



# Labor Movements in Neoliberal Korea: *Organizing Precarious Workers and Inventing New Repertoires of Contention*

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## Abstract

*This article begins by chronicling the structural changes introduced to the labor market over the last two decades, which generated diverse forms of stratification among workers as well as new labor grievances. It examines how Korean workers responded to the neoliberal labor market conditions by pursuing new strategies of organizing and engaging in novel protest repertoires in their resistance to employment insecurity, precarity, and discrimination. Comparing cases of labor struggles with modest achievements with those without, this study suggests that the construction of broad social solidarity among stratified workers, national labor federations, and civil society contributes to the enhancement of labor's cause. Yet, corporations emboldened with the freedom of spatial mobility and diverse methods of extreme outsourcing continue to pose detrimental limitations to labor movements' ability to achieve meaningful gains despite their dire resistance.*

**Keywords:** Labor movements, precarious workers, protest repertoires, neoliberalism, Korea

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On July 21, 2018, Kim Seung-ha, the union leader of train attendant workers of the Korea Train Express (KTX), was sobbing as she delivered the final speech to close the 13-year-long struggle to have their status as KTX workers recognized and reinstated as such. When she and her women colleague workers went on a strike in 2006, demanding the conversion to regular employment as initially promised by the public corporation, about 290 of them were dismissed on the pretext that they were subcontracted employees, not employees of the KTX. Their struggle in the following years unfolded in all imaginable resistance repertoires, such as a hunger strike, public hair-shaving, a national protest tour, a sky protest (*gogong nongseong* in Korean), and a long-term camp-in protest in front of Seoul Station, as well as lawsuits to have their employment status vindicated. With the inauguration of the center-left government in 2017 and the following appointment of a new CEO for the KTX, negotiations resumed, reaching an agreement to re-employ the 180 workers who had survived 13 years of protest.

Workers of Ssangyong Automobile have walked a similarly painful path of resistance against massive job cuts. Their struggle began in 2009 with a labor strike against the dismissal of 980 workers, which was brutally quelled by a special weapons and tactics force and commercial security agents. Even worse, 64 unionists were imprisoned immediately following the strike and the employers shackled the union with damage compensation lawsuits to the amount of ₩17 billion or US\$15.5 million (Sonjapko 2017, 9). In the aftermath of the strike, 30 individuals (27 Ssangyong workers and three spouses) lost their lives due to illnesses caused by extreme mental and physical stress.<sup>1</sup> Lee Chang-keun, the union leader, described his traumatic experience of the 2009 strike and the following struggle as “unfathomable pain becoming a collective memory” (Lee and Kim 2017, 157). He and his colleagues went on a hunger strike, a camp-in protest, sambo ilbae

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1. Among the 30 deaths, nine were by suicide. The stress came from the extreme violence experienced during the 2009 labor strike, the financial burden of job loss and damage compensation litigation, and frustration over lack of rectification (S. Kim 2017).

marches,<sup>2</sup> sky protests (for seven months in 2012–2013 and for three and a half months in 2014–2015), and legal battles to reverse the mass layoffs. The union pressured Ssangyong management to negotiate for the reinstatement of workers, especially those who were placed on unpaid leave for almost ten years.<sup>3</sup> Finally, precipitated by another worker's protest suicide, bilateral talks resumed in June 2018, and 119 eligible workers were reinstated by July 2019.

The stories of KTX women workers and Ssangyong workers may look like extreme cases, but they epitomize the serious labor issues that Korean workers are faced within today's precarious and stratified labor market. They also represent the long and winding path of non-regular workers' resistance against insecure and deceptive employment relations, as in the case of the KTX, and regular workers' mobilization to undo massive job cuts, as in the case of Ssangyong Automobile. This study examines labor movements in post-Financial-Crisis Korea (1999–2020) by focusing on new labor grievances and rights claims, alternative forms of worker organizing, and novel repertoires of protest, which all diverge from the experiences of labor activism in the earlier period. It particularly locates the Korean labor movement within the question of alternative organizing in the neoliberal era, when many labor scholars have warned that the heightened precarity, insecurity, and stratification in the labor market undermine the basis of organized labor. Workers in neoliberal capitalism seem to lose both their structural power, which can be used as bargaining leverage, and their associational power, which serves as the basis of effective collective action (Wright 1997). Instead of taking a pessimistic structural approach or one of ungrounded normative optimism, this study surveys various methods of

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2. It originates from a Buddhist practice of lowering one's body and mind for meditation and prayer. This form of prostration is called *sambo ilbe* 三步一拜 (three steps and one bow) or *ochetuji* 五體投地 (throwing five parts of body to the ground). The person or people involved take three steps forward, then bow to the ground, and repeat the process until they reach the set destination.

3. In the summer of 2018, when another laid-off worker of Ssangyong committed suicide and re-ignited public attention to this protracted labor contention, the president of the tripartite commission (renamed the Economy, Society, and Labor Council) persuaded Ssangyong management and labor unions to come to an agreement for the reinstatement of all the remaining dismissed workers.

collective mobilization and novel protest repertoires that Korean workers have experimented as a way of supplementing the declining traditional sources of structural and associational power in their struggle to counter the deteriorating labor conditions of recent decades. The outcomes of these labor struggles are rather divergent and this article identifies some common conditions that contribute to more successful cases of organizing and bargaining as opposed to the cases that closed with few achievements for workers.

This article begins by chronicling the structural changes introduced to the labor market over the last two decades, the diverse forms of stratification among workers, and the generation of new labor grievances and labor rights claims. The following section describes how Korean workers responded to the neoliberal labor market conditions by pursuing new strategies of organizing and engaging in novel protest repertoires in their resistance to employment insecurity, precarity, and discrimination. Comparing cases of labor struggles with modest achievements with those without, this study suggests that the construction of broad social solidarity among stratified workers, national labor federations, and civil society contributes to the enhancement of labor's cause. Yet, corporations emboldened with the freedom of spatial mobility and diverse methods of extreme outsourcing continue to pose detrimental limitations to labor movements' ability to achieve meaningful gains despite their dire resistance.

