

Making sense of non-regular workers' struggles in Korea

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November 26 - 27, 2010. Tokyo

I. introduction

- Owing to the 1998 economic crisis and neoliberal economic policies to offensively flexibilize the labor market, the problem of non-regular workers has come to the fore in South Korea.
- * However, this problem has been neither solved nor relieved during the period of last 10 years. This means that the situation of socio-economic polarization has deteriorated further in Korea.
- Then, has there been no working class struggle endeavoring to translate the increased societal concerns about the problem of non-regular workers into concrete policies?
- * If there was any, what was the main reason, who carried it, and what consequences did this struggle bring?
- * It is the objective of this study to answer these questions.

II. Current situation of non-regular workers

<Table 1> Defining Criteria of employment type

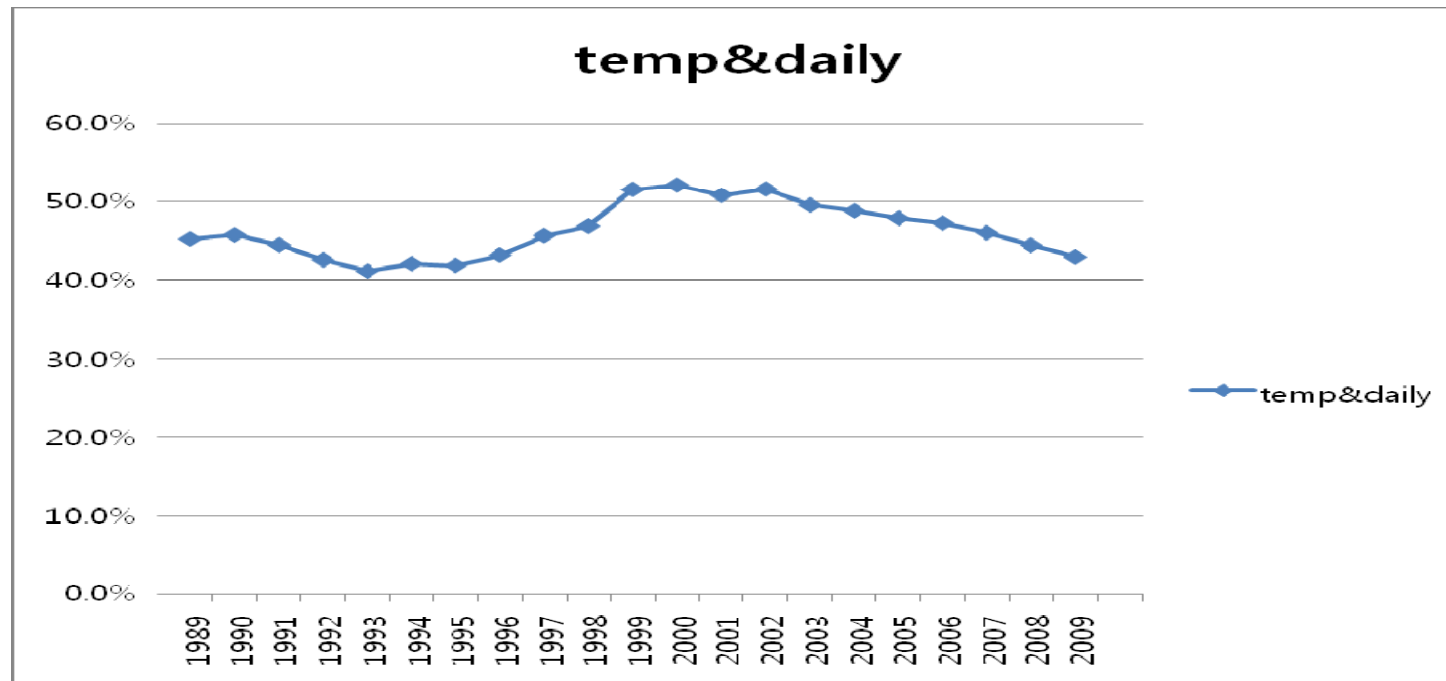
Criteria	Regular worker	Non-regular worker: composition
Term of contract	Permanent	Not permanent (direct employment): Temporary worker - fixed-term worker: finite period - casual: for particular cause or condition
Work day	Full-time	Part-time (direct employment): Part-time worker - permanent part-time worker - temporary part-time worker
User firm & employer firm	Identical	Different (indirect employment): Indirectly employed worker - contractor worker: user's payroll - agency worker: employer's payroll - on-call worker: daily worker
Type of contract	Employment contract	No employment contract: Disguised worker - independent contract worker: economically dependent - home worker: work from home

<Table 2> Employment by type of work arrangement (2010.8).

