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Join the international day of action on November 15!

Call for an international day of action: condemn government repression against fundamental trade union rights in South Korea

Saturday 21 October 2006, by [KCTU](#) (Date first published: 21 October 2006).

CALL FOR AN INTERNATIONAL DAY OF ACTION: CONDEMN GOVERNMENT REPRESSION AGAINST FUNDAMENTAL TRADE UNION RIGHTS IN SOUTH KOREA

JOIN THE INTERNATIONAL DAY OF ACTION ON NOVEMBER 15TH!

SOLIDARITY WITH SOUTH KOREAN WORKERS!

SUPPORT THE KCTU GENERAL STRIKE!

SOUTH KOREAN GOVERNMENT :

STOP TRADE UNION REPRESSION!

IMPLEMENT ILO RECOMMENDATIONS!

RECOGNIZE IRREGULAR WORKERS' RIGHTS!

REFORM LABOUR LAWS IN LINE WITH INTERNATIONAL STANDARDS, NOT THE PROPOSED
'ROADMAP'!

WHAT YOU CAN DO

1. Participate in the International Day of Action (November 15, 2006) by conducting a demonstration in front of a South Korean embassy or consulate, coordinating a press conference, or issuing a statement or resolution.
2. Send a protest letter to President Roh Moo Hyun at the Blue House through your local embassy or consulate. And e-mail at president_cwd.go.kr

Copies should be sent to the Ministry of Labour, Minister Lee Sang- Soo at 82-2-504-6708, 82-2-507-4755 (Fax) or e-mail at m_molab@molab.go.kr And sent to the Ministry of Government Administration and Home Affairs, Minister Lee Yong-Sup at 82-2-2100-4001(Fax) or e-mail at yongsupl@mogaha.go.kr

Please be sure to send copies to the KCTU at 82-2-2635-1134(Fax) or e-mail at inter@kctu.org

3. Please visit the international campaign web-site on the KCTU homepage(<http://kctu.org>) and

leave your solidarity message or protest letter on it.

If you have any questions or need more information, please contact:

Background Information

When South Korea joined the Organization for Economic Cooperation and Development (OECD) in 1996, there was much hoopla and expectations. To the international community it appeared that South Korea was on the brink of shedding its shameful image of dictatorship that undermined democracy and fundamental trade union rights. At the time, South Korean government committed to "reform existing laws on industrial relations in line with internationally accepted standards, including those concerning basic rights such as freedom of association and collective bargaining." However, ten years later, South Korea has not even come close. The recent repressive actions of the South Korean government under the Roh Moon Hyun administration clearly shows that South Korea has failed as an economically developed democratic country in ensuring fundamental trade union rights according to international labor standards.

In March of this year, the Committee on Freedom of Association (CFA) of the ILO announced its recommendations in association to trade union rights violations in South Korea. The recommendations raised serious concerns on the government's repression against trade unions, specifically the Korean Government Employees Union (KGEU) and the Korean Federation of Construction Industry Trade Unions (KFCITU). However, the government not only has refused to implement these recommendations but more importantly it has chosen to intensify its attacks on the KGEU and the KFCITU, thus, snubbing its "nose" to international labor standards. In addition, the government has failed to ensure the fundamental basic rights of irregular (subcontract, part-time, dispatched, "self-employed", etc.) workers, which makes up the majority of the work force in South Korea.

Since 2002, the ILO has called on the South Korean government to recognize the KGEU but the government steadfastly refuses to do so, stating that the KGEU is an illegal organization under the existing labor laws. For a number of years, the international community has called on the South Korean government to change these laws as it violates the core ILO conventions. In a flagrant disregard to these international demands, the South Korean government has once again launched a full fledged attack against the KGEU through a series of actions, the most blatant being the coordinated forced closure of all local KGEU union offices.

On Friday, September 22, the government sent in thousands of riot police across the country to use "any means necessary" to shut down the KGEU union offices. The police identified "any means necessary" as using fire extinguishers, fire-fighting dust, hammers, claw hammers, hammer drills, and power saws. Armed with these weapons, riot police and hired thugs forced inside local union offices, dragging KGEU members and their supporters outside the office, and then finally shutting and sealing the offices like coffins. In the words of a KEGU leader, "more than 100 municipalities nation wide turned into battle fields." By the end of the day out of a total 251 local union offices, 81 were completely shut down. Many members were injured and as a result some were hospitalised. Some KGEU members and their supporters were arrested and detained. It is quite clear that the government is determined to do everything in its power to systematically destroy the KGEU.

