

The Struggles of Irregularly-Employed Workers in South Korea, 1999-2012¹

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November 25, 2013

In December 1999, two years after the South Korean government accepted a \$58.4 billion bailout package from the International Monetary Fund (IMF), President Kim Dae-Jung announced that the nation's currency crisis was officially over. The South Korean government's aggressive measures to stabilize financial markets, which included drastic efforts to reduce labor costs, dismantle employment security, and legalize indirect forms of dispatch or temporary employment, contributed to the fastest recovery of a single country after the 1997 Asian Debt Crisis, restoring annual GDP growth rates to pre-crisis levels.² While the business community praised such efforts for helping debt-ridden banks and companies survive the crisis, labor unions and other proponents of social and economic justice virulently condemned the government's neoliberal policy agenda for subjecting workers to deepening inequality and injustice. Despite differing opinions on the impact of government austerity measures, both sides agree that the "post-IMF" era is synonymous with a new world of work.

Employment precarity – that is, the vulnerability of workers to an array of cost-cutting employer practices that depress wage standards, working conditions and job and income security – is a defining feature of the 21st century South Korean economy. The majority of jobs in the labor market consist of informal and precarious jobs that provide minimal, if any, legal protection against unjust and discriminatory employment practices. Informally- and precariously-employed workers also face numerous barriers to challenging deteriorating working conditions and heightened employer abuses through the conventional repertoire of unionism: strikes, collective bargaining and union agreements. Despite these difficulties, informally- and precariously-employed workers, which are generally recognized under the umbrella category of irregular employment (*bijeonggyujik*), have continued to organize collectively to challenge the deprivation of the livelihoods and dignity under flexible and precarious labor arrangements.³ What began as an assortment of relatively-isolated union struggles waged by golf caddies, home study tutors, and university janitors - the majority of whom are women from socially- and economically-disadvantaged backgrounds – has escalated into a national social movement of the irregularly-employed, including both men and women employed in a vast array of manufacturing, service and government jobs and in some of the nation's most well-known and

¹ I am grateful to Gayoung Chung, Seonok Lee and Jeongsu Shin for valuable research assistance.

² The 1997 Asian Debt Crisis affected multiple countries in the region, including Thailand, Indonesia, Malaysia, the Philippines and South Korea. The real gross domestic product (GDP) plunged to -6.7% in 1998. In 1999 and 2000 GDP rates had recovered to 9.5% and 8.5%, respectively (Lee and Rhee 2007: 146).

³ Numerous terms are used interchangeably to describe the phenomenon associated with the Korean term for *bijeonggyujik*: irregular, non-regular, non-standard, precarious, contingent, informal, casual or casualized, flexible employment. I primarily use the terms "irregular" and "irregularly-employed" as it is the direct translation of the Korean term, but I also use the term precarious and precariously-employed.

profitable companies. Irregularly-employed workers have created diverse organizational forms to represent workers across occupations and industries, atypical employment arrangements, and different social groups, including transforming enterprise unions into industrial unions, revising the activities of local and regional unions, and creating alternative organizational forms such as women and youth unions and worker cooperatives. They have also utilized a variety of strategies and approaches to resolve their labor disputes – from dramatic and often highly protracted symbolic struggles to broad-based policy campaigns to international solidarity appeals.

This paper conducts a preliminary inventory of the kinds of irregularly-employed union struggles that have occurred between 1999 and 2012. I begin by providing background context on the issue of irregular employment in South Korea, focusing on the mechanisms of contractual discrimination in the proliferation of irregular employment schemes. Next, I will discuss the characteristics of key struggles that have taken place between 1999 and 2012, outlining the primary demands and tactics; the relationship with regular workers and existing labor unions; external sources of support; and the duration and outcome of struggles. I conclude by discussing similarities and differences across cases, outlining the importance of factors such as gender and protest culture in shaping divergent collective action repertoires among the irregularly-employed.

Mechanisms of Contractual Discrimination in Irregular Employment Schemes

In South Korea the issue of irregular employment is commonly associated with the 1997-98 national financial crisis, although the growth of irregular jobs predate the crisis, especially when considering the impact of capital mobility and plant closures in labor-intensive manufacturing sectors on the predominantly female manufacturing workforce in the late 1980s and early 1990s. The character of irregular employment as an unjust and discriminatory form of employment became an issue of public concern after 2002 in the wake of mounting struggles waged by workers employed in atypical contractual forms such as special employment and subcontracting. To avoid employing workers under the dominant norm of full-time job security and full protection under existing labour rights and welfare entitlements, employers turned to the practice of irregular employment reclassification. By classifying workers under various types of indirect and triangulated employment schemes, including part-time contracts, limited-term contracts, dispatch agency employment, in-house subcontracting, self-employed independent contracts, home-based work and day labour, employers were able to reduce wages and benefits and deny workers basic associational rights. While such low-road employer practices were justified as a necessary measure to remain economically solvent during the height of the so-called “IMF crisis,” they remained an enduring feature of the labor market long after the immediate financial crisis ended.

As the size and types of irregular employment schemes expanded, policy makers and researchers began debating exactly how to measure its scale and scope. Some of these difficulties were attributed to different criteria used by the Ministry of Labor and the National Statistics office to measure the size of the non-regular workforce. To encompass variation across time and employment status, the Special Committee on Non-regular Workers (SCNW), established by the Tripartite Commission, recommended in 2002 that non-regular employment include three distinct categories: 1) *limited-term workers*, “whose termination of employment is predetermined or fixed”; 2) *part-time workers*, “who work less than 36 hours a week”; and 3) *atypical workers*, which include dispatched workers, subcontract workers, specially-employed persons, independent contractors, and home-based workers (Shin 2013: 339).

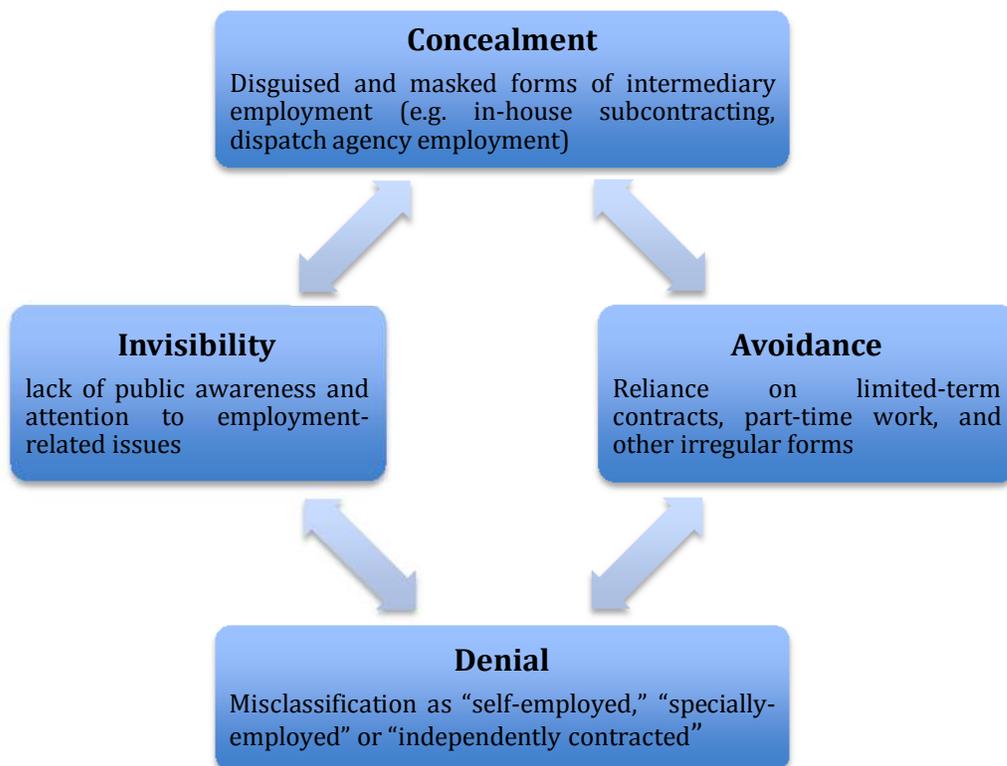
While clarifying the parameters of the irregularly-employed workforce assisted the measurement efforts of policy makers and labor statisticians, these efforts did not enhance understanding of the causes or impact of new forms of employment precarity in the everyday lives of workers. The “definitional fuzziness” of the concept itself and the use of different English language translations (i.e. precarious, non-standard, non-regular, irregular) to capture a similar phenomenon contributed to the lack of understanding (Kalleberg and Hewison 2013: 273). However, much of this confusion also could be attributed to the fact that irregular work is neither a fixed nor static category. The size and forms have evolved and expanded based on the actions of employers to increase employment flexibility and decrease labour costs through the use of irregular employment schemes. As such, irregular employment should not be viewed narrowly as a binary state between the standard and non-standard employment relationship (see Arnold and Bongiovi 2013: 291). Rather, it should be viewed as a *dynamic process: a product of on-going power struggles between labour and capital to determine the terms of the social exchange of labour for a wage*, which are either tilted in favor of workers’ livelihoods and social rights or in favor of accelerated capital accumulation and the interests of ruling elites.