Typology		size (thousand)	%
Type of employment	Regular worker	8,497	49.8
	Non-regular worker	8,550	50.2
	Total	17,048	100.0
Non-regular worker	<temporary worker>	5,086	29.8
	Fixed-term worker	1,960	11.5
	Casual worker	3,126	18.3
	<Part-time worker>	1175	6.9
	Permanent part-time worker	26	0.2
	Temporary part-time worker	1,149	6.7
	<indirectly employed worker>	1632	9.6
	Contractor worker	608	3.6
	Agency worker	211	1.2
	On-call worker	813	4.8
	<disguised worker>	657	3.8
	Independent contract worker	587	3.4
	Home worker	70	0.4

2. change in the size of non-regular workers

<Graph 1> Percentage of temporary-daily workers 1989-2009.



<Table 3> Employment by type of work arrangements, 2001-2010

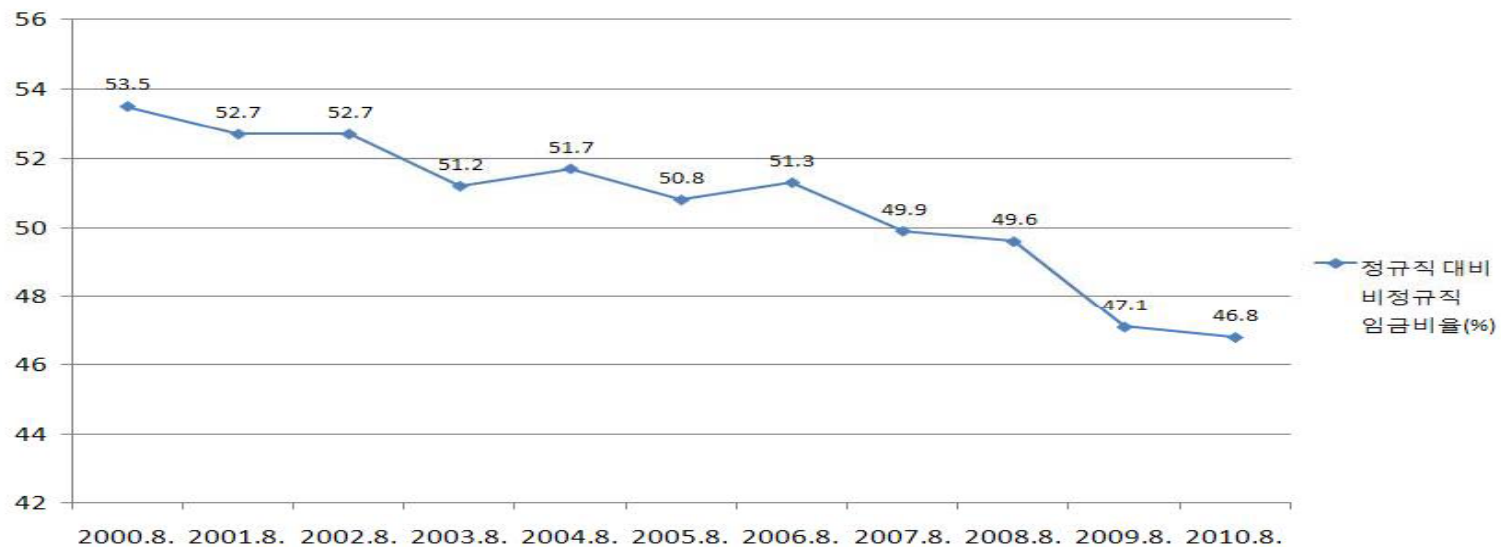
Type		2001.8	2002.8	2003.8	2004.8	2005.8	2006.8	2007.8	2008.8	2009.8	2010.8
Size	regular	5,876	5,922	6,315	6,455	6,574	6,937	7,307	7,729	7,944	8,497
	non-regular	7,340	7,708	7,834	8,130	8,394	8,414	8,576	8,374	8,535	8,550
	Total	13,216	13,631	14,149	14,584	14,968	15,351	15,882	16,102	16,479	17,048
%	regular	44.5	43.4	44.6	44.3	43.9	45.2	46.0	48.0	48.2	49.8
	non-regular	55.5	56.6	55.4	55.7	56.1	54.8	54.0	52.0	51.8	50.2
	Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Non-regular worker (%)	Fixed-term	7.8	8.1	17.0	12.4	17.1	15.2	13.8	13.1	14.2	11.5
	Casual	30.5	31.6	26.3	25.0	21.4	21.9	21.1	20.1	17.7	18.3
	Perm part	0.1	0.0	0.0	0.1	0.0	0.1	0.0	0.1	0.1	0.2
	Temp part	4.3	4.1	2.5	4.9	4.8	5.0	5.1	5.4	5.9	6.7
	Contractor	2.4	2.5	1.3	2.8	2.9	3.2	3.7	4	3.8	3.6
	Agency	1.0	0.6	0.5	0.8	0.8	0.9	1.1	0.9	1	1.2
	On-call	1.8	2.7	3.5	3.8	4.2	3.6	4.5	4.4	4.7	4.8
	Independent	5.7	5.1	3.4	4.8	4.0	3.8	3.8	3.6	3.8	3.4
	Home	2.0	1.8	0.8	1.2	0.9	1.1	0.8	0.4	0.6	0.4

