

Illegal Dispatch, Labor Flexibilization and the Hyundai Irregular Workers Strike

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On November 15, some 40 temporary workers at the Hyundai Motors Plant in Ulsan City, Southern Gyeongsan Province, began an occupation at the seat factory, one of five buildings on the plant's premise. These workers were formally employed by the in-house subcontractor Dongseong Inc., which had announced it was closing down the day before. Hyundai Motors had told the workers they would only be allowed to sign new contracts with a different in-house subcontractor if they renounced their membership in the Korean Metal Workers Union (KMWU), Hyundai Irregular Workers Chapter. Choosing neither to cave to labor repression nor to continue to accept precarious indirect employment, the workers took action, demanding that Hyundai hire them directly as permanent, or 'regular', workers.

Management reacted quickly and violently to the occupation, forcing the workers out of the factory and sending twenty to the hospital in the process. Far from silencing their demands, however, the repression sparked a tide of collective action. With Hyundai claiming it had no responsibility to negotiate with workers employed by in-house sub-contractors, the Hyundai Irregular Workers Chapter called a strike. The struggle spread across the Ulsan plant, with workers in factories 1, 2 and 3 stopping production, and then to the Hyundai plants in Jeonju and Asan. While occupations and work stoppages have been temporary in most sites, hundreds of workers continue to occupy factory 1 in Ulsan as of November 22. Over 70 workers have been arrested and dozens injured, with riot police and company-hired thugs continuing to use violent tactics against the strikers.

The Violence of the State and Capital

In South Korea, the violence of capital and the state manifests itself in more ways than one. We see it, not only in clubs and shields, tear gas and pepper spray, but also in the desperate choices workers sometimes make—tragic acts of protest that give public expression to the deadly nature of the exploitation they face on a daily basis. 40 years ago the young worker Chun Tae-il clutched a copy of the Labor Standards Act and light himself on fire seeking in the flames a new world that would respect work and human dignity. Since his death there have been countless other cases of self-immolation: Bae Dal-ho, Lee Hae-nam, Lee Yong-seok, Pak Il-su, Jeon Eung-jae, Heo Se-uk, Kim Jun-il, and on and on and on. On November 20 another name was added to this list. At roughly 4:30pm Hwang Inha, a temporary worker who had worked at the Hyundai Ulsan Plant's factory 4, set his own body ablaze in the midst of a KCTU-sponsored solidarity rally at the plant's main gate. By some great fortune, rally participants were able to put the flames out quickly enough that Hwang, while badly burned, will not lose his life. This is an important comfort. But the strikers, their supporters and the general Korean public must come to terms with the reality Hwang's heat-wrenching act seems to confirm: Hyundai irregular workers' struggle is a matter of life and death, not only for each individual involved, but for all irregular workers, and in the end, all workers in South Korea.

In-house Subcontracting--- or Illegal Dispatch Work

To understand the significance of this message requires context. First, it is necessary to understand the conditions under which Hwang and his comrades work. What I have called "in-house

subcontracting” above more properly goes by another name: illegal agency, or in South Korea ‘dispatch’, work. Dispatch work refers to the situation in which a worker is hired by an outside agency but is ‘dispatched’ to work for a different company. Workers employed in this manner are most often paid low wages and their contracts are always of a temporary nature. Moreover, dispatch employment allows the actual capitalists for whom workers produce avoid responsibility for their wages and working conditions. Hwang and his irregular worker colleagues work inside Hyundai factories making Hyundai cars, and yet they are technically employed by someone else. They can be fired at any time and make only a fraction of the wages the directly employed workers who work alongside them make. South Korean law currently prohibits dispatch work in the manufacturing sectors, precisely because of these problems. In-house subcontracting has been away to get around this prohibition, and it is widely practiced.

In South Korean there are now two opposing tendencies with respect to dispatch work. On the one hand, the Lee Myung-bak administration is attempting to modify the law to make it formally legal in manufacturing, while at the same time making plans to completely revise the Employment Security Law to “strengthening employment services” or, in other words, to promote the proliferation of dispatch and temp agencies. These and other measures aimed at expanding precarious work are central to South Korea’s “2020 National Employment Strategy,” through which the government seeks to provide a flexible labor force for capital under the guise of job creation.

On the other hand, on July 22 the South Korean Supreme Court ruled that a worker employed by an in-house subcontractor at Hyundai Motors was, in fact, an illegal dispatch worker. The Supreme Court also ruled that, as a general principle, comparable cases of illegal dispatch work should be treated as “assumed direct employment.” While the case has been sent back to the High Court to be retried based on the Supreme Court decision, the ruling has wide implications for workers employed by in-house subcontractors at Hyundai and, indeed, all manufacturing companies in South Korea. Under South Korean law, employers must give directly employed irregular workers regular status after 2 years of employment. The Supreme Court has told Hyundai that this is what it must do: take responsibility for in-house subcontract workers, employ them directly and granting them the same job security, wages and benefits as other directly employed regular workers.

The July 22 Supreme Court ruling provides important background for the demands made by the workers who carried out the initial occupation on November 15 and the central demand of the Hyundai Irregular Workers Chapter’s strike that has unfolded since. In essence, these workers are demanding Hyundai do only what the country’s highest authority of justice has told it do, an order which Hyundai is, of course, ignoring. But their fight is about much more than simply their employment status or one Supreme Court decision. It is a fight against the system of illegal dispatch work and all indirect employment. In the end, it is a fight against the government and capital’s efforts to expand these employment forms as a means to increase labor flexibilization and secure labor power and profits at the expense of the wages, work conditions and job security of all Korean workers.

Regular-Irregular Worker Solidarity and the Role of Social Movement Forces

The message and demands of the Hyundai workers’ struggle concern the entire Korean workforce. The battle must, therefore, be waged with the strength of irregular-regular worker unity. In many instances, regular workers, who are the colleagues, friends, and relatives of irregular workers, are already showing their support. They have staged solidarity work stoppages and other actions and are channeling food and water to those occupying the factory in Ulsan. And while this response is not even (the leadership of the KMWU Hyundai Branch has been tepid at best), there are strong signs that the solidarity is growing. On November 22 the KMWU Delegates Assembly voted to hold a mass protest in front of the Hyundai Ulsan plant on November 23, to coordinate with the Korean

Confederation of Trade Unions (KCTU) to hold another on November 27 and to stage a general strike in the beginning of December, immediately in the event that riot police or company-hired thugs raid the occupied factory. This plan offers Korean metal workers the chance to make the Hyundai irregular workers struggle a struggle for the rights of all workers against the designs of the government and capital--- and a successful one at that.

Social movement organizations, left political parties and all progressive elements in South Korean society also have an important role to play. The Ulsan factory occupation has brought to light Hyundai's exploitative and repressive character, which is representative of the attitude of South Korean conglomerates in general. Social movement forces can use this opportunity to organize mass resistance against conglomerates' abuse of irregular and subcontracted workers and the government's support for them by publicizing Hyundai's defiance of the July Supreme Court decision and the administration's efforts to expand dispatch and other forms of precarious work. They can and must also give mental, spiritual and material support to the striking workers. As the struggle unfolds in the upcoming weeks it is up to the South Korean left as a whole to recognize its wider significance and come out in force.

Solidarity from abroad means a lot to the workers occupying the factory in Ulsan, who have gone days without rest or adequate food. If you wish to send messages of support please email them to the Research Institute for Alternative Workers at psspawm gmail.com and we will deliver them. You may also send messages directly to the Hyundai Irregular Workers Chapter of the Korean Metal Workers Union at: hjbtw jinbo.net.

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P.S.

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