To capture the power dynamics influencing the growth of irregular employment, we need to examine how and under what conditions employers and the state have changed the social and legal norms that regulate employment. *Contractual discrimination* serves as a powerful vehicle for undermining prevailing norms and standards in the social exchange of labor for a wage. Contractual discrimination operates through three distinct yet interrelated mechanisms. *Concealment* masks the existence of a direct wage relationship by employing workers under indirect and triangulated contractual forms such as in-house subcontracting and dispatch (temporary) agency employment. *Denial* relies on employment misclassification to prevent workers classified as “self-employed,” “specially-employed” or “independently contracted” from accessing labor rights and welfare benefits. *Avoidance* enables employers to circumvent existing legal norms and standards by employing workers under limited-term, part-time and atypical contracts, forms that are legally excluded from existing labor regulations and protections. *Invisibility* creates the conditions for extreme vulnerability to arbitrary employer practices, due to the lack of public understanding about the actual conditions of work and the kinds of protective measures that can be created to prevent employer abuse and employment-based poverty. See Figure 1. These mechanisms are often used in combination with each other to strengthen the capacity of irregular employment schemes to operate outside legal frameworks regulating both employer-employee relationships and industrial relations. Various mechanisms also interact with other social axes to subject socially disadvantaged groups of workers including women, youth, seniors, the disabled and less educated workers to heightened levels of discrimination and abuse.

A revealing example of the use of concealment in contractual discrimination is in-house subcontracting, which “refers to the business practice in which the primary contractor contracts out part of his/her business to a subcontractor whose employees are to work within the prime contractor’s premise” (Cho 2012: 4) Historically, the use of indirect or intermediary employment, either in the form of in-house subcontracting or labor dispatch - was banned in South Korea, except in the port and transport industry and by firms that provided salaries for veterans under authoritarian regimes. However, when the Kim Dae-Jung government passed the 1998 Dispatched Workers Protection Act, the government authorized the use of labour dispatch agency in 32 sectors, making this form of indirect and intermediary legal for the first time in the nation’s history. Technically, the legalization of dispatch employment was not meant to authorize cosmetic changes to the employment relationship. Rather, it was meant to diversify

business practices to allow more flexible forms of labour market adjustment. However, in-house subcontracting became a popular business practice across multiple sectors and industries to reduce labor costs and avoid unionization in the context of the national economic crisis.

Figure 1. Mechanisms of Contractual Discrimination under Irregular Employment



The most prevalent use of in-house subcontracting is in the service sector. It is common practice for a single enterprise to contract out services such as janitorial and service work and hotel room cleaning to multiple subcontracting companies at a single site, and prime contractors have commonly multiplied the number of contracts with in-house subcontractors to avoid wage and benefit gains after a successful unionization effort (See Chun 2009). Given the tendency towards fragmentation in the practice of in-house subcontracting, it is important to note that in in-house cleaning subcontractors in South Korea tend to be small and medium firms that hire less than 50 and 100 workers, unlike in the cleaning contracting sector in the U.S., Europe and South Africa, which is dominated by multinational contracting companies such as Sodexo, Aramark and Compass. Preventing firm agglomeration avoids the consolidation of a single entity that is required to bargaining collectively with a single union, which is an effective strategy of undermining the strength and effectiveness of workplace-based organizing.

Although manufacturing was excluded from the list of approved sectors in the 1998 Dispatched Workers Protection Act, the use of in-house subcontracting has also grown in the manufacturing sector, including in Korea's large automobile sector. Many large manufacturing companies have turned to in-house subcontracting to avoid expanding the size of their regularly-employed manufacturing workforce, which is heavily unionized and regulated. A 2004 Labor

Ministry survey revealed that each prime contractor uses an average of 12 different in-house subcontractors, and 2008 and 2010 surveys conducted by the Ministry of Employment and Labor show that one-third to one-half of large companies (over 300 employees) use in-house subcontractors (Cho 2012: 5). There have been several cases filed in the courts that challenge the legitimacy of in-house contracting by large companies such as Hyundai Motors; however, legal differences between the courts and government agencies such as the Ministry of Labor and the Human Rights Commission prevent effective follow-up on enforcement.

Surprisingly, the public sector is also major source of in-house subcontracting, with a higher share of public sector companies (75.8%) using in-house subcontracting than manufacturing companies (58%). In her report to the ILO, Aelim Yun (2007: 4-5) explained:

“Since the economic crisis in 1997, the Government has driven the public sectors to reduce personnel and to contract out their services. Particularly, the Government has forced this restructuring through budget mechanisms, that is, imposing financial penalties, when public organizations fail in implementing required restructuring. As a result, hundreds of thousands of public employees have been retrenched and precarious types of employment have been introduced, which in turn has made budget cuts possible.”

There is relatively little research published on the growth of precarious work in the public sector, although irregularly-employed public education support workers are beginning to organize en masse. Although not all irregularly-employed public education support workers are hired by in-house subcontracting companies, in-house subcontracting is one of several different irregular employment schemes (in addition to daily workers, part-time workers and dispatch agency workers) used to cut labor costs and prevent unionization among people who work in public elementary, middle and high schools. This includes workers who serve school lunches, run school libraries, aid science laboratories, assist disabled students, teach physical education, run after-school programs, and perform administrative functions for elementary, middle and high school students.⁴

Denial is another effective mechanism for enacting contractual discrimination upon irregularly-employed workers. People classified as “specially-employed” – which is equivalent to a self-employed independent contractor – or independently-contracted are denied recognition as legitimate workers under the law, allowing employers to avoid abiding by existing regulatory frameworks. Under the Labour Standards Act, legally recognized workers are entitled to an array of wage and benefit protections as well as three basic associational rights – the freedom of association, the right to strike, and the right to collective bargaining. Before 1998, the legal status of workers as independent contractors was rarely the subject of labour disputes. However, beginning in 1999 with the union struggles of golf game assistants, home study tutors, and insurance sales agents, various entities that relied on the services of “specially-employed” or independently-contracted workers began challenging their right to form unions and negotiate collective bargaining agreements. Contradictory legal rulings by the Ministry of Labor, the Human Rights Commission and the courts on the legal status of specially-employed persons as workers have undermined unionization efforts, as in the recent case of the denial of union recognition to home study tutors affiliated with the Jaenung Educational Industries (JEI) union (see discussion in next section). There are an estimated 1 million workers classified as “specially-employed” and they mostly consist of women who as golf caddies, home study tutors,

⁴ “Irregular Education Support Workers Engage in First Ever Strike at Korean Public Schools.” Published by People’s Solidarity for Participatory Democracy. <http://www.pssp.org/eng/?p=389> (accessed 11/19/2013)

milk delivery people, insurance agent sellers, cosmetic sellers, scriptwriters for broadcast networks and telemarketers (Park 2009: 249).