○ a few notes on the statistics for non-regular workers:

- * the size of indirectly employed workers is systematically underestimated.
 - For example, in the automotive industry, many subcontractor firms' workers work in assembler firms under the direction and supervision of assembler supervisors. However, they are counted as regular workers employed by subcontractor firms, although they are more likely to be agency workers which are prohibited in the manufacturing industry.
- * the size of independent contract worker and their rate of increase is underestimated too.
 - For example, many of the independent contract workers who work with cargo trucks or construction machineries are counted as self-employed, although they work according to the work schedule set up by the client firm under the supervision of client firm' s supervisors.

3. working conditions of non-regular workers

<Graph 2> Non-regular worker's wage relative to that of regular workers, 2000-2010.



<Table 4> Labor conditions of non-regular workers.

	Wage (10 thousand won)	Pension (%)	Health Insurance (%)	Employment Insurance (%)
<Year 2001>				
Regular worker	157	92.7	94.8	80.0
non-regular worker	84	19.3	22.2	20.7
Total	115	51.8	54.3	46.9
<Year 2010>				
Regular worker	265.82	100	100	97
non-regular worker	124.40	32	36	35
Total	194.89	72	97	66

○ The level of non-regular workers' wage relative to that of regular workers kept declining, while, labor conditions of non-regular workers have improved over time in other areas such as social insurances.

III. working class struggles without consequences?

1. Periodization.

○ The process of workers' struggle for the improvement of non-regular worker problems could be divided into three periods.

(1) The first period: between 1998 and 2002,

- social concerns starting to build up incrementally.
- Struggles occurred sporadically without yet developing into full-fledged ones yet.

(2) The second period:

- from 2003 when the Roh government started out with the anticipation of pro-labor policies
- to the late 2006 when the parliament passed the non-regular workers bills into laws. This was the era of offensive mobilization.

(3) The third period: from 2007 until now.

- the era of defensive mobilization waged against capitalist's aggressive measures in each establishment unit.

1) the first period, 1998–2002.

- KCTU' s 12 calls for general strike during the DJ Kim government period: 7 calls were put into practice;
- * The 11/12 calls were in opposition to the legalization of mass redundancies as well as restructuring attempts initiated by the government or capitalists.
- * The only call referred to the problem of non-regular worker was that of May 2000 which placed the demand of no discrimination against non-regular workers at the third in the list of three principal demands, with the demand of opposition to restructuring on its top.
- * The top priority was given to the job security of regular workers, while the job security of non-regular workers was not of primary concern for the KCTU.

2) the second period, 2003–2006.

