

Research Title Operation of Employment Equality Counseling Centers: Current Status and Suggestions for Improvement
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Improving the Operation of Employment Equality Counseling Centers: Voices from the Field

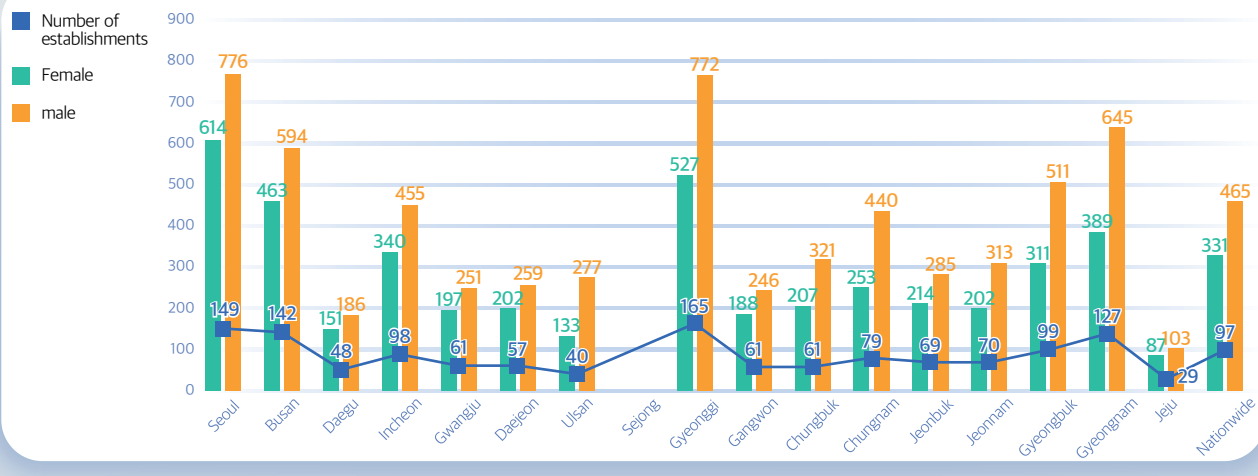
- In today's labor environment, which emphasizes the voluntary settlement and prevention of evermore complex and diverse disputes arising from gender discrimination in employment, 'Employment Equality Counseling Centers (EECCs)' act as an important public-private partnership system which addresses the elimination of gender discrimination in employment.
- The present study examined the current status of EECCs' operations, and suggested improvements for EECCs' operations in order to provide more practical support for the victims of gender discrimination and sexual harassment in employment.

Abstract

- In accordance with the 'Equal Employment Opportunity and Work-Family Balance Assistance Act', Korea enforces a substantive law to prevent gender discrimination in employment, to ban workplace sexual harassment, to protect motherhood, to ensure a work-family balance, etc.
- The basic principle adopted in the 'Equal Employment Opportunity and Work-Family Balance Assistance Act' is that all disputes arising from employment relations shall be settled voluntarily within the relevant business place.
- The 'Equal Employment Opportunity and Work-Family Balance Assistance Act', stipulates two systems for a voluntary settlement of grievances: one is through the labor-management council; the other is through the EECCs operated by private organizations.
- Despite the growing importance of the roles and functions of EECCs in the workplace, the distribution of EECCs remains uneven across regions. Also, the current structure and the operation system of EECCs are considered inadequate in prompting immediate response to address labor issues that are growing increasingly complex and diverse. In addition, the lack of budget and professional staff, the difficulties in publicizing EECCs, and insufficient coordination with the Regional Employment and Labor Administrations are amplifying the challenges for EECCs in protecting the victims' rights.
- Therefore, the present study examined how EECCs are currently being operated, and proposed ways EECCs can improve their operations in order to provide practical support for the victims of gender discrimination and sexual harassment in employment. The results of the study suggested the following improvements for EECCs: Strengthen the stability of the counseling service provided by EECCs; improve the evaluation system of EECCs; enhance the stability and autonomy of EECCs' operations; build the capacity of the employees working at EECCs; publish a white paper to disseminate EECCs' achievements and gather feedback; improve and support the government's communication with EECCs; and expand the functions and the number of EECCs.

Average number of establishments and workers per EECC

1,000 establishments, 1,000 workers



Note: The figures for EECCs are as of 2019. There were 15 EECCs nationwide as of 2017.

