer's book or seafarer's identity document is issued is a person whose identity is unclear, as prescribed in Article 46 (1) 1 of the Act. *<Amended on Dec. 15, 1997; Jun. 24, 1999; Oct. 17, 2005; Mar. 14, 2008; and, May 18, 2012>*
- (4) Pursuant to Article 46 (2) of the Act, a person whose seafarer's book shall be issued with the validity or the limitation on which ship or which zone is allowed for him/her to go onboard falls under any of the following subparagraphs: *<Amended on Dec. 15, 1997; Jun. 24, 1999; Mar. 14, 2008; and, May 18, 2012>*
1. A person who has limited access to overseas country;
 2. A person who intends to work on a fishing vessel or a ship that does not enter a port of call in a foreign territory; and
 3. Other persons who are deemed to be limited in terms of a ship or a zone for them to go onboard by the regional competent maritime affairs and port authorities.
- (5) Where the regional competent maritime affairs and port authorities issue a

seafarer's book with the boarding limitation on a ship or a zone pursuant to paragraph (4), the office shall enter details of the limitations in the column for authorities, before signing its signature. In case the reason for the limitation is eliminated, the limitation shall be lifted by request of a seafarer. *<Amended on Dec. 15, 1997; Mar. 14, 2008; and, May 18, 2012>*

[Title Amended on Oct. 17, 2005; May 18, 2012]

Section 38 (Correction and Reissuance of Seafarer's Book, etc.)

(1) Where there is a mistake or change in matters entered into a seafarer's book or seafarer's identity document, a seafarer shall apply without delay for the correction thereon to the regional competent maritime affairs and port authorities using Attached Form No. 17. *<Amended on Dec. 15, 1997; Oct. 17, 2005; and, Mar. 14, 2008>*

(2) The term "cases prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" under Article 49 of the Act means a case where a photograph or major entries are unidentifiable or hard to identify, or there is no space in the column of remarks. In such cases, re-issuance application using Attached Form No. 17-4 shall be made without delay to the regional competent maritime affairs and port authorities with the attachment of documents in the following subparagraphs: *<Amended on Oct. 17, 2005; Mar. 14, 2008; May 18, 2012; and, Mar. 24, 2013>*

1. A photograph (taken within six months of which the size is 3.5 centimeters by 4.5 centimeters, only for re-issuing seafarer's book);

2. Seafarer's identity document (only for re-issuing seafarer's identity document).

(3) Application for correction or re-issuance pursuant to paragraph (1) or (2) may be filed with the regional competent maritime affairs and port authorities that issued the seafarer's book or the seafarer's identity document for which the application is made or other regional competent maritime affairs and port authorities. *<Amended on Jul. 31, 1993; Dec. 15, 1997; Oct. 17, 2005; Mar. 14, 2008; and, May 18, 2012>*

(4) Deleted. *<Dec. 15, 1997>*

[Title Amended on Oct. 17, 2005; May 18, 2012]

Section 38-2 (Advice)

The advice under Article 59 and Article 115 (2) of the Act and Regulation 23 of the Decree means advice that is provided by Policy Advisory Committee established under the Ministry of Oceans and Fisheries in accordance with Article 2 of rules

of Policy Advisory Committee. <Amended on Jul. 26, 2001; Oct. 17, 2005; Mar. 14, 2008; May 18, 2012; and, Mar. 24, 2013>
[This Section Newly Introduced on Jun. 24, 1999]

CHAPTER IV - || WAGES <Newly Introduced on Oct. 17, 2005>

Section 39 (Application for Fact Recognition of Bankruptcy, etc)

(1) A person who intends to apply for fact recognition of bankruptcy, etc. pursuant to Regulation 18-2 of the Decree (hereinafter referred to as the "fact recognition of bankruptcy, etc.") shall submit Attached Form No. 17-5 with the attachment of each of the following subparagraphs to the competent regional competent maritime affairs and port authorities that control seafarers' labour in a related place of business: <Amended on Mar. 14, 2008>

1. A copy of certificate of resignation issued by a shipowner at the time of leaving;
2. A copy of documents that show or demonstrate that the shipowner of a related ship does not engage in business activity and does not have the ability to pay outstanding wages (limited to such cases that can be entered or proved thereon).

(2) Where there are not less than two seafarers who leave the same business or place of business, a seafarer may not submit application for fact recognition of bankruptcy, etc., when another seafarer submits the document thereof in accordance with provisions of paragraph (1).

[This Section Newly Introduced on Oct. 17, 2005]

Section 39-2 (Notification of Fact Recognition of Bankruptcy, etc.)

Where the regional competent maritime affairs and port authorities make a determination on the application of fact recognition of bankruptcy, etc. pursuant to Section 39, the office shall notify the applicant of the decision thereof, by using Attached Form No. 17-6, without delay. <Amended on Mar. 14, 2008>

[This Section Newly Introduced on Oct. 17, 2005]

Section 39-3 (Checking on Reasons for Outstanding Wages)

A person who intends to check reasons for outstanding wages pursuant to

Regulation 18-5 (1) of the Decree shall submit Attached Form No. 17-7 with the attachment of each of the following subparagraphs to a competent regional competent maritime affairs and port authorities office that controls seafarers' labour in a related place of business: *<Amended on Mar. 14, 2008>*

1. A copy of a certificate of resignation issued by a shipowner at the time of leaving or letter of notification of fact recognition of bankruptcy, etc. under provisions of Section 39-2;
2. A copy of a document that demonstrates outstanding wages by the shipowner of a related ship (limited to a case issued by the owner.)

[This Section Newly Introduced on Oct. 17, 2005]

Section 39-4 (Notification of Reasons for Outstanding Wage)

The regional competent maritime affairs and port authorities office that receives an application for checking reasons pursuant to provisions of Section 39-3 shall investigate facts for each subparagraph of Section 18-5 (1), before notifying the applicant of the outcome thereof, by using Attached Form No. 17-8; provided, however, that where checking facts is impossible, the reason therefor shall be informed through Attached Form No. 17-6. *<Amended on Mar. 14, 2008>*

[This Section Newly Introduced on Oct. 17, 2005]

CHAPTER V HOURS OF WORK AND COMPLEMENT

Section 39-5 (Standards for Relaxation of the Hours of rest)

(1) The term "standards for relaxation of the hours of rest prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in the latter part of Article 60 (4) of the Act means a case where all of the following subparagraphs are fulfilled:

1. Seafarers are allowed to take not less than 70 hours of rest per any given week;
2. Relaxation of hours of rest shall not continue more than two weeks; provided, however, that after a period double the term of that which the relaxation of hours of rest applies, a continued relaxation of hours of rest may be applied;
3. Seafarers are allowed to take not less than 10 hours of rest per any given

- 24 hours;
4. Seafarers shall be given the hours of rest in accordance with paragraph (3), and the following items shall be observed:
 - (a) Hours of Rest shall not be divided into more than twice;
 - (b) Where hours of rest is divided into two, one shall continue at least six hours, and the other shall be not less than one hour. The interval between two consecutive rests shall not exceed 14 hours.
 5. A period to which the relaxation of hours of rest applies pursuant to paragraph (3) and (4) shall not exceed 48 hours per any one given week.
- (2) Notwithstanding paragraph (1), the relaxation of hours of rest pursuant to paragraph (1) 4 for seafarers who are onboard a ship that navigates on routes where the application of the standards of dividing hours of rest is difficult shall meet all of the following subparagraphs:
1. Seafarers shall be given the hours of rest proper for the standards of paragraph (1) 1, (3) and (5);
 2. Notwithstanding the proviso of paragraph (1) 2, the relaxation of hours of rest may be applied, even if a period double the term of which the relaxation of hours of rest applies does not elapse. In such cases, the period where the relaxation of hours of rest applies shall not continue more than 48 hours;
 3. Notwithstanding paragraph (1) 4, hours of rest may be divided into a maximum of up to three separate times. In such cases, the division shall meet each of the following criteria:
 - (a) Where hours of time is divided into three, one shall continue not less than four hours, and each of the remaining two shall continue not less than one hour;
 - (b) The interval between two consecutive resting times shall not exceed more than 14 hours.
 4. The interval of paid leaves shall be shorter than is provided under Article 69 (1) of the Act, or paid leaves shall be longer than is stipulated under Article 70 of the Act by not less than one day. In such cases, matters concerning paid leaves shall be determined through collective agreement.
- (3) A sea route where the application of the standards of dividing hours of rest pursuant to paragraph (1) 4 is difficult means any of the following subparagraphs:
1. Seaways among ports in the Republic of Korea, People's Republic of China (excluding Hong Kong Special Administrative Region of the People's

Republic of China), Japan and Republics in the Russian Federation (limited to the Far East region);

2. Other seaways determined and publically announced by the Minister of Oceans and Fisheries after his/her hearing the opinions of representatives of shipowners' associations and seafarers' union.

[This Section Newly Introduced on Sep. 19, 2014]

Section 39-6 (Hours work of Young Seafarers, etc.)

The term "regulations on hours of work, hours of rest, etc. prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in Article 61 of the Act means each of the following subparagraphs:

1. Hours of work of young seafarers aged less than 18 years shall not exceed eight hours a day, 40 hours a week;
2. Young seafarers aged less than 18 years shall be offered each of the following items:
 - (a) Meals break for at least one hour a day;
 - (b) More than 15 minute break immediately after two consecutive hours of work.

[This Section Newly Introduced on Sep. 19, 2014]

Section 40 (Documents of Hours of Work, etc.)

Documents where daily hours of work, hours of rest and overtime work of seafarers are to be entered shall be on Attached Form No. 18.

[Wholly Amended on May 18, 2012]

[Enforcement Date] The date when the Maritime Labour Convention, 2006 enters into force in the Republic of Korea.

Section 40-2 (Documents of Hours of Work, etc.)

- (1) Standards for formulating onboard drills and evaluation plans pursuant to Article 63 (1) 1 of the Act shall be in accordance with Attached Table 4.
- (2) Methods of formulating standards of navigational watchkeeping pursuant to Article 63 (1) 2 of the Act shall be in accordance with Attached Table 5.

[This Section Newly Introduced on May 18, 2012]

Section 41 (Qualifications for Navigational Watchkeeping Ratings)

- (1) Pursuant to Article 64 (1) of the Act, a person who intends to be deck or

engine watchkeeping rating shall be aged not less than 16 years and any one of the following subparagraphs: *<Amended on Jan. 3, 1990; Feb. 22, 1991; Jul. 31, 1993; Jun. 24, 1999; Oct. 17, 2005; and, May 18, 2012>*

1. Not less than one year of experience as a deck or engine rating on a ship of not less than 200 gross tonnage;
 2. Not less than two months of experience as a deck or engine rating with the completion of training for watchkeeping ratings in Attached Table 2; and
 3. Experience of seagoing service provided in Regulation 16 (1) 1 of the Enforcement Decree of the Ship Personnel Act.
- (2) Notwithstanding paragraph (1), a person who is allowed to assume dual positions of a deck and an engine watchkeeping rating (hereinafter referred to as the "operating watchkeeping ratings") on a automated ship, among ships under Article 64 (1) of the Act, prescribed by Regulation 3-2 of the Enforcement Decree of the Ship Officer's Act (hereinafter referred to as "automated ship") shall be aged not less than 16 years and any one of the following subparagraphs: *<Amended on Feb. 22, 1991; Jul. 31, 1993; Dec. 15, 1997; Oct. 17, 2005; Mar. 14, 2008; and, May 18, 2012>*
1. A person who falls under paragraph (1) 1 with not less than one year of seagoing experience on automated ships or the completion of training for operating watchkeeping ratings in Attached Table 2;
 2. Experience of seagoing service provided in Regulation 16 (1) 1 of the Enforcement Decree of the Ship Officer's Act; provided, however, that a person who completed other department than operating department should finish training for operating watchkeeping ratings in Attached Table 2; and
 3. A person who has not less than three years of seagoing experience on a ship of not less than 200 gross tonnage and is recognized by the Minister of Oceans and Fisheries that the his/her qualification is equivalent to that of paragraph (1) or (2) or better.
- (3) Where a person who falls under any subparagraph of paragraph (1) and (2) applies for the issuance of certificate of watchkeeping ratings pursuant to Attached Form No. 18-2, the Minister of Oceans and Fisheries may demonstrate his/her qualifications for watchkeeping ratings in his/her seafarer's book and issue a certificate through the information and communications network under subparagraph 10 of Article 2 of the Electronic Government Act (hereinafter referred to as the "information and communications network"). *<Newly Introduced on Feb. 22, 1991; Dec. 15, 1997; Oct. 17, 2005; Aug. 17, 2007; Mar. 14, 2008; May 18, 2012; and, Mar. 24, 2013>*

[Title Amended on May 18, 2012]

Section 42 (Qualifications of Seafarers of Ships Carrying Dangerous Cargoes)

(1) The term "seafarers who have qualifications prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" in Article 64 (3) of the Act means a seafarer who falls under each of the following subparagraphs:
<Amended on Mar. 24, 2013; Jan. 8, 2014>

