



JE/GR

Paris, 16 July 2003

Mr. Juan Somavia
Director-General
International Labour Office ILO

Mr. Donald Johnston
Secretary-General
Organisation for Economic Co-
operation and Development OECD

Sirs,

Labour Law Reform in the Republic of Korea

We are writing to you concerning the outstanding labour law reform agenda in the Republic of Korea. You will recall that the Korean government made a solemn commitment at the time of its accession to the OECD in 1996 to “reform its legislation in line with internationally accepted standards, including such basic rights as Freedom of Association and Collective Bargaining”. Explicit and implicit assurances were also given at the time of accession to the ILO. At the OECD a special monitoring process is in place through the Employment, Labour and Social Affairs Committee, and the ILO’s Committee on Freedom of Association has been examining the case of the Republic of Korea since 1996. The Committee’s latest report adopted by the ILO Governing Body in June 2003 notes that despite progress “significant obstacles to the full implementation of freedom of association remain”.

In view of the long running nature of the ILO case and in the light of the next ELSAC monitoring review of Korea due to take place at the latest at the beginning of 2005, we would ask the ILO and OECD to insist that the government of Korea puts in place a timetable to meet fully its obligations on freedom of association by the end of 2004 so that these processes can now be concluded satisfactory. The Committee on Freedom of Association in its June 2003 report “notes with interest the latest government communications which have indicated not only an overall desire and willingness to resolve most, if not all, of the outstanding issues in the case, but have also demonstrated concrete progress made in achieving a positive framework for the promotion of harmonious industrial relations through a certain number of special pardons granted to imprisoned trade unionists”. The ICFTU and TUAC in conjunction with our Korean affiliates the FKTU and KCTU believe that the opportunity that now exists to resolve these issues must be acted on in a concrete way.

We, therefore, insist that a timetable be established by the ILO and OECD with the government of Korea to ensure that by the end of 2004 the following recommendations of the Committee on Freedom of Association are implemented. Namely, the government should:-

- (i) take the necessary measures in the very near future so as to ensure that all public servants fully enjoy the right to establish and join trade union organizations of their own choosing;
- (ii) take all possible steps to speed up the process of legalizing trade union pluralism, in full consultation with all social partners concerned, in order to ensure full respect for the right of workers to establish and join the organization of their own choosing;
- (iii) ensure that the payment of wages by employers to full-time union officials is not subject to legislative interference;
- (iv) amend the list of essential public services in section 71(2) of the Trade Union and Labour Relations Amendment Act (TULRAA) so that the right to strike may be prohibited only in essential services in the strict sense of the term;
- (v) repeal the notification requirement (section 40) and the penalties for violation of the prohibition on persons not notified to the Ministry of Labour from intervening in collective bargaining or industrial disputes (section 89(1) of the TULRAA);
- (vi) repeal the provisions concerning the denial of dismissed and unemployed workers from keeping their union membership and the ineligibility of non-union members to stand for trade union office (sections 2(4)(d) and 23(1) of the TULRAA);
- (vii) bring section 314 of the Penal Code (obstruction of business) into line with freedom of association principles.

The TUAC and the ICFTU are ready to work with the OECD and the ILO to ensure that these objectives are met.

Yours sincerely,



John Evans
General Secretary
TUAC



Guy Ryder
General Secretary
ICFTU