

**Korean Federation of Private Service Workers' Unions (KFSU)
Model Collective Bargaining Agreement**

Chapter 11 Gender Equality and Maternity Protection

Article 125: Gender Equality and Maternity Protection

- ① In accordance with the ideal of equality in the [South Korean] Constitution, the Equal Employment Act, and the Gender Discrimination Prevention and Relief Act, the company will not directly or indirectly disadvantage anyone in employment and all work conditions for reason of being a member of a particular gender, and will guarantee equal opportunities and treatment.
- ② For maternity protection and toward redressing existing discrimination, the company shall not view preference for women as discrimination and instead introduce diverse systems preferential to women toward achieving gender equality.
- ③ When a national institution or judicial body recognizes that discrimination against a worker has occurred, the company must restore the victim's honor or put a stop to the discrimination and must pay compensation to the union member.

Article 132: Prohibition on Dismissal

- ① With regard to dismissal, the company shall not discriminate against women workers vis-à-vis male workers for reason of gender.
- ② The company cannot dismiss a women worker for reason of her marriage, pregnancy, childbirth, miscarriage.
- ③ The company may not, without reasonable and fair criteria, prioritize for dismissal workers who are married and work in the same company, workers in dual-income families, workers in departments that have a lot of women.

Article 135: Menstruation Leave

The company shall provide women employees with one day of paid menstruation leave per month, and regardless of the circumstances, shall not make changes to the date requested. Provided, that unused menstruation leave be compensated with average wages.

Article 136: Leave for prenatal checkups

The company shall provide a pregnant woman union member with regular [medical] checkup leave at one day per month up to 6 months, 2 days a month from the 7th month of pregnancy and 1 day a week from 9 months of pregnancy.

Article 137: Family Care-giving Leave

When a male or female union member who needs to care for an ill or injured family member applies for family care-giving leave, the company shall provide paid leave for up to a year.

- ① The company shall not treat anyone disadvantageously for reason of having taken 1 year-paid family care-giving leave and shall include the time on leave as continuous service.

Article 138: Prenatal and Postnatal Leave (Maternity Leave)

- ① The company shall provide 100 or more days of paid leave to a pregnant women union member and guarantee that 60 or may days be provided after childbirth. Provided, that a woman pregnant with twins be given 112 days of paid maternity leave with a guarantee of 70 or more days after childbirth.

- ② During maternity leave, existing wages must be guaranteed as if the person had worked those days, including bonuses and all allowances, and even if the worker received part of these wages from the government through its general funds or unemployment insurance, the company shall not cut wages or calculate wages disadvantageously for this reason.
- ③ After prenatal and postnatal leave, the company must restore her original position and shall not take any disadvantageous measures with regard to promotion, reassignment, merit rating, or work experience against her will.
- ④ Even though the leave has expired, when she submits a doctor's diagnosis that additional recuperation is needed, the company shall extend the leave for the duration needed.
- ⑤ When childbirth does not happen by the expecting date leaving less than 60 days after childbirth, the company shall extend paid postnatal leave until the 60 days after childbirth.
- ⑥ In cases where it is medically proven that pregnancy or childbirth has contributed to an illness, the company shall provide extra paid sick leave even after or before childbirth.
- ⑦ When a union member's spouse undergoes childbirth, the company shall provide male union members with 7 days of paid caregiver leave.

Article 139: Miscarriage, Stillbirth, Preterm delivery

When a pregnant female union member has a miscarriage, stillbirth or preterm delivery, the company shall provide the following paid leave.

- ① When a premature birth or stillbirth occurs after 8 months of pregnancy (here, 8 months means over 197 days as calculated on the basis of one month being 28 days,) it shall be treated the same as a full term delivery.
- ② When a miscarriage, preterm delivery or stillbirth occurs from 4 to 7 months of pregnancy (here, 7 months means up to 196 days by calculating 28 days per month), the company must provide 50 or more days of paid leave after the event.
- ③ For miscarriages that occur before 4 months, the company shall provide over 7 and within 30 days of paid leave with a doctor's opinion. Provided, that upon submission of a doctor's opinion or other objective proof, paid leave must be provided in cases where, owing to differences from person to person such as faster fetal development, the mother's health could be damaged and she requires leave.
- ④ If the duration of leave in the previous clauses have been used and the woman has a doctor's diagnosis that says she requires more recuperation, additional paid leave shall be provided.
- ⑤ The company shall not take any disadvantageous measures with regard to promotion, reassignment, merit rating, work experience, wages or paid leave against someone for using paid leave relating to miscarriage, stillbirth, and preterm delivery.

Articles on Childcare and Family responsibilities

Article 140: Workplace Childcare Facilities

- ① In order to support the continued working life of an employee, the company shall install and operate childcare facilities from () month, () year.
- ② The cost of the place and facilities required by installation of childcare facilities shall be fully borne by the employer, and the company must bear over 80% of the costs needed for operating the facility.
- ③ When the company cannot install or select and contract childcare facilities, the company must pay a "childrearing allowance" to workers with children who have not yet enrolled in school, and the childrearing allowance shall amount to the real and full childcare costs at a state childcare facility.

Article 141: Parental Leave

- ① The company shall approve of applications for parental leave submitted by male or female employees to raise their children of less than 3 years of age.
- ② Parental leave shall not exceed 3 years including the maternity leave period, and this period of time shall be included in continuous service, and 1-year of wages shall be provided at the rate of 80% of ordinary wages before going on parental leave.
- ③ The company shall not lower the wages provided for reason that the person receives unemployment insurance funds during the parental leave.
- ④ The company must immediately reinstate a person returning from parental leave to their original position and shall not take any disadvantageous measures with regard to job reassignment, promotion, work experience, or wages.
- ⑤ Parental leave can be freely divided up and used on separate occasions.

Article 142 [Nursing Breaks]

- ① The company must provide 1 hour of nursing break twice a day for all women union members who have an infant under age 1 and request breastfeeding breaks.
- ② The company must be equipped with a breastfeeding room or a lounge for the exclusive use of breastfeeding and lockers.
- ③ Companies that are unable to provide childcare facilities in the workplace shall decrease the working hours of women union members who are thus unable to use breastfeeding break such that one hour of working time is taken off from her coming to work and leaving work time schedule.

Working hours and maternity protection

Article 143: Overtime, Night and Holiday Work

- ① The company cannot ask a women employee to do overtime, night work or holiday work without first obtaining her consent and agreement from the union.
- ② The company cannot ask a pregnant worker or woman in the first year after her delivery to do overtime, night or holiday work, but if she requests such work and the company obtains her consent, the prior agreement of the union, and after having received the decision of the Work Safety and Health Committee, the company may.
- ③ In order to prohibit a pregnant woman or woman in the first year after her delivery from doing overtime, night and holiday work, the company must secure a substitute.
- ④ Upon a pregnant women employee's request, the company must reassign her to a more lightweight job assignment.
- ⑤ When a company assigns a woman to do night work, in order to prevent sexual violence, the company must assign at least two woman and take other safety measures to prevent sexual violence.