1. A person who intends to work as a master, chief officer, chief engineer, second engineer, or chief operating officer of an oil tanker or a chemical tanker shall meet all of the following items:
 - (a) Completion of training for basic tanker under Attached Table 2;
 - (b) Completion of Refresher course for oil tanker or chemical tanker among Refresher course under Attached Table 1 of the Enforcement Ordinance of the Ship Officer's Act; and
 - (c) Not less than three months of experience (one month, in case of not less than three times of unloading experience) on an oil tanker or chemical tanker.
2. A person who intends to work as a deck officer(excluding chief officer), engineer (excluding second engineer), operating officer, deck and engine rating or operating watchkeeping rating on an oil tanker or chemical tanker shall meet any of the following subparagraphs:
 - (a) Completion of training for basic tanker under Attached Table 2;
 - (b) Not less than three months of experience on an oil tanker or chemical tanker.
3. A person who intends to work as a master, chief officer, chief engineer, second engineer, or chief operating officer of a liquefied gas tanker shall meet all of the following items:
 - (a) Completion of training for basic tanker under Attached Table 2;
 - (b) Completion of Refresher course for a liquefied gas tanker among Refresher course under Attached Table 1 of the Enforcement Ordinance of the Ship Officer's Act; and
 - (c) Not less than three months of experience (one month, in case of not less than three times of unloading experience) on an oil tanker or chemical tanker.
4. A person who intends to work as a deck officer(excluding chief officer), engineer (excluding second engineer), operating officer, deck and engine

rating or operating watchkeeping rating on a liquefied gas tanker shall meet any of the following subparagraphs:

- (a) Completion of training for basic tanker under Attached Table 2;
 - (b) Not less than three months of experience on a liquefied gas tanker.
- (2) Notwithstanding paragraph (1), a master, chief officer, chief engineer, second engineer, chief operating officer or operating officer on non-seagoing ships that carry dangerous goods shall meet each of the following subparagraphs: *[Newly Introduced on Jan. 8, 2014]*
1. Oil tanker or chemical tanker: shall meet any item of paragraph (1) 1;
 2. Liquefied gas tanker: shall meet any item of paragraph (1) 3.
- (3) Where a seafarer who falls under any subparagraph of paragraph (1) applies for the issuance of certificate of proficiency pursuant to Attached Form No. 18-2, the Minister of Oceans and Fisheries may demonstrate his/her qualifications for oil tankers, chemical tankers or liquefied gas tankers in the his/her seafarer's book and shall issue a certificate pursuant to Attached Form No. 16 (including through the information and communications network). *<Amended on Mar. 24, 2013; Jan. 8, 2014>*
- (4) The validity of certificate of proficiency on oil tankers, chemical tankers or liquefied gas tankers pursuant to paragraph (3) shall be five years, respectively, in accordance with International Convention on Standards of Training Certification and Watchkeeping for Seafarers, as amended (hereinafter referred to as the "STCW Convention"); provided, however, that it shall be deemed that there is no validity of certificate of proficiency for ratings.
<Amended on Jan. 8, 2014>
- (5) A person who intends to extend the validity of certificate of proficiency after the expiry thereof pursuant to paragraph (4) or to revalidate his/her certificate that is invalid after the date pursuant to paragraph (4) shall meet any of the following subparagraphs: *<Newly Introduced on Jan. 8, 2014>*
1. Not less than three months of experience on ships carrying dangerous goods within the preceeding five years from the date of the validity of certificate of proficieny or going onboard a ship;
 2. Completion of training for basic tanker under Attached Table 2 before the expiration of the validity of certificate of proficiency or going on board a ship (excluding training courses completed for being qualified under each subparagraph of paragraph (1)).

[Wholly Amended on May 18, 2012]

Section 43 (Qualifications of Lifeboatman, etc.)

- (1) A seafarer who wishes to obtain a certificate of proficiency in lifeboat pursuant to Article 64 (4) of this Act shall submit Application for Issuance according to the form prescribed in Attached Table 18 (2) to the administrator of a regional Maritime Affairs and Port Office. *<Amended on Dec. 15, 1997; Oct. 17, 2005; Mar. 14, 2008; and May 18, 2012>*
- (2) The administrator of a regional Maritime Affairs and Port Office to whom the Application for Issuance is submitted under Paragraph (1) by a seafarer with qualifications as follows shall prove in the seafarer's book that said seafarer is qualified as a lifeboatman and shall issue the Certificate of proficiency in lifeboat as prescribed in Attached Table 20 (including issuance via information and communications network). In such cases, the Certificate of proficiency in lifeboatman shall be valid for 5 years as prescribed by the 「STCW Convention」 : *<Amended on March 24, 1999; Jul. 26, 2001; Oct. 17, 2005; Mar. 14, 2008; and May 18, 2012>*
 1. A person who is 18 years or older; and
 2. Seafarers with seagoing experience onboard of 12 months or longer, or those with seagoing experience onboard of 6 months or longer and who completed the survival craft training course among the Advanced safety training of Appendix 2 in the Korea Institute of Maritime and Fisheries Technology in accordance with the 「Korea Institute of Maritime and Fisheries Technology Act」 (hereinafter referred to as the "KIMFT");
- (3) A ship pursuant to Section 21 (3) shall have the number of lifeboatman onboard as set out in the following sub-paragraphs (one lifeboatman in case of a ship trading coastal waters) per each lifeboat, rescue boat or fast rescue boat and liferaft (excluding inflated liferaft in case of a ship trading coastal waters (hereinafter referred to as "lifeboat, etc")) to be carried. However, the number may be reduced with permission from a regional Maritime Affairs and Port Office for a ship carrying less number of seafarers than what is certified to carry: *<Amended on Dec. 7, 1987; Dec. 15, 1997; Mar. 24, 1999; Mar. 14, 2008; and May 18, 2012>*
 1. Lifeboat with capacity of 40 persons or less : two lifeboatman;
 2. Lifeboat with capacity of 41 up to 61: three lifeboatman;
 3. Lifeboat with capacity of 62 up to 85: four lifeboatman;
 4. Lifeboat with capacity of 86 persons or more: five lifeboatman;
 5. Rescue boat or high-speed rescue boat: two lifeboatman; and
 6. Rescue raft: one lifeboatman.

- (4) The master shall appoint lifeboatmen with designated lifeboats, etc. in advance and designated lifeboatman shall be in command thereof. *<Newly introduced on Dec. 7, 1987, and May 18, 2012>*
- (5) Lifeboatman shall be responsible for the jobs falling under the following subparagraphs: *<Newly introduced on Dec. 7, 1987; Dec. 5, 1997; and May 18, 2012>*
1. Ascertain whether food, water, sailing equipment, and other supplies are loaded on lifeboats, etc., lower lifeboats, etc., and command while crew and passengers go onboard lifeboats, etc.;
 2. Command or assist in operating lifeboats, etc.;
 3. Line throwing gun, life buoys, and other rescue equipment; and
 4. Maintain and manage lifeboats, etc. and other rescue equipment (excluding lifejackets).
- [Title Amended on May 18, 2012]*

Section 43-2 (Qualifications for Certificate of Proficiency in Lifeboat)

- (1) Where a person with the certificate of proficiency in lifeboat under Section 43 (2) completes fast rescue boat training course as stipulated in Appendix 2, the administrator of a regional Maritime Affairs and Port Office shall certify on his/her seafarer's book that the person is qualified as a fast rescue boat operator and issue the certificate thereof (including issuance via information and communications network) as prescribed in Attached Table 20 (2).
- (2) Certificate of Proficiency in Lifeboat under Paragraph (1) shall be valid for five years in accordance with 「STCW Convention *[Wholly Amended on May 18, 2012]*

Section 43-3 (Qualifications of Seafarers for Safety Management of Passengers, etc.)

- (1) "Seafarers who have the qualifications of safety management of passengers prescribed by the Enforcement ordinance" under Article 64 (5) are seafarers who have completed the advanced safety training course prescribed by Appendix 2.
- (2) Passenger ships under Section 21 (4) shall have the number of seafarers (hereinafter referred to as "seafarers for safety management of "passengers") under Paragraph (1) onboard as follows:
1. A passenger ship the passenger capacity of which is 100 up to 500: one or more;
 2. A passenger ship the passenger capacity of which is 500 up to 1,000: two or more;
 3. A passenger ship the passenger capacity of which is 1,000 up to 1,500: three

or more;

4. A passenger ship the passenger capacity of which is 1,500 or more: four or more;
- (3) The master shall deploy seafarers for safety management of passengers on the deck of passenger cabins and assign them to duties as follows:
 1. Dispense and demonstrate how to put on life saving appliances such as lifejackets in case of emergency.
 2. Announce muster stations for passengers in case of emergency.
 3. Assist passengers in embarkation of lifeboats, etc.
 4. Clear and manage evacuation routes for passengers in case of emergency.
 5. Other passenger supporting duties in emergency as ordered by the captain.

[Newly Introduced on May 7, 2015]

Section 44 (Issuance of Safe Manning Document)

- (1) A shipowner wishing to obtain approval after having determined the complement of a ship under Article 65 from the administrator of a regional Maritime Affairs and Port Office shall submit Safe Manning Document Application in Attached Table 21 attaching the rules of employment (hereinafter referred to as "the rules of employment") under Article 119. *<Amended on Feb. 22, 1991; Dec. 15, 1997; Mar. 14, 2008; and May 18, 2012>*
- (2) The administrator of a regional Maritime Affairs and Port Office to whom the application is submitted under Paragraph (1) shall review the rules of employment and the complement of the ship before issuing Safe Manning Document as prescribed in Attached Table 22. *<Amended Feb. 22, 1991; Dec. 15, 1997; Mar 14, 2008; and May 18, 2012>*
- (3) Safe Manning Document Application and Safe Manning Document under Paragraphs (1) and (2) may be applied for and issued via information and communications network. *<Newly Introduced on Oct. 17, 2005; and May 18, 2012>*

[Title Amended on May 18, 2012]

Section 45 (Special Exemption on Qualifications of Seafarers)

- (1) "Where a ship meets the standards prescribed by the Enforcement ordinance" under Article 66 refers to a ship falling under any of the following subparagraphs and approved by the administrator of a regional Maritime Affairs and Port Office: *<Amended on Dec. 15, 1997; Jul. 26, 2001; Mar. 14, 2008; May 18, 2012; and Mar. 24, 2013>*

1. A ship equipped with facilities whose engine in the engine room can be

- remotely controlled by a deck officer.
2. A ship equipped with automatic facilities for the navigation, anchoring, etc.
 3. Pusher barge: A ship propelled in combination with a steamer.
 4. Underwater sightseeing barge : A ship equipped with underwater sightseeing facilities but without self propelling capability.
- (2) The administrator of a regional Maritime Affairs and Port Office may apply relaxed qualifications of watchkeeping ratings under Article 64 (1) and (2) or regulations on complement under Article 65 on a ship falling under subparagraph (1). *<Amended on Dec. 15, 1997; Mar. 14, 2008; and May 18, 2012>*
- (3) A person who wishes to obtain approval from the administrator of a regional Maritime Affairs and Port Office under subparagraph (1) shall either submit the Complement Relaxation Permission Application prescribed by Attached Table 22 (2), attaching documents certifying that the ship falls under subparagraph (1) and which are issued by regional Maritime Affairs and Port Office, Korea Ship Safety Technology Authority under 「Ship Safety Act」 Article 45, classification society under Article 60 (2) of the same Act, or a member of International Association of Classification Societies recognized by the Minister of Oceans and Fisheries or apply via information and communications network. *<Amended on Jan. 3, 1990; Feb. 22, 1991; Dec. 15, 1997; Jul. 26, 2001; Oct. 17, 2005; Nov. 23, 2007; Mar. 14, 2008; and Mar. 24, 2013>*

[Title amended on May 18, 2012]

Section 45-2 (Criteria and Procedures on Passenger Ship Master's Aptitude Test, etc.)

- (1) Criteria on passenger ship master's aptitude test under Article 66-2 (1) and whether criteria thereof are met shall be in accordance with Appendix 5 (2).
- (2) Where passenger ship master's aptitude test (hereinafter referred to as "aptitude test") under Article 66-2 (1) confirms that the master meets the criteria thereof, the result shall be valid for three years from the date of confirmation (for two years where master is 65 years of age or older at the time when he/she takes aptitude test).
- (3) A person who intends to extend the period of validity of aptitude test under paragraph (2) may take another aptitude test before the expiration date of the validity period. In such cases, where the passenger ship master meets the criteria thereof, the period of validity shall begin from the day following the original expiration date.
- (4) Where a passenger ship master who met the criteria of aptitude test intends to go onboard another passenger ship of the same type navigating the same route

within the period of validity, he/she may be exempted herefrom.

- (5) The competent maritime affairs and port authorities shall conduct aptitude tests more than six times per year. In such cases, an aptitude test committee consisting of more than five persons falling under any of the following subparagraphs shall be established to conduct the aptitude test:
1. A person with work experience for three years or more as a civil servant in fields related to shipping or ship safety.
 2. A person after obtaining 2nd class or higher of certificate of competency of deck officer or engineer officer or operating officer and worked onboard a ship for 5 years or longer.
 3. A person who is engaged in duties related to seafarer or ship safety for 10 years or longer in business with regard to shipping industry under subparagraph (1) of Article 2 of the 「Shipping Act」 .
 4. A person who has given lectures on subjects regarding the operation of a ship or engines of a ship for three years or longer either in a school or an institution falling under any of the following:
 - a. A school falling under any of subparagraph 1 through subparagraph 4 of Article 2 of the 「Higher Education Act」 .
 - b. The Korea Institute of Maritime and Fisheries Technology in accordance with the 「Korea Institute of Maritime and Fisheries Technology Act」 .

[This Section Newly Introduced on Jul. 7, 2015]

Section 46 (Ships Exempted from Regulations on Hours of Work and Complement)

Ships prescribed by “Ordinance of the Ministry of Oceans and Fisheries” under Article 68 (1) 4 of the Act shall mean ships trading near coastal waters. <Amended on Dec. 15, 1997; Mar. 14, 2008; May 18, 2012; Mar. 24, 2013>

[Title Amended on May 18, 2012]

[Enforcement Date] The date on which 「2006 the Maritime labour Convention」 enters into force in the Republic of Korea.