In addition to concealment and denial, avoidance operates as a powerful mechanism of contractual discrimination. Similar to the case of subcontracted workers, workers hired under limited-term or fixed-term contracts often do similar types of work as regularly-employed workers; however, employers are not required to provide workers the material benefits and symbolic recognition of regular employment due to the limited duration of their contract. Fixed-term contracts often consist of one-year contracts or less that must be renewed and their pay levels are sometimes 50 percent less than regularly-employed workers. In many cases, workers are not even aware that they are hired under one-year limited-term contracts due to the fact that their contracts are repeatedly renewed without question. Labour disputes have arisen in companies when employers refuse to renew workers contracts as the reason for the termination of their employment. The struggle waged by Eland Workers Union was also mounted to challenge avoidance strategies by employers who refused to convert the status of irregularly-employed workers to regular stats after two continuous years of employment.

Hiring people as part-time workers also allows employers to avoid employing workers over a set number of hours by reducing their fiscal and legal responsibilities to meet minimum employment-based welfare benefits. For example, the majority of homecare workers in South Korea are employed on a part-time basis. According to government regulations, homecare agencies should provide benefits such as employment insurance, medical insurance, national pension, and industrial accident insurance if they hire workers for over 60 hours per month. However, to avoid providing these benefits, some agencies hire homecare workers less than 60 hours per month. Many employers also terminate the contracts of homecare workers after 11 months - before they reach one continuous year of employment - to avoid paying workers an annual extra month of salary as retirement compensation.⁵

Outlier case: Domestic work and mechanism of invisibility

Domestic work is a fairly new term in the Korean policy arena and in labor circles. The term became more popularized in South Korea after the ILO adopted Convention 189, “Convention Concerning Decent Work for Domestic Workers,” in June 2011, and labor unions, women’s organizations and policy centres began receiving requests to relay information about the size and conditions of domestic work. Unlike in other Asian countries, South Korea does not have a long history of recruiting foreign migrant workers as live-in domestic workers (e.g. nannies). Conventionally, child care was not outsourced to women outside the family; it was provided directly by the mother and/or grandmother, except in cases of elite families. Wealthier private households hired people to commute to work in their homes as cooks, housecleaners, laundry workers, and drivers, but this was not a middle class norm.

To gain a better understanding of the issue of domestic work and informal work, more broadly, in South Korea, an international conference was held on June 4, 2013, organized by the Korean Women’s Development Institute.⁶ According to the report given by Jayoung Yoon

⁵ "Noineul 2500man Won Paraneomgineun 'Hyeondaepan Goryeojang', *Pressian*. Available at http://www.pressian.com/article/article.asp?article_num=30120930171923 (2012. 10. 2)

⁶ Presentations were given by Elizabeth Tang, International Coordinator, International Domestic Workers Network. Vaes Viriginie, FPS Employment, Labour and Social Dialogue, Yves Giets, political Secretary, ACV-CSC Belgium, Ja Young Yoon, Associate Research Fellow, Korea Labour Institute, and Miyoung Gu, Associate Research Fellow, Korean Women’s Development Institute.

(2013: 79), Associate Researcher at the Korea Labour Institute, “The ILO Convention...on domestic workers has called on our society to examine the current situation of those employed in the domestic work sector, which remains unorganized and outside of the public eye, and ponder what measures are necessary to protect them.” To-date there has been no systematic study conducted on the number of domestic workers in the informal economy or their actual working conditions. The two reports by Jayoung Joon and Miyoung Gu in the international conference proceedings represent the first research on this topic (that I have come across).

As was common practice in many labor law frameworks in the 20th century, “domestic service providers” were excluded from coverage under a special article (11) in the 1953 Labor Standards Act under the rationale that employment regulations for workers in private homes potentially violated family privacy (Gu 2013: 127). Domestic service providers were also excluded from laws that regulated working conditions (e.g. Minimum Wage Act, Employment Security Act, the Wage Claim Guarantee Act), safeguarded against employment-based discrimination (e.g. Act on the Protection of Fixed-Term and Part-Time Employees, the Act of Equal Employment and Support for Work-Family Reconciliation), and provided minimum social security and welfare benefits to workers (e.g. Industrial Accident Compensation Insurance Act, Employment Retirement Benefit Security Act, Employment Insurance Act) (Gu 2013: 126). The exclusion of workers from the Minimum Wage Act, as well as basic social insurance schemes distinguishes informally-employed workers to the larger category of irregularly-employed, but I should note that there is still no agreed upon definition of what exactly constitutes informal work in South Korea.

Today, there are an increasing number of domestic workers who are employed by recruitment agencies and dispatched to private homes, hospitals, day care centres and other care facilities. However, the vast majority of domestic workers do not work under a recognized agency or with a clear employment contract. Domestic workers typically work on an on-call or part-time basis and have no guaranteed period of employment. According to Yoon (2013: 81), domestic workers are defined as follows: “those who commute to the home of the hiring individual (not a firm or enterprise) or otherwise the place designated by the individual and regularly carry out domestic work such as housekeeping, patient care, child care, chauffeur services, etc. under the command and control of the employer for a certain period of time or without a fixed period.” Thus, Yoon’s definition excludes care workers employed by business agencies and focuses mainly on care workers that do not have a fixed-term employment contract.

Drawing on new occupational categories created in the Korean Standard Industrial Classification (KSIC), Yoon found that 119,105 people work as domestic workers under informal contracts, 97% of whom are women, and the domestic workforce accounts for .53% of the total employed workforce in South Korea in 2011 (22.5 million). Another survey in 2011 reported that foreign nationals made up 19,785 persons who worked in private households, which made up 2.55% of the total foreign working population in Korea (774,589). Non-Korean Chinese are the largest group of foreign domestic workers and women make up the overwhelming proportion of this workforce (18,374 women; 663 men), followed by Korean-Chinese (426), Vietnamese (251) and Uzbekistani (70).⁷ Yoon also found that the average period of employment for informal domestic workers is 16 to 37 months. Drivers who tend to be male reported the longest periods of employment, and patient care workers who are predominantly female reported the shortest time (Yoon 2013: 89). The average pay of housekeepers and childcare workers for three months is approximately 600,000Won per month, which is much

⁷ All this information can be found in Yoon 2013: 84-85.

lower than the monthly earnings of other domestic workers (patient caregivers - 1,000,000Won, drivers - 1,380,000Won). Her estimates reveal that 48% of informal domestic workers do not receive the minimum wage (4,320Won hourly).

Since 2010 there have been increased efforts to raise visibility and public awareness of the conditions of domestic work. A new solidarity organization in support of domestic workers was formed to urge that the Korean government ratify ILO Convention 189 and it has held an annual rally with the participation of the KCTU, the KWTU, and the KWWA. Many politicians and political parties are also urging that the Korean government ratify ILO Convention 189, including assembly members belonging to the Saenuri Party, the Democratic United Party (DUP) and the United Progressive Party (UPP). The KWWA has also recently created a Domestic Workers Co-Operative as an alternative approach to organizing domestic workers.

