



金東昱

Partner

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Mr. Dong-Wook Kim is a partner at Shin & Kim. Mr. Kim's practice focuses on consulting, advice and litigation in connection with personnel management, labor affairs, labor relations management.

Mr. Kim has worked for Kookmin Bank and has performed duties including the comprehensive management of revocation litigation of review decisions on subjects including dismissal/non-regular workers (fixed-term/dispatched workers), unfair labor practices and essential minimum services/analysis of judicial precedents, and investigation and adjudication at the National Labor Relations Commission after completing the course of the Judicial Research and Training Institute. Then, Mr. Kim was in charge of the comprehensive management of litigation related to collective labor relations, establishment and operation of labor unions, collective bargaining, collective agreements, labor strikes, unfair labor practices and duties related to international organizations including ILO and OECD serving as administrative officer and deputy director at the Labor-Relations Legal Affairs Division of the Ministry of Employment and Labor. He also performed the legal examination and consulting by participating in determination on main labor policies of Ministry of Employment and Labor, National Labor Relations Commission.

Mr. Kim has given lectures on labor precedents to public-interest commissioners of the National Labor Relations Commission and Regional Labor Relations Commission when serving for the National Labor Relations Commission. He was selected as the best lecturer on several occasions by persons taking lectures while giving lectures on labor laws to public officials of the Ministry of Employment and Labor, officials of local municipalities, faculty staff, etc. at the employment and labor training institute of Korea University of Technology and Education (best lecturer in 2009, 2011 and 2012, and great lecturer in 2010). Currently, Mr. Kim is a member of the Korean Society of Labor Law and the Korean Society of Comparison Labor Law, and serves as director of the Society of Labor Law Theory and Profession. Mr. Kim has participated in the process of setting questions of the 20th, 21st, and 22nd Certified Labor Attorney examinations.

經歷

2016-2019 Advisory Counsel, Ministry of Employment and Labor

2015-2019	Adjunct Professor, Korea University School of Law
2014-Present	Shin & Kim LLC
2012-2014	Deputy Director, Ministry of Employment and Labor
2011-2012	Deputy Manager, Ministry of Employment and Labor
2007-2011	Attorney in comprehensive charge of litigation and analysis of judicial precedents, National Labor Relations Commission
2007	Judicial Research & Training Institute, Supreme Court of Korea
2000	Kookmin Bank

主な実績

- Represented a large Korean company during investigations and trials related to unfair labor practices
- Advised a large Korean company involved in litigation in connection with collective labor-management relations
- Advised on labor laws regarding the closure of a chemical company's domestic factory and relocation to a foreign country
- Advised on and won litigation related to the layoff of a textile company
- Responded to the investigation into a suffocation death accident that occurred at a telecommunications company data center (judgment of acquittal)
- Advised on the establishment of a lawful subcontracting system through the inspection of subcontracts at a semiconductor company site
- Advised on the establishment of a lawful subcontracting system through the inspection of subcontracts at an automobile company's business site
- Represented and won a case of an application for division of bargaining units filed by a public institution on behalf of a public corporation
- Represented and won a case filed by a trade union on behalf of a public institution to cancel a decision to review essential works
- Represented clients in achieving a victory in a case seeking confirmation of the employee status filed by employees of a subcontractor on behalf of an automobile company
- Represented a company in a case where an employee who was dismissed for sexual harassment claimed unfair dismissal, and won on behalf of the company
- Represented a semiconductor company in an ordinary wage case filed against the company and won on their behalf
- Represented the ministries in a discrimination lawsuit filed by workers who were converted from non-regular workers to regular workers in the public sector, and won the case
- Advised on the response to the supervision of a construction company by the Ministry of Employment and Labor
- Advised on internal investigations on workplace harassment reports at a financial company