Chapter 5-2 Paid Leave <*This Chapter Newly Inserted on May 18, 2012*>

Section 46-2(Number of Days of Paid Leave)

The number of days of paid leave for holidays due to a maternity protection leave under Article 70 (4) of the Act shall be 15/12 per month. However, paid leave less than one day shall be calculated as one day. <Amended on May 18, 2012>

[This Section Newly Introduced Aug. 28,]

[The Previous Section 46-2 Moved to Section 46-3 <Aug. 28, 2008>]

Section 46-3(Calculation of Number of Days of Paid Leave Taken)

The “period prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” under subparagraph (3) of Article 71 of the Act shall mean a period falling under any of the following subparagraphs: <Amended on Mar 14, 2008; May 18, 2012; Mar. 24, 2013>

1. Reward vacation or vacation period of similar nature approved by shipowner.
2. Period at anchor due to rough weather, natural disaster or war.
3. Period of shore leave under approval from master while at anchor

[This Section Newly Introduced on Mar 24, 1999]

[Moved from Section 46 (2), the Previous Section 46 (3) Moved to Section 46 (4) <Aug. 28, 2008>]

Section 46-4(Vessels of Paid Leave for Fisher to be applicable)

“Fishing vessels engaged in fishery prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” under Article 74 (1) of the Act shall mean fishing vessels falling under any of the following subparagraphs: <Amended on Feb. 4, 2008; Mar. 14, 2008; Mar. 31, 2008; May 18, 2012; and Mar. 24, 2013>

1. Fishing vessels engaged in fishery under subparagraph 2 of Article 2 of the 「Distant Water Fisheries Development Act」 ;
2. Fishing vessels engaged in large purse seine fishery as prescribed by the attached Table 1 of the 「Rules on Fishery License and Reporting, etc.」
3. Fishing vessels engaged in large pair trawl fishery as prescribed by the attached Table 1 of the 「Rules on Fishery License and Reporting, etc.」

[This Section Newly Introduced on Oct. 17, 2005]

[Moved from Section 46 (3), the Previous Section 46 (4) moved to Section 46 (5) <Aug. 28, 2008>]

Section 46-5 (Number of Days of Paid Leave of Fishers)

The number of days of paid leave of seafarers of fishing vessels under Article 74 of the Act shall be 20 days for one continuous year of working onboard. One day of paid leave shall be added for each month of further service on board exceeding one year. <Amended on May 18, 2012>

[This Section Newly Introduced Oct. 17, 2005]

[Moved from Section 46 (3), the Previous Section 46 (4) moved to Section 46 (5) <Aug. 28, 2008>]

Section 46-6 (Method of Granting Paid Leave for Seafarers of Fishing Vessel)

- (1) Where a seafarer has worked onboard for one continuous year, a shipowner under Section 46 (4) shall grant him/her paid leave within three months thereafter; provided, however, that where a ship is on fishing operations or voyage, he/she may postpone paid leave until she ends the voyage. *<Amended on Aug. 28, 2008>*
- (2) A shipowner may grant paid leave the period of which is divided, as prescribed by a collective agreement or employment contract.
- (3) A shipowner and seafarers shall agree on a specific method of granting paid leave in addition to provisions under paragraphs 1 and 2.

[This Section Newly Introduced on Oct. 17, 2005]

[Moved from Section 46 (5), the Previous Section 46 (6) moved to Section 46 (7) <Aug. 28, 2008>]

Section 46-7 (Paid Leave Allowance)

- (1) A shipowner under Section 46 (4) shall pay ordinary wages to a seafarer who is on paid leave as a paid leave allowance. *<Amended on Aug. 28, 2008>*
- (2) Where a seafarer has not taken all or part of paid leave under Section 46 (5), a shipowner under Section 46 (4) shall pay paid leave allowance for the number of days of paid leave not taken in addition to wages. *<Amended on Aug. 28, 2008>*

[This Section Newly Introduced on Aug. 17, 2005]

[Moved from Section 46 (6) <Aug. 28, 2008>]

**CHAPTER VI PROVISION OF MEALS, SAFETY
AND HEALTH ON SHIP** *<Amended on May 18, 2012>*

Section 47 (Providing Meals on Ship)

- (1) A shipowner shall establish the Meals Provision Committee comprising more than five committee members including a master and a ship's cook in charge of meals on each ship to ensure the proper amount and quality of meals onboard under Article 76 (1) of the Act and manage dietary conditions of seafarers; provided, however, that ships or shrimp trawls which do not call at foreign territory shall be exempted herefrom. *<Amended on May 18, 2012>*
- (2) Deleted *<May 18, 2012>*

Section 47-2 (Training of Ship's Cook)

“Training for ship's cook by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” prescribed by Section 22 (1) 1, and item 1 and 2 of subparagraph 2 of the Decree shall mean the Training for ship's cook under the attached Table 2.

[This Section Newly Introduced on Sep. 19, 2014]

Section 47-3 (Application for Ship's Cook Certificate)

A person who wishes to apply for ship's cook certificate examination under Regulation 22 (1) 1 of the Decree (hereinafter referred to as “ship's cook certificate examination”) shall submit the application form as prescribed by Form 22 (3) of the attached Table 1 to the President of the KIMFT under the 「Korea Institute of Maritime and Fisheries Technology Act」 (hereinafter referred to as “President of the KIMFT”).

Section 47-4 (Passing Criteria for Ship's Cook Certificate)

The passing criteria for ship's cook certificate shall be 60 points or more out of 100.

[This Section Newly Introduced on Sep. 19, 2014]

Section 47-5 (Issuance of Ship's Cook Certificate)

(1) Where a person who is qualified as a ship's cook wishes to have a ship's cook certificate issued under Regulation 22 (1) of the Decree, he/she shall submit the Ship's Cook certificate Issuance Application prescribed by Form 18 (2) to the President of the KIMFT.

(2) The president of the KIMFT to whom Ship's Cook Certificate Issuance Application pursuant to paragraph (1) has been submitted shall issue Ship's Cook Certificate prescribed by Form 23 (including issuance via information and communications network).

[This Section Newly Introduced on Sep. 19, 2014]

Section 47-6(Matters Included in Criteria on Safety and Health on Ship and Accident Prevention) “

Other matters prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” under Article 79 (1) 8 of the Act shall mean the following matters:

1. Regular inspection and maintenance of facilities and equipment on ship;
2. Protection of young seafarers and women seafarers;
3. Safety and protection against dangerous work or work with risk of exposure

to harmful substances;

4. Matters pursuant to safety and health on ship and inspection of accident prevention and safety which seafarer labour inspector shall conduct under Article 125 of the Act at the order of the Minister of Oceans and Fisheries or the administrator of a regional Maritime Affairs and Port Office; and
5. Other matters deemed necessary by the Minister of Oceans and Fisheries pursuant to safety and health on ship and accident prevention.

[This Section Newly Introduced on Sep. 19, 2014]

Section 47-7(Provision of Uniforms)

Criteria on uniforms a shipowner shall provide to a seafarer who goes onboard a ship under Article 82 (7) of the Act and uniform regulations shall be as prescribed by the attached Table 5 (3).

[This Section Newly Introduced on Jul. 7, 2015]

[Section 47-7 Removed to Section 47-8 <Jul. 7, 2015>]

Section 47-8(Responsibilities of Seafarers)

“Matters prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries pursuant to the prevention of danger of work on a ship and maintenance of hygiene on a ship” under Article 83 (1) of the Act shall mean the following matters:

- (1) Seafarers shall be aware of and observe criteria of safety, health and accident prevention on ship as prescribed by Article 78 (1) 2 of the Act;
- (2) Seafarers shall comply with the instructions on signs which indicate either dangerous space on a ship or restricted area for seafarers.
- (3) Where seafarers engage in dangerous work such as work in a hold, welding, painting, work handling heavy objects, work involving electricity, fishing, work aloft, work on outer surface of hull, or de-icing, seafarers shall use protective equipment such as safety belt, safety harness, or lifejacket.
- (4) Seafarers shall take thorough care of personal hygiene such as maintaining cleanliness of his/her residential environment.

[This Section Newly Introduced on Sep. 19, 2014]

[Moved from Section 47-7 <Jul. 7, 2015>]

Section 48(Medical Doctor Working on Board)

- (1) Where a shipowner intends to obtain approval under the partial proviso except the subparagraphs of Article 84 of the Act, he/she shall submit two copies of

an application form with the following information to regional competent maritime affairs and port authorities: *<Amended on Dec. 15, 1997; Mar. 14, 2008; and May 18, 2012>*

1. Name, type, gross tonnage and navigation areas of the ship;
 2. Maximum number of persons onboard and complement;
 3. Desired approval period; and
 4. Reasons for approval.
- (2) Where regional competent maritime affairs and port authorities issue approval under paragraph (1), a medical care person under Article 85 of the Act shall go onboard the ship. *<Amended on Dec. 15, 1997; Jun. 24, 1999; Mar. 14, 2008; and May 18, 2012>*
- (3) “A fishing vessel engaged in mother ship type fishery prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” under Article 84 (2) of the Act shall mean a fishing vessel of 5,000 gross tonnage or more and the complement of which is 200 persons or more. *<Amended on Dec. 15, 1997; Mar. 14, 2008; May 18, 2012; and Mar. 24, 2013>*

Section 49(Medical Care Person)

- (1) Deleted *<Apr. 13, 2007>*
- (2) “A fishing vessel prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” under Article 85 (1) 2 of the Act shall mean a vessel of 300 gross tonnage or more; provided, however, that vessels trading near coastal waters, coastal waters or near continental waters shall be exempted therefrom. *<Amended on Dec. 15, 1997; Jun. 24, 1999; Mar. 14, 2008; May 18, 2012; and Mar. 24, 2013>*

[Title Revised on Jun. 24, 1999]

Section 50(Qualification Examination of Medical Care Person)

- (1) The qualification examination of medical care person under Article 85 (3) of the Act shall be divided into a written examination and a practical test and subjects shall be as follows; provided, however, that a person who passed the written examination thereof and completed the education designated by the Minister of Oceans and Fisheries among the practical courses conducted by Korean Red Cross under the 「 Organization of the Korean National Red Cross Act」 shall be exempted from practical test: *<Amended on Oct. 17, 2005; Mar. 14, 2008; May 18, 2012; and Mar. 24, 2013>*
1. Written examination: medical laws and regulations, elementary first aid, basic

nursing, and public health;

2. Practical test: emergency first aid and nursing.

- (2) Where the President of the KIMFT intends to hold Qualification Examination of Medical Care Person under paragraph (1), the examination shall be published thereof and the examination date, venue, and other matters pursuant to the examination shall be made public 30 days prior to the examination. *<Amended on Oct. 17, 2005; and Sep. 19, 2014>*
- (3) A person who intends to apply for Qualification Examination of Medical Care Person under paragraph (1) shall submit the Examination Application of Form 22 (3) to the President of the KIMFT. *<Amended on May 18, 2012>*
- (4) Where persons who passed Qualification Examination of Medical Care Person have been confirmed, the President of the KIMFT shall make public the list on the bulletin board of the KIMFT and the website thereof. *<Amended on May 18, 2012>*
- (5) The period of validity of passing the written examination of Qualification Examination of Medical Care Person shall be 2 years after the date the person passes the written examination.

[Wholly Revised on Jun. 24, 1999]

Section 50-2(Passing Criteria for Qualification Examination of Medical Care Person)

- (1) A person who scores 40% or more of the full score in all subjects, and scores an average of 60% or more in all subjects shall pass the written examination under Section 50 (1).
- (2) A person who scores 60% or more of the full score in all subjects of the practical examination from the evaluator of each practical examination under Section 50 (1) shall pass the practical examination.

[This Section Newly Introduced on Apr. 13, 2007]

Section 51(Issuance of Certificate of Proficiency in Medical Care)

- (1) A person who intends to be issued a certificate of proficiency in medical care under Article 85 (3) of the Act shall submit Issuance Application for the certificate of proficiency in medical care prescribed by Form 18 (2) to the President of KIMFT. *<Amended on Feb. 22, 1991; Dec. 15, 1997; Mar. 24, 1999; Jun. 24, 1999; Oct. 17, 2005; and May 18, 2012>*
- (2) The President of KIMFT to whom the application is submitted under paragraph (1) shall either issue a certificate of proficiency in medical care prescribed by Form 24 (including issuance via information and communications network) or

certify in the applicant's seafarer's book that the person has obtained a certificate of proficiency in medical care. In such cases, the President of KIMFT shall notify such fact to the administrator of the regional Maritime Affairs and Port Office which issued the seafarer's book. *<Amended on Feb. 22, 1991; Dec. 15, 1997; Mar. 24, 1999; Jun. 24, 1999; Oct. 17, 2005; Mar. 14, 2008; and May 18, 2012>*

[Title Revised on Jun. 24, 1999; and May 18, 2012]

Section 52(Affairs of Medical Care Person)

(1) Affairs of medical care person under Article 85 (4) of the Act shall be as follows: *<Amended on Jun. 24, 1999; May 18, 2012; and Jan. 8, 2014>*

1. Health management and health instruction for seafarers;
2. Maintenance of hygiene of work and habitable environment on a ship;
3. Maintenance of hygiene of food and water;
4. Maintenance and keeping of medical equipment, medicine, other hygienic goods and medical books, etc.;
5. Management and preparation of medical care records on a ship; and
6. Matters pursuant to medical care of patients onboard a ship.