Irregularly-Employed Workers' Movement

In my 2009 book *Organizing at the Margins*, I profiled early cases of struggles by two groups of irregularly-employed workers in South Korea: university janitors employed by subcontracted cleaning companies at Inha University and Seoul National University and “specially-employed” (independently-contracted) golf game assistants at the 88 Country Club. The vast majority of these workers were women who confronted overlapping forms of gender and employment status discrimination. When confronted with intensified acts of discrimination under concealed and misclassified employment relationships, workers turned to the Korean Women Workers Association (KWWA) for support, a national women workers organization that has roots in militant democratic union struggles of women manufacturing workers in the 1970s. The KWWA had already been challenging gender discrimination in job firings during the 1997-98 economic crisis and had created new organizations such as the Action Center for Women’s Unemployment to “support projects to help women who continued to move back and forth between unstable employment and unemployment situations” (Park 2006: 494). On August 29, 1999, after much debate about the benefits and disadvantages of creating a separate women’s union, the KWWA established the Korean Women’s Trade Union (KWTU). The first local branch of KWTU was the 88CC Golf Game Assistants Union and by 2000, the KWTU formed local branches representing cleaners at universities, workers in university cafeterias, and hotel room cleaners.

Since 2002, there has been an explosion of struggles waged by irregularly-employed workers in a diverse array of occupational and industry sectors, including telecommunications, construction, transportation, retail, manufacturing, building services and education. Much of this phenomenon is due to the self-organization of different groups of irregularly-employed workers who have relied on the organizational repertoire of unionism to challenge new forms of economic subordination and exploitation under irregularly employment schemes. Peak labour organizations such as the KCTU have also more actively supported the union struggles of the irregularly employed, including launching strategic new organizing efforts, including “an ambitious training programme for organisers and a fundraising campaign aimed at total US\$4 million for organizing initiatives for irregular workers” in 2006 (Chang 2012: 37). Three different forms of union organization – general regional unions, industrial unions and unions organizing specific constituencies such as women, migrants and youth, have also provided important organizational vehicles for union membership among the irregularly-employed, many of whom have been rejected by existing unions comprised of regularly-employed workers. For example, more than 50 general regional unions, which are open to workers of all occupations in

specific townships, cities and provinces, have been created to accommodate irregularly-employed workers as union members (ibid).

Although union density among the irregularly-employed is still extremely weak at 3% (in comparison to the overall rate of 10%), their struggles have become the source of a new wave of social movement unionism. According to Shin (2013: 351), “the solidarity between social movements and nonregular workers’ struggles drastically publicized the situation of nonregular workers and their demands” and “the engagement of CMOs (citizen movement organizations) in nonregular workers’ strikes generated a new form of social movement, one of solidarity between labor and civil society.” However, there is still much analysis needed about the characteristics of struggles waged by the irregularly-employed, what kind of similarities and differences exist across struggles, and the factors that account for success and failure.

To deepen understanding of the new terrain of worker organizing among the irregularly-employed, I have begun compiling a descriptive inventory based on published media reports, both print and online; domestic and international solidarity appeals, and secondary literature. From my initial survey it is clear that union struggles display a wide range of characteristics in terms of employment status, type of job and worksite/company, union affiliation and trajectory, and periods of struggle. To explore similarities and differences in the different cases, I profile cases along the following dimensions: A) long, protracted public dramas, B) strong union role, and c) the influence of worker associations on independent unions.

The following is not an exhaustive list. It does not include important cases such as the 4,000 subway janitors organized by the KCTU-affiliated Korean Women’s Union; the recently formed “Korean Youth Union” which uses the English word union, instead of the Korean work *nojo*, to distinguish itself from Korean unions associated with strikes and primarily wages issue-based campaigns to improve the conditions of youth in precarious work; the militant union struggles waged by irregularly-employed manufacturing workers for Hyundai Motors, Daewoo Motors and others that are affiliated with the Korean Metal Workers Union; the Hope Bus Campaign which mobilized a broad array of civil society actors and groups to support KCTU leader Kim Jin-Suk in her ten-month long occupation of a construction crane control box located 35 meters above ground among others. However, it does attempt to show breadth and depth by profiling key cases that have impacted the broader terrain of struggles waged by irregularly-employed workers.

Long, protracted public dramas⁸

One profile that has emerged in the struggles of irregularly-employed workers is that of long, protracted public dramas. These struggles employ dramatic symbolic tactics over a long-term period aimed at capturing the public’s attention to the injustice of irregular employment, such as occupations, head shaving, the “three steps, one bow” procession, scaling towers, hunger strikes, and even, suicide. These struggles become protracted, mainly due to the recalcitrance of employers to acknowledge any union demands or engage in good faith bargaining, and the pervasive climate of anti-unionism supported by the police and neoliberal state regimes. These struggles reflect militant protest cultures that frame struggles in terms of a binary conflict and a “struggle to the death.” These struggles have tended to erode union membership over time, due to the protracted nature of the struggle, radicalizing one or two workers while losing the participating and often, alienating the rest of the membership base.

⁸ I have not yet included a profile of the highly dramatic and protracted struggles waged by subcontracted workers at Hyundai Motors and Ssangyong Motors.

Korea Telecom (KT) Fixed-Term Workers' Union, 2000-2002: 517 days

In 2000, Korea Telecom issued termination notices to 7,000 fixed-term employees, the majority of whom had been employed between two and ten years. Many fixed-term contract workers felt deeply shocked and betrayed by the termination notices, and viewed their dismissals as a case of unjust and discriminatory dismissal. After their attempts to join the existing union representing regular workers were rejected, KT fixed-term contract workers established an independent trade union, which was affiliated with the Seoul Regional Branch of the KCTU, and began a collective struggle for reinstatement. The KT Contract Workers' Union engaged in many symbolic tactics to pressure KT management to address their demand for reinstatement, including shaving the heads of striking workers, occupying the KT headquarters office, and scaling a city bridge and dropping a banner with its demands on a cold winter day. Legal appeals filed by the KT Fixed-term contract workers unions regarding unfair and discriminatory employment practices by KT were also rejected by the National Labour Relations Commission and the courts. "The courts held that there hadn't been any discrimination in wages, instead finding that regularly employed workers had more responsibility in their jobs, even though the fixed term workers did the same work" (Yun 2007: 18.) Their strike ended unsuccessfully after 517 continuous days. Several factors could explain the failure of the KT fixed-term workers strike: 1) the lack of support from regularly-employed workers, 2) the relative isolation from the broader labour union movement, and 3) the lack of legal authority for their struggles.

Kiryung Electronics Workers' Union local, 2005-2010: 1,895 days

In July 2005 Kiryung Electronics Co. terminated the employment contracts of approximately 250 workers who manufactured parts for Sirius satellite radio after they formed the Kiryung Electronics Workers' Union local of the Korean Metal Workers Union (KMWU). The workers, the majority of whom were married women, formed the local union in response to the company's arbitrary firing policies, abusive employer practices, and harsh working conditions including excessively long hours on minimum wage levels. Kiryung electronics workers were hired under 3- and 6-month contracts, depending on their marital status, and there were reports that one worker per week was fired to create an atmosphere of fear and intimidation. According to one worker, "People were fired for the pettiest reasons. The supervisor would just say he didn't like your face, you were too fat."⁹

Like in the case of KT fixed-term contract workers union, Kiryung Electronics union members main demand was reinstatement as directly-hired workers and they engaged in an array of highly militant and symbolic actions to pressure the management to address their demands. Union members occupied the company building; set up a long-term strike encampment, enduring severe weather conditions; shaved union members' heads; endured life-threatening hunger strikes, and scaled high-rise metal structures with little good faith responses from the management. During the course of their militant protest actions, 20 union members were charged with "obstruction of business clause" and given excessive fines for damage to company revenues; the union president was also imprisoned. Despite a ruling by the Ministry of Labour that Kiryung Electronics engaged in illegal in-house subcontracting practices, there was no enforcement of this ruling. The KMWU filed grievances with the ILO for violations of freedom of association rights and abuse against union activists, including physical intimidation and violence against protesting unionists. The KMWU also reached out to international union and community groups,

⁹ http://www.inthesetimes.com/article/4118/korean_workers_get_sirius1/

garnering support from the International Metal Workers Union and organizing a transnational delegation to New York in October 2008. *Hankyoreh 21* magazine explains, “striking Giryung Electronics workers “have done everything except die” (Cho K.W. 2008). After 1900 days, the management agreed to re-instate 10 people out of the 250 dismissed workers.