### **Labor Market Deregulation and Stratified Workers**

The Asian Financial Crisis in 1997–1998 hit the Korean economy hard and labor market restructuring was among other market reform measures that the government had to introduce to fulfill the International Monetary Fund's bail-out conditions.<sup>4</sup> The central aim in labor market deregulation

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4. Labor market reforms and other neoliberal globalization policies had already been embraced in the early 1990s as exemplified by the Kim Young-sam government's *segyehwa* (globalization) drive and Korean chaebols' *sin gyeongyeong jeollyak* (new management strategies).

was to increase *flexibility* in employment relations by making hiring and firing easier and relaxing conditions for the use of contingent labor. Labor law amendments in 1997 and 1998 reflected these deregulatory orientations. On the one hand, the revised labor law granted improved collective labor rights that had been severely restricted under previous governments. Teachers' unions, public employees' unions, political activities by labor unions, and the Korea Confederation of Trade Unions (KCTU, the second national labor center established in 1995) were legalized as a result (Y. Choi et al. 2000).<sup>5</sup> However, these pro-labor clauses were an excuse for or in exchange of the introduction of the legal grounds for massive layoffs and extensive contingent employment. In 1998, the Kim Dae-jung government amended the Labor Standards Act to allow massive job cuts for managerial reasons, including mergers and acquisitions, and newly introduced the Dispatched Workers (*pagyeon geulloja*) Protection Act to authorize the use of labor dispatch agencies in 32 sectors with the exclusion of manufacturing (Y. Choi et al. 2000). While these legal changes were presented as a tripartite social pact to overcome the national economic crisis, they in fact opened the neoliberal Pandora's Box to divide the working class and to undermine worker livelihood.<sup>6</sup> Firms across all sectors, regardless of legal restrictions, began to reduce regular employment and instead rely on non-regular workers of all varieties (see the note below Table 1 for a definition of non-regular worker).

Instead of a single dominant mode of production and common labor market conditions, workers have increasingly been placed under multiple regimes of production and exploitation (Lowe 1996), experiencing highly unstable, precarious, and compartmentalized work and employment since the late 1990s. Table 1 describes what the working population consists of in South Korea today, reflecting the extent of stratification and precariousness in the current labor market. Out of 44.9 million people above the age of 15, 27.7 million (or 61.7 percent) are economically active, with 4 percent

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5. Multiple unionism, one of the KCTU's demands, was agreed upon but its implementation was deferred to 2011.

6. Rank-and-file members of the KCTU viewed the agreement as a betrayal of the labor cause and voted out the national union's leadership right after the signing of the social pact in 1998.

being unemployed. Among the employed, three-fourths are wage employees and one-fourth are identified as non-wage workers, i.e., self-employed or employers. Less than two-thirds of the wage employees (or less than one-third of the working-age population) hold regular employment. In other words, there are about 31.9 million Koreans (highlighted in grey) who are either not actively seeking employment, have no job, work in the volatile self-employment sector, or hold precarious employment. They form a new labor underclass characterized by low and erratic income, job insecurity, minimal social protection, and dismal prospects for building a career path or envisioning social mobility (Y. Lee 2015a).

**Table 1.** Working-age Population in Korea (2020)

<i>Working-age population (A):</i> 44.9 m (100%)	<i>Economically active (B):</i> 27.7 m (61.7% of A)	<i>Employed (C):</i> 26.5 m (59% of A)	<i>Wage workers(D):</i> 20.2 m (45% of A) (76% of C)	<i>Regular workers:</i> 13 m (29% of A) (63.7% of D)
				<i>Non-regular workers:</i> 7.2 m (16% of A) (36.3% of D) <sup>7</sup>
		<i>Unemployed:</i> 1.1 m (4%)	<i>Non-wage workers:</i> 6.4 m (14.3% of A) (24% of C)	
	<i>Economically non-active:</i> 17.2 m (38.3%)			

Source: Tongyecheong (Korea National Statistics Office), “Employment Trends, December 2020” (January 13, 2021).

Notes: (1) Non-wage workers include the self-employed, employers, and non-paid family workers. (2) Non-regular workers include atypical workers (or specially employed workers), part-time workers, and temporary workers.

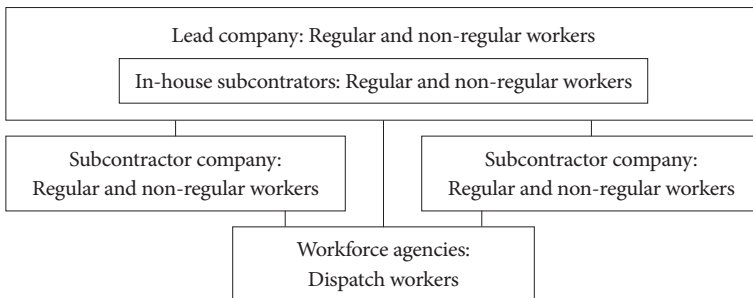
7. Government statistics are a conservative measure of regular employment. According to Y. Kim, who uses an alternative measure of non-regular workers to include long-term part-time workers and seasonal workers to the official categories, non-regular workers account for 42 percent of all wage workers (Y. Kim 2020, 1).

Workers' uneven positions within the current labor market pose severe predicaments for working people, generating new sources of labor grievances. First, as many scholars and policy makers have repeatedly emphasized, the division between regular (*jeonggyujik*) and non-regular workers (*bijeonggyujik*) and the persistence of a large number of the latter present a serious problem. Non-regular workers such as part-time workers, temporary workers, specially employed workers (*teuksu goyong geulloja*), dispatch workers, subcontracted workers, and daily workers are subject to low wages, job insecurity, discrimination, and lack of legal protection or organizational representation. They are paid about 63 percent (₩11,615) of the hourly wage of regular workers (₩18,484). Except in industrial accident insurance, non-regular workers are greatly disadvantaged in basic social protection programs (health care, pension, and employment insurance) and other statutory benefits (overtime pay, paid leave, bonuses, and retirement pay) compared to regular workers. Only one-third of non-regular workers are covered by social protection programs and other statutory benefits (Y. Kim 2020, 25).