(2) Maintenance and keeping of medical equipment and medicine under paragraph 1 (4) shall comply with medical related laws and regulations as well as ILO's 「Recommendation concerning the Contents of Medicine Chests on Board」. *<Amended on Jan. 8, 2014>*

(3) Master and medical care person shall record and manage medical records of patients onboard a ship in accordance with the standard medical report as prescribed by Form 25 (2). In such cases, information on the form shall be kept confidential. *<Newly Inserted on Jan. 8, 2014>*

[Title Revised on Jun. 24, 1999]

Section 52-2(Medical Institution for Health Check-up)

(1) “Medical institutions which meet the standards prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” under Article 87 (1) of the Act shall mean medical institutions as follows: *<Amended on Apr. 13, 2007; Mar. 14, 2008; Aug. 28, 2008; May 18, 2012; Mar. 24, 2013; and Jul. 7, 2015>*

1. In case of seafarers working on coastal fishing vessels: medical institution equal to or higher than a clinic level under the 「Medical Service Act」
2. In case of other seafarers: Medical institutions for health check-up under Article 25 (4) of 「Enforcement Decree of the National Health Insurance

Act_J (including medical institutions designated and published by the Minister of Oceans and Fisheries to be equivalent to the medical institutions for health check-ups)

- (2) Clinics which intend to conduct health check-ups of seafarers shall report to regional competent maritime affairs and port authorities, attaching documents proving they meet the standards prescribed by paragraph (1). <Amended on Mar. 14, 2008>
- (3) Regional competent maritime affairs and port authorities which receive a medical institution for health check-up report under paragraph (2) shall notify other regional competent maritime affairs and port authorities of the fact (including notification via information and communications network designated and published by the Minister of Oceans and Fisheries). <Amended on Mar. 14, 2008; Mar. 14, 2008; and Mar. 24, 2013>

[This Section Newly Introduced on Oct. 17, 2005]

Section 53(Health Check-up)

- (1) A person who intends to go onboard ships trading near coastal waters, coastal waters or near continental waters shall take a general health check-up which includes examination items as follows: <Amended on Jul. 31, 1993; Dec. 15, 1997; Mar. 24, 1999; Jul. 26, 2001; and May 18, 2012>
1. Clinical examination on sensory organs, circulatory system, respiratory system, nervous system, and other systems;
 2. Examination on eyesight, color vision, and hearing (only applicable to ship personnel and deck watchkeeping ratings under subparagraph 3 of Article 2 of the 「Ship Officer's Act」);
 3. Examination of movement;
 4. Height, weight, circumference of chest, differences of chest circumference, lung capacity, blood pressure, blood glucose (diabetes), SGOT, SGPT and HBsAg;
 5. X-ray, ESR, sputum examination and X-ray on chest;
 6. Syphilis;
 7. Urine and stool;
 8. Psychiatric disorder and infectious disease; and
 9. Deleted <Mar. 24, 1999>
- (2) Examination which the physician conducting health check-up decides is not necessary may be excluded; provided, however, that this shall not apply to examinations of blood pressure, blood glucose (diabetes), SGOT, SGPT, HBsAg,

X-Ray, or urine. *<Amended on Dec. 15, 1997; and Mar. 24, 1999>*

- (3) 「A person who intends to go onboard ships engaged in ocean waters under Section 15 (4) of the 「Enforcement Ordinance of the Ship Safety Act」 shall take a special health check-up including examination items as follows in addition to the general health check-up: *<Amended on Nov. 8, 1988; Mar. 24, 1999; Oct. 17, 2005; Nov. 23, 2007; and May 18, 2012>*
1. Deleted *<Mar. 24, 1999>*;
 2. Deleted *<Mar. 24, 1999>*;
 3. Deleted *<Mar. 24, 1999>*;
 4. CBC (anemia) examination;
 5. Urine (special examination);
 6. Special examination of syphilis;
 7. Deleted *<Jan. 6, 2015>*.
- (4) Criteria on general health check-up and special health check-up shall be based upon attached Table 3.
- (5) Deleted *<Mar. 24, 1999>*

Section 54(Period of Validity of Check-up)

The period of validity of the general health check-up under Section 53 (1) shall be 1 year (6 years for color vision examination) and 2 years for the special health check-up under paragraph 3 of the same Article (1 year for a person under 18 years of age); provided, however, that where the period of validity thereof expires on a voyage, the date when the voyage comes to an end (three months after the period of validity of health check-up expires where the period of validity of health check-up of seafarers onboard a ship other than fishing vessels expires on a voyage and where three months or longer are remained between the expiration date and the end of the voyage) shall be the expiration date thereof. *<Amended on Dec. 15, 1997; Mar. 24, 1999; Jul. 26, 2001; May 18, 2012; Jan. 8, 2014>*

Section 54-2(Issuance of Medical Certificate)

Issuance of medical certificate under Article 87 (2) shall be in accordance with Form 23 (2); provided, however, that medical institutions shall send the certificate via information and communications network upon the issuance of medical certificate. *<Amended on Oct. 17, 2005; and May 18, 2012>*

[This Section Newly]

Section 55(Health Check-up Expenses)

(1) Health check-up expenses incurred under Article 87 of the Act shall conform to the standards prescribed by Regulation 25 (7) of the 「Enforcement Decree of the National Health Insurance Act」 . <Amended on Oct. 17, 2005; Aug. 28, 2008; May 18, 2012; and Jul. 7, 2015>

(2) Health check-up expenses under paragraph (1) shall be borne by a shipowner.
[Wholly Revised on Jul. 26, 2001]

Section 55-2 Deleted <May 18, 2012>

Chapter XII YOUNG SEAFARERS AND WOMEN

SEAFARERS<Amended on May 18, 2012>

Section 56(Employment Approval of Young seafarers)

A shipowner wishing to obtain employment approval of young seafarers under Article 91 (2) of the Act shall enter the date when the seafarer reaches 18 years of age in red on the boarding approval application and submit the application to regional competent maritime affairs and port authorities. <Amended on Dec. 15, 1997; Mar. 14, 2008; and May 18, 2012>
[Title Revised on May 18, 2012]

Chapter XIII ACCIDENT COMPENSATION<Newly Inserted on May 18, 2012>

Section 56-2(Scope of Nursing) Scope of nursing a patient under Article 95 (5) of the Act shall be in accordance with the scope thereof prescribed by Regulation 11 of the 「Enforcement Decree of the Industrial Accident Compensation」 .
[This Section Newly Introduced on May 18, 2012]

Chapter IX WELFARE, EMPLOYMENT SECURITY AND EDUCATION AND TRAINING<Newly Inserted on May 18, 2012>

Section 56-3(International Relations)

“Business prescribed by the Enforcement Ordinance of Ministry of Oceans and Fisheries” under Article 108 (2) of the Act shall be as follows: <Amended on Mar. 24, 2013>

1. Exchange of information regarding demand and supply of human resources

for seafarers;

2. Exchange of information regarding seafarer's labour laws;
3. Exchange and cooperation regarding seafarer recruitment and placement service; and
4. Exchange and cooperation regarding seafarer management business

[This Section Newly Introduced on May 18, 2012]

Section 56-4(Scope of Organization and Institution for Seafarer's recruitment and placement service)

“An organization or institution related to maritime and fisheries prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” under Article 110 of the Act shall be an organization or institution falling under any of the following subparagraphs: *<Amended on Mar. 24, 2013>*

1. National Federation of Fisheries Cooperatives under 「Fisheries Cooperatives Act」 ;
2. Korea Shipping Association under 「Korea Shipping Association Act」 ;
3. An organization or institution related to seafarer recruitment and placement service and designated by the Minister of Oceans and Fisheries with advice from Policy Advisory Committee under Section 39 (5)

[This Section Newly Introduced on May 18, 2012]

Section 57(Education and Training of Seafarers)

- (1) Participants in each education course, education program, and education period under Regulation 43 (2) of the Decree shall be in accordance with attached Table 2.
- (2) Deleted *<Jun. 24, 1999>*
- (3) Deleted *<Jul. 26, 2001>*
- (4) Where the Minister of Oceans and Fisheries or the head of an educational institution designated by the Minister of Oceans and Fisheries conducts education of seafarers, participants in the course shall be issued the certificate of completion of training as prescribed by Form 25 or the fact shall be entered in seafarer's books. *<Amended on Jun. 24, 1999; Oct. 17, 2005; Mar. 14, 2008; May 18, 2012; and Mar. 24, 2013>*

Section 57-2(Exemption of Training Expenses, etc.)

“Traning prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” under Article 117 (2) of the Act shall be as follows: *<Amended on May*

18, 2012; Mar. 24, 2013>

1. Basic safety training under attached Table 2; and
2. Advanced safety training under attached Table 2.

[This Section Newly Introduced on May 25, 2009]

[The Previous Section 57-2 Moved to Section 57-3 <May 25, 2009>]

Chapter X Rules of Employment *<Newly Inserted on May 18, 2012>*

Section 57-3(Reporting of Rules of Employment)

- (1) A shipowner who intends to report rules of employment under Article 119 (1) of the Act shall fill out and submit 2 copies of rules of employment or an electronic file thereof (only applicable when using information and communications network) to the administrator of a regional Maritime Affairs and Port Office; provided, however, that the rules of employment of automated ships shall include matters pertaining to shore support system on facility inspection, maintenance, cargo handling, etc. while at anchor, and securing of operating officer with qualifications for manning standards for an automated ship. *<Amended on Feb. 22, 1991; Dec. 15, 1997; Oct. 17, 2005; Mar. 14, 2008; and May 18, 2012>*

- (2) The administrator of a regional Maritime Affairs and Port Office shall confirm whether or not rules of employment under paragraph (1) are in violation of laws or collective agreement. *<Amended on Dec. 15, 1997; Mar. 14, 2008>*

[This Section Newly Introduced on Nov. 8, 1988]

[Moved from Section 57-2 <May 25, 2009>]

Chapter 10-2 Supervision, etc. *<Newly Inserted on Sep. 19, 2014>*

Section 57-4(Handling Process of Lodged Complaint)

The handling process of complaints lodged by seafarers with competent maritime affairs and port authorities, seafarers labour inspector, or Seafarer labour Relations Commission under Article 129 (1) of the Act shall be in accordance with attached Table 5 (4). *<Amended on Jul. 7, 2015>*

[This Section Newly Introduced on Sep. 19, 2014]

Section 57-5(Notification of Facts by Consul of the Republic of Korea, etc.)

- (1) Where a consul of the Republic of Korea under Regulation 49 (3) 2 of the

Decree (hereinafter referred to as “consul”) performs administrative affairs on behalf of competent maritime affairs and port authorities as prescribed by the subparagraphs of Regulation 49 (3) 1 of the Decree in a foreign country, he/she shall report the facts pursuant to the following subparagraphs to the head of relevant administrative agencies:

1. Personal information on reporter and others related to the administrative affairs performed by the consul;
 2. Registry of a ship the administrative affairs of which the consul performed, name of ship (including IMO Number), and personal information on shipowner and master;
 3. Details of the administrative affairs performed by the consul (where marine accidents are involved, date of accident, place, and accident explanation shall be included);
 4. Matters requiring measures by relevant administrative agencies; and
 5. Other information and documents with regard to the administrative affairs performed by the consul.
- (2) The head of a relevant administrative agency shall take necessary measures in accordance with Regulation 49-3 (3) of the Decree and notify the consul of the facts of the following subparagraphs:
1. Overview of the consul’s notification details prescribed by Regulation 49-3 (2) of the Decree;
 2. Results of countermeasures or future action plan by related administrative agencies;
 3. Other agencies with regard to the countermeasures taken by related administrative agencies;
 4. Other related information and documents.

[This Section Newly Introduced on Sep. 19, 2014]

Chapter XI Maritime Labour Certificate and Declaration of Maritime Labour Compliance^{<Newly Inserted on May 18, 2012>}

Section 58(Approval Procedure of Declaration of Maritime Labour Compliance)

- (1) A shipowner wishing to obtain approval of Declaration of Maritime Labour Compliance under Article 136 (1) of the Act shall submit part 1 of 「2006 Maritime Labour Convention」 Declaration of Maritime Labour Compliance set

out in Form 26 and part 2 of 「2006 Maritime Labour Convention」 Declaration of Maritime Labour Compliance set out in Form 27.

- (2) The administrator of a regional Maritime Affairs and Port Office to whom the approval application of Declaration of Maritime Labour Compliance is submitted under paragraph (1) shall verify whether it passed the initial inspection for certification under Section 58 (3) and determine whether or not to approve the application thereof.
- (3) Where the Declaration of Maritime Labour Compliance is approved under paragraph (2), the administrator of a regional Maritime Affairs and Port Office shall issue both Declaration of Maritime Labour Compliance prescribed by Form 27 and Maritime Labour Certificate prescribed by Form 28.

[Newly Inserted on May 18, 2012]

Section 58-2(Content and Format of Declaration of Maritime Labour Compliance)

- (1) Contents to be included in Declaration of Maritime Labour Compliance under Article 136 (2) of the Act shall be as follows:
 1. Minimum age of seafarers;
 2. Medical certification;
 3. Qualifications of seafarers;
 4. Seafarers' employment agreements;
 5. Seafarers' recruitment and placement services;
 6. Hours of work or rest;
 7. Manning levels for the ship;
 8. Accommodation;
 9. On-board recreational facilities;
 10. Food and catering;
 11. Health and safety and accident prevention;
 12. On-board Medical care;
 13. On-board complaint procedures; and
 14. Payment of wages.
- (2) The format of Declaration of Maritime Labour Compliance under Article 136 (2) shall be in accordance with Form 26 and Form 27.