Data: Statistics Korea (2018), raw data from the 「2017 Census on Establishments」

1. Background and issues

- The basic principle adopted in the 「Equal Employment Opportunity and Work-Family Balance Assistance Act」 is that all disputes arising from employment relations shall be settled voluntarily within the relevant business place. The Act stipulates two systems for a voluntary settlement of grievances: one is through the labor-management council, which is the system that has been prescribed since the initial enforcement of the Act; the other is through the EECCs, which were introduced through the fourth revision of the Act in 2000.
- Some criticize that despite the diverse and increasing demands for the elimination of gender discrimination over time, the uneven distribution of EECCs across the country are creating a regional bias in support for counseling and the protection of victims' rights.
- EECCs are witnessing increasing problems due to their structure and operational system that can hinder the provision of immediate responses to complex and diverse labor issues. These problems include the growing challenges in protecting the victims' rights due to the lack of budget and professional staff, the difficulties in publicizing EECCs, and insufficient coordination with the Regional Employment and Labor Administrations.
- Currently, there are only 21 counseling centers that have been designated and are operating as EECCs across the country. The access to EECCs is also limited. In addition, the budget for EECCs is inadequate for the roles and functions which EECCs need to perform, as the annual budget per EECC amounts to only around 20 million won, which has remained unchanged for 13 years.



To address the aforementioned problems, the present study examined the current status of EECCs' operations, and suggested improvements for EECCs' operations in order to provide more practical support for the victims of gender discrimination and sexual harassment in employment.

