

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

Jan, S., & Chang-Hee, W. US Federal Mediation and Conciliation Service, (2006). *The effects of preventive mediation on disputes resolution: International comparison of U.S.A., U.K., Korea and Vietnam*

### **Abstract:**

The paper examines the use of preventive mediation on dispute resolution in four countries: US, UK, Korea, and Vietnam. While the U.S and U.K have a support system for preventive mediation, Korea and Vietnam remain in their nascent development of preventive mediation.

In the U.S, the overall decline in union organizing, fewer contracts, and an increase in interest bargaining lead to the decline in traditional mediation. Federal mediators find themselves engage in a more proactive labor relations development, assisting management and union in building better labor relations at the workplace. The case is similar in the UK with advisory mediation being promoted by the Advisory, Conciliation, and Arbitration Services.

In Korea, formal preventive mediation has not been fully established. Mediation service is provided by the National Labor Relations Commissions (NLRC) and is mandatory for all trade unions before strikes. Training and consultation in industrial relations, on the other hand, is not provided by the NLRC but instead by the Korea Labor Education Institute (KLEI). Half of failed mediation evolves into strikes, which reflects an ineffective system to prevent strikes after mediation fails.

With regard to Vietnam, since the economic reform in 1986, it has experienced tremendous economic growth, attracting exponential private and foreign investment. The boom of market economy inevitably creates labor disputes with increasing number of strikes. The Labor Code provides regulations on dispute resolution, including mediation and arbitration, however, proves ineffective as workers seem to be unaware of the existing laws.

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