- 20 KCTU' s calls for general strike: 17 calls were realized;
- * The 19/20 calls intended to realize the legalization of basic labor rights for non-regular workers.
 - The 20th call was to resist government repression over labor union movement at the very start of the Roh government.
- * The problem of non-regular workers was at the top of KCTU agenda for a series of general strikes, while the level of mobilization was not so impressive in some general strikes.

○ The construction of the JeonBeeYeon and KCTU-led struggles:

- * The representatives of non-regular workers unions decided to construct their national association in September of 2003 and organized a national rally of non-regular workers in the following month.
 - The JeonBeeYeon was inaugurated as the national association of non-regular workers unions on the 13th of October, 2005.
- * Some non-regular worker unions such as Remicon solidarity and Towercrane Solidarity joined the general strike of November 2004.
 - Since then, non-regular worker unions often joined the general strikes and national rallies called by the KCTU.
 - Since its formation, the JeonBeeYeon began to mobilize non-regular workers in a systematic way into nation-wide struggles led by the KCTU.

3) the third period, 2007–.

○ Undermobilization of KCTU:

- * There were only two calls for general strike in this period.
- * The only one call which was carried on as a general strike was to oppose government policy to import mad-cow beef from the USA.
- * There was no KCTU' s call for general strike on behalf of non-regular workers;

○ KCTU' s undermobilization and it' s lack of concerns about the non-regular workers problem came to push non-regular workers to engage in struggles against capitalist' offensive at the level of plant.

<Table 5> Three phases of non-regular worker struggles.

	1 st period (1998-2002)	2 nd period (2003-2006)	3 rd period (2007-)
<periodization>			
Problem of non-regular workers	Formation of social concerns	Active mobilization	Passive mobilization
Socio-economic background	Increasing # of non-regular workers/ socio-economic bipolarization	Inauguration of a pro-labor government, public opinion against bipolarization/ labor law reform regarding non-regular workers	New non-regular worker labor laws take effect/ inauguration of a pro-business government
<mobilization of non-regular workers>			
Motivation	Immediate & sporadic resistance to restructuring	Consciousness of basic labor rights/ prospect for success	Passive response to capitalists' aggressive measures
Sites of struggle	None	National level	Plant level
Core of mobilization	None	KCTU	Individual non-regular worker unions
National organization of non-regular worker unions	None	Construction of JunBeeYeon/ struggles in solidarity with KCTU's general strikes	Weakening role of Junbeeyeon
Axis of conflict	Underdeveloped	Labor-govt, labor-capital	Labor-capital
Collective formation of non-regular workers	Underdeveloped	advancement:: from periphery to the core of democratic labor union movt	Stagnation: withdrawn to defensive struggles at the level of plant/ disappearance of national core of non-regular worker movement

<Table 5> continued

	1 st period	2 nd period	3 rd period
<viewpoint of non-regular workers>			
Image of the government	neutral	Pro-capitalist (Expectation betrayed)	Extremely pro-capitalist
Image of KCTU	Passive representation	Active representation (trust and expectation)	Lack of capacity and willingness (increasing discredit)
Image of regular-worker union	neutral	Favorable at the national level/ hostile at the plant level	Hostile at both level
<regular workers and their labor unions>			
Position of regular workers	Vaguely favorable sentiment	Experience of conflicting interests	Regular worker egoism developed
Position of regular worker unions	indifference	Passive solidarity at the national level/ regular worker egoism at the plant	Solidarity refrained

○ The second period vs the third period:

(1) the causes of struggles:

- * 2nd: the legalization of non-regular workers' basic labor rights.
- * 3rd: employers' unfair labor practices and following job insecurity for non-regular workers.
- * This difference shows that non-regular workers' struggles have changed from offensive ones into defensive ones.

(2) the main agents leading struggles:

- * 2nd: the KCTU led by regular worker unions that waged general strikes at the national level along with an alliance between regular workers and non-regular workers in struggles.
 - there were sporadic strikes initiated by non-regular workers at the establishment level.
- * 3rd: solidarity struggles in alliance became scarce.
 - The principal dynamics of workers' struggles came to shift from KCTU-led general strikes at the national level to non-regular workers struggles at the level of establishment units.