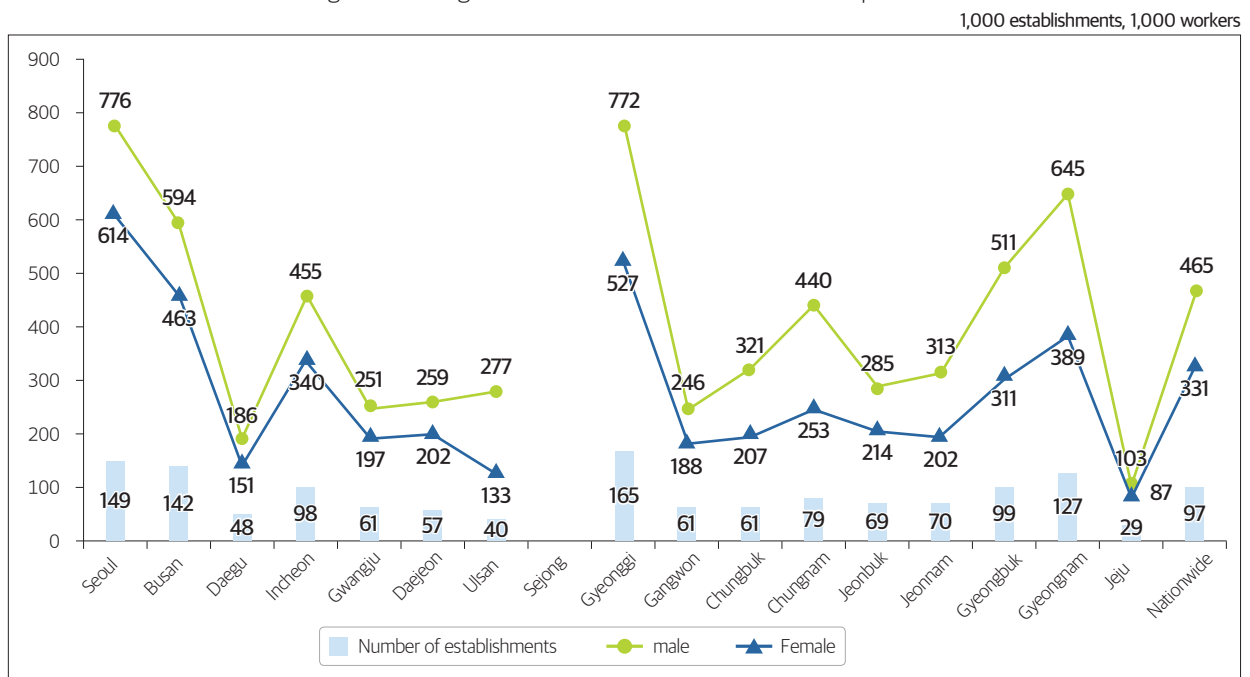
2. Results and analyses



Current status of EECCs

- The study found that on average, each EECC of the total 21 EECCs nationwide was in charge of 97,000 establishments, 331,000 female workers, and 465,000 male workers.
- The average number of establishments allotted per EECC was the greatest for Gyeonggi (165,000 establishments), followed by Seoul (149,000 establishments), Busan (142,000 establishments), and Gyeongnam (127,000 establishments), demonstrating that EECCs in these three regions were in charge of 100,000 or more establishments on average. The average number of female workers allotted per EECC was the greatest for Seoul (614,000 female workers), followed by Gyeonggi (527,000 female workers) and Busan (463,000 female workers).

<Figure 1> Average number of establishments and workers per EECC



Note: The figures for EECCs are as of 2019. There were 15 EECCs nationwide as of 2017.

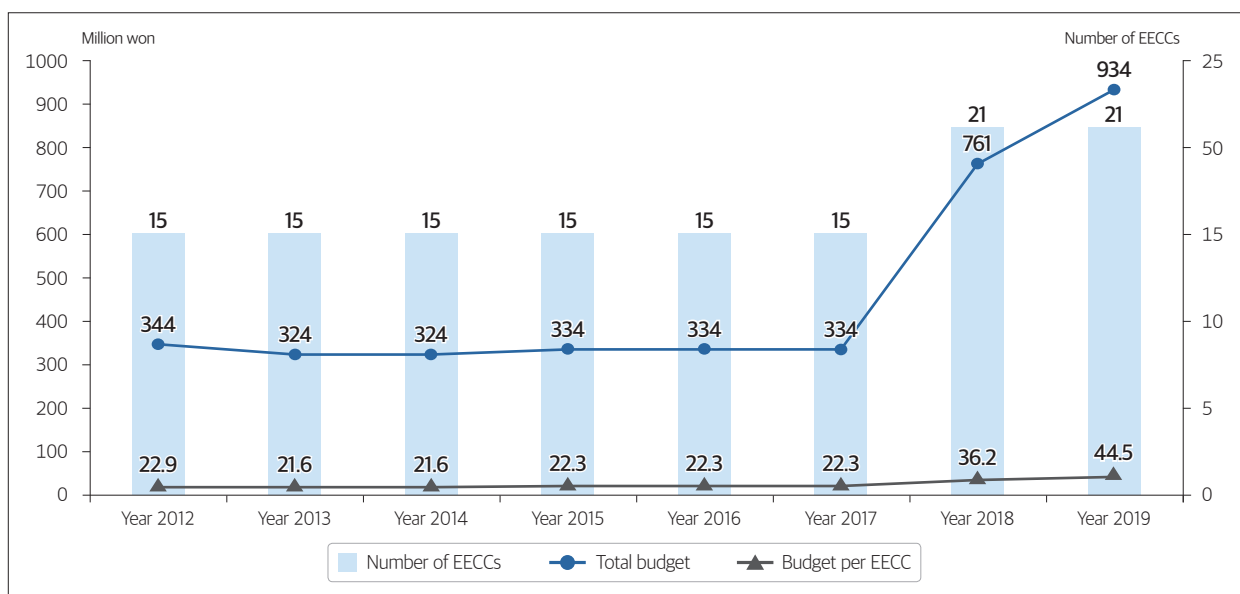
Data: Statistics Korea (2018), raw data from the 「2017 Census on Establishments」



Budget for EECCs

- ▶ Labor costs for counselors account for the largest portion of the support budgets for EECCs. However, ever since the budget cut in 2012, EECCs have been experiencing difficulties in securing the amount of labor costs sufficient to cover the minimum wage for counselors.
- ▶ In 2018, six new EECCs were added, and the budget more than doubled compared to 2017 due to the introduction of workplace education fees and psychological and emotional therapy programs. The budget in 2019 was 934 million won, which was an increase from 2018 by 173 million won. However, the increase was due to the addition of professional staff labor costs worth 223 million won for 10 EECCs. Thus, the budget increase was not uniform across all of the 21 EECCs.

