

## **Abstract of Workplace Dispute Resolution in Korea**

Kim & Chang, (2007). Labor and employment law of Korea. *Employment Law Alliance*

The paper examines the evolution and current state of labor and employment law in South Korea. As excerpted from the author, “Korea's labor legislation reflects to a large extent the legislation in Japan following the Second World War and the influence of the US presence during the period from 1945 to 1948. Most aspects of employment and labor relations in the Republic of Korea (South Korea), from minimum terms and conditions of employment to the conduct of collective bargaining, are governed by statute and administrative decrees. Labor law includes dispute resolution:

1. Unofficial Procedures: The law provides that the parties may agree to settle disputes through unofficial dispute resolution procedures, without the involvement of a public authority. These unofficial procedures mean settlement of industrial disputes by other ways of mediation or arbitration pursuant to mutual agreements or collective agreements. In such a case, the parties must report the unofficial dispute adjustment to the relevant LRC.
2. Mediation: If a labor dispute has occurred, either the union or the employer concerned must file a request for mediation with the relevant local administrative authorities (e.g., the city or province) and the LRC. Under the law, mediation is a necessary precondition to any collective action. Only the union and the employer are able to seek mediation, and individual employees have no legal right to do so.
3. Arbitration: In a few specified cases, an arbitration committee consisting of three members designated by the chairman of the LRC from among the members representing public interests begins to deal with the dispute. If a labor dispute is referred to arbitration, industrial action must stop for 15 days from the date of referral. If either of the parties objects to a decision of the arbitration committee of the Local Labor Relations Commission, it can demand that the Central Labor Relations Commission review the case.
4. Public Service Industries: The law provides for limited compulsory arbitration provisions for labor disputes in public service industries (water, electricity, gas, telecommunications, railroads, hospitals)

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