KTX Crew Workers Branch Union, 2006-2009: 1,000 plus days

In 2004, the Korea Railroad Corporation (KORAIL) hired 351 women to work as train attendants on the nation’s first high-speed bullet train, the KTX (Korea Train Express). Rather than hiring them under direct employment contracts, KORAIL hired them through a separate company, Hongikhoe, with a promise that they would be converted to regular employees after one year.¹⁰ The job as a KTX train attendant was considered a prestigious position for university-educated women, and workers had to meet stringent criteria, including passing a workplace entrance exam and meeting height and weight standards. In 2006, KORAIL announced that they had contracted a different firm, KTX Tourism Leisure, to take over the management of KTX train attendant services and workers had to accept reduced pay and benefit levels. KTX train attendants were also asked to work perform additional duties outside their workplace such as greeting passersby wearing *hanbok* (traditional Korean dresses) in front of the Seoul Train Station and other public places on national holidays. When workers objected to reduced compensation levels or additional work duties, one KTX worker explained, “the corporation threatened us by mentioning possible disadvantages in the rehiring process.”¹¹ Shocked and betrayed by KORAIL’s broken promise, approximately 380 KTX train attendants formed a branch union of the Korean Railway Workers Union and started a collective struggle for reinstatement as regularly-employed workers.

On March 1, 2006, approximately 400 female KTX train attendants joined 17,000 (primarily male) workers from the Korean Railway Workers’ Union (KRWU), an affiliate of the Korean Federation of the Transportation, Public, and Social Services Workers Unions under the Korean Confederation of Trade Unions (KCTU), in a mass strike against KORAIL. Male unionists went back to work after 4 days; striking KTX attendants received formal dismissal notices two months after the strike ended. Over the next 1000 days, the KTX crew workers union waged an array of intensely symbolic and militant protest actions including holding public rallies and marches, occupying KORAIL offices and the National Assembly building, shaving union members’ heads, waging hunger fasts and scaling 40 meter-high metal towers. One particularly vivid protest image was the scene of hundreds of young women protesting in their highly feminine KTX train attendant uniforms – sleek, fitted grey skirt suits, colorful neck scarves, nude stockings and black pumps – with their mouths gagged by white masks painted with large black “X’s” and their bodies shackled in metal chains. Gender discrimination and sexual harassment comprised an important part of union grievances. Female KTX attendants reported being sexually harassed by their male supervisors and fired for being pregnant. Women were also assigned subordinate job positions under male “team leaders,” who unlike female train attendants were directly employed by KORAIL, despite the fact than women and men did similar work tasks.

¹⁰ “Female KTX attendants win ruling on injunction,” *The Hankyoreh* (English). December 3, 2008. http://english.hani.co.kr/arti/english_edition/e_national/325416.html

¹¹ Min Jeong Kim, “1000 Days: Ongoing Struggles,” Article posted on website of *Asia Pacific Youth Network*, an affiliate of Public Services International (May 14, 2009) <http://www.psiapoyouthnetwork.org/2009/05/14/1000-days-ongoing-struggles/#more-393>

Throughout the course of the union struggle, KORAIL refused to negotiate with the branch union under the rationale that they are not the formal employers of striking KTX attendants and thus, are not responsible for resolving any labour disputes with the union. KORAIL also disputed the “illegality” of outsourcing labour contracts to an external subsidiary, a practice considered a “proven method...performed even in foreign countries,” according to KORAIL CEO and President, Mr. Lee Chul.¹² Different state institutions issued contradictory interpretations regarding the employment status of dismissed KTX attendants, resulting in a legal stalemate between the union and KORAIL. While the National Human Rights Commission and the Seoul Central District Court supported the union’s claims, the Ministry of Labour sided with KORAIL.

Jaeneung Educational Tutors Union (JETU), 2007-ongoing: 2,076 days

The strike of home study tutors who are members of the Jaeneung Education Tutors Union (JETU) started on December 21, 2007 and is now considered the longest continuous struggle in the history of the irregular workers’ movement, surpassing the Kiryung Electronics Workers Union struggle of 1,895 days. JETU was established in 1999 and was one of the first unions affiliated with KCTU to represent specially-employed workers. JETU later affiliated as a chapter of the Korean Tutors’ and Education Laborers’ Union (KTELU) and unionized approximately 4,000 home study tutors who sold educational materials for Jaeneung Educational Industries, a large private corporation that contracts tutors to sell its textbooks to elementary school students and then provide in-home tutoring. Because they are technically considered self-employed, the main source of income for JEI tutors consists of commissions from JEI textbook sales. The vast majority of tutors are women, usually in their late 30s and 40s, and work long hours.

The crux of the current conflict between the union and the company centers on the legal status of the home study tutors who are hired under special employment arrangements. During the first 6 years of their history, despite their irregular employment status, JEI tutors won the right to legally unionize and collectively bargain. However, after continuous pressure by JEI to decertify the union, the Supreme Court ruled in 2007 that tutors associated with Jaeneung Education Industries are not legitimate workers who are protected under the national labour laws. JEI immediately responded by refusing to recognize the legitimacy of the union and demanding that 5,000 tutors who are members of the union withdraw their union membership or face termination. 12 women refused to withdraw their union membership. In December 2008, Yoo Myung-ja was the first worker to be fired and the remaining unionized workers were fired by 2010. In protest of company intimidation tactics, two JEI union members, Yeo Min-hui and Oh Su-yeong, launched a demonstration atop a 20-meter bell tower at the Hyehwa-dong Catholic Church in Seoul, which is located on the opposite side of the JEI headquarters. They have been protesting in a tent continuously for over five years. Since May 22, 2012, there have been 17 attempts to negotiate between striking unionists and JEI, each resulting in failure.¹³ Their struggle ended on August 26, 2013 when both Yeo and Oh came down from the tower after their 202 day occupation and were reinstated after 2,076 days of continuous protest. Although the progressive media reported that this was an important victory, especially for specially-employed

¹² Quote from letter sent to Jennifer Chun, dated 20 December 2007, emailed by KORAIL General Manager (lmckorail@korail.com) on behalf of Mr. Chul Lee, CEO and President of KORAIL in response to ‘the petition that you submitted to the Korean president through Ms. Cho Sun Kyung, Professor of Ewha Womans University.’ The solidarity appeal and petition are online at <<http://ktxworkers.blogspot.com>>.

¹³ <http://www.moneyweek.co.kr/news/mwView.php?type=1&no=2013052320588030457&outlink=1>

workers, the long-term protracted struggle was not one that strengthened the overall membership base. In the early 2000s, the JEI chapter of KTELU had approximately 3,800 members. Over the course of the struggle, that number dropped to twelve.¹⁴

Strong union role

I profile two major cases in which unions played leading roles in supporting the struggles of irregularly-employed workers.

Eland Workers Union, 2007-2009: 510 days

The Eland Workers Union was one of the first unions to accept irregularly-employed workers as union members in 2000. The union, which was first established in 1993, waged a 265 day long strike in 2000 demanding the improvement of working conditions for temporary workers. The Eland Group, which had a notorious anti-union stance, purchased the New Core Outlet in 2003 and the Carrefour store in 2006. In response to anticipated dismissals associated with the 2006 Irregular Employment Protection Act, the E-Land Union, which was one of KCTU's first unions to organize irregular workers, prepared to launch a strike of approximately 180 dismissed retail and supermarket cashiers and sales assistants working in E-Land stores in July 2007. The majority of E-land workers were women over the age of 30 earning approximately 800,000 won a month, well under the average monthly wage. Although workers were technically hired under short-term contracts, most workers had worked continuously for years with little indication that the terms of their employment were finite. Many workers did not regard the company's contracts with much credibility given that supervisors periodically asked them to use their sister's or friend's name to renew their contracts so they could get around the provision of benefits. When the management used the rationale that the end of workers' fixed term contracts meant the termination of their employment, dismissed workers joined the union's plans to strike.