<Figure 2> Total budgets for EECCs by year



Current status of the operation of EECCs - Based on the performance reports of the counseling centers

- ▶ An analysis of the number of EECCs' counseling cases by counseling topic revealed that the most common topic for counseling was 'delayed payment of wage, etc.'. Notably, society's increased sensitivity towards gender discrimination in 2017 also led to an increase in the reports of workplace sexual harassment which had been silenced previously. As a result, 'sexual harassment in the workplace' (41.2 %) became the most common topic of counseling in 2017.
- ▶ In 2018, the most common method of counseling offered at EECCs was telephone counseling (79.6 %), followed by counseling by visit (10.1 %). Counseling by visit accounted for about 1 out of 10 total counseling cases. Counseling by visit can often take more than 2 hours.

- An analysis of trends from 2014 to 2018 in the actions taken by EECCs after counseling found that the rate of voluntary settlement within the relevant organizations decreased, while the rate of transfer to administrative agencies increased. In particular, transfer to administrative agencies accounted for 10.4 % of all the actions taken by EECCs after counseling in 2018 (a 3.5 %p increase from the previous year). In the cases of the transfer to administrative agencies, follow-up administrative support was also provided for the female workers who were unfamiliar with the relevant administrative procedures.

<Table 1> Actions taken by EECCs after counseling (Years 2014 - 2018)

(Unit: case, %)

Action	Sub-total	Advice such as guidance on procedures involving the protection of rights, etc.	Voluntary settlement within the relevant organizations	Transfer to administrative agencies
Year 2014	5,382	4,258	821	303
		79.1	15.3	5.6
Year 2015	5,215	4,157	809	249
		79.7	15.5	4.8
Year 2016	5,824	4,819	611	394
		82.7	10.5	6.8
Year 2017	7,653	6,147	975	531
		80.3	12.7	6.9
Year 2018	8,951	7,038	978	935
		78.6	10.9	10.4

- The psychological and emotional therapy program was introduced in 2018 as a new project targeting female workers visiting EECCs. The psychological and emotional therapy program not only aims to provide legal and institutional counseling focusing on the victims' damages, but also strives to offer psychological and emotional support in order to prevent post-traumatic stress and secondary victimization among the affected female workers. As the psychological and emotional therapy program was first introduced in 2018, it will require some time for the program to stabilize.
- In addition to submitting regular reports to the Ministry of Employment and Labor on counseling, preventive education, and the psychological and emotional therapy program, EECCs also carry out various projects to address gender discrimination in employment and to spread awareness on employment equality, by reflecting the characteristics of the women's labor market in the areas where EECCs are located (e.g., dissemination of employment equality counseling, accumulation of counseling cases, education, promotion, research, support for the counselors' work capacity, various activities of solidarity, etc.).



The study reviewed the example of counseling centers for the victims of sexual violence, which is the system that delivers counseling for victims' relief through private consignment by government based on similar laws applicable to EECCs.

- ▶ The study found that EECCs in general received somewhat insufficient support in comparison to counseling centers for the victims of sexual violence, which are classified as social welfare facilities and are therefore controlled and supported by the central and local governments with both state and local expenses.
- ▶ Due to the very nature of counseling service, in which a counselor is unable to engage in other tasks while providing a counseling service, at least two full-time employees are required to work at each EECC. Therefore, it is imperative to make a realistic change in the amount of subsidies for EECCs which is currently failing to meet the minimum wage for each counselor.
- ▶ It is necessary for EECCs to increase the selection cycle to two or three years by benchmarking counseling centers for the victims of sexual violence, which conduct quantitative and qualitative evaluations every three years. EECCs also need to conduct in-depth evaluations for selection reviews.
- ▶ In addition, instead of conducting guidance inspections focusing on the external conditions of EECCs, it is necessary to establish a consistent operating committee involving relevant parties (such as the one operated by the counseling centers for the victims of sexual violence) to examine progresses in existing incidents and pending issues concerning employment equality within the areas under the jurisdictions of EECCs, and to discuss the operation of EECCs, etc.



Main results of a focus group interview (FGI) involving those working at EECCs

1) Empowerment of female workers

- ▶ EECCs do not merely provide counseling to address discrimination experienced by female workers in the workplace. Instead, EECCs support female workers to respond to and solve problems by helping them to recognize their rights as workers and to exercise labor rights autonomously.

