



Targeted Surveys on application of core labour standards Republic of Korea

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Targeted Surveys on application of core labour standards, Republic of Korea

This report has been developed to provide a picture of the application of core labour standards in Republic of Korea (hereafter Korea). The report is based on a combination of desk research and stakeholder interviews. The assessments of the issues covered in the report are based on the views of credible international organisations, national governments, employer organisations, trade unions, experts and other stakeholders.

Progress

- Labour law reform, including a broad commitment to align national law with international standards.
- Recognition of trade unions representing workers engaged in 'special forms of work'
- Collective bargaining (diminishing government interference)

Challenges

- Severe restrictions on freedom of association, especially concerning union registration
- Discrimination against 'non-regular' workers and employees in micro-enterprises
- Gender wage gap and occupational segregation
- Lack of trust among tripartite actors
- Anti-union practices by employers and alleged judicial bias against trade unions

Key context

Korea has experienced remarkable economic growth over the past 40 years, driven primarily by sustained export-oriented industrialisation. Economic growth has facilitated a parallel social transformation, with significant gains in prosperity and educational attainment. However, industrial relations remain highly contentious. Low levels of trust among tripartite actors means that industrial disputes frequently develop into strikes or lead to judicial proceedings rather than productive tripartite dialogue. Fractious industrial relations create a challenging context for the application of core labour standards, especially freedom of association and collective bargaining.

In recent decades, a series of policies to restructure Korea's industrial conglomerates and enhance labour flexibility have, amongst other outcomes, contributed to the increased use of temporary workers and extensive outsourcing by major manufacturers. Such 'non-regular' forms of employment constrain in practice workers' capacity to organise and bargain effectively, while 'non-regular' workers reportedly face discrimination in terms of wages and working conditions. The disproportionate number of women in 'non-regular' employment, as well as direct discrimination by employers, perpetuates marked gender inequalities in the labour force.

The new government of President Moon Jae-in, in office since May 2017, has put human rights at the centre of its policy agenda. In a break with previous governments, the Moon Administration has committed to ratify all outstanding ILO Fundamental Conventions and pursue various labour law reforms to strengthen labour and social rights. Stakeholders generally view the new government's overall policy direction as more favourable to

labour rights, although employers' associations (who oppose the direction of proposed reforms) warn that slated amendments risk aggravating strained industrial relations.

In general, stakeholders' concerns regarding the application of core labour standards centre on freedom of association and collective bargaining. Korea has not ratified ILO C87 or C98, and existing legislation fails to meet international standards in this domain. There are also concerns about discrimination in employment, especially affecting women and 'non-regular' workers (although, in the case of gender discrimination, concerns focus on the situation in practice rather than specific legal or enforcement shortcomings). Forced labour and child labour are not priority concerns, with the partial exception of migrant workers, who may be vulnerable to forced labour in defined situations.

Freedom of association and collective bargaining

Korea has not ratified C87 or C98. The law provides broad protection for freedom of association and collective bargaining, although there are significant restrictions on public officials, teachers, and essential services. For example, the law bars some public officials from joining unions and denies both teachers and civil servants the right to strike. The law also prevents dismissed teachers and public servants from maintaining trade union membership, and these provisions have been used previously to deny legal personality to the national teachers' union and a public sector union (although the latter has recently regained legal registration following a change to its internal regulations).

A narrow judicial interpretation of permissible grounds for strikes may expose union officials to unwarranted civil and criminal lawsuits. There are also reports of anti-union discrimination on the part of employers (e.g., threats, dismissal, promotion of employer-friendly unions), and wider concerns about the high number of arrests, prosecutions, and harsh penalties imposed on union officials for union-related activities. More generally, extensive subcontracting may permit employers to restrict workers' rights in other ways; for example, negating a strike in one subcontractor by employing workers from another.

Trade unions have also criticised provisions that grant exclusive bargaining rights to the majority union in an enterprise or sector, denying other unions the right to negotiate with employers, sign collective agreements, and call strikes. Employers' associations contend that unions often obstruct collective bargaining through 'excessive' demands, politicising disputes, and resorting to legal challenges. The practice of seeking unilateral revisions to public sector collective agreements (via rulings from administrative authorities) has reportedly decreased with the new government. However, distrust among tripartite actors remains an overarching constraint on collective bargaining.

Forced labour

Korea has not ratified C29 or C105. The law prohibits and criminalises all forms of forced or compulsory labour, although anti-trafficking provisions may not fully align with international norms. Overall, forced labour and human trafficking are not prominent concerns raised by stakeholders.

There are some reports of forced labour affecting migrant workers, both within Korea and on fishing vessels registered to Korean companies. Some migrant workers, especially those from Vietnam, China, and Indonesia, reportedly incur large debts to migrate, which subsequently increase their vulnerability to debt bondage. Trade unions and international organisations have also criticised regulations that restrict migrants' ability to move

workplace, which they claim increases workers' vulnerability to forced labour. They also report that authorities are not proactive in identifying victims (partly due to inconsistent interpretations of anti-trafficking laws), and there are few measures to support victims. There are also concerns about provisions that allow authorities to assign military personnel to civilian jobs if necessary, a practice that may contravene C29.

