

ACRC Korea Transparency Newsletter (July. 2023)

- ▷ **ACRC Shares the Excellence of “Comprehensive Integrity Assessment” with Indonesia**

- ▷ **Advisory Lawyer Will File a Report on Behalf of Whistleblower**

- ▷ **ACRC Actively Relieves Foreign Workers Appealing the Injustice of Unfair Dismissal**

- ▷ **Labor and Management Meeting to Improve the Employment of Foreign Seafarers**

- ▷ **Enhancing Support for Underfed Children’s School Meals with Reliable Information on ‘Good Restaurants’**

ACRC Shares the Excellence of “Comprehensive Integrity Assessment” with Indonesia

- ACRC holds a briefing session for public officials from Indonesia’s KPK to strengthen their anti-corruption capacity

(17th July 2023, ACRC)

A place for introducing Korea’s anti-corruption policies and sharing experiences of operating the Comprehensive Integrity Assessment has been organized at the request of Indonesia’s Corruption Eradication Commission (KPK).

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-Il) will hold a briefing session in the afternoon today for public officials from Indonesia’s KPK with the aim of strengthening their anti-corruption capacity.

The briefing session is organized with the aim of strengthening the capacity of public officials responsible for the prevention of corruption in Indonesia by enhancing their understanding of Korea’s anti-corruption policies and systems, including Comprehensive Integrity Assessment, and sharing experiences.

ACRC will explain the system and major reforms of the Comprehensive Integrity Assessment, which has integrated ▲integrity perception (survey involving the interested parties), ▲integrity effort (anti-corruption efforts made by each institution), and ▲corruption realities (objective status of the occurrence of corruption) of the existing Integrity Assessment. The Commission will also share the result of the 2022 Public Institution Comprehensive Integrity Assessment.

Integrity Assessment is a system that examines the integrity level of public

institutions and guides the identification and mitigation of corruption-prone factors. This system is internationally recognized for its excellence and won first place in the UN Public Service Awards in 2012.

Since ACRC transferred the Integrity Assessment system to Indonesia in 2007, Indonesia has been striving to implement the system successfully and promote anti-corruption and integrity.

ACRC Vice Chairperson and Secretary General Chung Seung Yun said, "We will actively share Korea's anti-corruption systems and experiences with the international community and strengthen cooperation for anti-corruption technical assistance."

Advisory Lawyer Will File a Report on Behalf of a Whistleblower

ACRC newly appointed 50 advisory lawyers as non-real name proxy lawyers for whistleblowers, strengthening the protection of whistleblowers' identity with legal fees for lawyers provided

(26th July 2023, ACRC)

Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) newly appointed 50 advisory lawyers as the fifth non-real name proxy lawyers to protect whistleblowers' identity on July 26 at the Government Complex Seoul.

Vice Chairman of the Korean Bar Association (KBA, Chairman Kim Young-Hoon) Eo Young-Kang and Chairman of the Seoul Bar Association Kim Jeong-Wook attended the appointment ceremony.

The newly appointed advisory lawyers will serve as members of the association of non-real name proxy lawyers (100 members in total) led by the ACRC for the next two years, and details about the lawyers including names, serving areas, and fields of consulting desired are made public online via ACRC homepage and Clean Portal.

'Non-real name proxy reporting' system aims to prevent the leakage of a whistleblower's identity by allowing him/her to use the name of a proxy lawyer representing him/her in cases of reporting on public interest infringement, corruption, improper solicitations and graft, etc.

Having organized the association of non-real name proxy lawyers in

conjunction with the KBA since July 2019 to facilitate the proxy reporting system, the ACRC has been providing legal fees for lawyers for whistleblowers to ease their financial burden when hiring lawyers for receiving counseling and filing a non-real name proxy report.

The ACRC and KBA offered education to about 100 lawyers on July 20 on the non-real name proxy reporting system, and agreed to acknowledge the records of proxy reporting by lawyers as acts of public interest enhancement. The ACRC Chairperson Kim Hong-Il said in his greetings at the appointment ceremony, “I would like to ask for more support for whistleblowers hesitating to report due to fears of the leakage of their identities so that they can muster up their courage to report,” calling for efforts to create society with fairness and common sense.

※ A Guide to Use a System of Non-Real Name Proxy Reporting of ACRC

Go to www.clean.go.kr and click ‘Information → Non-Real Name Proxy Reporting System User Guide → Association of Non-Real Name Proxy Lawyers’ and choose one of the lawyers on the list to send an email for requesting legal counseling

ACRC Actively Relieves Foreign Workers Appealing against the Injustice of Unfair Dismissal

- Allowing the “change of workplace” to enable reemployment for those at the risk of deportation due to actions by farm owners

(31st July 2023, ACRC)

A judgment has been made that it is inappropriate to disallow the change of workplace due to the overdue period of application for the change, even though a farm owner terminated a labor contract without agreement with foreign workers.

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) expressed its opinion to the head of the ○○ Regional Employment and Labor Administration that in cases where business owners unfairly terminated labor contracts with foreign workers who entered Korea through the Employment Permit System, these workers should be allowed to change the workplace to enable them to continue their job search during their stay in Korea.

While the Employment Permit System disallows changing the workplace in principle, the application for change of workplace is allowed up to three times within one month of the termination of a labor contract with the business owner.

Worker A and Worker B who entered Korea through the Employment Permit System signed three-year labor contracts with a farm owner in December 2021 and April 2021, respectively.

However, the farm owner violated the Employment Permit System by illegally sending Worker A and Worker B to work at the farm of the owner’s brother.

Moreover, the farm owner falsely reported to the ○○ Regional Employment and Labor Administration that the termination of the labor contract was “an early termination based on autonomous agreement” even though there was no attributable reasons for the termination.

Worker A and Worker B discovered the termination of their labor contracts two months later following the aforementioned report when they visited the ○
○ Immigration Office to obtain a certificate of alien registration.

The ○○ Regional Employment and Labor Administration imposed a one-year employment restriction against the farm that illegally sent workers and a two-year employment restriction against the one that employed those workers.

Furthermore, the Administration disallowed Worker A and Worker B from changing their workplace as the period of application for change of workplace has expired, and they did not apply for it despite being aware that they were illegally sent to another farm.

With regard to the aforementioned disposition, Worker A and Worker B filed grievance complaints with ACRC in December 2022, stating that they are at the risk of deportation to their home country due to being classified as illegal immigrants as a consequence of actions by the farm owner.

ACRC expressed its opinion to the ○○ Regional Employment and Labor Administration, suggesting that it may consider allowing the change of workplace based on the comprehensive consideration of facts that ▲the farm owner faced employment restrictions due to illegally sending Worker A and Worker B to another farm, ▲Worker A and Worker B were unaware of the termination of their labor contracts, as it was done unilaterally by the farm owner without agreement, and ▲the delay in wage payment for Worker A and Worker B is among the reasons for changing the workplace.

○○ Regional Employment and Labor Administration actively accepted the opinion expressed by ACRC and allowed Worker A and Worker B to change their workplace so that they recover their qualification for stay and contribute to domestic business through their labor participation.

ACRC Vice Chairperson Kim Tae-Gyu said, “We will establish improvement measures through the fact-finding research of the Employment Permit System and take the lead to contribute to resolve manpower shortage issues in Korea by actively redressing grievances of foreign workers facing difficulties caused by social discrimination.”

Labor and Management Meeting to Improve the Employment of Foreign Seafarers

- ACRC hosts a panel discussion on institutional improvement for “ways of rationalizing the employment of foreign seafarers.”

(7th July 2023, ACRC)

A place for discussion on measures for institutional improvement will be organized to address issues related to the employment of foreign seafarers in the era of low birth rates and an aging population.

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) will host a panel discussion at “Spaceshare,” located near Seoul Station, at 10 a.m. on July 7, inviting experts from relevant organizations, including the Ministry of Oceans and Fisheries (MOF), Korea Shipping Association, National Federation of Fisheries Cooperatives, and Federation of Korean Seafarers’ Union.

The discussion aims to lay the foundation for the advancement of the marine and fishery industry by resolving issues regarding the supply and demand of seafarers manpower in industrial fields resulting from the sharp decline in the working-age population due to low birth rates and an aging population and bridging the opinion gap between labor and management related to such issue.

The marine and fishery industry is currently one of the industries that people tend to avoid, where the number of seafarers is continuously decreasing, and has no choice but to depend on foreign seafarers.

According to the Korea Seafarer's Statistical Yearbook, as of late 2021, the number of seafarers employed in Korea reached 59,843, among which 27,333 were foreign seafarers, accounting for nearly half the total.

However, some have pointed out that the legal basis for the “Guidelines of

Foreign Seafarers Management,” which stipulate decisions regarding the size of employment of foreign seafarers or employment reporting, remains unclear, and relevant shipowner groups* and seafarers’ unions in Korea** have been reaching agreements prior to the government’s policy decisions, resulting in mutual conflicts.