2) Improvement in the workplace environment and social systems

- ▶ EECCs build a safe working environment by improving the workplace culture for female workers in the process of helping them to view and solve their problems autonomously.
- ▶ EECCs not only strengthen female workers's autonomy and improve the workplace culture for female workers, but also upgrade the relevant legal systems specifically and thereby contribute to gender equality in labor for specific regions and for the whole society.

3) Counseling time

- ▶ Although EECCs in the early days provided counseling regardless of location or time, EECCs now refrain from offering counseling outside regular working hours. However, the patterns of counseling activities remain appropriate for the nature of employment equality counseling (e.g., the provision of after-hours counseling and counseling by visit for female workers).

- ▶ A counseling session normally takes 30 minutes or longer. Also, unlike in the past, not many counseling sessions now end with just addressing simple inquiries, as people now tend to seek out EECCs after thoroughly familiarizing themselves with relevant information through the internet in advance.
- ▶ Counselees often reach out to EECCs after seeking out counseling from other places and find solutions to their problems during the counseling process in EECCs.
- ▶ The number of counseling cases dramatically increased after the Gangnam Station murder incident and the #MeToo movement. However, the counselors working in EECCs claim that it is difficult to secure the quality of counseling with a limited number of staff when the demand for counseling expands drastically.

4) Support after counseling

- ▶ Areas of EECCs' counseling include offering support for trials, accompanying the victims during investigations, and providing follow-up monitoring for those who left their workplace. EECCs' counseling also extends to one-person protests on pending issues in regional women's labor and press conferences.

5) EECCs' operation and staff treatment

- ▶ One of the requirements for the selection of EECCs is that 'at least one employee from a private organization shall work as a counselor'. However, operating each EECC with only one dedicated employee has always been difficult. Providing counseling services based on only passion and dedication tends to exhaust counselors and also lowers the quality of counseling.
- ▶ Most of the operating costs allocated to EECCs are spent on labor costs. The actual operating cost of 22 million won has remained unchanged for many years, while the wages for the counselors often remained below the minimum wage.

6) Improving and building counseling capacity

- ▶ Capacity building in counseling is administered at the individual level for each counselor or separately to each EECC. Capacity building activities include learning about employment equality and healing the exhausted mental state of the counselors associated with assimilating to the counselees during the counseling process.
- ▶ The Ministry of Employment and Labor used to administer counseling capacity building to improve counseling services. There were calls for the Ministry of Employment and Labor to provide support for counseling capacity building.

7) Implementation of work by the government and relevant agencies

- ▶ Employees at EECCs believe that the Ministry of Employment and Labor tend to downplay the status of EECCs which are operated by private organizations. The Ministry of Employment and Labor generally lacks understanding on employment equality counseling.
- ▶ There is a lack of communication between EECCs and the Ministry of Employment and Labor. There is also a lack of feedback for policy improvements. In addition, the Ministry of Employment and Labor's plan to achieve employment equality is invisible.

- ▶ The Ministry of Employment and Labor should pursue tasks related to employment equality at the bureau-level, revive the employment equality division of the Regional Employment and Labor Administrations, and thereby rebuild the communication concerning the tasks on employment equality which are linked to both the Ministry of Employment and Labor and Regional Employment and Labor Administrations.
- ▶ Progresses in relevant tasks should be shared regularly and constantly between EECCs, the Regional Employment and Labor Administrations, and Labor Inspectors.
- ▶ Inspectors in charge of employment equality are tasked with disproportionately large amount of work that are unrelated to employment equality. They also lack gender sensitivity.

8) Promotion of EECCs and feedback on counseling outcomes

- ▶ It is necessary to raise awareness on EECCs as their activities are focused on regions. Regional awareness raising on EECCs is crucial for the promotion of new projects such as psychological and emotional programs and workplace education.
- ▶ It is necessary to share relevant materials produced by the Ministry of Employment and Labor for EECCs's operations. It is also necessary to gather feedback on counseling outcomes by sharing relevant cases through documenting EECCs' operations.