Across the country over 100 trade unionists have been imprisoned just for exercising their three basic fundamental trade union rights---right to organize, the right to strike, and the right to bargain. The KFCITU members comprise the majority of those in jail due to a series of strikes conducted by KFCITU affiliates, specifically the Daegu, Ulsan, and Pohang local unions. Stating that KFCITU members incited violence, caused disturbance of the peace, and coordinated or participated in

violent, illegal industrial actions, 49 KFCITU members are still imprisoned. Much more alarming is the fact the government habitually mobilizes thousands of riot police across the country to forcibly break KFCITU actions and strikes. Despite the fact that the union had legal permits that give them the right to conduct demonstration and marches, the police will often bar them going forward or attempt to shut down the actions. At times, the police violence is so extreme that it results in numerous injuries and in the case of Ha Joong Keun, a tragic death. Brother Ha died from injuries he suffered after several riot police repeatedly beat him on the head with their metal shields. To date, government has refused to accept full responsibility for Ha's death and call for an end to police violence. Instead, the government has alluded that the violent actions of the KFCITU is the reason behind the arrests, injuries, and even death of Ha Joong Keun.

Even though the CFA raised serious concerns about the South Korean government using criminal law to arrest and imprison trade unionists, throughout this summer, the prosecution once again charged KFCITU organizers for using force, bribery, and extortion to sign collective bargaining agreements with construction companies. The union's only "crime" has been to organize construction site workers, who are one of the most marginalized sectors of South Korean society.

From the recent harsh sentencing---imprisonment from two to three years---against the key leaders of the Pohang local union, it is evident that the South Korean government is using the KFCITU as an example to deter construction workers from joining unions. More importantly, many in the labor movement believe the government's actions is an attempt to stop irregular workers from organizing, as at least 80% of the work force in the construction industry are irregular workers.

Indeed, in the wake of the 1997 Asian Financial Crisis, rapid casualization ensued and irregular workers (contract, dispatch, "specially-employed" [self-employed], and part-time workers) have become the majority of the Korean workforce. Yet in such cases where the employment relationship is disguised, the State has failed to uphold existing labor laws, resulting in the preclusion of this whole class of workers from exercising trade union rights fundamental to all workers (freedom to form a trade union, collective bargaining and collective action). In the metal sector, the Labor Ministry itself has ruled that many of the workers victimized by en masse retaliatory dismissals for organizing a union were victimized by employers using the illegal practice of hiring them as dispatch labor disguised as subcontracting, and that the workers should be regularized; yet, at the time of the ICFTU mission, some 700 irregular workers in the metal sector were still struggling for reinstatement after dismissal for having organized a union. For example, the Labor Ministry found that Kiryung Electronics illegally used labor dispatch, but the irregular women workers of Kiryung Electronics are the ones subject to all kinds of physical assault ---by thugs privately employed by the employer as well as police violence---fear, imprisonment and intimidation because of their union activities. Further, the president of the union local recently collapsed in the course of a hunger strike during a protest visit to the Labor Ministry; yet, the state intervention in this case has been to imprison the union president, push situations to clashes by mobilizing large forces of riot police and generally shield the employer from obligation to resolve outstanding issues with the union in bargaining. The women workers of the KTX, the high-speed bullet train, have also been subject to such repression of their freedom to organize a union, and here again, we saw state intervention to quickly close in on exercise of fundamental trade union rights.

"September 11 Deal"---Legislative Measures to Undermine Labor Rights

On September 11, the South Korean government announced the "Grand Tripartite Agreement" on the Roadmap for Industrial Relations Reforms. The agreement was concluded in an "Emergency Session" of the tripartite representatives meeting, attended by the Ministry of Labor, the Korean Employer's Federation, the Korean chamber of Commerce, the Korean Tripartite Commission and the Federation of Korean Trade Unions (FKTU). However, one of the tripartite members, the Korean Confederation of Trade Unions (KCTU) representing 800,000 members was deliberately excluded

from this meeting. It was not even notified about the meeting even though they had been participating in previous meetings.