Child labour

Korean legislation generally meets international standards with respect to child labour, and the government both enforces the law and operates a range of preventive and victim-support initiatives. Nevertheless, there are some recent concerns about the vulnerability of children to sex trafficking and commercial sexual exploitation, especially through online recruitment. The law also provides for the 'protective disposition' of child victims of sex trafficking in juvenile correctional facilities, which stakeholders fear may dissuade victims from reporting abuses.

Discrimination

The Constitution and various other laws provide express protection against discrimination in employment on various grounds, although they omit reference to 'colour', 'political opinion', 'language', and 'HIV/AIDS status'. In general, the lack of an overarching anti-discrimination law – combined with the narrow interpretation of some provisions (e.g., 'sex discrimination' does not typically extend to discrimination against LGBTI people) – may at times constrain efforts to protect against work-related discrimination.

In practice, there is a pronounced – and increasing – gender wage gap, derived in part from women's horizontal and vertical segregation in the labour market. Labour market inequalities are partly attributable to sociocultural norms, which place a disproportionate share of household and childcare responsibilities on women, and direct discrimination by employers. For example, employers' hiring decisions are often influenced by women's marital and family status, and questions about women's personal/family plans are reportedly common during interviews. Critics claim that the government's work-life balance policies – for example, promoting part-time work for women returning to employment after childbirth – contributes to women's increasing 'non-regular' employment, thus exacerbating a 'vicious cycle' of career discontinuity, wage inequality, and vertical labour-market segregation.

There are also long-standing concerns about discrimination based on employment status and the size of an enterprise. 'Non-regular' workers – including self-employed, part-time, temporary, and fixed-term workers – face discrimination in practice in terms of wages and working conditions compared to 'regular' workers, while many 'non-regular' workers enjoy only limited protections under general labour laws. Workers in micro-enterprises (<5 employees) – an estimated 40% of Korean workers – face similar discrimination due to the partial non-application of certain labour laws. Exclusions leave workers exposed to arbitrary dismissal, excessive working hours, and no overtime pay, as well as outside the scope of provisions stipulating equal pay and prohibiting gender discrimination.

Finally, there are reports that migrant workers are frequently discriminated against in wages and working conditions, while there are also allegations of sexual harassment and physical abuse on the part of employers. Authorities frequently fail to prosecute cases concerning mistreatment of migrant workers, according to some reports.

Status of ratification and reporting

Korea has ratified four ILO fundamental (core) conventions, with C29, C87, C98, and C105 unratified. Korea has also ratified three governance (priority) conventions (excepting C129). However, the government reports its intention to ratify all core conventions. To this end, an expert working group has been established to assess where national legislation would need amendment to align with the conventions.

		Application issues - latest ILO CEACR observations and direct requests on core conventions
Freedom of association & collective bargaining	C87	<i>Convention not ratified.</i>
	C98	<i>Convention not ratified.</i>
Forced Labour	C29	<i>Convention not ratified.</i>
	C105	<i>Convention not ratified.</i>
Child labour	C138	<i>No recent comments.</i>
	C182	<i>No recent comments.</i>
Discrimination	C100	<p>(2018): Noted a persistent gender wage gap that is especially pronounced between regular and non-regular workers. Noted how legislation restricts the scope of comparison for the purposes of equal pay for men and women; specifically, it provides for equal pay for work of equal value 'in the same business', while the scope of broader job/work comparison is limited to 'work of a similar nature'. Urged the government to amend legislation to give full expression to the principle of 'equal work for work of equal value'.</p> <p>(2018): Requested further information on measures taken to address the underlying causes of the gender pay gap and to promote the concept of 'work of equal value' among employers. Also requested the government increase efforts to enforce equal pay laws, citing a lack of awareness of relevant legislation among officials and insufficient capacity within labour and judicial authorities to identify and address cases of pay discrimination.</p>
	C111	<p>(2016): Cited cases of teachers disciplined at work for political activities outside the classroom (the law prohibits teachers from engaging in political activities in general), in view of discrimination on grounds of political opinion. Urged amendment of relevant legislation.</p> <p>Requested the government explain the omission of 'race', 'colour', and 'political opinion' from expressly prohibited grounds of discrimination in recent employment laws. Reiterated concerns about weak enforcement of migrant workers' rights, especially restrictions on changing workplaces. Requested the government review measures to protect foreign workers and assess why many labour rights cases filed by workers are not pursued by authorities. Also requested the government intensify efforts to promote women's access to a wider range of occupations and to more senior positions overall.</p>

References

ILO-CEACR [Observations and Direct Requests for the Republic of Korea](#)