Furthermore, women and young workers who make up a disproportionate percentage of non-regular workers are located at the bottom of the labor market hierarchy and exposed to greater work-related insecurities than middle-aged, male workers who are dominantly employed in protected and well-remunerated jobs. About 49.5 percent of working women hold regular jobs compared to 65.5 percent of working men (Y. Kim 2020, 6). Men workers occupy 62.3 percent of all regular positions. Men and women workers in their 20s, men in their 60s and over, and women in their 50s and over are concentrated in non-regular employment (Y. Kim 2020, 7–8). The effect of gender and age is found in industries that have high ratios of non-regular workers, such as sales, domestic services, hotels and restaurants, health care, social work, and construction, because these industries and occupations are highly gendered and reliant on either young or aged workers. It is also noteworthy that 2.5 million migrant workers, who account for about 5 percent of the Korean population as of 2019, take up these low-paid, insecure jobs, primarily in care services, small manufacturing firms, farm and fishery labor, and construction (C. Kim 2021).

Second, the current labor market practices and attendant labor laws

depend on *the concealment of employment relations and the misclassification of workers as non-workers* to make workers ineligible for statutory rights and labor law protections (J. Chun 2013; Y. Lee 2021). The concealment of employment relations is particularly applicable to dispatch workers and subcontracted workers. In the neoliberal era, it is a common strategy for firms to shed direct employment to third parties such as subcontractors (Weil 2014). In the case of Korea, major corporations such as Hyundai Automobile and Kia Automobile rely widely on a form of indirect employment called *in-house subcontracting*. Figure 1 below shows how employment hierarchies are structured under the pyramid of the lead company, in-house subcontractors (*sanae hacheong*), outside subcontractors (*oeju*), and dispatch agencies (*pagyeon eopche*). Although the workers (mostly non-regular workers) of in-house subcontractor companies work under the direct management of Hyundai Automobile, for instance, this employment relation is concealed. In other words, in-house subcontracting enables the lead corporations not only to save labor costs by using cheap non-regular workers of subcontracted or outsourced units, but also to obscure employment relations and cover up which employer is accountable for the protection or violation of labor rights. In many workplaces, these workers perform the same labor as regular workers on the same shop floor under the managerial instruction of the lead company, but their different employment statuses separate them with drastically differentiated levels of wages, benefits, job security, and other labor rights entitlements.



**Figure 1.** Stratified production and employment system

Source: Compiled by the author.



The misclassification of workers as non-workers involves those who are categorized as independent contractors or self-employed, women care workers, and the newly emerging gig workers (or platform workers). Ironically, national labor statistics has a sub-category of *specialty employed workers* under non-regular workers. They include golf game assistants (golf caddies), home study tutors, insurance sales agents, telemarketers, freight truck drivers, delivery workers, and installation and after-service technicians, whose number totals about 2.2 million (J. Jang 2020, 407). Although their work involves direct employment relationships with the primary firm, the current law classifies them as independent contractors, denying their status as workers and thus excluding them from entitlement to labor rights, such as the right to form a labor union and the right to conduct collective bargaining, as well as from statutory social protection programs.

Another segment of workers whose status is denied includes those in care labor, such as domestic work, childcare, and elderly care. There are an estimated 300,000 workers in Korea, mostly women, who are increasingly matched to their clients through a platform company (S. Hwang 2020, 37). However, Korea's Labor Standards Act has an archaic stipulation that excludes care workers from the legal definition of workers and thus making them ineligible for the protection by basic labor laws (J. Park 2015).

The misclassification of workers as non-workers further applies to platform workers who use a varied combination of their own labor and means of production to take up fragmented tasks assigned on demand via digitally mediated platforms.<sup>8</sup> Among 540,000 estimated gig workers in Korea, more than 51 percent of male workers are quick delivery workers and designated drivers, whereas over 66 percent of women gig workers find work in domestic labor, care services, and restaurant work through apps (S.

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8. Under the platform economy, market transactions are structured by the application of big data, algorithms, and cloud computing on digital platforms constructed by capital-intensive companies. Gig workers are matched with a specific task (and its client) that is not on an hour or time basis. Their compensation is based on piecework, i.e., according to specific tasks completed rather than per unit of time worked.

Hwang 2020).<sup>9</sup> Platform companies call these gig workers *clients or business partners* and apply the legal classification of independent contractors or self-employed entrepreneurs. Such a naming of gig workers implies they enjoy flexibility and autonomy in choosing when and how much to work, but in reality they are regularly subjected to direct management and performance control by platform firms (Vallas 2019).<sup>10</sup> Given the concealed managerial relationship between the platform operator and gig workers as well as no recognizable or classifiable status in the current labor regulations, there is a growing demand to recognize these workers as workers.

Another issue of the current labor market concerns not only misclassifying workers as the self-employed or independent contractors, but the very self-employed who account for a large share of economic inequality in Korea. The self-employed, appearing as non-wage workers in government statistics, are huge in number as they total 6.4 million, or 24 percent of those who are working (see Table 1). The majority of them are in businesses that are subjected to over-competition in low value-added service sectors, such as small retail businesses (34.5 percent) and restaurant businesses (30.9 percent) (Keum et al. 2009). While the self-employed sector is highly diverse and known to contribute to market flexibility and innovative industries, the lower strata of this sector suffers from excessive competition, low levels of net profit, a high burden of household debt, extended working hours, and few possibilities for social advancement (Y. Lee 2015a). According to national labor statistics, 4.2 million individuals, or 63 percent of non-wage workers, run a one-person business, and about one-third of all non-wage workers have an annual income under ₩48 million, or US\$42,000 (KOSTAT 2020). Furthermore, their position as tenant shopkeepers puts

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9. Delivery services like Yogiyo and Kupang; domestic labor services like Home Master and Daeri Jubu (Substitute Homemaker); part-time gig labor apps like Alba Call, Alba Mon, and Alba Cheonguk (Part-timers' Heaven).

10. Platform companies exercise a wide range mechanism of control, monitoring, and exploitation as the algorithm-led work arrangement enables the platform operator to command unprecedented control over the compensation and operation of work and to impose extensive surveillance and micro-control over workers through constant monitoring, real-time management, and routine performance evaluations (Ajunwa, et al. 2017; Borowiak 2019; Chan 2019).

them in a highly vulnerable status vis-à-vis landlords, who can exercise disproportional power in raising the rental price or terminating the rental contract at their will (Yewon Lee 2019).