9) New projects for 2018: Utilization of professional staff; special committees on gender discrimination; education on psychology and emotion; and workplace education

- ▶ Support for professional staff should expand to all EECCs. Since employment equality counseling is possible only when the counselors have a good grasp of on-site labor conditions as well as statutory regulations, it is recommended that professional staff be recruited appropriately to suit the specific circumstance of each EECC.
- ▶ Special committees on sexual harassment and gender discrimination created after the #MeToo movement cannot prevent disputes because they hold meetings only after incidents. Thus, it is necessary for them to hold regular meetings and to standardize operational guidelines.
- ▶ In general, regional characteristics and circumstances of EECCs are being ignored in dividing budgets for the psychological and emotional programs and for workplace education, as well as in designating the appropriate number of projects, etc. It would thus take some time to settle projects initially (e.g., imposing a limit to the specific number of projects, etc.).

10) Others

- ▶ (Quantitative evaluation) Employment equality counseling cannot be evaluated quantitatively. The Ministry of Employment and Labor and EECCs tend to perceive employment equality counseling differently.
- ▶ (Selection and the operating agent of the counseling centers) Selection needs to change each year.

3. Policy recommendations



Suggestions for the improvement of EECCs

- ▶ Strengthen the stability of the counseling service provided by EECCs
- ▶ Improve the evaluation system of EECCs
- ▶ Enhance the stability and autonomy of EECCs' operations
- ▶ Build the capacity of the employees working at EECCs
- ▶ Publish a white paper to disseminate EECCs' achievements and gather feedback
- ▶ Improve and support the government's communication with EECCs
- ▶ Expand the functions and the number of EECCs



Legislative tasks to improve EECCs

- ▶ The functions, selection criteria, etc. of EECCs should be based on clear legal grounds. Therefore, provisions regarding EECCs prescribed in the current 「Equal Employment Opportunity and Work-Family Balance Assistance Act」 need to be revised as follows:

<Table 2-1> Comparison between the current and revised provisions
(Article 23 of the Equal Employment Opportunity and Work-Family Balance Assistance Act)

Current Act	Proposed revision
<p>Article 23 (Assistance for counseling services) ① The Minister of Employment and Labor may, within budgetary limits, partially <u>subsidize</u> necessary expenses incurred by private organizations in providing counseling services on <u>discrimination, sexual harassment in the workplace, protection of motherhood and work-family balance, etc.</u></p> <p>② Matters necessary for the requirements for selecting organizations, criteria and procedures for subsidization, interruption of subsidization, etc under paragraph ① shall be prescribed by Ordinance of the Ministry of Employment and Labor.</p>	<p>Article 23 (Assistance for counseling services, etc.) ① The Minister of Employment and Labor shall, within budgetary limits, partially <u>subsidize</u> necessary expenses incurred by private organizations in providing counseling and preventive services on discrimination and sexual harassment, etc. in the workplace and offering support, etc. for the protection of victims' rights.</p> <p>② Matters necessary for the requirements for selecting organizations, <u>the treatment of staff</u>, criteria and procedures for subsidization, interruption of subsidization, etc under paragraph ① shall be prescribed by Ordinance of the Ministry of Employment and Labor.</p>

<Table 2-2> Comparison between the current and revised provisions
(Article 15 of the Equal Employment Opportunity and Work-Family Balance Assistance Act)

Current Act	Proposed revision
Article 15 (Selection of private organizations, etc.) ① (Omitted) 1. (Omitted)	Article 15 (Selection of private organizations, etc.) ① (Omitted) 1. (Omitted)
2. Among the employees belonging to the relevant private organizations, at least one person applicable to any of the following cases shall be employed as counselors	2. Among the employees belonging to the relevant private organizations, at least two persons applicable to any of the following cases shall be employed as counselors
(a) (Omitted)	(a) (Omitted)
(b) A person who majored in sociology, psychology, women's studies, economics, or law at a school applicable to the 「Higher Education Act」 and has engaged in work related to labor for at least one year	(b) A person who majored in sociology, psychology, women's studies, economics, law, etc. at a school applicable to the 「Higher Education Act」 and has engaged in work related to labor for at least one year

References

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- Gender Equality Policy Division, The Ministry of Employment and Labor. The 2019 Project Plan for Employment Equality Counseling Centers.
- The Ministry of Gender Equality and Family (2019). 「2019 Guidelines for the Promotion of Women's and Children's Rights」.

Supervising ministry: Gender Equality Policy Division, The Ministry of Employment and Labor
Relevant ministry: Women's Policy Division, The Ministry of Gender Equality and Family