**[Model Letter]**

Ms Park, Geun-hye

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**Respect Workers Rights in Korea**

Dear President-Elect Park:

On behalf of the **[name of union]**, I would like to bring to your attention a number of serious labour issues, which I urge your government to act upon once you assume the office of the presidency on February 25, 2013.

First, a lack of fundamental labour rights in the public sector is leading to serious political and social problems.

The Korean Government Employees Union (KGEU) is still not recognized as a legal trade union organization. The government has indeed refused to register the union three times. Since its founding, 137 union members have been dismissed for their trade union activity. In January 2013, KGEU president Kim, Jung-nam conducted a 16 day hunger strike before being hospitalized. The KGEU is now continuing sit-it strike in front of the National Assembly. The KGEU President and Secretary General were recently dismissed on the ground that they are leaders of an illegal organisation. In 2012, the ILO has called on the government to recognize the KGEU and allow it to carry out trade union activity. In its most recent report, the ILO Committee of Experts stated, "[T]he Committee expressed deep regret at the gravity of the allegations involving serious acts of extensive interference in the activities of the KGEU and requested the Government to immediately cease all acts of interference.” The ILO urged the government “to take all possible measures with a view to achieving conciliation between the Government and the KGEU so that the latter may continue to exist and ultimately to register within the framework of the legislation which should be in line with freedom of association principles."

Further, 165 public enterprise workers who are members of the Korean Federation of Public Sector and Transportation Workers’ Unions (KPTU) have been dismissed from their jobs in retaliation for legitimate union activities. Many of these workers, including 96 members of the KPTU-affiliated Korean Railway Workers’ Union, faced reprisal due to their opposition to public sector privatization and other actions taken to defend quality public services. Others were fired in an effort to prevent legitimate efforts to improve the poor working conditions faced by irregular public enterprise workers. Dismissed public sector workers, many of whom who have been out of jobs for several years or more, suffer from economic, social and psychological hardship. Their reinstatement is essential to the normalization of public sector labour relations and the protection of the Korean people’s right to quality public services.

Second, there have been several recent industrial disputes provoked by the growing use of precarious forms of employment despite recent court rulings against the practice, mass layoffs and the promotion of employer dominated unions. Indeed, the situation has become so bad that five union leaders and activists have taken their lives in response to the repression of their trade union activities.

At Hanjin, workers struck to protest precarious employment and the layoff of over 400 workers. At the end of strike, and an 11 month crane sit-in of Kim, