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**Research on the Measures Needed to Strengthen the  
Effectiveness of Women and Family-Related Legislation(IV):  
An Analysis of Family Care Leave Systems**

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To prevent women from leaving the labor market due to family care obligations, a family care leave system has been introduced in Korea. In December 2007, the Sexual Equality Employment Act was amended by the Equal Employment Opportunity and Work-Family Balance Assistance Act, which came into effect on June 22, 2008. When the system was introduced, employers were required to approve family care leave. However, a revision of the law in 2012 made approving leave mandatory for companies with more than 300 employees starting on August 2, 2012 and companies with fewer than 300 employees starting on February 2, 2013. It has been eight years since the

introduction of the family care leave system and three years since its expansion to small- and medium-sized companies. Use and recognition of the family care leave system, though, are low compared to other work-family balance assistance systems. At the same time, the rapidly aging Korean society faces greater needs for family care. In 2015, the ageing population made up 13.1% of the total population, and it is expected to surpass the number of children and infants in 2017. However, support for workers' family care obligations is very insufficient. In this context, the aim of this research is to evaluate the current family care leave system under the Equal Employment Opportunity and Work-Family Balance Assistance Act, demonstrate the imperative need for policy supports for workers who provide family care and develop measures to improve the current system. To achieve these goals, the current family care system, including the family care leave system, is examined. Second, workers' experiences of family caregiving and recognition of the system are investigated. Third, the cases of countries with similar family care leave systems are reviewed. Last, measures to improve current legislation are suggested.

During 6<sup>25</sup> July 2016, a questionnaire survey was administered to 1,000 male and female employees ranging in age from 40 to 54 years who had either used leave of more than one day or quit jobs to perform family caregiving. In the main results of the survey, 21% of the respondents stated that their companies had family care leave systems, including both short- and long-term leave, whereas 42% answered that their companies did not have such systems. Regarding the experience of using this system to quit jobs or take leave or a day off, more than half of the respondents (66%) had taken a day off, while 26% had retired from work. Regarding whether they had been unable to use short- or long-term leave, 56.3% answered affirmatively, and 43.7% was negatively. They expressed the following preferences for when they need to use long-term family leave: paid family care leave, possibly extended with unpaid leave (38.9%), free use of annual and monthly leave as needed (37.5%),

adjusted work hours (32.9%), paid family care leave (25.7%) and financial support for family care (15.9%). When the respondents need the short-term family care, they prefer adjusted working hours (25.6%), day-by-day use of paid family care leave (20.8%), financial support for family care (15.2%) and free use of annual and monthly leave as needed (14.7%). The family care leave system covers a worker's parents, spouse, children and spouse's parents; 63.6% of the respondents thought that this coverage is appropriate, and 28.4% that it needs to be expanded. Regarding the 30-day notification requirement for using family care leave, 82.5% of the respondents thought that this period is too long, 40.6% believed that employees should be able to use leave immediately for urgent care needs, and 32.1% thought that the notification period should be shortened to 1-2 weeks. Currently, employees may use up to 90 days of family care each year in increments of more than 30 days. Regarding the 90-day limit, 54.3% of the respondents thought that it should be extended. In contrast to freely using unpaid family care leave for up to 90 days, 48.6% of the respondents preferred that leave be permitted in multiple uses without any time limitation, in multiple uses of approximately around 30 days per use (30.2%) and in multiple uses on a weekly basis (11.7%).

Considering the cases of other countries, Japan also faces a super-aged society and offers both short- and long-term family care leave. The Japanese system is more detailed than the Korean: Japanese family care leave pays up to 40% of workers' wages through employment insurance, and leave may be split up to three times. In addition to annual and monthly leave, Japanese workers may take off five days for family care (workers with more than two relatives in need of care are permitted 10 days off a year). These days off can be taken in increments of half a day and can be used to accompany family members to the hospital. Germany also offers short- and long-term family care leave. Workers may use up to six months of leave and take a maximum of 10 days off for family care. German workers using short- and long-term family care leave are

eligible for interest-free loans.

Based on this analysis, the following measures to improve current legislation on family care leave and to address these problems are proposed. First, the current family care leave system has no regulations governing wages, so whether leave is paid or unpaid is left to the employer's own discretion. To improve this situation, it is imperative to develop a method to guarantee workers' income while using family care leave, such as making employers to pay wages, providing funds for family care leave in private business and securing financing from employment insurance. Regarding the latter method, the finances and distribution of employment insurance should be considered, and if wages are paid through employment insurance, the problems of workers not covered by employment insurance should be discussed.

Second, regulations should be made to address employers that do not allow employees to use family care leave or put those who do so at a disadvantage. For instance, as in the current childcare support system, the family care support system should oblige employers to shorten working hours, adjust mandatory opening and closing office hours, exempt employees from overtime and holiday work and modify job duties.

Third, employees currently must apply for family care leave 30 days before the desired start. However, workers caring for elderly parents might face unpredictable needs that make it difficult to wait 30 days, and this period might be too long to be replaced with other types of leave or time off. Therefore, to be effective, the system needs to have exceptional reasons to allow employees to meet urgent family care needs, as the childcare leave system does.

Fourth, the exceptional regulations forbidding employers from allowing family care leave when other family members can care for the relative in need should be amended. The family care leave system for public officials, which covers their parents, spouses, children and spouse's parents, does not require them to prove that no other family members are available to take care of the relative in

need. Thus, in the family care leave system, employers are required not to consider whether there are other family members to take care of the relative, and need to make applicants explain why they need to take care of the family member instead.

Fifth, to support workers' long-term family care, the period of family care leave should be extended. Public officials may take family care leave for one year and use childcare leave in periods of less than one year, so it is possible to extend family care leave by up to a year. If workers are paid while using family care leave, the system permits them to be paid for a specified period of time, and if workers want to extend leave, the ratio of paid wages may be changed, or unpaid leave may be offered unpaid.

Finally, it is imperative to extend the types of relatives covered by family care leave. The current family care leave system covers workers' parents, spouse, children and spouse's parents. In contrast, Japanese family care leave also covers grandparents, grandchildren and siblings, and Germany offers even broader family leave coverage, encompassing domestic partners, spouses' children, adopted children, siblings' spouses and spouses' siblings. In the present-day context as families consisting of grandparents raising grandchildren are increasing, and the types of family are diversifying, family care leave coverage needs to be extended to siblings, grandparents and grandchildren. In the long term, extending the family leave system to cover persons who cohabit or have relations of support other than of a lineal relation, marriage, kinship or blood relationship should be considered.