

■ Case Highlights ■

Successful representation of a company in a case involving dismissal of an employee for whom the contract was renewed through improper solicitation

There was media report on solicitation for a job through a former president of a company, who was a well-known figure in the financial world. The audit bureau of the company confirmed through an internal investigation that an employee renewed his contract through improper solicitation for a job. The code of ethics of the company provided that the “officers/employees of the company shall not cause a third party to make improper solicitations to the person in charge of personnel matters with the intent to have undue influence on his/her job”, and breach thereof is a cause for disciplinary action. The company dismissed the relevant employee through the personnel committee.

The employee denied the solicitation charge, and filed for remedies against unfair dismissal before the local labor relations commission, arguing that even if there were indeed such solicitation, the level of disciplinary action (dismissal) was too excessive. JIPYONG represented the company from the proceedings at the level of the local labor relations commission, which accepted the company’s assertion and found the disciplinary dismissal to be reasonable. The employee then filed for review of the decision made by the local labor relations commission.

JIPYONG asserted on behalf of the company that (i) the solicitation in question is sufficiently demonstrated, (ii) the company’s reputation was seriously damaged due to the media coverage of the solicitation, and (iii) the case calls for strictly fair measures on the part of the company which has suffered a serious blow to its fairness and reliability, given the nature of its business. JIPYONG also effectively rebutted the issues emphasized by the employee during the decision review proceeding. As a result, the review proceeding was closed through settlement, which was virtually a win for the company.

[Main Contact]



Kwang Sun LEE
Partner



Jeong Kyu CHOE
Partner



Hyun Jin JANG
Associate