### **Workers' New Grievances and Rights Claims in the Neoliberal Labor Market**

Until the mid-1990s, Korean workers were relatively homogenous in their workplace experiences and organized to fight for the right to form labor unions and to claim a fair share in the outcome of economic growth, two labor issues that had been most severely repressed under the authoritarian government.<sup>11</sup> Since neoliberal deregulation of the labor market has heightened stratification and precarity in employment relations, specific laboring experiences and risks that workers face today vary greatly depending on their location in the labor market. As workers are divided by their employment statuses, their immediate grievances diverge, and labor rights claims center on different entitlement discourses. The central concern for full-time workers is the right to work or employment security against massive layoffs and factory closings, whereas the key issues for non-regular workers and misclassified workers are the recognition of worker status and conversion into regular employment (Y. Lee 2021).

Regular workers have organized under the banner of “layoff is murder” (*haego-neun sarin ida*) to resist massive job cuts and plant closures as exemplified by the above-mentioned protest at Ssangyong Automobile. In the name of business rationalization, employers have easily chosen labor force reduction and/or overseas relocation, while reorganizing their production and service systems with a highly complex hierarchy of subcontracting and outsourcing, as shown in Figure 1. With the revised Labor Standards Act in 1998, which relaxed conditions for large-scale job

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11. This is not to say that there were few non-regular workers before the 2000s. However, mobility from non-regular status to regular employment was frequent, in contrast to the current labor market system where the chasm is hard to bridge and mobility between the two is scarce.

cuts, corporations have pursued massive layoffs and forced workers into *voluntary* early retirement (called *myeongye toejik*). However, when labor unions protest massive job cuts with militant strikes, the court often rules these strikes *unlawful* collective action under the amended Trade Union Act of 2001, which removed “massive layoffs” from among the lawful reasons for labor strikes.<sup>12</sup> The court’s narrow interpretation of lawful strikes provides the legal basis for corporations to file property seizures and to sue labor unions in damage compensation lawsuits for exorbitant amounts (Yoonkyung Lee 2019).<sup>13</sup>

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12. The Act stipulates that labor unions are allowed to call a strike only when conflict arises from collective bargaining over issues of wages, working hours, welfare, and unfair labor practices.
  13. According to an analysis of 408 labor strike case rulings by the Korean Supreme Court between 1990 and 2015, 349 cases (85.5 percent) judged the strike unlawful, compared to only 59 cases (14.5 percent) that ruled the strike lawful (J. Kang 2015). Taking advantage of the revised Trade Union Act of 2001, which restricts lawful reasons for labor strikes, in recent years, employers and the government have pursued damage compensation litigation as a routine strategy for union repression (Yoonkyung Lee 2019). When labor strikes are ruled unlawful, firms proceed with lawsuits to claim damages. Since the Korean Criminal Act allows for heavy fines on unionists who engage in activities that “obstruct business,” corporations and the Ministry of Justice have sued labor unions to pay compensations for the loss of revenue and other damages arising from work stoppage. The amount of damage compensation claims filed against unions rose from ₩34.5 billion (US\$30 million) targeting 39 unions in 2002, to ₩186.7 billion (US\$163 million) targeting 24 unions in 2017—more than a five-fold increase over 15 years (Sonjapko 2017). These damage compensation lawsuits particularly target labor unions affiliated with the progressive KCTU.

The prolonged protests by laid-off regular workers at Ssangyong Automobile, Hanjin Heavy Industry,<sup>14</sup> Cort-Cortech Guitar,<sup>15</sup> and Hydis Electronics<sup>16</sup> are exemplary cases of employers selling the firm to foreign capital, cutting jobs, closing factories, and/or moving the manufacturing lines overseas. Once regular workers lose their jobs, especially if they are middle-aged with fixed skills, their chances of re-employment in a similar position is extremely low. Knowing the deep chasm between having a decent formal job in a corporation and falling into insecure non-regular work in the industrial or service sectors, regular workers engage in dire resistance to keep their secure and well-remunerated jobs (Lee and Kim 2017). A union activist who worked in an auto manufacturing company for 30 years attests that the introduction of massive layoffs destroyed the backbone of labor movements by narrowing regular workers' interests to keeping their jobs and wages (B. Lee 2017). However, when capital runs away, closes factories, and lays off

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14. Hanjin Heavy Industry in Busan, Korea's fourth largest shipbuilding company, relocated operations to the Subic Bay Shipyard in the Philippines and cut 650 jobs in Busan in the form of compulsory early retirement. Kim Joo-ik, the then union president, began a sky protest in 2003 but committed suicide on the 129th day of his lone resistance. In 2010, when the company announced the layoff of another 400 workers and union negotiations stagnated, Kim Jin-sook, a former shipyard welder at Hanjin and a KCTU cadre, staged a sky protest atop industrial crane No. 85, in 2011 for 309 days. The company and the union finally came to an agreement in November 2011 to reinstate the laid-off workers.
  15. Cort-Cortech is a globally recognized guitar manufacturing company (making, among others, Gibson guitars), but management closed factories and laid off workers in 2007 to move production lines to China and Indonesia. Laid-off workers were not given an adequate opportunity for negotiation or compensation. Union leaders organized a sky protest, a hunger-strike, and an occupation of the closed factory but private security guards demolished the site and the police arrested and indicted 18 unionists. The struggle ended in 2019 with a defeating agreement with the employers, which included a nominal reinstatement of three union leaders for a month and the payment of a settlement fund to 25 laid-off workers.
  16. Korea Synthetic Fiber was sold to a new investor who renamed the company Star Chemical and later Finetek. The firm closed its factory in Gumi in 2013, opened a new one in Asan in 2016, and closed it a year later. Workers were laid off without proper compensation and union leaders engaged in sky protest for 426 days (November 2017–January 2019) and a *sambo ilbae* march for four days (19 kilometers from the offices of the Korean Employers' Federation to the Blue House) in May 2018. In January 2019, the management and union leaders agreed to the reinstatement of five workers for three years.

workers, it is extremely hard for locally put workers, despite their desperate struggles, to achieve meaningful gains against transnationally mobile capital.