- Represented a client in obtaining a judgment of dismissal of arrest warrant for a suspect in a case requesting an arrest warrant related to a fatal accident caused by Typhoon Hinnamnor
- Represented clients in an investigation into a fatal accident that occurred in a logistics center (judgment of acquittal)
- Represented clients in an investigation into a fatal accident that occurred at a construction site (judgment of acquittal)
- Handled a case of applying for protection measures for a whistleblower who filed a report to the Anti-Corruption & Civil Rights Commission on behalf of a pharmaceutical company (judgment of acquittal)
- Advised a power generation company on disciplining a worker who leaked trade secrets and won a lawsuit brought by the worker on behalf of the company
- Represented clients in achieving a victory in a case to cancel a fine imposed under the Occupational Safety and Health Act for an occupational safety accident at a subsidiary's workplace which was deemed attributable to a parent company, and won the case on behalf of the parent company
- Won a case of applying for correction of a breach of the duty of fair representation brought against a company and its bargaining representatives on behalf of the company
- Represented a financial company and won a lawsuit filed by its employees alleging that the company's wage peak system was invalid

學歷

2011-2013	Korea University Graduate School of Law (Ph.D., coursework completed)
1998-2000	Korea University Graduate School of Law (LL.M.)
1990-1997	Korea University College of Law (LL.B.)

資格

2007	Admitted to bar, Korea
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言語

Korean, English

主な活動

1. Collections of judicial-precedent analyses (published by the National Labor Relations Commission)

- Analysis of key judicial precedents in 2010 (Apr. 2011)
- Analysis of judicial precedents on minimum services (Dec. 2010)
- Analysis of judicial precedents on unfair labor practices (control/involvement) (Nov. 2010)
- Analysis of judicial precedents on correction of discriminatory acts (Oct. 2010)
- Analysis of judicial precedents on the illegality of labor strikes (Aug. 2010)
- Analysis of judicial precedents dismissal for managerial reasons II (June 2010)
- Analysis of key judicial precedents in 2009 (Jan. 2010)
- Analysis of judicial precedents on relocation (Nov. 2009)
- Analysis of judicial precedents and rulings on enforcement levy (Oct. 2009)
- Analysis of judicial precedents on the nature of worker (Sept. 2009)
- Analysis of judicial precedents on fixed-term labor contracts II (Aug. 2009)
- Analysis of judicial precedents on disciplinary measures to a worker engaged in the passenger transportation business (July 2009)
- Analysis of judicial precedents on resignation (June 2009)
- Analysis of judicial precedents on workers engaged in duties of the administration of apartments (May 2009)
- Analysis of judicial precedents on apprentice (Apr. 2009)
- Analysis of judicial precedents on waitlisted employees (Feb. 2009)
- Analysis of judicial precedents on ex officio dismissal (Jan. 2009)
- Analysis of judicial precedents on discipline procedures (Dec. 2008)
- Analysis of judicial precedents on the nature of employer of the principal employer (Nov. 2008)
- Analysis of judicial precedents on dismissal for managerial reasons (Oct. 2008)
- Analysis of judicial precedents on the dismissal on the grounds of a disease, etc. (Sept. 2008)
- Analysis of judicial precedents on remedial benefits/subject eligibility (June 2008)
- Analysis of judicial precedents on the nature of employer (Apr. 2008)

2. Academic publications (registered publications, candidate publications for registration)

- Legal points at issue regarding the procedure of unification of bargaining channels of the Labor Relations Commission, Labor Law Forum (2012, No. 8), Society of Labor Law Theory and Profession
- Points at issue and trends of recent litigation on labor disputes, Labor Law (2010, No. 35), Korean Society of Labor Law

- Legal principles on correction of discrimination in light of judicial precedents, Labor Law Forum (2009, No. 3), Society of Labor Law Theory and Profession

3. Commentaries on judicial precedents

- Whether it is necessary to have procedures of notification of the demand for bargaining in the workplace with a single labor union (June 2014), Korea Labor Institute
- Bargaining units and parties, Monthly Labor Review (May 2013), Korea Labor Institute
- Requirements for the establishment of lockout (2013, No. 48)
- Meaning of 'falsehood and other unfair methods' as a requirement for the establishment of an unfair act under the 『Act on the Development of Workplace Skills of Workers』, Labor Law (2013, No. 47)
- Whether the dismissal of a worker with the application of the quorum for resolution under amended employment rules to the reason for discipline prior to the relevant amendment is justifiable, Labor Law (2013, No. 45)
- Procedural justification of natural retirement where the reason for natural retirement is not the same as that for discipline and there is no provision on the procedure of natural retirement, Labor Law (2013, No. 45)
- Status of the supplementary participant for the defendant in revocation litigation of review decisions, Labor Law (2012, No. 44)
- Degree of notice of reasons for dismissal and whether the defect of a lack of written notice is cured, Labor Law (2012, No. 42)
- Meaning and timing of existence of the treatment under the Act on the Protection, etc. of Fixed-Term and Part-Time Workers, Labor Law (2012, No. 42)

