

# KCTU Monthly Newsletter March Edition, 2007

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## Korean Confederation of Trade Unions (KCTU)

### Monthly Newsletter

### March, 2007

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## **U.S. Congress Members Send Protest Letter to President Roh regarding Labour Rights Situation**

### **KCTU's press release on the protest letter from U.S. Congress Members**

- 16 Members of the US House Representatives send letter to United States Trade Representatives and Korean government urging a stop to repression of labor rights in Korea
  - Also urges release of imprisoned workers and implementation of ILO recommendations
1. On the 23<sup>rd</sup> of March, 16 members of the US House of Representatives, including Michael H.

Michaud, Dennis Kucinichi, and Hilda Solis expressed deep regret at the industrial relations institutions and labor laws in Korea that did not meet international labor standards in a letter to President Roh Moo-Hyun. They also urged a stop to the repression of the Korean Government Employees' Union, and the release of imprisoned workers and implementation of ILO recommendations. The letter was sent via the Korean embassy in Washington and was also sent to the US Trade Representative.

2. Together with the American labor movement, the KCTU has actively engaged members of US Congress. Starting a month before the start of the Korea-US Free Trade Agreement Negotiations(KORUS FTA) in May of 2006, and up to briefings at Congress in February of 2007, we have tried to let members of the US Congress get an exact understanding of the negative effects the FTA would have on Korean workers and the repressive labor laws and industrial relations in Korea. The letter is a result of these activities.

3. The letter, coming as we near the end of the negotiations, points out that reforms of dictatorship era labor laws, promised by the government in 1996 upon entrance into the OECD, have been delayed, and that "labor rights situation has markedly worsened." The closing down of government employees' union offices immediately after the ILO Asia Pacific regional conference, arrests for trade union activities, violation of irregular workers' basic labor rights, provisional seizure and damage claims were cited as examples.

4. The letter shows that the signatories take a negative view of the irregular workers bill and the industrial relations roadmap that passed the National Assembly in Korea last year. Lack of basic labor rights for 'self-employed'(disguised) workers, having irregular workers attain regular employment status after 2 years which "unfortunately (has had) the effect of provoking mass layoffs of employees with nearly two years of service." In the case of the roadmap, the 3 year delay regarding union pluralism at the workplace level, outlawing autonomous labor bargaining on wages for full time union officials, expanding essential public services while leaving some forms of compulsory arbitration intact, eliminating mandatory reinstatement for unjustly dismissed workers, and the reduction in notice period for layoffs were cited as cases of anti-worker provisions.

5. In conclusion, the Congress members call for "the release of trade unionists that may be held for legitimate trade union activities" and to take action as soon as practicably possible to "fully implement the recommendations of the ILO."

6. It is known that the Democratic Party in the US is interested in labor and environment standards in FTA counterpart countries. The FTAs signed with Columbia and Peru have run into trouble because of Democrats' calls for changes to labor and environment provisions. The KCTU does not believe that the Democrats views on labor and environment standards exactly corresponds to our own, and we are not of the view that the FTA can be supported if these standards are met. This is because we see the KORUS FTA as solely guaranteeing the interest of MNCs at the exclusion of workers and the people, and that the Korean government has failed to secure the so-called 'balance of interests' that it promised at the outset. What we are stressing however, is that Democratic members of Congress have recognized, and are seriously concerned about, the fact that the state of industrial relations institutions in Korea, the arrests of workers, and the repression of government and construction workers, is far from meeting universally recognized international standards.

7. We again urge the Korean government to earnestly listen the calls by international society, including members of the US Congress, for a stop to labor repression and labor laws and industrial relations that meet international standards.

## **KCTU President's Statement on 2007 KCTU Activity Plan and Course of Action for Collective Bargaining**

We will raise the level of the democratic trade union movement's social influence by strengthening unity within the working class, and our solidarity with the socially oppressed.

On the 20<sup>th</sup> year since the Great Workers Struggle of 1987, and the 10<sup>th</sup> year after the IMF financial crisis of 1997, the KCTU has finalized its activities plan to voice and protect the interests and rights of the entire working class. The 20 year of history of the independent and democratic trade union movement was one of intense struggles in defense of democratic rights. The establishment of the KCTU was a moment when the workers could stand, in recognition of their rights, as the subjects of history.

However, after the KCTU's acceptance of redundancy dismissals during the financial crisis of 1997, the organization has not been able to fully overcome capital and government's neo-liberal partition strategy, and is not free from criticism from irregular and subcontract workers that it has not done all it can for class solidarity. Citizens have tended to look upon the organization as an interest group.