For non-regular workers and mis-classified workers in Korea, claims are centered on worker status recognition and conversion to regular employment, wherein the employer is legally obliged to protect basic labor rights. Prime examples of worker status claiming include the lawsuits brought by non-regular workers at Hyundai Automobile and Kia Automobile in the early 2000s (Yun 2016). They claimed that the extended use of in-house subcontractors was illegal and demanded the recognition of their actual employment relations with the lead company. On paper, these workers were hired by subcontracted firms but at the shop floor they worked side by side with workers of Hyundai or Kia for more than two years, the limit for indirectly contracted workers set by the 2007 Non-regular Workers Protection Act.<sup>17</sup> Because a large number of non-regular workers perform the same labor that regular workers do but with much lower wages, fewer benefits, and conveniently terminable contracts, they often demand their jobs be converted to permanent employment. The lawsuits began in 2010 and the court vindicated the worker status of these non-regular workers. After much procrastination, Hyundai Automobile re-employed about 3,500 workers in 2017 (*Sisa News*, January 16, 2018).

“Specially employed workers,” who are misclassified as independent contractors or self-employed, also demand that their worker status and their entitlements to labor rights be rectified. When their claims are brought to the courts or government agencies, the rulings are mixed in recognizing employee status and accepting the legal standing of the trade unions formed by specially employed workers. For instance, the Freight Workers’ Solidarity (Hwamul yeondae, formed in 2003), the Quick Service Worker’ Union (formed in 2006), and the Designated Drivers’ Union (formed in 2012) are classified as an extra-legal union (*beopoe nojo*) for including non-workers as union members (Eom 2017, 5–6). On the other hand, the Jaeneung Tutors’

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17. The Non-regular Workers Protection Act (Bijeonggyujik bohobeop) is a customary term that refers to the Fixed-term and Part-time Employees Protection Act (Giganje mit dansigan geulloja bohobeop) and the Dispatch Workers Protection Act (Pagyeon geulloja bohobeop).

Union, a home study tutors' union that began as an extra-legal union, was able to collectively bargain with the management of Jaeneung in 1999 (Eom 2017).

Experiencing a highly stratified labor market, internal divisions, misclassification as non-workers, and job loss and insecurity, Korean workers in the 2000s see the right to employment and job security as the most important labor rights. Because numerous legal mechanisms are in place and in operation to undermine labor rights, Korean workers invoke the inconsistencies of labor laws (such as the misclassification and concealment of worker status) or contend anti-labor clauses and pro-employer interpretations (such as the restrictions on labor strikes and compensation litigation against labor unions) in their collective resistance.

### **New Strategies of Worker Organizing and Novel Repertoires of Labor Protest**

Facing the rising number of non-regular workers and workers whose employee status is not legally recognized, labor activists strived to organize these diverse groups of workers through various methods. One was to incorporate them into the existing labor union structure and the other was to explore with new forms of organization. First, since the early 2000s, the KCTU has campaigned to organize non-regular workers and to raise solidarity between regular and non-regular workers, who were deeply divided by their material and working conditions. One of its strategies was to reorganize the existing enterprise-based unions into industrial federations and to include both regular and non-regular workers under the same industrial union system. In 2000 and 2001, the KCTU mobilized additional financial resources and assigned union organizers to different localities with the aim of reaching out to non-regular workers and organizing them in industrial federations (T. Kim 2017).

However, this organizational initiative for industrial unionism failed due to staunch opposition by enterprise-based labor unions that represented the interests of regular workers in large corporations. Sukyeong (pseudonym),

a student-turned labor activist since the early 1990s, offered a critical assessment that “in essence, the Hyundai Automobile Union dominates the Korean Metal Workers’ Union and in turn the Korean Metal Workers’ Union moves the KCTU. The most powerful unions that control the KCTU are basically the most powerful enterprise unions of regular workers and they don’t want to open the union door (*nojo-ui mun gaebang anhae*) to non-regular workers.”<sup>18</sup> In other words, enterprise-level unions by (mostly male) regular workers did not want to use their organizational resources to represent the interests of non-regular workers. Even worse, regular workers approached non-regular workers in the same shop-floor as a buffer to be laid-off first in times of labor force restructuring. The Hyundai Automobile Union, for instance, accepted the job cuts of cafeteria workers (mostly women) in 1998 in the name of protecting (male) regular workers and pushed away non-regular workers to form a separate labor union in 2003. In this organizational context, many non-regular workers had no other choice but to organize on their own.

As an alternative method to the failed project of co-organizing regular and non-regular workers under the same industrial unions, non-regular workers and specially employed workers organized on their own first and sought an affiliation with industrial or national federations later. Freight truck drivers (legally classified as specially employed workers) first formed the Freight Workers’ Solidarity in 2003 and later joined the KCTU’s Korean Public Service and Transport Workers’ Union (KPSTWU, or *Gongkong unsu nojo* in its Korean abbreviation) (T. Kim 2017, 486). Janitors, maintenance, and security workers in major universities (employed by third-party agencies) have organized since 2011 when campus service workers at Hongik University went on a strike against the sudden layoff of 170 workers (S. Kang 2011, 92). These workers initially organized by university campuses and eventually joined the KPSTWU. Non-regular workers at primary and secondary schools, such as school cafeteria workers and maintenance workers, formed the Non-regular Education Workers’ Union in 2010 outside the Korean Teachers and Education Workers Union and became part of the Korea Federation of

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18. Sukyeong (pseudonym), interview by author, Seoul, May 25, 2018.



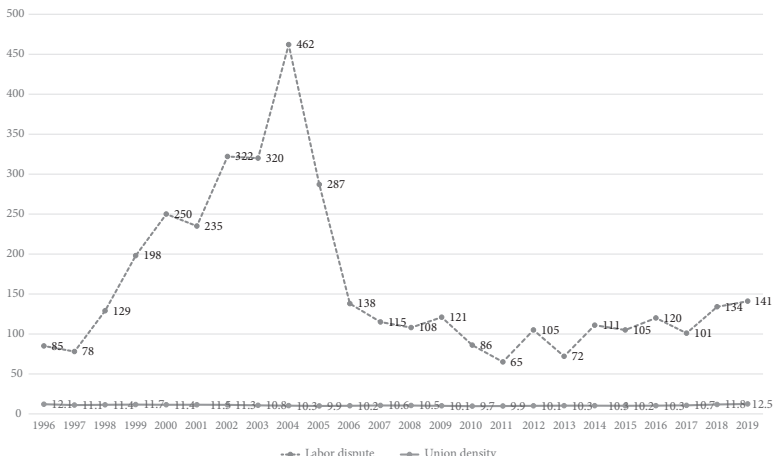
Service Workers' Union (KFSWU, or Seobiseu yeongmaeng in its Korean abbreviation) (H. Kim 2017, 527). Delivery workers organized the Quick Service Workers' Union in 2006 (extra-legal), while designated drivers joined forces in the Designated Drivers' Union in 2012 (extra-legal). These unions are affiliated with the KFSWU along with the more recently organized Baemin Riders (by delivery workers), Script Writers' Union (formed in 2018 by freelance workers), and Home Electronics Service Union (by home electronics installment and repair specialists, whose worker status is denied by their employers) (J. Kim 2020). There are also platform workers' unions, such as the Riders' Union formed by delivery workers in 2019, which remain outside the national federations and pursue autonomous organizing.

