

Abstract

Ways to Strengthen Gender-sensitive Labor Supervisory Administration: Focusing on the Prevention and Correction of Gender-based Discrimination and Sexual Harassment

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It is essential to have effective labor supervisory administration for the prevention and correction of gender-based discrimination and sexual harassment in the workplace. As such, taking into account the characteristics of gender-based discrimination and sexual harassment in employment, this study aims to prepare ways to strengthen gender-sensitive labor supervisory administration.

Korean society has made legal and institutional efforts to improve gender-based discrimination and sexual harassment in the workplace.

Nonetheless, there has been no particular change in women's employment conditions and in the organizational culture in which gender-based discrimination and sexual harassment take place. This is in part because labor supervisory administration for complying with the related laws is not effective. The ineffectiveness of guidance and monitoring by local labor offices and their judicial handling of petitions, accusations and charges is caused by the characteristics of gender-based discrimination and sexual harassment cases. In other words, it is difficult to prove a gender-based discrimination because its aspects change to structural or indirect discrimination rather than direct discrimination. Also, as sexual harassment has no specific physical evidence in many cases, it has the difficulty of judging the case by relying on the victim's statements.

Unlike general labor cases such as delayed payment of wage, gender-based discrimination and sexual harassment cases require a particular expertise, that is, gender sensitivity. However, the current labor supervisory system has no separate system that considers the characteristics specific to gender-based discrimination and sexual harassment cases; nor has the system sufficiently prepared a structure that can enable labor supervisors to learn and strengthen gender sensitivity for handling the cases through job training.

In this situation, the government assigned labor supervisors in charge of employment equality and formed special committees on gender-based discrimination and sexual harassment at 47 local labor offices nationwide, according to the Measures for Women's Jobs announced on December 27, 2017 and the Complementary Measures for Eradication of Sexual Harassment and Assault reported to the Cabinet meeting on July 3, 2018. However, the job descriptions for labor supervisors in charge of the correction of discrimination and employment equality were not specified, and an education system

for improving gender awareness needed for carrying out their duties was not established. In addition, although special committees on gender-based discrimination and sexual harassment are organized at the 47 local labor offices across the country, a majority of local labor offices, except for Seoul and Ulsan Regional Employment and Labor Offices, have held no committee meetings.

In this context, this study had an overview of Korea's labor supervisory administrative organizations and systems, and specifically examined the current status of operating them, including the legal systems, labor supervision at central and local offices, and business places, handling of appeals and incidents, centers for anonymous reports, and supporting system for autonomous dispute solutions. In order to identify problems of the labor supervisory system regarding gender-based discrimination and sexual harassment in employment and to develop agendas, we in the study conducted in-depth interview surveys of labor supervisors, former petitioners, honorary employment equality supervisors, and staff at counseling centers for employment equality. Based on the analysis, we suggested ways to strengthen gender-sensitive labor supervisory administration. The ways to strengthen gender-sensitive labor supervisory administration are suggested by dividing them into administrative organizations, the labor supervisory system, strengthening of labor supervisors' job competencies and expertise, and the autonomous supporting system and the cooperative system.

Regarding administrative organizations, ① it was suggested to establish (restore) an employment equality department as a separate organization at local labor offices so that the department can take charge of gender-based discrimination in employment. ② It was demanded to expand the functions of the special committees on gender-based discrimination and sexual harassment and revise related

guidelines by restoring the functions of the committees on gender equality in employment (which was abolished in 2005) suitably for the realities at the special committees.

As for the labor supervisory system, it was demanded to ① introduce a labor supervisory system that conducts labor supervision of business places against which reports, including anonymous reports, are submitted, ② adopt a public disclosure system that announces the result of labor supervision about the violation related to gender-based discrimination and sexual harassment at work, and ③ establish regulations defining the duties of labor supervisors necessary to carry out their duties regarding correction of discrimination and equality in employment.

As for the strengthening of labor supervisors' job competencies and expertise, it was suggested to ① establish an educational system for improving gender awareness ② and organize and operate a council of labor supervisors in charge of employment equality.

Regarding the autonomous supporting system and the cooperative system, ① it was suggested to expand the scope of commissioning honorary employment equality supervisors to those who belong to labor-management or professional organizations and for a particular gender not to exceed 60 out of 100 upon appointment. ② As a way to establish a closely linked system between counseling centers for employment equality and local labor offices, it was suggested to strengthen the cooperative structure by actively holding special committees on gender-based discrimination and sexual harassment and to promote education or workshops in which labor supervisors in charge of employment equality and staff at counseling centers for employment equality participate together.