At the same time, due to policies for the flexibilization of labor, the number of irregular workers has risen precipitously and the percentage of organized workers has fallen to about 10%. The conservative press, employers, and government have come together to propagate anti-union sentiments. Support for the KCTU has taken a fall and the "crisis of the labor movement" has led to serious reflection and efforts to find a breakthrough.

The KCTU's 2007 activities plan calls for all affiliated federations to make the transition to industrial unions. Not only will the labor movement be changing their organizational form to better reflect the needs of irregular workers and the people, but it will also be proceeding resiliently with struggles against neo-liberalism to solidify class solidarity. This is the first and most important part of the plan. Also, in order to raise the level of unity within the KCTU, it will commence on an unprecedented 6 month rank-and-file level activities to strengthen the organization. This is to better prepare the KCTU for its role in guaranteeing labor rights for all workers, and solving the issue of polarization in Korean society.

### **1. Strengthen organizational capabilities and class representation by carrying out extensive activities to organize irregular workers and finalize the transition to an industrial union system.**

Organizing drives targeting irregular workers will be initiated at all levels of the organization and over 5 million USD irregular workers fund will be raised before the end of the year. Regional KCTU offices will implement plans to organize and support irregular workers and necessary measures will be taken to assure that collective bargaining of industrial unions focuses on resolving the issue of discrimination against irregular workers. Statutes at individual unions will be revised to allow any worker to join, and revision of the labor law, as well as a progressive industrial policy will be demanded during collective bargaining. A national campaign for irregular workers rights is also being planned. The same wage increase(about 250 USD: 9% for regular workers and 19.5% for

irregular workers) will be demanded, which would raise the average wage of irregular workers to 55.8% of regular workers.

937,000 won (about 1000 USD) will be demanded as the minimum monthly wage. The industrial unions will engage in minimum wages for their industry and fact finding research will be done on contingent work in each industry. A irregular workers fund to finance measures for resolving discrimination will be recommended to each industrial union.

## **2. A Long March of Workplaces will take place to initiate a mass organizing drive and to provide the basis for educating and organizing capacity at the rank and file level.**

"A long march of workplaces' will take place from March to August to strengthen confidence in the organization between the leadership, workplace leaders and members. This is to provide the basis for unity and reform within the organization and revitalization of rank and file activism. Within the first half we will aim to have in place a person in charge of education at all 2300 workplaces and bring them together for sessions to reorganize the education system within the KCTU. The statute will be changed in order to directly elect the national leadership and to reform the financial structure. A long term strategy to strengthen the KCTU will be presented by a committee bringing together all the different currents within the trade union movement.

## **3. Organize struggles against the Korea-US FTA and War**

In Washington, closed-door negotiations are going on to conclude the Korea-US FTA. Agriculture, textiles, autos, health care, and broadcasting are the major issues, with the US demanding a virtual surrender and Korea stating that it will show 'maximum flexibility.' The Korea-US FTA negotiations, if concluded, will result in the expansion of neo-liberal policies and intensified economic exploitation. A recent poll has shown that 74.6% of the public believes that "the deal should not be concluded until Korea's position has been sufficiently reflected." The KCTU will organize struggles to stop ratification in the National Assembly, and call for a national referendum on the issue. With the potential normalization of relations between the North and the US, a peace treaty on the peninsula is possible, and we will actively take part in movements for peace on the peninsula.

## **4. Strengthen unity of the progressive sector and work towards victory in the Presidential elections.**

In order to unify the progressive sector, we will democratically discuss and pursue affiliation to the 'Korean Progressive Solidarity' during the Congress in the second half of the year. A presidential election committee will set up in March to come up with the KCTU's plan and after finalizing it at the Congress, we will present '10 progressive proposals for a better Korean society' at the November National Workers' Rally. These 10 proposals will be come the focal points for the ensuing activities regarding workers political empowerment.

We make public our plan for 2007 and, representing the needs and of the 15 million workers of this country, present the following demands to the government.

- Immediately stop the Korea-US FTA negotiations.
- Guarantee basic labor rights for the 8.6 million irregular workers, stop expansion of irregular labor and discrimination against irregular works.
- Guarantee basic labor rights for the specially employed, professors, teachers, and government employees.
- Guarantee of basic labor rights through institutionalizing industrial collective bargaining.
- Guarantee 93,000won for the 1.78 million laborers working for the minimum wage.

- Reform the workplace accidents law.
- Take an active stance on forming a peace system on the peninsula.
- Basic pension of 15% and free universal education and health care.

March 19<sup>th</sup>, 2007

Lee Suk-Haeng

President ?