The main action consisted of a union occupation of E-Land's flagship Homever store in the World Cup Stadium shopping complex. During the course of their 21 day occupation, union members camped out on mats next to the row of locked-down cash registers at the front of the store with colorful union banners spread across the walls. Union members prepared for the moment they would be dragged out by riot police by engaging in familiar chants to abolish irregular employment and provide direct employment. Prominent political leaders from organizations like the Korean Democratic Labour Party visited the strike site to express solidarity and support for the heroic efforts of the E-Land workers. Once the riot police ended the E-Land Union's occupation of the Homever store, the union escalated its struggle by organizing solidarity protests at 40 different Homever retail locations. The union also called for a consumer boycott of all E-Land products, eliciting the support of 37 civic organizations and international unions like UNI, a global union for commerce workers with over 15 million members and 900 affiliate unions. The E-land workers struggle continued for the next 510 days with little sign that E-land corporation would concede to the union demands. The struggle, however, was successfully resolved after the Homever store was acquired by another corporation that had a more friendly stance towards unions and agreed to the union demands. Consequently, 174 members returned to work. 12 members from union leadership committee gave up their reinstatement.

¹⁴ "Temp workers win world's longest labor struggle," *The Hankyoreh* August 27, 2013.

Interestingly, the Eland union workers struggle never engaged in a hunger strike, which at the time of the dispute, had become a familiar tactic during protracted struggles by irregularly-employed workers, including Kiryung Electronics and KTX Train Attendants. According to Lee Kyeong Oak, the Eland Union General Secretary, “The leadership decided twice to start a hunger strike, but each time the general meeting of union members voted against it. When we said that we wanted to do a hunger strike to lift the fighting spirits weakened by the long struggle, the members said, ‘why fight hungry?’ The members insisted that they have plenty of spirit left. If the union chairman goes on a hunger strike, their will will decline,’ they said. The union members will fight, so absolutely no hunger strike, they said. We will fight while eating (joyfully) to our hearts content.”

Independent truck drivers in the construction and transportation industries, 2000-

The vast majority of construction workers can be classified as irregularly-employed workers, and they tend to be predominantly male and over 40 years of age. According to a 2007 report published by the Korean Contingent Workers Center, 70.9 percent (988,391) of construction workers are precarious employed. Of that population, 50.5 percent (499,616 persons) were employed on a temporary basis, either as fixed-term or limited-term contract workers and 42.3 percent (418,365 persons) were hired on an on-call basis, with the remainder of workers hired as part-time workers, independent contractors, temporary agency workers and on-site subcontracted workers (Yun 2009: 4-5). Many workers also are employed on an informal basis with no formal written contract which makes it difficult for workers to prove that they work on a specific project or construction site (Yun 2009: 6). Due to various exclusions from the Employment Insurance Act, the Industrial Accident Compensation Insurance Act, the National Health Insurance Act and the National Pension Act, precariously-employed construction workers have difficulty accessing basic social security and welfare benefits. According to the National Statistics Office, only 21.1 percent of construction workers are covered by the Employment Insurance Act, a stark contrast to 55.3 percent of coverage for waged workers in general (Yun 2009: 6-7).

The construction industry is dominated by a multi-layer subcontracting system made up on a general contractor, multiple subcontracting companies, various intermediaries and workers. According to Aelim Yun (2009: 2-3), who has written extensively about precarious employment in the construction industry, “one main construction company may hide behind several layers of subcontractors to remove itself from any responsibility over the workers who were hired by the subcontractors or intermediaries.”

Beginning in 2000, the Korean Federation of Construction Industry Trade Unions (KCTIF) began actively organizing construction workers as a way to challenge the exploitative nature of the multi-layer subcontracting structure. The KCTIF successfully negotiated collective agreements for 5,000 union members in which principal construction companies agreed to recognize union activities at construction sites, abide by occupational safety and health regulations, contribute to the national employment insurance and pension programs, and provide sanitary eating and washing facilities (Yun 2009: 8; also see Yun 2007: 26-27). These negotiations were pivotal for pressuring principal construction companies for taking responsibility for ensuring that construction workers receive minimal social security and welfare benefits, statutory labour rights protections, and safer working conditions, regardless of their employment status. KCTIF also advocated for better legislation, including changes in the Framework Act on the Construction Industry (2007) to restrict “subcontracting on the 1st

subcontracting downwards” and “repeal the exceptional allowance of labour only contractors” (Yun 2009).

Interestingly, although workers misclassified as independent contractors make up only 1 percent (10,507) of the construction workforce, they have waged some of the most successful cases of union organizing in the construction industry. In the late 1990s, three groups of independent drivers - ready-mix cement truck drivers, dump truck drivers and tower excavator operators – experienced a profound change to their employment status: they were reclassified as independent drivers who became responsible for bearing the cost of operation for their own vehicles in the context of a transfer of cost burden from construction firms and subcontractors to individual workers themselves (Yun 2009: 5). All three groups of workers joined the KCTIF, increasing union membership in the KCTIF unionized to 20,000.¹⁵ These efforts resulted in the creation of a single industrial union in the construction industry in 2007: the Korean Construction Workers Union (Yun 2009: 10-11).

Although union density in the construction industry is still extremely low at a mere 3.6%, the increasing associational power of construction workers’ union has elicited backlash from construction companies and the state. Beginning in 2003, the police and prosecuting authorities began accusing construction union organizers of using force, coercion and extortion to negotiate collective agreements, leading to severe fines, arrests and in some cases, imprisonment (Yun 2009: 12-13). Despite various appeals to the ILO about unjust investigations and violations to basic freedom of association rights, construction workers union have been unable to stop state-initiated intimidation against union activities. Much of this is due to rulings by the conservative courts that ban union activities against “third parties” such as principal construction companies. Primary employers have also attempted to break the associational power of workers by hiring replacement workers as strikebreakers. In one tragic incident on June 14, 2005, Kim Tae-hwan, head of the FKTU’s Chungju regional chapter, was run over and killed by a cement truck operated by a replacement driver hired by Sajo Remicon during a rally in Chungju, North Chungcheong.

The right of truck drivers misclassified as independent contractors to join unions was revoked in June 2009 when the courts decertified the Korean Construction Workers Union (KCWU). According to the Building and Wood Workers’ International union, “the government had stated that since “self-employed” workers were not considered workers according to South Korean labour laws they were not eligible to join trade unions. Thus, the government called on the KCWU to “voluntarily expel” Dump and Remicon truck drivers from the union or face decertification.”¹⁶

Another group of truck drivers that has unionized are cargo drivers. Against the freight industry which has paid low salary compare to rising fuel costs, members of the Korea Cargo Workers Union (KCWU) have engaged in a weeklong walkout under the catchphrase “change the world by stopping distribution” three times over the last ten years. The first general strike of truckers held in 2003 lasted for 14 days showed a new set strategies such as driving slowly on the highway or entering the tollgate simultaneously as a group. Their strike actions and work slowdowns have resulted in a loss of 1.1 billion dollars for employers. The second general strike in June 2008 resulted in approximately 5.6 billion dollars of economic losses for seven days and

¹⁵ Independent drivers were able to join existing trade unions such as the KCTIF as a “special unit,” in compliance with the Ministry of Labour (Yun 2009: fn 4).

¹⁶ “CFA Calls on the South Korean Government to Ensure Freedom of Association for “Self-Employed Workers.” News release by the Building and Wood Workers International union. <http://www.bwint.org/default.asp?index=3363>

let people know the voice of the KCWU by making “great logistical disturbance.” It ended with an agreement to a 19 percent freight charge raise plan. Recently, the third general strike occurred for five days in June 24, 2012 and it ended by increasing 9.9 percent in freight charge. It was reported that the third general strike brought a loss of 31.1 billion won for employers.