This bill, referred to as the "9-11 Deal", falls far short of the original legislative objective of reforming industrial relations and systems in South Korea. The government had publicly stated that the main principles behind their proposal were to "build industrial relations that conform to international standards." However, the "9-11 Deal is completely contrary to that goal. The main reason being that once again the government has deferred the existence of multiple unions at the enterprise level for another three years. In doing this, the government has in the words of the ICTFU/TUAC/GUFs mission taken a "disturbing step backwards." (Please see the attached related-report)

In addition, the South Korean government has stated that the new agreement is in line with international standards since it has repealed provisions mandating compulsory arbitration but in reality the government has done the exact opposite, for they have expanded the scope of "essential" public services to include air transport, blood supply, water purification, and steam and hot water supply. Thus, even though compulsory arbitration is repealed, it exists only on paper, as workers in the "essential" public services such as transportation and public health, will be subject to imposition of Emergency Mediation, which includes compulsory arbitration with additional obligations to maintain minimum services as well as the imposition of a replacement workforce. In a nutshell, these workers will be subject to a 3-fold regulation that would effectively cut back on their right to exercise the right to collective actions.

General Strike and International Day of Action

Despite the government repression and the challenges they are facing, the KCTU is determined to proceed forward. The KCTU has developed and plans to implement a national, comprehensive, strategic campaign to mobilize its 800,000 members against the South Korean government's repressive efforts to undermine fundamental labour rights in South Korea. KCTU members will be organized and mobilized in full force as their right to exist is once again threatened. The KCTU will launch a General Strike on November 15 and in conjunction with this strike, the KCTU calls on the international community to coordinate a series of actions and events to support their struggle. .

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SAMPLE LETTER

Honorable Roh Moo Hyun

President

Republic of Korea

Blue House

Seoul, South Korea

Via your local embassy or consulate and

Via e-mail president cwd.go.kr

Dear President Roh:

On behalf of the _____, I am writing to express our outrage at the severe labor repression workers in South Korea is facing under your current leadership. When South Korea joined the OECD in 1996, your then government made a commitment to reform existing laws on industrial relations in line with internationally accepted standards, including those concerning basic rights such as freedom of association and collective bargaining. However, your administration's current repressive attacks against the Korean Government Employees Union (KGEU), the Korean Federation of Construction Industry Trades Unions (KFCITU) and irregular workers are indicative of the failure of your country to live up to those promises.

Claiming that the KGEU is an "illegal organization" on Friday, September 22, you ordered the closure of all KGEU local union offices. Armed with fire extinguishers, fire-fighting dust, hammers, claw hammers, hammer drills, and power saws, riot police and hired thugs forced inside local union offices, dragging KGEU members and their supporters outside the office, and then finally shutting and sealing the offices like coffins. We are appalled by these actions which we assure are not in lines with any international labor standards.

In March of this year, the Committee on Freedom of Association (CFA) of the ILO made several recommendations in association to trade union rights violations in South Korea. We are deeply concerned by the failure of your administration to implement these recommendations. More concerning to us is the fact that your administration has chosen to intensify the labor repression by arresting and imprisoning local union leaders and organizers of the KFCITU under charges of engaging in criminal activity, when it appears that their only "crime" has been organizing construction workers. Through these actions, we can only assume that your government has no real understanding of the role the ILO plays to ensure implementation of international labor standards.

Finally, we would like to point out that your government recent proposal on "Roadmap for Industrial Relations Reforms," dramatically fails to address the fundamental basic labor rights of irregular workers who are an increasingly large segment of the work force in your country. If you truly want a smooth industrial relations, then we believe that a key step forward towards to this objective is to ensure the basic three labor rights---right to strike, right to organize, and the right to collective bargaining---for irregular workers, who are harshly discriminated in terms of working conditions and wages. We would also like to express our deep concern that the proposal has deferred the existence of multiple unions at the enterprise level for another three years. In doing this, you have definitely taken a "disturbing step backwards" rather than "building industrial relations that conform to

international standards.” We strongly urge you to immediately revise the current proposal that it truly is in line with international standards.

South Korea is internationally recognized as a democratic and economically developed country. Yet your labor standards and policy is a dramatic contrast to this image. We strongly urge you to not only change your policy but more importantly implement these policies into action, so that South Korea can be seen as country that abides and ensure international labor standards. In order to do this, we urge you to stop the immediate repression against the KGEU and the KFCITU, to release all imprisoned trade unionists and rescind all arrest warrants against workers for engaging in trade union activities, to make revisions to the “Roadmap to Industrial Relations” so that is truly conforms to international standards, and ensure the basic fundamental labor rights for irregular workers. We will continue to monitor the situation until these matters are resolved.

Sincerely

Representative

Union/Organization