* National Federation of Fisheries Cooperatives, Korea Shipowners’ Association, Korea Shipping Association, Korea Overseas Fisheries Association, etc.

** Federation of Korean Seafarers’ Unions (FKSU)

As a result, there have been mutual distrust and conflicts in the course of labor-management consultations and employment reporting.

Furthermore, there have been some issues, including foreign seafarers’ union membership fee as per the agreement between labor and management, welfare funds for the protection of seafarers in Korea and improvement of their welfare, and the payment of foreign seafarers management costs required by relevant shipowner groups according to their internal regulations.

The discussion invites the relevant division of the MOF, relevant shipowner groups, people from seafarers’ unions in Korea, and experts to discuss the current management of foreign seafarers and the improvement measures by ACRC, which will be based on the discussion on the current situation.

ACRC plans to recommend institutional improvements through a convergence of opinions by consulting with relevant agencies and experts based on the opinions gathered from the discussion.

ACRC Vice Chairperson Kim Tae-Gyu said, “Institutional improvements are necessary as the shortcomings in processes and methods can potentially lead to confrontation and conflicts, despite good intentions of systems. We hope that today’s discussion will serve as a platform for a constructive discussion to lay the foundation for the advancement of the marine and fishery sectors in the era of low birth rates and an aging population.”

Enhancing Support for Underfed Children’s School Meals with Reliable Information on “Good Restaurants”

- Recommending local governments with “Measures to Facilitate Social Contribution Projects for Underfed Children”

(July 25 2023, ACRC)

Local governments will further promote discovery and publicity of restaurants that provide support to underfed children. They will also provide key information, such as the current status of such restaurants, to the children in a more accurate and direct manner.

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) has established “Measures to Facilitate Social Contribution Projects for Underfed Children,” comprising of the aforementioned information, and recommended institutional improvements to local governments across the country.

In September 2021, ACRC established the “Improvement Measures for School Meals System for Children” aimed at benefiting 280,000 underfed children (as of 2022) and recommended it to local governments throughout the country.

Consequently, the unit cost of school meals for children of each local government, which was previously between 5,000 and 9,000 won*, has increased to a range of 8,000 to 9,000 won**.

* As of January 2023, 216 out of 226 basic local governments

** As of January 2023, 10 out of 226 basic local governments: Seoul (Seocho-gu and Jongno-gu), Busan (Jung-gu, Busanjin-gu, Haeundae-gu, Geumjeong-gu, Suyoung-gu, and Gijang-gun), Chungbuk (Okcheon-gun), and Gyeongnam (Goseong-gun)

Furthermore, the design of the Child Meal Card has been modified to match the design of other cards, with the aim to address the issues of the children

feeling labeled due to their use of the Child Meal Card. In addition, the number of restaurants that accept the Meal Card was limited at the time of recommendation, which now has been expanding to encompass all restaurants.

According to the fact-finding research conducted by ACRC, however, there were a number of cases reporting inconveniences in using the restaurants as information about the Meal Card-available restaurants provided by the local governments sometimes included unavailable ones or omitted contact numbers.

In this regard, ACRC ensured that local governments across the country establish measures to prevent information errors and omissions, with the aim of deterring the recurrence of such inconveniences. The Commission recommended that local governments not only release information about the Meal Card-available restaurants on their website but also individually inform children through text messages.

Furthermore, there have been some cases where children could not use the Card as local governments did not provide information on such restaurants, even though there are restaurants providing support to underfed children as part of their voluntary social contribution activities within local communities.

It has been confirmed that with the exception of a few local governments, such as Seocho-gu, Seoul (Good Restaurant in Our Neighborhood) and Sejong-si (Good Restaurant), most local governments have neglected their roles to some extent in discovering and promoting restaurants that offer support to underfed children.

In this regard, ACRC has taken measures to ensure that each local government provides information on restaurants supporting underfed children, taking into account the current status of restaurants.

Additionally, the Commission recommended local governments to identify and promote restaurants supporting underfed children based on the characteristics of each local government by introducing a model for social contribution projects that builds upon the “Good Restaurant Project” carried out by Seocho-gu.

ACRC Vice Chairperson Kim Tae-Gyu said, “We anticipate that these institutional improvements could spread good influence throughout society by sharing, and we hope that children can enjoy their meals in a more comfortable environment.”