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## **MTU(Migrants Trade Union)-affiliated to KCTU- Statement on High Court Decision regarding labour rights of undocumented migrant workers**

Dear Friends and Allies,

We send you this letter to inform you about a recent High Court ruling granting migrant workers in Korea the right to form a labor union. We hope this news will serve as inspiration for other such struggles throughout the world.

### **High Court Ruling**

On 1 February 2007 the Seoul High Court ruled that undocumented migrant workers have the same right as other workers to found a labor union. This decision overturns the Korean Ministry of Labor's rejection of MTU's original application for union registration, and an administrative court ruling which upheld that rejection. We welcome the High Court ruling as a powerful step forward for our movement to win the rights of migrant workers in Korea.

### **History of MTU and the Struggle for the Right to form a Migrants Union**

Korean migrant workers' direct involvement in trade union organizing began with the establishment of the Migrant Workers Branch of the Equality Trade Union in May 2001. Through this organization, migrant workers engaged with other workers in many struggles, including the fight against crackdowns and deportations and the fight for migrants' labor rights. The activities of ETU Migrant Workers Branch culminated in a great sit-in protest held for 381 days at Myongdong Cathedral beginning on 15 November 2003. This protest demanded an end to the discriminatory Employer Permit System, which prohibits migrant workers from freely changing their workplaces, traveling in and out of Korea and inviting their families to live with them and has been a main cause of abuses of migrants' human rights.

It was in the context of the Myongdong Cathedral sit-in protest that migrant workers began to recognize the need for our own organization to fight immigration crackdowns and win our labor and human rights. Thus, we came together on 23 April 2005 to form the Seoul-Gyeonggi-Incheon Migrants Trade Union (MTU). We submitted our application for union registration to the Seoul Labor Office shortly after, on May 3 2005.

However, repression against our union began almost immediately after our application was submitted. In the early morning of 14 May MTU President, Anowar, was arrested at a subway

station as he was returning home. It is no question that the arrest was carefully planned in advance as a measure to suppress MTU's organizing. Rather than being taken to the Seoul Immigrant Controls Office, as is usually the case when undocumented migrants are arrested in Seoul, President Anowar was taken directly to the Chongju Immigrant Office and Detention Center. The immigration officers then began deportation proceedings without due legal processes. In response, MTU began a grassroots campaign to raise awareness about the illegalities involved in his arrest and a legal battle to win President Anowar's release. It was only after a year of struggle that he was finally freed on 24 April 2006.

On 3 June 2005, shortly after President Anowar's arrest, the Seoul Labor Office delivered its rejection of our application for union registration. The Labor Office claimed that because we are mostly undocumented migrant workers, MTU's members are not eligible as laborers to form a union. It also made its refusal based on unjust requirements such as submission of the name of each workplace represented, the names of union representatives and a complete list of union members. Following this, MTU filed a suit with the Seoul Administrative Court on 20 July 2005 protesting the Labor Office's unjust decision and asking that the rejection of our union founding notification be cancelled. The court first delayed the verdict of the case without given a reason and then, on 7 February 2006, turned down our suit, claiming again that undocumented migrant workers do not have the same status as other workers.

We did not give up our struggle, but instead appeal our case to the Seoul High Court. Now, after waiting no less than a year and a half, the justness of our claim has finally been proven.

### **Significance of the High Court Decision**

We believe the High Court's ruling is the outcome of our long and difficult struggle for the human rights and labor rights of migrant workers. We also believe that it is the result of the warm solidarity of our Korean comrades and international labor, migrant and human rights organizations which have defended and supported our movement. We hope the decision also brings new hope and spirit to the 400,000 migrant workers in Korea who have been suffering due to relentless crackdowns and deportations for many years.

We believe this judgment provides a new opportunity for us to deepen our organizing and strengthen our struggle for migrant workers' rights. We also believe it marks an important moment in the international struggle for migrant workers' rights throughout the world.

### **Struggles to Come**

However, the road before us is still long. Last week, the Ministry of Labor appealed the High Court Decision to the Seoul Supreme Court. We must now collect our strength to fight against this act of racism and labor repression. In addition, even as you read this letter, many migrant workers who have been caught in crackdowns are suffering from the horrible treatment and conditions inside foreigner detention centers, which are worse than prisons. These migrants have no way to obtain the severance pay and back wages justly due to them. Those who are sick are unable to get medical treatment. Instead they are being forcibly deported. We must struggle with even more determination to end this oppression and win the rights of migrant workers so that we may live freely and safely with the dignity of human beings.

Although our struggle must go on, we hope that you will find strength in the achievement represented by the High Court decision. If you are engaged in or aware of similar fights in your country, please do not hesitate to inform us about them. Our movement only grows as we learn more about each other and share in each others struggles and successes.

