

Notable Developments in Employment Markets and Labor Laws

December 2023

Grow | Protect | Operate | Finance

NOTABLE DEVELOPMENTS IN LABOR CASE LAW

Supreme Court : On December 7, 2023, the Supreme Court addressed an issue regarding the breach of the weekly 12-hour restriction on extended work. The court stated, 'Article 53(1) of the former Labor Standards Act (the 'LSA') sets the regulation for extended work hours on a weekly basis, rather than a daily one. Therefore, to determine whether the 12-hour weekly restriction on extended work has been exceeded, one should consider whether the total work hours exceed 40 hours in a week, not whether there is an excess of 8 hours per day.' It should be noted that the Ministry of Employment and Labor (the 'MOEL') previously maintained the position that exceeding 8 daily work hours, resulting in more than 12 weekly overtime hours, breaches the weekly overtime limit set under Article 53 of the LSA. This is irrespective of the total weekly hours remaining under 52. However, the recent Supreme Court decision is expected to necessitate a revision of the MOEL's stance going forward

Employment and Labor Team



Yong-Moon Kim

Senior Attorney

D+82 2 2262 6192

yongmoon.kim@dentons.com



Yo-Sub Shim

Senior Attorney

D+82 2 2262 6487

yosub.shim@dentons.com



Si-Won Lee

Attorney

D+82 2 2262 6439

siwon.sean.lee@dentons.com



Andrew Min-Kyu Lee

Foreign Attorney

D+82 2 2262 6292

andrew.lee@dentons.com



Hye-In Kim

Attorney

D+82 2 2262 6208

hyein.kim@dentons.com



Yun-Sil Jang

Attorney

D+82 2 2262 6277

yunsil.jang@dentons.com



Sin-Young Ahn

Attorney

D+82 2 2262 6270

sinyoung.ahn@dentons.com



Woon-Bae Jeon

Consultant

D+82 2 2262 6023

woonbae.jeon@dentons.com