Another method of alternative organizing was forming a general union (or community union) at a regional level, in which any worker with any employment status in any sector can join. This strategy was pursued as a way of organizing non-regular workers who are dispersed in diverse workplaces into a community-based union structure in a given region. Beginning in Busan in 2000, workers (mostly non-regular workers) employed in local public or private service sectors formed the National Association of General Unions in 2006 (J. Jang 2017, 432). Another example is the Korean Women's Union (KWU), which was established in 1999, in reaction to the male predominance in traditional labor unions and those unions' lack of attention to women labor issues, as evidenced by the Hyundai Automobile Union in 1998. The KWU played a critical role in organizing janitors and non-regular education workers (mostly women) in the early 2000s and has about 6,000 members as of 2017 (S. Kim 2017). Given the difficulties facing young people in landing decent jobs and their weak position vis-à-vis employers, there are two labor unions particularly targeting young workers. The Youth Community Union (Cheongnyeon union) was established in 2010 to give collective voice to young workers and the Arbeit Workers' Union (Alba nojo) was formed in 2013 to organize part-time workers (mostly college students). These two unions have since campaigned for a raise in the hourly minimum wage to ₩10,000 and contributed to elevating the minimum wage issue to a national political issue (C. Lee 2017).<sup>19</sup>

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19. As of 2020, the minimum hourly wage remained at ₩8,590 (US\$8).

Due to these various organizing campaigns, union density has slightly increased in recent years against the pessimistic projections about the challenges of organizing contingent workers in a neoliberal labor market. As shown in Figure 2, Korea’s unionization rates are comparatively low at an average of 10.6 percent of all employed workers between 2000 and 2019. Unions are concentrated in the public sector (with a 68.5 percent unionization rate versus 9.5 percent in the private sector), large corporations (with 57.3 percent unionization rate in firms with more than 300 employees versus less than 0.1 percent for workers in firms with less than 30 employees), among full-time regular workers (with a 19.2 percent unionization rate versus 2.6 percent for non-regular workers), and mostly men (with a 13.8 percent unionization rate versus 5.1 percent for women workers) (KOSTAT 2020). This implies that the most vulnerable workers in the labor market are far from being adequately represented by labor unions. Still, the recent upsurge of union density (reaching 12.5 percent by 2019) is an encouraging development, particularly because the growth comes from the new organizing of non-regular workers and women workers.



**Figure 2.** Number of labor disputes and union density (1996–2019)

Source: Korea Statistical Information Service, [https://kosis.kr/statisticsList/statisticsListIndex.do?menuId=M\\_01\\_01&vwcd=MT\\_ZTITLE&parmTabId=M\\_01\\_01&parentId=D.1;D\\_31.2;#D\\_31.2](https://kosis.kr/statisticsList/statisticsListIndex.do?menuId=M_01_01&vwcd=MT_ZTITLE&parmTabId=M_01_01&parentId=D.1;D_31.2;#D_31.2) (accessed March 15, 2020).

Figure 2 also shows that the number of labor disputes has declined since the early 2000s, when formal disputes are measured by work stoppages for more than eight hours. Yet, this data does not convey meaningful information about *labor movements* because Korean workers' protests have not subsided in recent decades, but rather unfolded by other methods of resistance than going on a formal strike. One of the key developments in recent labor activism is staging protests in public spaces outside workplaces, where workers engage in extreme protest repertoires with increasing frequency. Extreme protest repertoires are understood as actions lone in nature (not collective), requiring a high level of commitment, such as self-imposed danger and pain (while not harming others), and staged for a collective cause (not for an individual grievance) for the purpose of seeking persuasion of immediate participants and distant audiences.

There are several reasons for such a shift in the methods of worker resistance. First, as the number of full-time workers has declined, workers with the structural and associational power to stage formal labor strikes has been shrinking. Second, even for unionized workers who can go for a strike, the cost of striking has soared forbiddingly. As noted in the earlier section, the court often rules worker strikes to be unlawful collective action and corporations use such rulings as the legal grounds for pursuing damage compensation litigation in an amount that is financially unbearable for labor unions and the individual workers involved in the strike (Yoonkyung Lee 2019).<sup>20</sup> Third, workers' access to the workplaces where they can stage collective protest is easily deprived, forcing them to seek alternative venues and methods. With plant closures and the deployment of commercial security forces to factory premises, regular workers are denied entry to the

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20. The removal of "massive layoffs" from the lawful reasons for labor strikes in the Trade Union Act opened avenues for corporations to pursue damage compensation litigation.

shop floor.<sup>21</sup> For non-regular workers, their status as contingent employees and the abrupt termination of their contract preclude the possibility of resorting to labor strikes in their workplaces (D. Cho 2012).

Such a tilted terrain in labor relations forces workers to move their protest sites from workplaces to the streets and to resort to extreme repertoires to gain public attention and political redress. Forms of worker protest in public spaces include street demonstrations, marches, single-person protests (*ilin siwi*), and long-term camp-ins in front of corporation headquarters or government buildings. These protests are often combined with extreme repertoires, such as hunger strikes, hair shaving, long marches of *sambo ilbae* (the three-steps-and-one-bow procession; see footnote 2 for definition), sky protests, and even suicide protests, as briefly mentioned in the earlier discussion of worker struggles. These protest tactics involve a high level of self-imposed risk and harm as protestors are exposed to perilous conditions when they starve their bodies, when they march dozens of kilometers in *sambo ilbae*, or when they self-confine for days and months at a high altitude and in very confined spaces with minimal necessities.