## **Insight into the Korean Workers' Movement to "Build Industrial Unionism": Refoundation of the Korean Metal Workers' Union (KMWU) and the Election of New KMWU Leadership**

### **Founding of the KMWU (2001)**

The members of the Korean Metal Workers' Federation (KMWF) launched the Korean Metal Workers' Union (KMWU) on 8 - 9 February 2001 so that metal workers could respond more effectively to the onslaught of neoliberal restructuring and fully unfurl working class demands.

Since then, the KMWU has walked a difficult path to gather and focus workers' demands as a unitary national organization, to build an organizational structure where key persons and finances were properly focused, to secure leadership capacity from the national headquarters, and to concentrate the praxis of our members into one force by issuing "directives" to guide the direction of our struggles into one struggle. These efforts to build industrial unionism flow contrary to the enterprise-level union culture grounded in the Korean labor law and labor relations system; thus, much of this meant carving out new terrain by force of workers' will and firm resolution to bring about change.

The KMWU had to persuade labor-management to have Regional-level Collective Bargaining (previously the metal sector was dominated by enterprise-level bargaining) to create new floor wages for metal workers by region and fulltime officers by region, create a national Central Bargaining Table by forcing the employers to form an employers' association with bargaining powers, bring union membership dues (1% of wages) directly to the national headquarters with installments sent back down to the shopfloor, and we had to focus struggle against employer resistance to larger layers of bargaining by interpreting employers' fightback as non-recognition of the KMWU. All the customs and habits of enterprise-unionism-as-usual had to be broken, and we had to fill that void with a new direction and agenda for action.

### **Refounding of the KMWU (2006)**

2006 was a watershed year in this self-transformative process of building industrial unionism. Between June 26-June 30, 2006, the KMWF conducted a simultaneous direct ballot at 20 enterprise-level unions representing 104,500 workers on transformation to industrial unionism. The rank-and-file workers at Hyundai Motors, Kia Motors, GM-Dawoo Motors (the 3 major auto assemblers in Korea) and a total of 13 unions covering 86,985 workers voting overwhelmingly to enter the KMWU.

The momentum generated by the rank-and-file ballot led other KMWF-affiliated enterprise-level unions to organize industrial union ballots or re-balloting with more and more unions choosing to transform their old enterprise-level union structures and enter the KMWU. The unprecedented simultaneous, rank-and-file vote created new energy propelling forward and popularizing the industrial union agenda among workers in other industries as well.

The dissolution of enterprise-level unions at the large companies and entry into KMWU meant not only dissolution of the federation (KMWF) but also that KMWU would rapidly expand from 40,000 to 150,000 with the influx of members transitioning from KMWF to KMWU. This qualitative change meant that the structures and systems inside the KMWU would need some adaptation.

To improve internal structures and systems, we held a special union convention, attended by

delegates directly elected on each shopfloor throughout the KMWU system nationally, on November 23-24, and again on December 20-21. The preparatory committee for the convention was composed of 4 subcommittees (revising the KMWU constitution, system of finances, bargaining plans, 2007 struggle plans) which debated and discussed proposals to put before the union convention. The draft proposals were debated at local levels, and different shopfloors came up with competing proposals which were all placed before the delegates to the KMWU refoundation convention. After intense and passionate debate, the KMWU emerged with a new constitution and operating systems. The KMWF convened a convention on December 27, 2006 where the delegates passed the resolution to dissolve the KMWF, and the main thrust of our activities will now be directed through the KMWU.

### **Election of New Leadership (February 2007)**

The officers of the KMWF had been elected at a union convention attended by delegates; however, the officers of the KMWU are elected by direct vote of the membership. In this first election of the refounded, 150,000 member KMWU, there were 5 different slates of candidates for President/First Vice President/General Secretary (15 persons), and 17 candidates for Vice-President. One of the constitutional revisions made at the KMWU refoundation convention is a new seat for irregular workers at all decision-making bodies (a Vice President slot, the central committee seats and national convention delegates) in addition to the existing women's seats. While in general we have strong electoral contention and no shortage of leadership formed on shopfloor levels, in the case of the irregular workers' Vice President position, most irregular workers' locals were in difficult struggles such that local leaders felt compelled to continue organizing at the shopfloor level, and there was no candidate for the national irregular workers' Vice President in this election. After a direct vote from February 13-15 and a runoff ballot from February 26-28, the KMWU a president(Bro. JUNG, Gab-Deuk), first vice president(Bro. NAM, Taek-Gu), general secretary(Bro. CHOI, Yong-kyu) and 6 vice presidents, including the Women's Vice President.

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