[This Section Newly Introduced on May 18, 2012]

Section 58-3(Inspection for certification)

- (1) A shipowner who intends to take an Inspection for certification under Article 137 (1), (3), and (4) of the Act shall submit the Inspection for certification

Application prescribed by Form 30 to the administrator of a regional Maritime Affairs and Port Office. *<Amended on Jan. 18, 2014>*

- (2) The administrator of a regional Maritime Affairs and Port Office to whom the Inspection for certification Application under paragraph (1) is submitted shall have either a Maritime Labour Inspector under Article 139 of the Act or a Recognized Organization of Inspection for certification (hereinafter referred to as "RO of Inspection for certification") under Article 140 (1) thereof verify whether or not subparagraphs of Section 58-2 (1) and the following subparagraphs comply with seafarer-related laws and 「2006 Maritime Labour Convention」 ; provided, however, that in case of interim inspection for certification and additional inspection for certification, this is only applicable to the facts related to the reasons for the inspection. *<Amended on Jan. 8, 2014>*
1. Seafarers' rights to paid leave;
 2. Seafarers' rights to repatriation ;
 3. (Maintenance of copy of 「2006 Maritime Labour Convention」 ;
 4. Shipowner's liabilities on accident compensation for seafarers; and
 5. Providing social security protection for seafarers.
- (3) Where deemed necessary for Inspection for certification under paragraph (2), the administrator of a regional Maritime Affairs and Port Office or an RO thereof may request that relevant administration agencies, public institutions or groups present related documents or opinions, or cooperate on other matters.
- (4) Where an RO of Inspection for certification conducts an Inspection for certification, it shall report it to the administrator of a regional Maritime Affairs and Port Office of the results without any delay after the inspection ends.

<Newly Inserted on Jan. 8, 2014>

[This Section Newly Introduced on May 18, 2012]

Section 58-4(When to Conduct Intermediate Inspection for Certification, etc.)

- (1) "The period prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" under Article 137 (1) 3 of the Act shall be within 6 months before and after the date when initial date of reckoning of the period of validity of Maritime Labour Certificate will have lapsed two and a half years. *<Amended on Mar. 24, 2013>*
- (2) "Reasons prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries including change of a ship's flag" under Article 137 (3) of the Act shall mean reasons thereof falling under any of the following subparagraphs: *<Amended on Mar. 24, 2013>*

1. A new ship on delivery;
 2. Change of a ship's flag; and
 3. Change of a shipowner.
- (3) "Reasons prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries such as substantial alteration of crew accommodation on a ship or arising of a labour dispute on a ship" under Article 137 (4) of the Act shall mean reasons falling under any of the following subparagraphs: *<Amended on Mar. 24, 2013>*
1. Substantial alteration of crew accommodation on a ship;
 2. Arising of a labour dispute involving working conditions or living conditions of seafarers; and
 3. Death of a seafarer or major occupational accidents resulting from violations of working conditions or living conditions of seafarers.
- (4) "Cases prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" under Article 137 (6) of the Act shall mean cases falling under any of the following subparagraphs: *<Newly Inserted on Jan. 8, 2014>*
1. Where a ship undergoes an inspection under Article 8 through Article 12 of the 「Ship Safety Act」, or in case of a sea trial to obtain a type approval under Article 18 (1) of the same Act.
 2. Where Inspection for certification is deemed impossible due to natural disaster, etc.

[This Section Newly Introduced on May 18, 2012]

Section 58-5 (Issuance of Maritime Labour Certificate, etc.)

- (1) Maritime Labour Certificate for the initial Inspection for certification or renewal inspection for certification under Article 138 (1) shall conform to Form 28.
- (2) Where the inspection outcomes of the intermediate Inspection for certification or additional inspection for certification are entered on a Maritime Labour Certificate under Article 138 (3) of the Act, the following subparagraphs shall be indicated:
 1. Type of inspection;
 2. Date of inspection;
 3. Items of inspection;
 4. Entity of inspection; and
 5. Name and title of a person in charge of inspection.
- (3) An interim Maritime Labour Certificate under Article 138 (4) of the Act shall

conform to Form 29.

- (4) The calculation of period of validity under Article 138 (6) shall conform to Regulation 50-3 (2) of the Decree.
- (5) Where a shipowner loses either Maritime Labour Certificate (including an interim Maritime Labour Certificate. Hereinafter the same shall apply in this paragraph) or Declaration of Maritime Labour Compliance, or is unable to use either of them because of its wear and tear, he/she shall submit Re-Issuance Application of Maritime Labour Certificate (Declaration of Maritime Labour Compliance) prescribed by Form 31, attaching the documents as follows to either the administrator of a regional Maritime Affairs and Port Office or head of RO of Inspection for certification.
 1. Statement of reasons for re-issuance;
 2. The original copy of either Maritime Labour Certificate or Declaration of Maritime Labour Compliance (only applicable to cases of wear and tear).

[This Section Newly Introduced on May 18, 2012]

Section 58-6 (Qualifications for Maritime Labour Inspector)

- (1) "Qualifications prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries" prescribed by subparagraphs of Article 139 of the Act shall mean qualifications thereof falling under any of the following subparagraphs: *<Revised on Mar. 24, 2013; and Jan. 8, 2014>*
 1. A person who graduated from departments related to nautical science or marine engineering at either universities and colleges or junior colleges related to maritime and fisheries (universities and colleges or junior colleges under subparagraph (1) and (4) of Article 2 of 「Higher Education Act」) and has a seagoing service in international voyages for two years or longer;
 2. A person who has either worked as a seafarers' labour supervisor under Article 125 of the Act, or worked as a civil servant in fields related to shipping or ship safety for three years or longer;
 3. A person who served as a full-time lecturer or higher at a school prescribed by paragraph (2) of the 「Higher Education Act」 for 3 years or longer (only applicable to fields such as seafarer management, seafarer labour, or ship safety);
 4. A person who has worked for either Korea Ship Safety Technology Authority or a classification society under Article 45 and Article 60 (2) of the 「Ship Safety Act」 either as a ship inspector or ship surveyor under Article 76 and Article 77 thereof for 5 years or longer;

5. A person who has been engaged in affairs related to seafarer management, seafarer labour, or ship safety at a business related to the shipping industry under subparagraph 1 of Article 2 of the 「Shipping Act」 for 10 years or longer.
- (2) The Minister of Oceans and Fisheries shall conduct relevant training on 「2006 Maritime Labour Convention」 for Maritime Labour Inspectors at least once a year. *<Amended on Jan. 8, 2014.>*
- (3) Identification card of Maritime Labour Inspector shall conform to Form 31 (2). *<Newly Inserted on Jan. 8, 2014>*
- (4) Where the Minister of Oceans and Fisheries issues an identification card of Maritime Labour Inspector under paragraph (3), he/she shall keep and manage the issuance record thereof. *<Newly Inserted on Jan. 8, 2014>*
- (5) Where an Maritime Labour Inspector goes onboard a ship to perform affairs prescribed by subparagraphs of the Article 139 of the Act, he/she shall present an identification card to a master etc. and inform his/her intention. *<Newly Inserted on Jan. 8, 2014>*

[This Section Newly Introduced on May 18, 2012]

Section 58-7 (Application Process for RO of Inspection for certification, etc.)

- (1) An RO which intends to obtain approval as an RO of Inspection for certification under Article 140 (1) of the Act shall submit the RO of Inspection for certification Application to the Minister of Oceans and Fisheries, attaching documents as follows. In such cases, the Minister of Oceans and Fisheries shall verify a certificate of registration of corporation (only applicable to corporations) by sharing administrative information under Article 36 (1) of the 「Electronic Government Act」 : *<Amended on Mar. 24, 2013>*
 1. Documents proving suitability to the designated standards prescribed by Section 58-1 (1);
 2. Document pursuant to operation plan of inspection for certification;
 3. Internal rules on criteria and procedure of affairs of inspection for certification; and
 4. Articles of association (only applicable to corporations)
- (2) Where the designation application is deemed appropriate under paragraph (1), the Minister of Oceans and Fisheries shall designate the applicant as RO of inspection for certification and issue certificate thereof in accordance with Form 33. *<Amended on Mar. 24, 2013>*
- (3) An RO of Inspection for certification shall report operation performance to the

Minister of Oceans and Fisheries within 10 days from the last day of every quarter under Article 140 (5). <Amended on Mar. 24, 2013>

[This Section Newly Introduced on May 18, 2012]

Section 58-8 (Designation Criteria for RO of Inspection for certification, etc.)

(1) Designation criteria for RO of Inspection for certification under Article 140 (2) of this Act shall be as follows:

1. To have a dedicated organization specializing in inspection for certification affairs;
2. To have 7 or more persons with qualifications to be engaged in inspection for certification affairs;
3. To have 11 or more regional offices. In such cases, the RO shall have 1 or more regional offices in either metropolitan cities and provinces or special self-governing provinces.
4. Deleted <Jan. 8, 2014>

(2) Qualifications of a person who can engage in inspection for certification affairs under Article 140 (2) of the Act shall conform to Section 58-6.

[This Section Newly Introduced on May 18, 2012]

Section 58-9 (Process for Filing Objection, etc.)

(1) A person who intends to file an objection under Article 141 (1) of the Act shall submit Form 34 to the Ministry of Oceans and Fisheries, attaching a statement of reasons. <Amended on Mar. 24, 2013>

(2) Where the filing of objection is deemed appropriate under paragraph (1), the Minister of Oceans and Fisheries shall have either the Administrator of the Regional Maritime Affairs and Port Office or an RO of inspection for certification conduct re-evaluation within 2 weeks. <Amended on Mar. 24, 2013>[This Section Newly Introduced on May 18, 2012]

Section 58-10 (Fees of Inspection for certification)

Fees of Inspection for certification under Article 137 (1) of the Act shall conform to attached Table 6.

[This Section Newly Introduced on May 18, 2012]

Chapter XII Supplementary Provisions <Newly Inserted on May 18, 2012>

Section 59 (Fee)

- (1) Fees for services under Article 155 of the Act shall be as follows: *<Amended on Feb. 22, 1991; Mar. 24, 1999; Jun. 24, 1999; Oct. 17, 2005; and May 18, 2012>*
1. Issuance and re-issuance of seafarer's book: 10,000 won per person;
 2. Various types of certification, approval and verification: 1,000 won per person;
 3. Correction of seafarer's book for reasons imputable to applicant: 1,000 won per person;
 4. Issuance of Safe Manning Document: 2,000 won per issuance;
 5. Application fee of certificate of proficiency in medical care examination: 5,000 won per person;
 6. Issuance of various types of certificates: 2,000 won per person; and
 7. Correction or re-issuance of seafarer's identity document: 3,000 won per person.
- (2) Except for cases where the port operation information network is used under the 「Port Act」, fees under paragraph (1) shall be paid in revenue stamps; provided, however, that where the affairs under paragraph (1) are processed by Korea Seafarer's Welfare & Employment Center and President of the KIMFT under Article 142 of the Act, fees shall be paid in cash in revenue of either Korea Seafarer's Welfare & Employment Center or the KIMFT. *<Amended on Apr. 22, 1996; Mar. 24, 1999; Jun. 24, 1999; Mar. 8, 2000; Jul. 26, 2001; Oct. 17, 2005; and May 18, 2012>*
- (3) Where a consul performs administrative affairs of seafarers on behalf of regional competent maritime affairs and port authorities, he/she may pay the fees under the rules of paragraph (1) in the converted currency of his/her country of residence against the exchange rate on the date of paying. *<Amended on Dec. 15, 1997; and Mar. 14 2008>*
- (4) The administrator of a regional Maritime Affairs and Port Office, Korea Seafarer's Welfare & Employment Center, President of the KIMFT or a consul may request that fees be paid by methods such as electronic currency or electronic payment in addition to the methods thereof under paragraph 2 and 3. *<Newly Inserted on Aug. 7, 2004; and Dec. 31, 2008>*
- (5) The president of the KIMFT shall return application fees of COP examination for the medical care person paid under paragraph 1 (5) in accordance with subparagraphs as follows: *<Newly Inserted on Apr. 1. 2011>*
1. Where the application fee has been overpaid or erroneously paid: the full amount overpaid or erroneously paid;

2. Where applicants were unable to take examination for reasons imputable to KIMFT: the full fees paid;
3. Where application is cancelled within the receiving period of application form: the full fees paid;
4. Where application is cancelled within 7 days from the day after the day on which receiving of application closes: 60/100 of the fees paid; and
5. Where the examination day has yet to pass and application is cancelled within 7 days from the date when the period prescribed under subparagraph (4) has expired: 50/100 of the fees paid.

Section 59-2 (Education and Training Institutions of Seafarers)

“Other education and training institutions of seafarers” as prescribed in Article 117 (1) of the Act shall mean the Recognized education and training institutions under subparagraph 7 of Regulation 2 of the 「Enforcement Decree of Ship Officer's Act」 .
[Wholly Amended on May. 18, 2012]

Section 59-3 Omitted <May 18, 2012>

Section 60 Omitted <Aug. 28, 2008>

Section 61 (Issuance of Seafarer's book for Persons on Board Foreign Ships, etc.)