(3) the consequences of struggles:

- * 2rd: KCTU-led struggles more or less failed to accomplish the legislation of non-regular workers' labor rights.
- * 3rd: Non-regular workers struggles were quite often dragged out for too long against the aggressive attitude of employers who have refused to negotiate or compromise.
 - After all, almost all the non-regular workers struggles in this period ended in failure.

2. Non-regular workers' struggles.

○ characteristics of non-regular workers' struggles:

- 1) atypical methods of resistance other than strikes are widely used: sit-down, mass rally.
 - difficult to enter the factory and stay inside after the cancellation of a contract.
- 2) Non-regular workers struggles are often forced to resort to extremely radical and highly risky means of struggles: hunger strike, high altitude sit-downs on top of cranes or tower, self-immolation(Kcomwel 2003, Hyundai Motor 2010), etc.
 - difficult to stop factory operation by means of their strike alone without a solidarity strike of regular worker union.
- 3) Prolonged struggles are quite common: Kiryung(1895 days), KTX(about 1000 days), Donghee Auto(about 26 months), JEl(about 1070 days as of now), GM Daewoo Bupyeong(about 1100 days as of now).
 - The management is too stubborn to recognize non-regular workers' labor union and negotiate with it.

○ backgrounds and momentums:

- * management' s notice of the cancellation of a contract, massive dismissal:
- * violation or abandonment of agreements including collective contracts by the management:
- * organization of non-regular workers' labor union;

○ type of solidarity with non-regular worker struggles:

- * Regular worker labor union' s solidarity: become rarer in the third period;
- * In the absence of regular worker union' s solidarity in the plant, non-regular workers in struggle have to seek for solidarity outside of the plant.
- * Sometimes non-worker solidarity might replace union solidarity and initiate to derive a community agreement including the management and the striking non-regular worker labor union: Woolsan Construction plant & Hyundai Hysco;

3. Outcome of non-regular worker struggles

- Defeat is more common than victory for non-regular worker struggles:
 - * It is more so in the third period than in the second period: owing to the committed pro-capitalist disposition of the MB Lee government.
- factors contributing to the victory of struggles:
 - * mobilization capacity:
 - * positional power: capacity to block the regular operation of economic activities: * the government's stance & the drift of public sentiments:
 - * solidarity with regular worker union is the most important factor when regular workers and non-regular workers work together in the same plant;

○ solidarity with regular worker union & outcome of struggles:

1) normal combination:

- * passive solidarity or hostility => defeat or moderate gain: KT, Carrier, Hyundai Heavy Industries, GM Changwon, GM Bupyeong, Hyundai Motor Woolsan, KTX, Kiryung Electronics, Koscom;
- * active solidarity => victory: Kia Gwangju, HRD Korea, Kumho Tires, Kia HwaSeong;

<Table 6> the effect of regular & non-regular worker solidarity on the outcome of struggles.

Solidarity	Outcome of non-regular worker struggle		
	defeat	moderate	Victory
Active	New Core	E-land	Kia Gwangju, HRD Korea, Kumho Tires, Kia HwaSeong
Passive	Hyundai Motor Woolsan, KTX		
Hostility	KT, Carrier, Hyundai Heavy Industries, GM Changwon, GM Bupyeong	Kiryung Electronics, Koscom	Hysco, Woolsan Construction, Kcomwel
No union	Pohang Construction, Cargo trucker, Dump trucker, JEI	Donghee Auto	

* abnormal cases.

2) abnormal combination:

(1) victory with the hostility of regular workers' union:

- * Hysco & Woollan Construction: strong solidarity of social movement organizations;
- * Kcomwel: self immolation of a non-regular worker for sacrifice;

(2) defeat or moderate gain with strong solidarity of regular workers' union

- * The owner of E-Land and New Core was extremely committed to the implementation of outsourcing and the incapacitation of labor union:
- * the causes of the better deal for E-Land than New Core:
 - organizational strength of struggling labor union: the New Core labor union was almost on the verge of collapse at the moment of agreement, while the E-Land labor union could preserve its organizational capacity to a certain extent;
 - Home Plus, the new owner was more flexible than its original owner who still owned New Core;