4. Intensive analysis of the Labor Act (Labor Law Magazine)

- Points at issue in practical affairs of criminal punishment to an unfair labor practice (1) (June 2014)
- Details and scope of application of the prohibition of alternative labor during the industrial action period (Apr. 2014)
- Follow-up points at issue regarding the judgment on ordinary wage (Feb. 2014)
- Remedial benefits of the application for the correction of discrimination against fixed-term workers (Dec. 2013)
- Proof of the existence of dismissal (Oct. 2013)
- Legal relations of layoff and whether the right to claim layoff allowances is established (July 2013)
- Decision on the labor union involved in discipline by a workplace with multiple unions (June 2013)
- Judgment on the execution of the order of reinstatement to original position as a requirement for the imposition of the enforcement charges (Apr. 2013)
- Justification of natural retirement after the placement on the waitlist (Feb. 2013)
- Labor committee's treatment of labor relations and violation of jurisdiction of a seaman (Dec. 2012)
- Legal issues related to the composition and operation of the discipline committee (2) (Oct. 2012)

- Legal issues related to the composition and operation of the discipline committee (1) (Aug. 2012)
- Supplementary participation in the revocation litigation of review decisions and suspension of the prescription of salary claims (June 2012)
- Starting point of reckoning of an application for relief where there is a procedure of review decision on discipline (Apr. 2012)
- Multiple unions and uniform membership-fee deduction system (Feb. 2012)
- Scope of the application of Article 23(1) of the Labor Standards Act (Dec. 2011)
- Burden of proof as to the closure of the workplace, remedial benefits, disguised closure (Oct. 2011)
- Interpretation of the period of consent to individual bargaining of multiple unions (Aug. 2011)
- Requirements for the transfer of labor relations due to the split of the company (June 2011)
- Meaning of reinstatement to original position under the relief order of the labor committee, and legal nature of a subsequent personnel order based thereon (Apr. 2011)
- Legal principle of the determination of working conditions of the employment offer under the old Act for Dispatched Workers (Feb. 2011)
- Article 4 of the Act on the Protection, etc. of Fixed-Term and Part-Time Workers and the theory of the right to expect renewal (Dec. 2010)
- Collective agreement of the majority union and bargaining right of the minority union (Oct. 2010)
- Legal points at issue on the system of written notice of dismissal (Aug. 2010)
- Four requirements for redundancy dismissal (June 2010)

5. Other theses

- New theory of interpretation of the procedures of the labor committee at an era of multiple unions, Monthly Labor Review (No. 78), Korea Labor Institute
- Investigation into unfair practices in vocational training projects and study on measures for improvement (co-authored), Korea Research Institute for Vocational Education & Training (2010)
- Systems of correction of discrimination/salary, wage study (2009, Autumn), Korea Employer's Federation
- Comparison between Germany and Korea in terms of the operation of the discrimination-correction system, Settlement and Judgment (2007, No. 30)
- Research on the concept of business transfer and succession of labor relations as a result thereof (LL.M. thesis at Graduate School of Law of Korea University)

6. Overseas Contributions

- Chambers In-Depth Overview – An Introduction to Employment 2024: South Korea

外部評価

- "Leading Individual" for Employment, Chambers Asia, 2017-2023, 2024-2025 (Band 1)
- "Leading Individual" for Employment, Legal500, 2018-2025
- "Leading Lawyer" for Labour and employment, Asialaw Profiles, 2019-2024
- "Leading Lawyer" for Labor, Legal Times, 2017, 2019, 2021-2024
- "Best Lawyer" for Labour and employment, JoongAng Ilbo, Korea In-house Counsel Association, 2023-2024
- "Best Lawyer" for Labor and Employment, Hankyung Business, 2022-2023
- "Best Lawyer" for Labor, Serious Accidents, Lawtimes, 2022