- (1) Regional competent maritime affairs and port authorities may apply mutatis mutandis the rules as prescribed by Section 21 through Section 35, Section 37, or Section 38 standards to a person who intends to go onboard foreign ships which do not fall under the application scope as prescribed by Article 3 of the Act. *<Amended on Dec. 15, 1997; Jan. 8, 2014>*
- (2) Where a person who is issued with seafarer's book and intends to go onboard foreign ships departs from the Republic of Korea, he/she shall have his/her seafarer's book certified by a regional competent maritime affairs and port authorities office. *<Amended on Dec. 15, 1997; and Oct. 17, 2005>*

Section 62 (Review of Control)

- (1) The Minister of Oceans and Fisheries shall review the appropriateness of the disciplinary committee under Section 16 every three years from the record date of January 1, 2014 (before January 1 of every third year) and take correctional measures, etc. *<Amended on Dec. 31, 2014>*
- (2) The Minister of Oceans and Fisheries shall review the appropriateness of the

matters of the following subparagraphs every two years (before the same day as the record date of every second year) and take correctional measures, etc.:
<Newly Inserted on Dec. 31, 2014>

1. Reporting and investigation on ship operation under Section 15: January 1, 2015;
2. Restrictions on strike under Section 17: January 1, 2015;
3. Matters to be included in Seafarers' employment agreement under Section 20: January 1, 2015;
4. Official certification application of seafarer's list under Section 21: January 1, 2015;
5. Approval application of cases where the submission of seafarer's list under Section 22 is impossible: January 1, 2015;
6. Approval application of cases where the submission of seafarer's book is impossible under Section 23: January 1, 2015;
7. Confirmation of application of boarding certification under Section 27: January 1, 2015;
8. Certification of seafarer's book after returning to Republic of Korea under Section 30: January 1, 2015;
9. Certification of approval of loss of seafarer's book, etc. under Section 31: January 1, 2015;
10. Issuance application of Identity cards, etc. under Section 34-2: January 1, 2015;
11. Special exemption concerning qualifications of seafarers, etc. under Section 45: January 1, 2015;
12. The number of days of paid leave for seafarers under Section 46-5: January 1, 2015;
13. Health check-up under Section 53: January 1, 2015; and
14. Report of rules of employment under Section 57-3: January 1, 2015.

[This Section Newly Introduced on Dec. 30, 2013]

Addendum <No. 345, Apr. 1, 2011>

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

Addendum <No. 350, Apr. 11, 2011>

(Administrative Information Sharing and Enforcement Rule of Restitution of Development Gains Act for Paperwork Reduction, Partial Amendment)

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

Addenda <No. 465, May 18, 2012>

Section 1 (Enforcement Date)

This rule shall enter into force on the date of its promulgation; provided, however, that the amended provisions of the following subparagraphs shall enter into force on the date as follows:

1. Amended provisions of Section 20, Section 40, and Section 46 and the provisions of Section 15 (3) of Addenda (only applicable to the amended provisions of Section 5 (1) of the 「Rules on Seafarers Labour Inspector's Duties」): The date on which 「the Maritime Labour Convention, 2006」 enters into force in the Republic of Korea;
2. The amended provisions of Section 42: 3 months after the date of its promulgation;
3. The amended provisions of Section 47 (2): February 6, 2015;
4. The amended provisions of Section 50 (1) 1: One year after the date of its promulgation; and
5. Section 53 (1) 2 and 8, Section 54, attached Table 2(only applicable to the amended provisions on ship safety education) and the amended provisions of attached Table 3: 3 months after the date of its promulgation.

Section 2 (Transitional Measures concerning Enforcement Date)

The former provisions corresponding thereto shall apply before the amended provisions as prescribed by subparagraph 1 and 3 of Section 1 of Addenda enter into force, and statutes cited in the former regulations shall be deemed cited in the former 「Seafarer's Act」 which is applicable under Article 2 of the Addenda of Act No. 11024, wholly amended regulation of Seafarer's Act.

Section 3 (Applicable Example concerning Crew Accommodation, etc.)

The amended provisions under Section 10 (4) shall be applied to the first ship to depart after the provisions enters into force.

Section 4 (Applicable Example concerning Repatriation Cost of Seafarer)

The amended provisions under Section 19 shall be applied to seafarers who go onboard the first ship to depart after the provisions enters into force.

Section 5 (Applicable Example concerning Preparation of Seafarers' employment

agreement)

The amended provisions under Section 20 shall be applied to the first Seafarers' employment agreement to be signed after the provisions corresponding thereto under subparagraph 1 of Section 1 of the Addenda enter into force.

Section 6 (Applicable Examples concerning Subjects of COP examination for Medical Care Person and Notification of Successful Applicants)

- (1) The amended provisions under Section 50 (1) 1 shall be applied to the first examination to be held after the amended provisions under subparagraph 4 of Section 1 of the Addenda enter into force.
- (2) The amended provisions under Section 50 (4) shall be applied to the first examination to be held after these amended provisions enter into force.

Section 7 (Applicable Example concerning Health Check-up and Period of Validity)

The amended provisions under Section 53 (1) 2 and 8, and Section 54 (only applicable to the period of validity of color vision examination) shall be applied to seafarers who go onboard the first ship to sail after the amended provisions corresponding thereto under subparagraph (5) of Section 1 of the Addenda enter into force.

Section 8 (Applicable Examples concerning Education Period and Courses of Seafarers)

- (1) The amended provisions under attached Table 2(only applicable to the amended provisions concerning education period) shall be applied to seafarers who participate in the first education and training after these amended provisions enter into force.
- (2) The amended provisions under attached Table 2(only applicable to the amended provisions concerning ship security training) shall be applied to seafarers who go onboard the first ship to be engaged in international voyage after the amended provisions under subparagraph 5 of Section 1 of the Addenda enter into force.

Section 9 (Applicable Examples concerning Decision Criteria on Seafarer's Health Check-up)

- (1) The amended provisions under attached Table 3 shall be applied to the first seafarers to have a health check-up after the amended provisions under subparagraph 5 of Section 1 of the Addenda enter into force.

- (2) Notwithstanding paragraph (1), decision criteria (only applicable to color perception criteria) under the former attached Table 3 shall be applied to persons falling under any of the following subparagraphs: <Amended on Jan. 8, 2014>
1. A person who obtained Certificate of competency (only applicable to radio officer and engineer officer) under paragraph 4 of the 「Ship Officer's Act」 ; and
 2. A person (including persons who passed the entrance examination after the decision criteria under the former attached Table 3 have been applied and entered designated educational institutions in 2013) who attends the designated educational institutions under subparagraph 7 of Regulation 2 of 「Enforcement Decree of Ship Officer's Act」 .

Section 10 (Transitional Measures concerning Certificate of Proficiency in Ships Carrying Dangerous Goods)

- (1) Certificate of proficiency in ships carrying dangerous goods either certified or issued under the former provisions at the time the amended provisions of Section 42 under subparagraph 2 of Section 1 of the Addenda went into force shall be deemed certified or issued in accordance with the amended provisions thereof as follows:
1. Certificate of proficiency in ships carrying dangerous goods under the former Section 42 (1)1 and 2: Certificate of proficiency in ships carrying dangerous goods under Section 42 (1) 1 and 3;
 2. Certificate of proficiency in ships carrying dangerous goods under the former Section 42 (1) 3: Certificate of proficiency in ships carrying dangerous goods under Section 42 (1) 2 and 4
- (2) Notwithstanding the amended provisions of Section 42 (3), Certificate of proficiency in ships carrying dangerous goods deemed either certified or issued under paragraph (1) shall be valid until December 31, 2016.

Section 11 (Transitional Measures concerning Certificate of Proficiency in Lifeboatman and Fast Rescue Boat)

- (1) COP in Lifeboatman and fast rescue boat either certified or issued under the former provisions at the time this provision went into force shall be deemed either certified or issued under the amended provisions of Section 43 and Section 43-2.
- (2) The period of validity for COP in lifeboatman and fast rescue boat deemed

either certified or issued under paragraph (1) shall be 5 years in reckoning from the enforcement date of this ordinance.

Section 12 (Transitional Measures concerning the Period of Validity of Advanced Safety Training)

Where a person completes advanced safety training under the former attached Table 2 before this ordinance went into force, the period of validity thereof shall be 5 years in reckoning from the enforcement date of this ordinance.

Section 13 (Transitional Measures concerning Re-training of Advanced Safety Training)

Notwithstanding the amended provisions corresponding thereto and Section 12 of the Addenda, a person falling under Remark No. 11 of attached Table 2 at the time this ordinance enters into effect shall take advanced safety training again.

Section 14 (Transitional Measures concerning Ship Security Training)

A person who completed security training for 12 hours or longer in a security education institution under Article 40 of the same Act as prescribed by Article 8 of the 「INTERNATIONAL SHIP AND PORT FACILITY SECURITY ACT」 and attached Table 2 of the enforcement ordinance of the same Act before the amended provisions under attached Table 2 of subparagraph 2 of Section 1 of the Addenda enter into force shall be deemed to have completed advanced ship security training under the amended provisions of attached Table 2.

Section 15 (Amendment to Other Statutes)

(1) The enforcement ordinance of Ship Safety Act shall be partially amended as follows:

In parts other than attached Table 6 (4), “subparagraph 5 of Article 3 of the 「Seafarers' Act」 ” shall be amended to “subparagraph 6 of Article 2 of the 「Seafarer's Act」 ”, “subparagraph 5 of Article 3 of the 「Seafarer's Act」 in Remark No. 1 of the same subparagraph shall be amended to “subparagraph 6 of Article 2 of the 「Seafarer's Act」 ”, and “subparagraph 2 and 4 of Article 3 of the 「Seafarer's Act」 ” in the same Table 4 (2) shall be amended to “subparagraph 3 and 5 of Article 2 of the 「Seafarer's Act」 .”

(2) Provisions on pollution prevention on a ship shall be partially amended as follows:

In the latter part of Section 27-2 (3) and Section 37-2 (3), “subparagraph 2 and 4

of Section 3 of the 「Seafarer's Act」 shall be amended to “subparagraph 3 and 5 of Section 2 of the 「Seafarer's Act」” respectively.

(3) Rules on seafarers labour supervisor's duties shall be partially amended as follows:

In Section 2 (1), “under the rules of Article 116 and Article 117 of the Seafarer's Act (hereinafter referred to as the “Act”)” shall be amended to “in accordance with Article 126 and Article 127 of the Seafarer's Act (hereinafter referred to as the “Act”)", and “under the rules of Article 117 of the Act” in subparagraph 2 of the same Act shall be amended to “in accordance with Article 127 of the Act”, “under the provisions of Article 119 (1) of the Act” in Article 5 (1) shall be amended to “in accordance with Article 129 of the Act”, and “under the provisions of Article 116 (1) of the Act” in paragraph 3 of the same Article shall be amended to “in accordance with Article 126 (1) of the Act.”

(4) Rules on Safety and Health for Seafarers shall be partially amended as follows:

“Article 76 and Article 81” in Section 1 shall be amended to “Article 82, Article 83, and Article 91 of the 「Seafarer's Act」 .”

In parts other than each subparagraph in Section 2, “Article 76 (1) of the Seafarer's Act」 (hereinafter referred to as “the Act”)" shall be amended to “Article 82 (5) of the Seafarer's Act」 (hereinafter referred to as “the Act”).”

In parts other than each subparagraph in Section 3 (1), ““dangerous work on a ship” as prescribed by Article 76 (2) of the Act” shall be amended to “dangerous work on a ship as prescribed by Article 82 (2) of the Act”, and in parts other than each subparagraph of paragraph 2 of the same Article, “1 of the following subparagraphs as prescribed by Article 76 (2) of the Act” shall be amended to “any of the following subparagraphs under Article 82 (2) of the Act.”

In the main sentence of Section 4 (1), “under the provisions of Article 76 (2) of the Act” shall be amended to “in accordance with Article 82 (2) of the Act.”

In parts other than each subparagraph of Section 7, “under the provisions of Article 76 (4) of the Act” shall be amended to “in accordance with Article 83 (1) of the Act.”

In parts other than each subparagraph of Section 8 (1); “under the provisions of Article 81 (2) of the Act” shall be amended to “in accordance with Article 91 (3) of the Act”; “Article 81 (4) of the Act” in paragraph (2) of the same Article shall be amended to “Article 91 (4) of the Act”; “navigation within the scope as prescribed by the Enforcement Ordinance of the Minister of Oceans and Fisheries” under Article 81 (5) 1 of the Act” shall be amended to “navigation of the scope as prescribed by the Enforcement Ordinance of the Minister of Oceans and

Fisheries” under Article 91 (5) 1 of the Act”; and “Article 81 (6) of the Act” in paragraph (4) of the same Article shall be amended to “Article 91 (6) of the Act.”

Addenda <No.1, Mar. 24, 2013>

(Enforcement Ordinance of the organization of Ministry of Oceans and Fisheries)

Section 1 (Enforcement Date) This ordinance shall enter into force on the date of its promulgation.

Section 2 through Section 4 Omitted.

Section 5 (Amendment to Other Statutes)

(1) through (22) Omitted.

(23) Enforcement Ordinance of Seafarer’s Act shall be partially amended as follows:

“Enforcement Ordinance” shall be amended to “Enforcement Ordinance of the Ministry of Oceans and Fisheries” in; Section 1-2; Section 2; parts other than each subparagraph of Section 5 (1); Section 6 (1); parts other than each subparagraph of Section 13 (2); the main sentence of parts other than each subparagraph of Section 17; parts other than each subparagraph of Section 19; parts other than each subparagraph of Section 24 (1); parts other than each subparagraph of Section 35-2 (1); paragraph 2 of the same Section; parts other than each subparagraph of Section 38 (2); parts other than each subparagraph of Section 42 (1); parts other than each subparagraph of Section 45 (1); Section 46; parts other than each subparagraph of Section 46-3; parts other than each subparagraph of Section 46-4; Section 48 (3); Section 49 (2); parts other than each subparagraph of Section 52-2 (1); parts other than each subparagraph of Section 56-3; parts other than each subparagraph of Section 56-4; parts other than each subparagraph of Section 57-2; Section 58-4 (1); parts other than each subparagraph of paragraph 2 of the same Section; parts other than each subparagraph of paragraph 3 of the same Section; and parts other than each subparagraph of Section 58-6 (1).

