

Unfairly Dismissed Public Sector Workers and Related Demands

(As of Jan. 2013)

1. Korean Government Employees' Union (KGEU)

1) Overview

- As of January, 2013, 137 workers have been unfairly dismissed (without reinstatement) in relation to their activities with the KGEU

* KGEU President Kim Jungnam Kim and General Secretary Gwak Gyu-woon were dismissed from their jobs as government employees in Gangwon Province and Daegu respectively in January 2013, shortly after the election of New Frontier Party Candidate Park Geun-hye as South Korea's next president.

- Most dismissed KGEU members were excluded from public office for having been absent for a single day of work when they participated in a full membership strike carried out in relation to the enactment of the Public Officials' Trade Union Act in 2004.

- During the Myung-bak Lee administration, 20 additional KGEU members were dismissed for having made simple statements of opposition against government policy.

- Due to the long period of unemployment, which for many extends from 8 to 10 years, some dismissed workers have now past retirement age.

- Long periods of unemployment have led to severe economic, social and psychological hardship, not only for the workers in question, but also for their families.

2) Dismissed KGEU Members by Age (as of January 2013)

Total	Below 40	40 to 44	45 to 49	50 to 54	55 and above
137	2	23	51	45	15

3) Dismissed KGEU Members by Division (as of January 2013)

Total	Gangwon	Gyeonggi	S. Geongsang	Gwangju	Education	National Assembly	Daegu	Universities	Courts	Busan
137	15	19	5	5	3	1	7	2	3	3

	Seoul	Electio ns Commi ttee	Ulsan	Incheo n	S. Jeolloa	N.Jeoll a	Jeju	Centra l	S. Chung cheon	N. Chung cheong
	24	1	15	9	4	1	1	4	2	13

4) Analysis

1. The problem of dismissed workers is used as a basis for continued labor repression
 - Since the KGEU was formed through the merger of government employee's unions on September 26, 2009, the government has rejected the union's notification of establishment three times on the basis that it has dismissed workers among its membership.
 - Measures such as preventing dismissed workers from access to government buildings are being used to create animosity and isolate dismissed workers from their colleagues.

2. Failure to reinstate dismissed workers is leading to a deterioration in labor relations.
 - Per Article 33, clause 2 of the South Korean Constitution, the government has the responsibility to protect government employees' fundamental rights in law. Nonetheless the government has sought to blame government employees for the fact that such a law has not been enacted.
 - In relationship the establishment of KGEU's precursor in 2002 and the struggle against the Public Officials Trade Union Act, the government had already agreed to the union's demands.
 - The government has reinstated the teachers fired in the process of the establishment of the Korean Teachers and Education Workers Union. Considering this precedent, those dismissed during the formation the public employee's union should be reinstated immediately.
 - The reinstatement of dismissed government employees would alleviate one of the main sources of conflict plaguing government employee labor relations. It would be the first step towards the establishment of rational labor relations and harmonious relations among government employees.

5) Demands

1. Complete pardon for and simultaneous reinstatement of all 137 dismissed KGEU members
 - Complete pardon for and simultaneous reinstatement of all dismissed KGEU members
 - Inclusion of periods between dismissal and reinstatement in pay scale and seniority calculations

- Recognition that dismissed government employees were fired in relation to activities aimed at reforming public administration for the better

2. Enactment and amendment of related laws

- Enactment of the 'Special Act on the Reinstatement of Government Employees Dismissed or Disciplined in Relation to Union Activities

- Amendment of related laws to guarantee inclusion of period of dismissal in calculation of seniority and government employee pensions.

6) Special Act on the Reinstatement of Dismissed Government Employees

- The 'Special Act on the Reinstatement of Government Employees Dismissed or Disciplined in Relation to Union Activities' was introduced in the 18th National Assembly by Democratic Party representative Young-Pyo Hong but was not processed.

- 88 National Assembly members from both the ruling and opposition parties, 1 metropolitan council leader, 26 local government leaders, 327 local council members and some 100 thousand union members and citizens signed a petition calling for the enactment of the law.

- During the 18th National Assembly, the enactment of legislation for complete pardon for and simultaneous reinstatement of dismissed government employees was made part of the platform of the Democratic United Party (DUP).

- At the time of the 19th General Elections KGEU President Kim Jongnam and DUP Chairperson Han Myung Sook signed a policy agreement reaffirming the commitment to pursue such legislation as part of the party platform.

- After the opening of the 19th General Assembly the Special Act was introduced by DUP Representative Hong Young-pyo in July 2012, but did not move past the sub-committee level.

2. Korean Federation of Public Services and Transportation Workers' Unions (KPTU)

Total Dismissed KPTU members

Form of Employment	Number	Total
Public Enterprise Regular Employment	139	435 +
Public Enterprise Irregular (Precarious) Employment	266 +	
Private Enterprises in the Public/Transport Sector	30 +	

1) Public Enterprise¹ Regular Workers

A. Total Dismissed Public Enterprise Regular Workers

	Workplace	Number	Reason for Dismissal
1	5 power generation companies	6	Union activities
2	Korean Railroad Corporation	96	Strikes in 2003 and 2009
3	Korea Rural Economic Institute	1	Union activities
4	Korea Institute of Science and Technology	1	Union activities
5	Korea Advanced Institute of Science and Technology	2	Union activities
6	National Health Insurance Service	12	Disciplinary dismissal related to union activities (KCTU)
7	National Pension Service	2	Union activities
8	Busan Transportation Corporation	1	Union activities
9	Deagu Metropolitan Transit Corporation	13	Union activities
10	Seoul Metropolitan Rapid Transit Corporation	4	2010 strike and other union activities
11	Korea Rail Network Authority	1	Union activities
Total		139	