4. Change in the organizational strength

- Non-regular workers struggles are more likely to end up with its organizational strength weakened than strengthened owing to various factors:
 - * dismissal and/or no earning for the duration of struggles => financial difficulties => inclined to desert struggle;
 - * government's repression & management's uncompromising attitude => struggles seemed to be doomed to failure => struggling non-regular worker inclined to desert struggle;
 - * vicious circle: struggle prolonged => more deserters => organizational strength further weakened => management less willing to negotiate => struggle prolonged further;

○ Change in the organizational strength & struggle outcome:

1) normal combination:

- * defeat or moderate gain => virtual collapse of the labor union or its organizational strength weakened: [majority] KT, Carrier, Hyundai Heavy Industries, GM Changwon, New Core, KTX, GM Bupyeong, JEI, Hyundai Motor Woolsan, Pohang Construction, E-Land, Kiryung, Koscom, Donghee Auto;
- * victory => union strengthened: Hysco, Kia Hwaseong, Woolsan Construction, Cargo trucker (2008);

<Table 7> Outcome of struggle and change in
the organizational strength

	Organizational Strength of the labor union			
Outcome	virtual collapse	Weakened	Maintained	strengthened
Defeat	KT, Carrier, Hyundai Heavy Industries, GM Changwon, New Core, KTX, GM Bupyeong, JEI	Hyundai Motor Woolsan		
Moderate		Pohang Construction, E- Land, Kiryung, Koscom, Donghee Auto		
Victory	Kia Gwangju	Kcomwel	HRD Korea, Kumho Tires	Hysco, Kia Hwaseong, Woolsan Construction, Cargo trucker(2008)
Victory & Defeat * abnormal cases.		Cargo trucker(2003), Dump trucker(2005-6)		Cargo trucker(2003), Dump trucker(2005-6)

2) abnormal combination:

- Even some victorious labor unions went through either virtual collapse or weakening strength;
- * Kia Gwangju & Kcomwel: Non-regular workers struggles won the conversion of non-regular workers into regular ones => unions kept losing members:
 - Kia Gwangju: almost all the non-regular workers were converted into regular workers;
 - Kcomwel: the regular worker labor union which was affiliated with FKTU had been hostile to the non-regular worker labor union and its struggles while the non-regular worker union's leadership had become rather unstable in the process of prolonged struggle and internal strife;
- * HRD Korea & Kumho Tires: The proportion of conversion is relatively small + The leadership of non-regular worker union did perform well in enhancing its internal cohesion;
- * (cf.) Hysco, Kia Hwaseong, Woolsan Construction, Cargo trucker (2008): victory without any agreement regarding conversion;

IV. making sense of non-regular workers' struggles

- counter-factual experiments in need: If there were no non-regular worker struggles, then what might have happened?
- * Without the struggle of non-regular workers, the capitalist offensives would have carried the day.
 - * Temporary workers: The management began to push hard to put into practice the planned outsourcing and following mass redundancies.
 - * Indirectly employed workers: The management refused to recognize the representation right of the labor union and its right to demand direct collective bargaining. Once non-regular workers formed a labor union, the management began to terminate its supply contract with the subcontractor firms which then cancel their employment contracts with the union organizers.
- * Disguised workers: worsening court rulings and labor authorities' interpretation.
 - disguised workers with a single user firm: The management went ahead to cancel existing collective agreements, refusing to recognize the labor union and to bargain with it.
 - disguised workers with multi-user firms: The management refused to recognize the labor union and to bargain with it.

- If there were no non-regular worker struggles, the working conditions including job security of non-regular workers must have deteriorated much further.
- * With the struggles, non-regular workers unions stop capitalist offensives in some plants and, at least, delay the realization of capitalist offensives for quite a long time.

○ Each non-regular worker struggle proceeded as a proxy war between the capitalist class and the entire non-regular worker segment of the working class.

* Just like non-regular workers, capitalists as well share similar situation as to the intention to deploy various types of non-regular workers. That's why numerous capitalists as well as non-regular workers in other plants keep watching the process of on-going non-regular worker struggles and their consequences.

* In this sense, each struggle come to be a post facto pattern setter which affects the way how the non-regular worker problem is to be dealt with in its aftermath.