“Enforcement ordinance” in parts other than each subparagraph of the amended provisions of Section 20 of partial amendment of Enforcement Ordinance, No. 465, Enforcement Ordinance of Seafarer’s Act and the amended provisions of Section 46 shall be amended into “Enforcement Ordinance of the Ministry of Oceans and Fisheries.”

“The Minister of Land, Transport and Maritime Affairs” shall be amended into “the Minister of Oceans and Fisheries” in: Section 26 (3); Section 41 (2) 3; paragraph 3 of the same Section; Section 42 (2); Section 45 (3); Section 47 (2) 3; the partial

proviso other than each subparagraph of Section 50 (1); Section 52-2 (1) 2; paragraph 3 of the same Section; subparagraph 3 of Section 56-4; Section 57 (4); Section 58-6 (2); the partial former half and latter half other than each subparagraph of Section 58-7 (1); paragraph 2 and 3 of the same Section; Section 58-9 (1) and (2); Remark No. 6 and 9 of attached Table 2; page 35 of attached Form No. 16; attached Form No. 17-6; attached Form No. 17-8; front of attached Form No. 17-9; attached Form No. 24; page 2, 3, and 4 of attached Form No. 26; attached Form No. 32; attached Form No. 33; and attached Form No. 34.

The Ministry of Land, Transport and Maritime Affairs" in Section 38-2 shall be amended into "the Ministry of Oceans and Fisheries."

"MINISTER OF LAND, TRANSPORT AND MARITIME AFFAIRS REPUBLIC OF KOREA" on page 1 of Form 16 shall be amended into "MINISTER OF OCEANS AND FISHERIES REPUBLIC OF KOREA."

"THE MINISTER OF LAND, TRANSPORT AND MARITIME AFFAIRS" on page 35 of attached Form No. 16 and attached Form No. 24 shall be amended into "THE MINISTER OF OCEANS AND FISHERIES."

"MLTM (For details of authority see over) Phone No. +82-2-2110-8574" on the front of attached Form No. 16-2 shall be amended into "MOF (For details of authority see over) Phone No. +82-44-201-4073"; "sidinfo@mltm.go.kr, WWW.sid.go.kr Jungang-Dong, Gwacheon-City, Gyeonggi-Do, 427-712" shall be amended into "sidinfo@mof.go.kr WWW.sid.go.kr #11, Doum-ro 6, Sejong Special Self-governing City, 339-012"; and "KOR MINISTER OF MARITIME AFFAIRS AND PORT" on the back of the same attached Form No. shall be amended into "KOR MINISTER OF OCEANS AND FISHERIES."

"the Minister of Land, Transport and Maritime Affairs" on attached Form No. 25 and on page 3 and 4 of Form 26 shall be respectively amended into "the Minister of Oceans and Fisheries."

"The Minister of Land, Transport and Maritime Affairs" on page 2 of attached Form No. 26 shall be amended into "The Minister of Oceans and Fisheries."

<24> through <63> Omitted.

Addenda <No. 63, Dec. 30, 2013>

(Partial Amendment Decree of Public Waters Management and Reclamation Act for Prescribing of Reconsidering Period According to Amendment of Framework Act on Administrative Regulations)

This Act shall enter into force from January 1, 2014.

Addenda <No. 65, January 8, 2014>

Section 1(Enforcement Date)

This ordinance shall enter into force on the date of its promulgation; provided, however, that the amended provisions of Section 9 (2) and Section 52 (1) through (3) shall go into force after this ordinance enters into force.

Section 2 (Transitional Measures concerning Inspection for Certification of Maritime Labour Certificate)

Notwithstanding the amended provisions of Section 58 (3), the former provisions shall apply in case of inspection for Certification for Maritime Labour Certificate before this ordinance enters into force.

Addenda <No. 99, Sep. 19, 2014>

Section 1 (Enforcement Date)

This ordinance shall enter into force on the date of its promulgation; provided, however, that the amended provisions of the following subparagraph shall enter into force on the date fixed according to the following classifications:

1. Section 39-5, Section 39-6, Section 47-6, Section 47-7, Section 57-4, attached Table 5-2, and Section 3 of the Addenda: The date on which 「the 2006 Maritime Labour Convention」 enters into force in the Republic of Korea.
2. Section 47-2 through Section 47-5, Section 50 (2), attached Table 2, attached Form No. 18-2, attached Form No. 22-3, and attached Form No. 23: February 6, 2015

Section 2(Special Exemption on Training of Ship's Cook)

- (1) Notwithstanding subparagraph 2 of Section 1, where training of ship's cook or the certificate examination thereof is held under Section 2 (1) of the Addenda of the 「Enforcement Decree of Seafarer's Act」 before February 6, 2015, the amended provisions of Section 47-2 through Section 47-5, attached Table 2, attached Form No. 18-2, attached Form 22-3, and attached Form No. 23 may apply before this ordinance enters into force.
- (2) Notwithstanding subparagraph 2 of Section 1, a person falling under Section 2 (2) of the Addenda of the 「Enforcement Decree of Seafarer's Act」 may be issued a ship's cook certificate before February 6, 2015 as prescribed by the amended provisions of Section 47-5, attached Form No. 18-2, and attached

Form No. 23.

Section 3 (Amendment to Other Statutes)

Rules on the Safety and Health for Seafarers shall be partially amended as follows:
Subparagraph 7 shall be Omitted.

Addenda <No. 110, Nov. 19, 2014>

(Enforcement rules of the organization of Ministry of Oceans and Fisheries)

Section 1 (Enforcement Date) This ordinance shall enter into force on the date of its promulgation.

Section 2 (Amendment to Other Statutes) (1) through (8) Omitted.

(9) Enforcement Decree of Seafarer's Act shall be partially amended as follows:

“the head of Coast Guard district office” in Section 5 (2) and Section 6 (2) shall be amended into “the head of coast guard office.”

(1) through (15) Omitted.

Addendum <No. 127, Dec. 31. 2014>

(Enforcement Rule of the Public Order in Open Ports Act for Regulation Reformation, Partial Amendment)

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

Addenda <No. 131, Jan. 6, 2015>

Section 1 (Enforcement Date) This ordinance shall enter into force on the date of its promulgation.

Section 2 (Special exemption on Basic safety training)

A person who completed the basic safety training as prescribed by attached Table 2 before this ordinance enters into force and intends to go onboard a ship the navigation area of which is more than the coastal waters (excluding a fishing vessel of 20 GT or more but less than 25 GT) as a rating (excluding a person who intends go onboard a ship either as a boatswain or a No. 1 oiler of a deep-sea fishing vessel) shall take the re-training under the amended provisions of attached Table 2 within 3 years after this ordinance enters into force.

Section 3 (Special Exemption on Basic Training on Passenger Ships)

(1) A person working on a passenger ship other than a passenger ship engaged in international voyage as a rating at the time this ordinance enters into force shall

take the basic training on passenger ships as prescribed by attached Table 2 within 1 year after this ordinance enters into force.

- (2) A person who has completed basic training on passenger ships as prescribed by attached Table 2 and worked on a passenger ship engaged in international voyage as a rating before this ordinance enters into force shall take the re-training as prescribed by attached Table 2 within 3 years after this ordinance enters into force.

Section 4 (Special Cases on Persons Exempted from Re-training)

- (1) A person who falls under Remark No. 3 of the former attached Table 2 and of whom the period of validity of the exempted training under the same subparagraph is less than 1 year at the time this ordinance enters into force shall be deemed to have his/her period of validity thereof extended for 1 year from the date when the period of validity expires.
- (2) Where a person whose period of validity of the exempted training under subparagraph (1) takes re-training as prescribed by the amended provisions of Attached Table 2 within the extended period of validity thereof, the new period of validity for the re-training shall be reckoned from the date he/she completes the new education.

Addenda <No. 148, Ju. 7, 2015>

Section 1 (Enforcement Date)

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

Section 2 (Special Exemption on Aptitude Test of Master of Passenger Ship)

Notwithstanding the amended provisions of Section 45-2, a person who has been certified as a master to go onboard a passenger ship under the former Section 26 (3) before this ordinance enters into force shall be deemed to meet the criteria of the aptitude test for 3 years (2 years where the master certified to go on board is 65 years of age or older) after this ordinance enters into force.

[Table 2] <Ameded on July 7, 2015>

Training courses, Persons subject to Training, Training Contents and Period
(Relating to Sections 42(5)·43(2)·43-2(1)·43-1·47-2 and 56(1))

Training Course	Persons subject to Training	Contents	Duration	Period of Validity
Basic Safety Training	1. A person who intends to go on board a passenger ship or a merchant ship engaged in waters in or beyond the coastal waters; provided, however, that this shall not apply to a person who is neither charged with a ship's safety or pollution prevention duties nor passenger assistance on muster list but completed shipboard training under subparagraph 10 of Remarks. 2. A person who intends to go on board a ship as ship officer on a fishing vessel, boatswain or a No. 1 oiler of a deep-sea fishing vessel.	Familiarization training, personal safety and social responsibility, personal survival technique, fire prevention and fire fighting, basic first aid, and matters in relation to prevention of accident at sea	4.5 days (2 days for re-training)	5 years
	A person who intends to go onboard a ship engaged in waters in or beyond coastal waters (excluding a fishing vessel which is 20 GT or more but less than 25 GT) as a rating (excluding a person who intends go onboard a ship either as a boatswain or a no. 1 oiler of a deep-sea fishing vessel)	Familiarization training, personal safety and social responsibility, personal survival technique, fire prevention and fire fighting, basic first aid, and matters in relation to prevention of accident at sea	2 days (1 day for re-training)	5 years
Advanced Safety Training	Training on Survival craft	1. A person who intends to go onboard a ship equipped with lifeboat, life-raft, or rescue boat (excluding fishing vessel) as master, officer, chief engineer officer, engineer officer, chief operating officer, operating officer, or lifeboatman; 2. Ship officer of a passenger ship or a person who intends to go onboard a ship as lifeboatman	3 days (0.5 days for re-training)	5 years
	Advanced Fire Fighting Training	Ship officer of a passenger ship, 5 th class deck officer, 5 th class engineer officer, or 4 th class operating officer or higher and intends to go	3 days (1 day for re-Training)	5 years
		Training on advanced fire fighting in the International Convention on Standards of		

Enforcement Ordinance of Seafarers' Act

		onboard a merchant ship of waters in or beyond the coastal waters.	Training, Certification and Watchkeeping for Seafarers		
	Training for Persons in Charge of Medical First Aid	1. 5 th class deck officer, 5 th class engineer officer, 4 th class operating officer or higher and intends to go onboard a merchant ship as ship officer engaged in waters in or beyond the coastal waters. 2. A person who intends to go onboard a ship as a person in charge of medical first aid	Training on persons in charge of first aid in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers	3 days(0.5 days for re-Training)	5 years
Training on Fast Rescue Boat	A person who completed survival cradt Training and intends to work as a person who operates fast rescue boat on a ship equipped with fast rescue boat.	Training on fast rescue boat in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers	1 day	5 years	
Passenger Ship Training	Basic Passenger Ship Training	A person who intends to go onboard a passenger ship as a rating (excluding a person who is neither charged with a ship's safety or pollution prevention duties nor passenger assistance on muster list but completed shipboard training under subparagraph 10 of Remarks.)	Training in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers on passenger ship safety training)	2 days(1 day for re-Training)	5 years
	Advanced Passenger Ship Training	A person who intends to go onboard a passenger ship as ship officer or to be in charge of safety management of a passenger.	Training in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (characteristics of passenger ships, crowd management, safety of passengers and cargo, ship stability, risk management, and special characteristics of human behavior)	4 days (2 days for re-Training)	5 years
Watchkeeping Rating Training		A person who has worked onboard in the deck department or the engine department for 2 months or longer and intends to become a watchkeeping rating (excluding a person who	Watchkeeping skills and watchkeeping in port skills	5 days	N/A

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		completed the basic safety training)			
		A person who has worked onboard in the deck department or the engine department for 3 years or longer and intends to become a navigational watch rating on an automated ship.	Operation of a ship, operation of engine, and watchkeeping skills	1 month or longer	N/A
Basic Tanker Training		A person who intends to go onboard an oil tanker or chemical tanker as a master, deck officer, engineer officer, or a rating in the deck department or the engine department or as a rating on an automated ship.	Cargo characteristics, toxicity, danger, protection of human life, and pollution prevention, etc. of oil tankers and chemical tankers	3 days	N/A
		A person who intends to go onboard an LNG tanker as a master, deck officer, engineer officer, or a rating in the deck department or the engine department or as a rating on an automated ship	Cargo characteristics, toxicity, danger, protection of human life, and pollution prevention, etc. of LNG tankers	3 days	N/A
Training on Ship's Cook		A person who intends to become a ship's cook under Article 22 (1) 1 or 2 of the Decree	Group meals and hygiene management Prevention and management of food poisoning Other matters pursuant to qualification improvement and food hygiene of ship's cook	1 Day Either a person who obtained Craftsman Cook license or higher under the National Technical Qualifications Act or engaged in cooking job on a ship for 3 years or longer	N/A
				Others: 3 days	
Medical Care Person	Certificate Requisition Training	A person who intends to obtain a certificate equivalent to that obtained by a person who passed certificate of proficiency in medical care examination.	Training on Medical care person in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers	5 days	N/A
	Refresher Training	A person who intends to maintain validity of certificate of proficiency in medical care person after 5 years have passed since he/she obtained the certificate thereof or completed refresher Training thereof	Training on Medical care person in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers	2 days	5 years
Training on High-Speed Ship		A seafarer who intends to go onboard a high-speed ship engaged in international voyage.	1. Matters concerning operation of evacuation facilities, drainage facilities, and life-saving appliance 2. Muster station for passengers, assistance for	2 days	N/A