From worker associations to unions

Korean Women’s Trade Union (KWTU), 1999-

The Korean Women’s Trade Union was established by the Korean Women Workers Association (KWWA), a non-governmental organization that was created in 1987 to organize and promote the interests of women workers. During its first 2 years, the KWWA focused on strengthening the democratic union movement in the aftermath of the 1987 Great Workers Struggle by supporting women’s departments in labor unions and conducting education and outreach among women workers. Between 1989 to 1991, the KWWA formed branch offices in various regions around the country to enhance its capacity to support women workers at the local level, including offering labor counseling and direct advocacy for workers. At the time, many women in the labor-intensive manufacturing sector were facing plant closings, mass layoffs, unpaid backwages, and unemployment. In 1992, the KWWA formed a national center, the Korean Women Workers Associations United (KWWAU), to actively engage in legal and policy advocacy to challenge gender discrimination in employment and build a national women workers movement. The KWTU was formed in 1999, in the context of the 1997-98 financial crisis. Not only did women experience blatant gender discrimination in company layoffs, they were disproportionately affected by the turn to irregular employment. Many union activists, both male and female, opposed the formation of a separate women’s union, KWWA leaders were disillusioned with the failure of the democratic union movement to organize women workers. Despite a decade of democratic unionism, the union organization of women workers remained extremely small and the vast majority of union leaders were male, even in female dominated industries such as hospital employment. While this was largely due to the fact that the union density rate in small and medium firms, which had high rates of female labor force participation, was significantly lower than in larger firms, KWWA leaders also saw the KCTU’s neglect of workers in small and medium firms as an indication of the male bias in union activities. Although many KWWA leaders was historically connected to democratic union struggles in the 1970s and 1980s, the KWTU decided to not to affiliate with the KCTU and remain independent from both peak national labor federations.

The KWTU member is open to any women worker in the country, regardless of geographic region and occupation. It has ten regional branches and 70 local branches, and its membership has grown from approximately 400 people in 1999 to approximately 6,000 members in 2013. Much of its early membership was a result of labor counseling, which provides one-on-one assistance to workers who seek out the union for assistance with workplace issues. It has also employed surveys (university janitors, school workers) as a basis for organizing across occupation and sector. Although its membership had steadily grown since its founding, over the last 4 years its membership has plateaued to key sectors and occupational groups, including university janitors, golf game assistants, hotel room cleaners, and school cafeteria workers. This is partially due to union backlash by employers. The 88CC Golf Game Assistants local branch union, which was the KWTU’s first branch, has negotiated 4 rounds of collective bargaining since 1999. During the last round of bargaining, the 88 Country Club fired 60 union members in what union members view as a clear violation of their freedom of association rights. Some of the

KWTU's difficulties in organizing new members are also linked to its organizing successes. Once the KWTU organizes a group, it garners the attention of other unions who begin to organize similar workers. This pattern has occurred since KWTU's founding years. Park (2009: 248) explains, "when the golf caddies in 88 country club joined the KWTU and organized to strike, other unions in golf clubs declared they would accept the golf caddies as members, a group which previously they had never tried to organize... When the KWTU organized the cleaners in the universities... the community-based general unions started to organize sub-contracted cleaners... When the temporary teachers in schools could see the fruits of their struggle, the union federation of the public sector in the Korean Confederation of Trade Unions... declared that they would organize the workers in the schools."

The case of temporary school workers is an important one, because it shows KWTU's influence on the broader union climate. Similar to the case of university janitors, KWTU began its organizing campaign in elementary schools by conducting a survey of the working conditions of cooks, nutritionists, librarians and assistants in science labs. Based on the responses (2,369 responses nationwide in 11 cities) and a series of open forums and discussions on the survey findings, each regional branch outreached to temporary workers in schools. One of their main demands was to eliminate the "daily hired position." The vast majority of irregularly-employed school workers were hired on a day labor basis and were not paid during two month summer vacations (which was not the case of teachers). From their survey, KWTU learned that many women had worked in schools for over 5 years, but not a single worker had received their retirement pay. During their protest campaign, KWTU school workers described themselves as "living like aliens" and demanded new contractual terms. The KWTU was able to negotiate one year contracts with vacations and retirement, but these gains were largely rolled back during the Lee administration years and the retrenchment of the public educational sector.

Although the KWTU's membership ranks in school cafeteria work have remained small, it publicized the issue of irregularly-employed school workers to the broader labor movement. Irregularly-employed public school workers account for over 40% of the total irregularly-employed public workforce. In addition to the aforementioned groups, education support workers also include people who assist disabled students and students on welfare, teach physical education, run after-school programs and perform administrative functions in elementary, middle and high schools. The vast majority of these workers are women who are employed under individual contracts with school principals. According to a news article by the People's Solidarity for Social Progress (2013), "anytime there is a decrease in school enrollment or a lack of funds, these workers face the threat of dismissal. They are also regularly required to do personal tasks for superiors... and have no pay scale. This means that no matter how many years they have worked, their salaries remain the same."¹⁷ In 2012, over 40,000 people joined various education support workers unions in a single year, including the Irregular Education Support Workers Division of the KCTU-affiliated Korean Public and Social Services and Transportation Workers Union, the KCTU-affiliated National Irregular Education Support Workers' Union, the KCTU-affiliated Seoul General Union and the KWTU. The main union demand was that local education offices and the Ministry of Education, Science and Technology acknowledge their responsibility as employers and collectively bargaining with education support workers unions. While the Ministry of Employment and Labor and the Lee Myung-Bak administration has acknowledged this responsibility, local education authorities continue to deflect responsibility.

¹⁷ "Irregular Education Support Workers Engage in First Ever Strike at Korean Public Schools." People's Solidarity for Social Progress. <http://www.pssp.prg/eng/?p=389>

From October 24 to November 3, 2012 leaders of each union engaged in a hunger strike in front of the National Assembly to demand employer accountability and 10,000 workers participated in a sit-in protest the last day of the strike. On November 9th, 2012, 16,000 union members at 1,400 schools participated in the first strike of education support workers.

Despite what may appear as union in-fighting, the KWTU does not necessarily see the KCTU's efforts to organize irregularly-employed school workers as a negative thing. "Only 2% of irregularly-employed workers are unionized," states Ji-hyeon Na, the current KWTU president, "so it's a good thing there's a lot of unions organizing." That doesn't mean that the KWTU is going to affiliate with the KCTU. Although there are always some leaders within KWTU that urge affiliation, many KWTU leaders still believe there's a significant role for it to play. First, they emphasize their commitment to women-centered organizing approach – that is, to organize women workers according to gender issues. Namhee Park (2006: 496) explains:

"KWTU's main goal is to change the unequal status that women face in society and the workplace in areas such as marriage, childbirth, childcare and other situations... Rather than restricting itself solely to wage negotiations in the workplace, it instead organizes a variety of programs needed by women workers such as job placement, skills training, community support, and family camps for child reading."

Second, KWTU focuses on education and leadership, which is a direct influence of its ties with the KWWA. KWTU holds a summer camp for new and young leaders to discuss what a trade union is and why it's an important force in the lives of women. They also hold a leadership school for staff members. In 2007, it established an advanced leadership course to enhance leadership skills for its members (Park 2009:248). Third, the KWTU prioritizes a grassroots philosophy in unionism. KWTU President Na explains, "We fight for the bottom. Even if we are small... even if there is one person and we can't win within the law, we still fight. That's KWTU's role." Na also emphasized the value of KWTU's sustainable approach to unionism. "We finish with the same number of workers that we start with, and we are still fighting after ten years."¹⁸

Care Worker Associations to Care Worker Unions, 2008-

In Korea, there is a relatively short history of homecare work (5 years), but it has become rapidly organized and unionized. Just five years after this category of work was created by the Ministry of Health and Welfare, care workers formed the Care Workers Union, under the KCTU (2012) and personal assistants, care workers for the disabled, formed the Personal Assistants Union the following year (2013).