Particularly distinctive in post-neoliberal decades is the rise of both the sky protests and protest suicides by workers in their dire resistance against labour repression (Y. Lee 2015; S. Kim 2021). In a sky protest, a single or small number of workers occupy and isolate themselves in a variety of high structures such as advertisement towers and power plant smokestacks for days or months to gain attention to their acute grievances after other modes of protest have been exhausted (Y. Lee 2015). Between 1990 and 1999, there were only nine cases of sky protest, but this number soared to over 100 cases between 2000 and 2015 (Y. Lee 2015, 4). As an extreme repertoire, sky protest symbolizes protesters' desperation, determination, and self-sacrifice because they are choosing self-confinement in a highly unsafe place. Most

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21. One of the new methods of union busting that corporations use is contracting industrial relations specialists, i.e., public labor attorneys working with commercial security firms, to manage industrial relations and to design and execute plans for union destruction. This strategy entails instigating violence and divisions within independent labor unions, setting up second pro-management unions, and deploying private security agents (*yongyeok pongnyeok*) to violently crack down on workers' collective action (Yoonkyung Lee 2019).

of the sky protesters testify that they chose this method as the last resort, at least to make their desperate circumstances known to a wider public.<sup>22</sup> “We Have Nowhere to Go,” the title of the interview book with Lee Chang-kuen, the union leader of Ssangyong Automobile, aptly captures the deep frustration of workers who engage in these extreme protests (Lee and Kim 2017).

Another extreme method of labor resistance in Korea is protest suicide, i.e., workers’ ending their lives in defiance of and frustration over labor repression. Similar to the rise of sky protests, the number of protest suicides committed by industrial workers increased in the 2000s. Studies on this subject for the period of 1970–2015 find that the total number of such protest suicides rose during the democratization era (1986–1991) to ten cases per year and again during the neoliberal era (2003–2015) to three cases per year (S. Kim 2021, 46–47). It is noteworthy that while the overall number of such deaths has decreased, the percentage of worker suicides compared to other actors, such as student activists and farmers, increased in the 1990s (57 percent of 21 protest suicides), and again dramatically between 2003–2015 (80 percent of 36 protest suicides) (S. Kim 2021, 46–47). What lies behind the suicides is not only labor activists’ frustration over their failed cause, but also the extreme pressures arising from damage compensation lawsuits, a targeted anti-labor tactic used by employers as described above. In their suicide notes, several union activists mentioned unbearable financial burdens coming from damage compensation litigation (S. Kim 2021, 56).<sup>23</sup>

Labor activists engage in these extreme forms of resistance by occupying protest sites for months, if not years, by rotating from one tactic to another, and by changing the protest site from their workplaces to politically symbolic locations. Although workers’ grievances are generated

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22. “Uri-neun ijeya guldduk-eso naeryeo watda” (We’ve Now Come Down from the Smokestack), *Hankyoreh shinmun*, February 3, 2017. <http://www.hani.co.kr/arti/society/labor/781268.html> (accessed October 27, 2021).

23. Bae Dal-ho at Doosan Heavy Industry in 2003, Choi Kang-seo at Hanjin Heavy Industry in 2012, Bae Jae-hyeong at Hydis Electronics in 2015, and Han Gwang-ho at Yooseong (a supplier for Hyundai Automobile) in 2016 all committed suicide, leaving notes that described the brutality of the financial pressure caused by damage compensation lawsuits.

from their specific workplaces, workers move their protest to politically important public spaces because they see it impossible to resolve their grievances at the firm level or through formal labor relations channels. Even when traditional forms of collective action like disruptions of assembly lines or mass rallies are feasible, they often fail to produce meaningful results as employers respond with the aforementioned anti-labor strategies. Through these alternative extreme repertoires of protest, workers strive to gain public attention to often under-publicized labor issues and to seek solidarity from other civic actors, as workers alone cannot exercise sufficient leverage in the titled ground where corporations exert disproportional influence.

In this context, workers' collective action tends to last for a highly protracted period, often without leading to tangible outcomes. These protests have gained the name of long-term protest workplaces (*janggi tujaeng saeopjang*) where the labor dispute lasts for years and sometimes as long as a decade, as exemplified by the struggle of KTX women workers and Ssangyong workers introduced at the beginning of this article. The imbalance of power between mobile capital and an immobile workforce, corporations' various restructuring methods, management's union bashing through damage compensation litigation and commercial security firms, and political elite's alignment with business interests have undermined the possibility of negotiating meaningful outcomes for workers. As a consequence, workers' resistance is radicalized and its duration is prolonged.

Yet, because workers often find it impossible to resolve their grievances despite their prolonged struggle and extreme repertoires, they seek political intervention by the national government as the ultimate arbiter in the protracted labor conflict. Therefore, when the Moon Jae-in government was sworn in in 2017 as a result of six-month-long national protests to oust the corrupt and incompetent Park Geun-hye regime, expectations were high that the new center-left administration would be actively involved in the resolution of labor conflicts, particularly the long-term labor protests. Indeed, the Moon government used its administrative power to end some of the most protracted labor disputes, such as the KTX and Ssangyong Automobile protests introduced earlier. It also pursued the conversion of non-regular workers to regular employment in public corporations, beginning with non-

regular workers of Incheon International Airport.<sup>24</sup> As of the end of 2020, more than 198,000 non-regular workers in the public sector were converted to regular employees (*Hankyoreh shinmun*, June 28, 2021). Despite these achievements, the partisan effect of the Moon government on labor relations seems disputable. First, regarding the conversion of non-regular workers, not only was this limited to the public sector, but also about one-fourth of the workers are not still directly employed by the public corporation but by a newly created subsidiary firm or under a new category of permanent contract worker (*mugi gyeyakjik*). As such, workers view this policy as a deceptive conversion strategy, having minimal effect on the reduction of the gap between labor market insiders and outsiders. Second, around its mid-term the Moon administration revoked its labor policy positions on the minimum wage and the protection of the most vulnerable workers and turned to a more pro-capital and pro-growth orientation (G. Noh 2019). Therefore, when it comes to labor policy, workers do not consider the Moon government more pro-labor than previous governments, and this mistrust is well reflected in the KCTU's refusal to participate in tripartite consultations under the Economic, Social, and Labor Council.