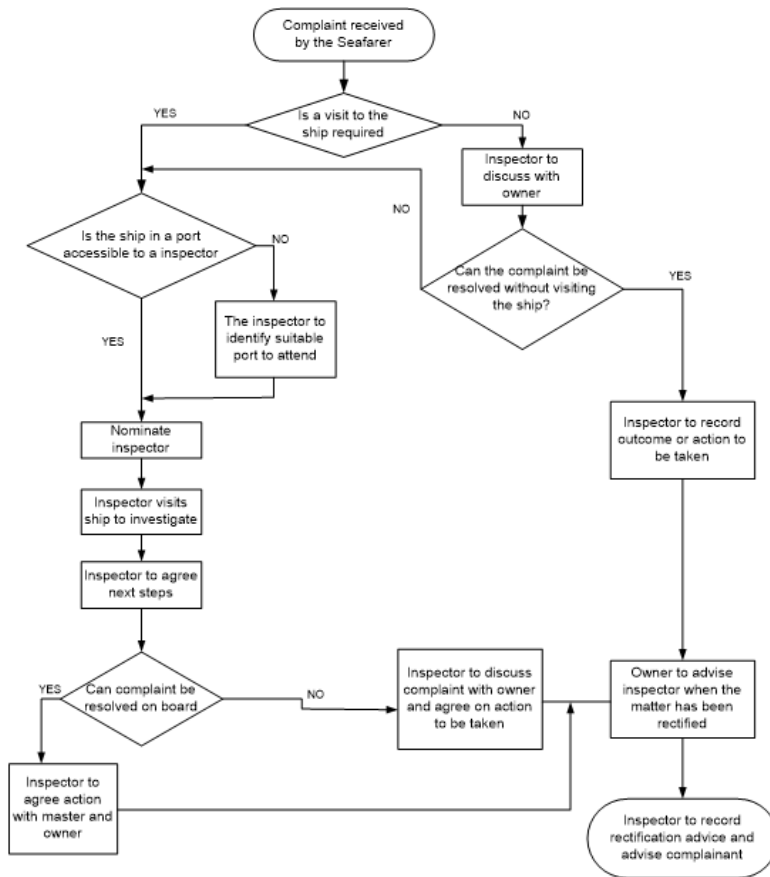
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		donning life-jacket, and other matters concerning securing safety of passengers in an emergency 3. Matters necessary to secure ship stability		
	Master or deck officer in the deck department who intends to go onboard a high-speed ship engaged in international voyage	1. Ship's characteristics and matters concerning shipbuilding method depending on navigational conditions 2. Matters concerning steering gear and operation of other facilities (excluding engine) necessary for ship's navigation	1 day (0.5 days for re-Training)	2 years
	A person of engine department who intends to go onboard a high-speed ship engaged in international voyage	Matters pursuant to engine operation	1 day (0.5 days for re-training)	2 years
Ship Security Training	Ship security officer Training	Matters pursuant to ship security plans, ship security levels, ship security equipment and facilities, ship security investigation and assessment, and ship security risk and response	2 days	N/A
	Training for seafarers designated security duties	Matters pursuant to ship security plans, ship security investigation, ship security equipment and facilities, and ship security risk and response	1 day	N/A
	Basic Ship security Training	Matters pursuant to ship security devices and ship security risk and response	0.5 days	N/A
<p>Remark</p> <ol style="list-style-type: none"> Training subjects completed in recognized education training institutions under subparagraph (7) of Article 2 of the「Enforcement Decree of Ship Officer's Act」 may be exempted therefrom. The rules of the following items shall apply to a ship engaged in waters in or beyond the coastal waters and which does not engage in international voyage: <ol style="list-style-type: none"> Where advanced safety training has been completed, basic safety training shall be exempted therefrom. A rating who has a seagoing service of 1 year or longer within 5 years from Dec. 15, 1997 may take 3 days of basic safety training. In advanced safety training, where survival craft training, advanced fire fighting training, and medical first aid training are integrated, the training days may be 5 days (2 days for re-training). Deleted. <Jan. 6, 2015> Where a person who either has a seagoing service of 1 month or longer or completed new training before Jun. 24, 1999 intends to go onboard as a rating (excluding boatswain or No. 1 oiler), he/she shall be exempted from basic safety training. Where a person subject to basic safety re-training takes advanced safety re-training, he/she shall be exempted from basic safety training. 				

6. Where there are subjects of similar topics, the head of a recognized educational and training institution may obtain approval from the Minister of Oceans and Fisheries and exempt subjects thereof from training.
7. Deleted. <May 18, 2012>
8. Where a rating (excluding boatswain or No. 1 oiler) who completed basic safety training and works on a ship engaged in waters beyond the coastal waters intends go onboard a passenger ship, or a merchant ship or a fishing vessel engaged in waters in or beyond the coastal waters as ship officer (including boatswain or No. 1 oiler onboard a deep-sea fishing vessel), he/she shall take 2 days of basic safety training.
9. High-speed craft shall mean a vessel the maximum speed of which is $3.7 \times \nabla^{0.1667}$ or faster, determined and announced by the Minister of Oceans and Fisheries. In such cases, ∇ shall mean volume of displacement(m^3) of design waterline.
10. Programs of shipboard training and implementation methods for a person exempted from basic safety training, basic ship security training, and passenger ship training shall conform to the following items:
 - a. Shipboard training shall include the familiarization training in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
 - b. Shipboard training shall be carried out within 1 week upon embarkation on a ship.
 - c. Shipboard training shall be conducted by master or ship officer who completed advanced safety training.
11. Deleted. <May 18, 2012>
12. Regarding basic tanker training, where basic training on oil tanker, chemical tanker, or LNG tanker is integrated, the training period may be 5 days.

[Table 5-4] <Amended on Jul. 7, 2015>

Flag-state Seafarer Complaints Handling Procedure (relating to Section 57-4)



Rules on Safety and Health for Seafarers

[Effective as of Jan. 9, 2015] [Ordinance of the Ministry of Oceans and Fisheries, No. 99, Sep. 19, 2014, Amendment of Other Laws]

Amendment of Other Laws (Seafarer Policy Division) 044-200-5555

Section 1 (Purpose)

The purpose of this Act is to prescribe matters shipowners and seafarers shall comply with to prevent danger of seafarers' work on a ship and maintain hygiene therein as prescribed by Article 82, Article 83 and Article 91 of Seafarers Act. <Amended on Aug. 22, 2008; May 18, 2012>

Section 2 (Duties of Shipowner)

A shipowner shall comply with the following matters to prevent danger of work on a ship and maintain hygiene therein as prescribed by Article 82 (5) of Seafarers' Act (hereinafter referred to as "Act): <Amended on Aug. 22, 2008; and May 18, 2012>

1. Supply of machinery, apparatus, and tools necessary for work on a ship;
2. Supply of medicine, hygiene products, and medical guide books necessary to maintain hygiene on a ship;
3. Installation of lighting devices, safety signs, and other auxiliary devices for safety for work;
4. Installation facilities necessary to maintain an appropriate level of hygiene such as ventilation, skylights and lighting in accommodation, engine rooms and galleys, etc., maintenance of temperature, and prevention of noise and vibration, etc.;
5. Supply of pesticides to get rid of mice or bugs from accommodation and storage rooms, etc.;
6. Supply of tools necessary to measure oxygen or gases hazardous to human body, etc.; provided, however, that this shall not apply to coastal fishing vessels which are not equipped with refrigerating facilities;
7. Supply of protective apparatus necessary to prevent injury from dangerous work such as work in hold, work aloft, welding, work involving heavy objects, work involving electricity, and fishing operation, etc.;
8. Implementation of training necessary for safety on a ship and hygiene management; and,

9. Establishment and supply of safety and hygiene rules on a ship necessary to prevent injury from work and maintain hygiene therein.

Section 3 (Dangerous Work on Ship, etc.)

- (1) Dangerous work as prescribed by Article 82 (2) of the Act shall mean the work as follows: *<Amended on May 18, 2012>*
 1. Work involving capstan and winch;
 2. Work involving cargo handling equipment;
 3. Work involving auxiliary equipment 2 meters or higher above the ground;
 4. Work with worker's balance on outer surface of hull;
 5. Work at a site with potential risk of lack of oxygen;
 6. Work to detect harmful gases to human body;
 7. Work to detect the status of harmful cargo;
 8. Servicing of electrical equipment with risk of electric shock; and,
 9. Welding, cutting, or heating of metal.
- (2) A shipowner shall not have a person engage in dangerous work on a ship unless he/she falls under the following subparagraphs as prescribed by Article 82 (2) of the Act: *<Amended on May 18, 2012>*
 1. A person who has either working experience in work as prescribed by each subparagraph of paragraph (1) for 6 months or longer or is able to perform the corresponding work thereto and holds a relevant qualification recognized by the government;
 2. A person who completed the training for watchkeeping ratings as prescribed by attached Table 2 of the Enforcement Ordinance of Seafarers Act; and
 3. A person who obtained a certificate of competency as prescribed by the provisions of Article 4 of Seafarers Act.

Section 4 (Appointment of Ship Safety Officer)

- (1) A shipowner shall appoint 1 ship safety officer among engineers who either served as chief engineer officer on a ship or has seagoing service of 2 years or longer to prevent danger of work on a ship and to implement matters prescribed in this rule under Article 82 (2) of the Act; provided, however, that, a master may be appointed as ship safety officer in case that the number of seafarers is less than 10 persons on board. *<Amended on May 18, 2012>*
- (2) A chief officer shall be appointed as a ship safety officer of dangerous goods in addition to the person described under paragraph (1) on a ship carrying dangerous goods at all times as prescribed by subparagraph (1) of Section 2 of

rules on carriage and storage of dangerous goods; provided, however, that a ship the number of seafarers of which is less than 10 persons may be exempted therefrom.

Article 5 (Duties of Ship Safety Officer)

- (1) A ship safety officer shall perform duties as follows:
 1. Check of safety level of work on a ship and deployment of appropriate number of workers;
 2. Maintenance and repair of safety equipment, danger detection devices, fire equipment, protection equipment, and other facilities and tools for danger prevention;
 3. Emergency measures or preventive measures when dangerous incident has occurred or is likely to occur at work;
 4. Training on how to use safety equipment and protective equipment, safety rules, and safety for work;
 5. Preparation and keeping of safety management record on a ship; and,
 6. Other matters necessary for safety measures.
- (2) A ship safety officer of dangerous goods shall perform the duties as prescribed by each subparagraph of paragraph (1) pursuant to the handling thereof.

Section 6 (Submission of Improvement Proposals, etc.)

- (1) A ship safety officer or ship safety officer of handling dangerous goods shall prepare and keep the record of improvement proposals involving the duties concerned and report thereof to a master; provided, however, that the improvement proposal may be directly reported to shipowner where the master to whom the improvement proposal is reported under the rules as prescribed by paragraph (2) has failed to report to shipowner.
- (2) Where the master has the report of the improvement proposal under paragraph (1), he/she shall review and report thereon to shipowner.
- (3) A shipowner to whom the improvement proposal is reported under either the proviso of paragraph (1) or the provision of paragraph (2) shall take measures necessary for improvement.

Section 7 Deleted. <Sep. 19, 2014>

Section 8 (Restrictions on Work)

- (1) The work which seafarers younger than 18 years of age shall not engage in under Article 91 (3) of the Act shall be as follows; <Amended on May 18, 2012>
1. Work in a cargo hold or tank to remove corrosive material, toxic substances, or harmful materials;
 2. Work involving harmful paint or solvent;
 3. Work of long hours in direct sunlight;
 4. Work of long hours in cold places;
 5. Work of long hours in refrigeration compartment;
 6. Work underwater involving inspection or repair of hull or propeller;
 7. Repair work inside a tank or boiler with part or most of hull submerged;
 8. Work of long hours in places where dust or powder is generated;
 9. Work handling objects of 30Kg or more; and
 10. Work with risk of exposure to alpha rays, beta rays, neutron rays or other harmful radiation.
- (2) A shipowner shall not have women seafarers engage in work of subparagraph 1, 2, 9, and 10 of paragraph (1) and Section 3 (1) 6 as prescribed by Article 91 (4) of the Act. <Amended on Aug. 22, 2008; and May 18, 2012>
- (3) “Voyage within the extent prescribed by the Enforcement Ordinance of the Ministry of Oceans and Fisheries” under Article 91 (5) 1 of the Act shall mean a voyage where the ship can enter the nearest domestic port within 2 hours. <Newly Inserted on Aug. 22, 2008; May 18, 2012; and Mar. 24, 2013>
- (4) A shipowner shall not have women seafarers in whose cases one year has not passed after childbirth in work of each subparagraph of paragraph (1), subparagraphs (1), (2), (4) through (6) and (9) of Article 3 under Article 91 (6) of the Act. <Newly Inserted on Aug. 22, 2008; and May 18, 2012>

[Titled Amended on Aug. 22, 2008]

Addenda <No. 99, Sep. 19, 2014> (Enforcement Rule of Seafarers Act)

Section 1 (Enforcement Date)

This rule shall enter into force on the date of its promulgation; provided, however, that the amended provisions of the following subparagraphs shall enter into force on the date fixed according to the classifications thereof:

1. . . . <Omitted> . . . Section 3 of the Addenda: The date on which 「the Maritime Labour Convention, 2006」 enters into force in the Republic of Korea
2. Omitted.

Rules on Safety and Health for Seafarers

Section 2 Omitted.

Section 3 (Amendment to Other Statutes) Rules on the Safety and Health for Seafarers shall be partially amended as follows:

Section 7 shall be deleted.