B. Characteristics of Dismissals

1. Dismissals for strikes against privatization, other efforts to defend quality public services

¹ Public enterprises (institutions) as stipulated under the 'Act on the Management Public Institutions'

- Dismissed for strikes against privatization (power generation), to win a workforce increase to improve the service quality (Daegu transit), privatization of the facilities team (Korea Institute of Science and Technology)

2. Dismissal after designation of a legal strike as illegal

- Korea Railroad Corporation workers engaged in a legal strike in 2009. President Lee Myung-bak, however, called the strike illegal and promised stern action leading to the dismissal of 180 workers. Many of these workers have been reinstated in accordance with court decisions, however there are still 96 railway workers (including those dismissed in relation to a previous strike in 2003), who have yet to be reinstated and recent court ruling indicate the possibility of more dismissals.

3. Dismissal as union busting

- The managements of public enterprises have closely monitored union officers and intentionally targeted them for dismissal. There are numerous cases of the disciplinary dismissal of union members simply because they wrote comments on the bulletin boards on union websites or participated in KCTU activities.

C. Demands

1. Reinstatement of dismissed workers in order to normalize public sector labor relations

- The majority of dismissed public enterprise workers have been fired in relation to their opposition to government policies affecting the public sector (privatization, restructuring of the wage system, etc.). These dismissals are the product of government public sector policy and further deteriorate public sector labor relations. The government must put forth a plan for reinstating these workers in order to normalize public sector labor relations.

2. Reinstatement of dismissed workers as a correction to human rights violations

- Dismissed public sector workers have been out of jobs for anywhere from one to ten years. They suffer great hardship due to long periods of unemployment, including severe psychological distress. Such difficulties drove one dismissed worker from the Korean Railroad Corporation to take his own life in 2011, and many more workers are forced to seek psychological treatment.

Reinstatement is necessary to end this suffering.

2) Public Enterprise Irregular Workers

A. Total Dismissed Public Enterprise Irregular Workers

	Workplace	Number	Form of Employment	Reason for Dismissal
1	Korea Sports Promotion Foundation	7	direct	Cancellation of contract in relation to union activities
2	National Opera Choir	6	direct	Cancellation of contract in relation to union activities
3	Jeju Arts Organization	4	direct	Cancellation of contract in relation to union activities
4	Seongnam City Arts Organization	1	direct	Disciplinary dismissal in relation to union activities
5	Incheon International Airport Corporation	2	indirect	Refusal of succession of employment after change in contract company in relation to union activities
6	irregular education support workers	240 +	indirect	Cancellation of contract
7	Kyungpook National University Hospital	6	direct	Cancellation of contract
Total		266 +		

B. Characteristics

1. Dismissal through cancelation of contract targeting union members

- Irregular workers at public enterprises have established KPTU chapter unions in order to improve the poor working conditions they face. The managements of public enterprises target these individuals for contract cancelation, in effect firing them.

2. Abuse of short-term contract system to replace one group of irregular workers with another

- Dismissed irregular education support workers (at public schools) and Kyungpook National University Hospital workers were on short-term contracts despite actually performing permanent functions. Once their contact periods ended they were dismissed, leaving them unemployed, while new irregular workers were brought in to fill their places. Nationwide, over 240 education support workers who are members of the KPTU have faced this situation, and the number

continues to rise.

C. Demands

1. Regularization of employment status of workers on short-term contracts at public enterprises

- There are numerous irregular workers on short-term contracts at public enterprises. To avoid the situation where such workers face dismissal only to be replaced by other irregular worker, the structure of employment must be changed.

2. Prohibition of outsourcing, transition to direct employment

- The practice of outsource necessary functions to private companies, rampant among public enterprises, leads to an increase in irregular jobs and the deterioration of working conditions, and provides a way for the actual employer to avoid guaranteeing trade union and other labor rights. This system must be changed.

3) Private Workplaces in the Public/Transport Sector

A. Total Dismissed Workers a Private Workplaces in the Public/Transport Sector

	Workplace	Number	Form of employment	Reason for Dismissal
1	LG U+	1	regular	Union activities when company was Dacom
2	KT	1	regular	Disciplinary dismissal, supposedly for lack of diligence after public interest disclosure
3	Seoul Chamber of Commerce and Industry	1	regular	Disciplinary dismissal related to union activities (KPSU, KPTU precursor)
4	Korea Limousine	2	regular	Union activities
5	Korea Airlines	5	regular	Strike (2 pilots), union busting (3 regular employees)
6	Dong-a University Hospital	1	regular	Union activities
7	Botanical Garden Yeommiji	2	regular	Dismissed again for demanding full reinstatement of all dismissed workers having been reinstated individually
8	Botania	1	regular	Union activities

	Workplace	Number	Form of employment	Reason for Dismissal
9	Korea Ginseng Corp.	3	irregular (indirect)	Disciplinary dismissal related to union activities
10	Rail Express	2	regular	Union activities
11	Taxi	11	regular	Union activities
12	Bus	undetermined	regular	Union activities
Total		30 +		

B. Demands

1. Establishment of democratic labor relations at private workplaces in the public/transport sector - Despite being employed at private companies, communications, hospital and transport workers provide important public services. Union repression and unjust dismissals are common at these workplaces. The government must take measures to ensure democratic labor relations in these sectors.