SHIN&KIM
법무법인(유) 세종

# Monthly Labor Brief

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Greetings from the Labor and Employment Practice Group of Shin & Kim LLC.

Drawing on extensive experience and a deep understanding of labor and employment law, we advise clients on a broad range of workplace matters, from day-to-day HR and labor management to complex labor disputes and union-related issues.

In this issue of our **Monthly Labor Brief**, we highlight the following:

- **Major Cases Represented by Shin & Kim**: Notable cases involving collective bargaining obligations, re-employment after retirement, workplace harassment, wage-peak systems, and holiday pay.
- **Labor & Employment Column**: An overview of key issues in calculating damages arising from occupational injuries, including lost earnings, medical and care expenses, insurance benefit deductions, and comparative negligence.
- **Recent Case Law**: Court decisions addressing automatic termination of employment, promotion eligibility based on multi-rater evaluations, and the enforceability of agreements not to sue in ordinary wage disputes.

We hope this issue serves as a valuable resource to help you navigate the rapidly changing labor and employment landscape and respond to important legal developments and workplace challenges.

Should you have any questions or require further assistance regarding these updates, please do not hesitate to contact us.

## Major Cases Represented by Shin & Kim

- Seoul High Court Finds Principal Companies' Refusal to Bargain with Subcontractor Unions Did Not Constitute an Unfair Labor Practice Under the Pre-Amendment Trade Union Act
- Court Rejects a Retiree's Claim of a Right to Expect Re-employment
- Court Rejects Workplace Harassment and Unpaid Performance Bonus Claims

- Court Upholds the Validity of a Wage-Peak System Linked to an Extension of the Mandatory Retirement Age
- Court Rejects Shift Workers' Holiday Pay Claims and Upholds Holiday Substitution Arrangements

## Labor & Employment Column

- Industrial Accident Litigation: Key Damages Issues for HR and Employment Professionals

## Recent Case Law

- Court Holds That Grounds for Automatic Termination Under a School Foundation's Articles of Incorporation Do Not Terminate Employment Without a Separate Termination Notice
- Court Invalidates Guideline Provision Excluding Employees from Promotion Based Solely on Low Multi-Rater Evaluation Scores for Exceeding Delegated Authority
- Court Holds Agreement Not to Sue Invalid as to Future Ordinary Wage Claims but Orders Return of Settlement Payments as Unjust Enrichment

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