Care workers began organizing under the rubric of worker associations. The Korean Care Workers Association and the Personal Assistants Association was founded the same year that the long-term care legislation was passed to subsidize care work for the elderly and disabled both in private homes and in senior homes and hospitals under the Ministry of Health and Welfare. The National Health Insurance Service is responsible for the administration of the elder care system and private care agencies are responsible for matching care recipients and workers. The National Pension Service is responsible for administering care for the disabled. Care workers for the disabled are referred specifically as "personal assistants." In 2013, there are approximately 200,000 homecare workers and 22,000 personal assistants, though the media reported that almost 1,100,000 people have acquired the appropriate government certification.¹⁹ It is important to note

¹⁸ Personal conversation with author, July 2012.

¹⁹ Yu Jaeseok. (2013. 4.26), Yo-yangbohosa Deung Handal Imgeum 157man-wontss Jeonjigjong Pyeonggyun-ui

that care workers who provide assistance to clients who receive government assistance should be distinguished from care workers who work in hospitals as independent contractors and take care of hospitalized clients. The former are required to complete a care work training course in a training center and acquire certification by the municipal government. The latter are not required to do so and work in more informal employment arrangements. The vast majority of all care workers are Korean women over the age of 40.

Most care agencies hire care workers in part-time contracts and the ratio of part-time homecare workers (66.7%) is significantly higher than that of part-time senior-home care workers (26.9%) (Kim and Sim 2011: 205). The average work week is 26 hours, and the average actual wage is 5,000 to 6,000 Won per hour, when you subtract the 2,000 Won care agency fee from the 8,000 Won stipulated hourly pay rate. Although government-certificated care workers are protected by Minimum Wage Legislation (4,860 Won per hour, 2013), their monthly wage (which is a more conventional way of calculating the minimum wage in Korea) remains quite low at 670,000 Won per month.²⁰ Like many homecare workers in other countries, homecare workers usually work for multiple clients during the course of a day and are responsible for paying for their own travel and time in between clients. The majority of workers do not receive sick leave or paid vacations, because they are paid on a part-time basis and they rarely accrue enough hours to qualify for benefits. According to the Ministry of Health and Welfare, homecare agencies should pay benefits such as employment insurance, medical insurance, national pension and industrial accident insurance to workers, but only if they employ them for over 60 hours per month. Also, under the Labor Standards Act, full-time workers who work over 12 months are entitled to receive one month's salary per year as retirement compensation if they are terminated from their jobs. To avoid paying this benefit, many care agencies fire homecare workers after 11 months. This is a practice that other workers in fixed-term contracts face.

One of the main concerns of care workers is the lack of recognition as workers. According to the Ministry of Health and Welfare, which is responsible for administering social insurance programs such as public medical insurance and national pensions, homecare workers are not recognized as workers. However, the Ministry of Labor denied this designation in 2009. Since this denial, homecare workers have been excluded from the Labor Standards Act. After the Care Workers Association protested, lobbied, and picketed this decision, homecare workers were partly included as workers under the Labor Standards Act in 2009, but this is still case-by-case. The Personal Assistants Association organized protests in 2011, and also received partial recognition as "workers" on a case-by-case basis. In 2012, 300 homecare workers in Chungcheong Province won a lawsuit about overtime pay (receiving \$230,000 in back pay). In 2013, a monthly 100,000 Won allowance was introduced for workers who accumulate more than 160 hours per month to compensate workers for poor working conditions and low wages. However, since the ministry of Health and Welfare did not increase the overall subsidies for clients, clients are responsible for paying the 100,000 Won monthly allowance. Regardless, since the average work week of most homecare workers is 26 hours, few workers are eligible for this benefit.

Jeolban Sujun-e Geuchyeo" *Chosun Ilbo*

http://news.chosun.com/site/data/html_dir/2013/04/26/2013042600137.html accessed on April 26 2013; Hyon, Jeonghee (2012. 7. 13). "Yoyangbohosadeul, Ot Galaipel Te Bomyoun Pas Dobae", *Pressian*. Available at http://www.pressian.com/article/article.asp?article_num=60120711140550

²⁰ Kim, Deokryeon, (2012. 7. 10). "Bansinbulsu Hal-abeoji Mog-yogsikyeodeulineunde Gabjagi ...", *Pressian*. Available at http://www.pressian.com/article/article.asp?article_num=60120709181012

In addition to employment-based poverty and lack of legal recognition, care work is devalued as a simple form of domestic labor. Care workers reported low levels of job satisfaction in one report (Oh 2010), high levels of stress and workplace injury (e.g. muscle and back pain), and routine verbal, physical and sexual abuse. According to a 2012 news article in *Pressian*, one-third of homecare workers suffer from verbal abuse, one in ten experience physical abuse and one in five experience sexual harassment.²¹ A report by a care worker organization, also reported that over the half of the respondents experienced forced labour – that is labor outside of their service duties such as food serving for clients’ personal guests (24%), making a large amount of kimchi (김장) (23%), gardening and farming (14%).²² Thus, some homecare workers criticize this situation by referring to themselves as “government-certified maids”.²³

Conclusion

An initial examination of key irregularly-employed workers’ struggles reveal that relatively isolated and distinct cases of irregular worker contention have consolidated into a new social movement spearheaded by the irregularly-employed. The types of claims made during the course of irregularly-employed workers struggles have been fairly consistent across the individual cases. They include: 1) reinstatement after unjust contract termination, 2) end to deceptive and discriminatory hiring and firing practices, 3) regularization of employment status, 4) recognition of unions and legitimate status as workers by irregularly-employed workers, and 5) improvement of exploitative conditions of irregularly-employed workers. However, there are key differences across the cases.

In cases where the vast majority of irregularly-employed workers are women and instances of contractual discrimination overlap clearly with issues of gender discrimination, external solidarity from students and various civil society groups have played an active role in supporting irregularly-employed workers struggles. Interestingly, in the case of independently-contracted truck drivers, interestingly, external support actors have played a minimal role. Instead, regularly-employed workers and international labour unions have played an active role in supporting workers’ struggles. This could be attributed in large part to the strategic location of truck drivers in the construction and transportation industry in the logistics sector and their ability to cause significant financial losses to company revenues and the overall economy.

Another important difference is the gulf between the long, protracted symbolic struggles of militant workers and unions and the pragmatic approach of unions such as the KWTU. While the KWTU has been unable to translate their approach into larger numbers, they have sustained their organizing over a ten-year period and managed to create enduring worker organizations for women in some of the most atypical and vulnerable jobs. In contrast, we can see the consolidation of a fairly prescribed array of extreme symbolic tactics for militant workers and unions. Workers have embraced tactics such as head shaving, three steps, one bow, hunger strikes and tower scaling. As the symbolic tactics become more extreme in the case of hunger strikes and tower scaling, the number of workers participating in the symbolic action decline.

²¹ *ibid.*

²² Choi, Jihui. (2012.7.2) “Ingwon-wi, ‘Yo-yangbohosa Nodong Ingwon Gwanlyeon Jeongchaeg Gaeseon’ Gwongo”, *Welfare news*. Available at <http://www.welfarenews.net/news/articleView.html?idxno=32514>

²³ No name. (2012. 10. 2) "Noineul 2500man Wone Paraneomgineun 'Hyeondaepan Goryeojang', *Pressian*. Available at http://www.pressian.com/article/article.asp?article_num=30120930171923

The recent struggle by two union members at Jaeneung Educational Tutors Union is indicative of this new trend.

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