## Concluding Discussion

During the early decades of democratization, organized workers (with associational power), especially in large conglomerates in strategic sectors (with structural power), were able to improve wages and other working conditions through collective bargaining and strike actions. With the increasing deregulation of the economy, capital has easily opted for outsourcing and overseas relocation, while workers remain locally put and divided by employment status. Such a neoliberal context poses a detrimental hurdle for worker mobilization and for any meaningful gains through formal

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24. As of 2020, 9,785 non-regular workers were re-contracted as regular workers (*Hankyoreh shinmun*, June 22, 2020). But only 2,143 were directly employed by Incheon International Airport, whereas 7,642 workers were employed by a newly created subsidiary company.

channels of industrial relations or traditional methods of labor activism.

This study began with an analysis of labor market restructuring over the last twenty years, a restructuring that resulted in stratifying workers into different statuses and heightening their vulnerabilities. Subjected to increased insecurity, precarity, and deceptive employment relations, workers raised the issues of job security, recognition of employment status, and conversion to regular employment. In pursuing these goals, workers strived to organize themselves into labor unions as well as into alternative forms of association, such as general unions, community unions, and extra-legal unions. Although the overall union density remains low, it is noteworthy that the slight upsurge of unionization rates in recent years derives from the organization of non-regular workers and specially employed workers. The locations and forms of labor protest have also changed over the last two decades as workers increasingly relocated their struggles from their workplace premises to public spaces, engaging in self-inflicting, extreme protest repertoires with greater frequency.

The outcomes and achievements of worker resistance to neoliberal deregulation are mixed and divergent depending on the scope of associational solidarity and the geographical boundedness of capital. Studies on labor protests have identified the conditions that contribute or undermine the outcomes of workers' struggles. Worker protests, particularly those by non-regular workers, were more likely to conclude with tangible gains when the scope of associational solidarity amongst workers (regular and non-regular workers in the same workplace), existing labor unions, national federations, and other civic organizations was broad and strong (D. Cho 2012; B. Lee 2016; Lee and Lee 2017; Yang and Chae 2020). This explains the success cases of labor struggles in diverse sectors like Kia Automobile in Hwasung and Gwangju, the Ulsan Plant Construction, the Hyundai Hysco, the Seoul University Hospital (by non-regular care workers), Hongik University (by subcontracted janitors), dump truck companies, and primary and secondary schools (by non-regular workers).

The most exemplary case is the protest by Kim Jin-sook, a former shipyard welder at Hanjin Heavy Industry and a KCTU leader. She began a sky protest at the top of industrial crane No. 85 in the shipyard, 15 stories



above the ground, on January 6, 2011 to resist massive layoffs. During the sky protest, she relied on her mobile phone to communicate with the outside world and her protest was spread through Twitter messages. Labor activists organized a Bus for Hope to transport supporters of her protest by bus from Seoul to Busan, where the protest site was located, to express solidarity with her lone resistance. The Bus for Hope was organized five times between June and November 2011, with tens of thousands of citizens participating and gathering under Crane No. 85. The National Assembly held a special hearing on the Hanjin case and issued a recommendation for the reinstatement of the 94 laid-off employees. In November 2011, the company and the union came to an agreement for the reinstatement of the workers and two days later Kim Jin-sook returned to earth, ending her 309-day sky protest. This was one of the rare cases showing strong solidarity amongst the protesting workers, civil society, and the general public, leading to a successful conclusion of the extreme protest.

By the same logic that highlights the importance of broad solidarity, when workers protested on their own with no active support from the existing labor unions (particularly by regular workers in the same workplace), national federations, and civil society, their struggles were protracted and ended with few positive outcomes. Labor protests at the Hyundai Heavy Industry, E-Land, and the Kiryung Electronics fall under this category (D. Cho 2012). The challenges faced by non-regular workers further reflect the changed relationship between labor unions and civic associations. Although labor movements and progressive groups in Korea worked closely together for democratization in the 1980s, the relationship between the two has slackened since the late 1990s (S. Eun 2005). As indicated in the failed project of building industrial federations as a way of co-organizing regular and non-regular workers in the early 2000s, labor unions began to represent the narrow interests of male regular workers in large corporations. Concurrently, civic groups moved the focus of their activities from labor and class issues to institutional and legal reforms and policy proposals. Therefore, building broad solidarity for worker protests that take place outside the existing labor unions was hard and infrequent.

While solidarity among protesting workers, labor unions, and civil

society is important to lead the protest to achieve its goals, these accounts do not clearly articulate the structural power imbalance between mobile capital and geographically fixed labor. In other words, the success of worker protests is critically conditioned by the extent of a firm's spatial boundedness in addition to domestically mobilized associational solidarity. Because not all corporations can opt for factory closings and overseas relocation, workers employed in firms that are largely bound to the domestic market can exercise greater leverage in bargaining with their employers. In case of domestically put capital, workers can clearly identify and track the bargaining partner and also take advantage of the corporation's vulnerability to consumer reputation. Labor protests at hospitals, universities, primary and secondary schools, and even manufacturing's essential assembly lines exemplify such structural leverage that workers can exercise. The other side of this logic implies that workers face the steepest challenge when they are organized against run-away capital. As in the cases of Ssangyong Automobile, Finetek Chemicals, and Colt-Cortech Guitar, when capital has run away by changing nationality and geographic location, it is almost impossible for workers to have their demands achieved despite their dire struggles for over a decade and the mobilization of broad social solidarity. This indicates that the neoliberal context definitely poses a structural impediment to labor movements by skewing the bargaining leverage towards capital that is spatially mobile (Silver 2003).

A close examination of Korean workers' struggles over the last two decades suggests neither a gloomy prospect nor an optimistic future for labor movements in the neoliberal era. By exploring novel methods of organizing and engaging in dramatic protest repertoires, workers pursued broad social solidarity to make their grievances publicized and politically registered. In recent years, workers' persistent struggles led to some modest gains, such as increased union organizing and occasions of non-regular worker conversion to regular employment (mostly in the public sector). Yet, labor movements continue to face an uphill battle as corporations are emboldened with the freedom of spatial mobility and diverse methods of extreme outsourcing, as in the case of expanding platform capitalism, which is only accelerating in the context of a global pandemic.

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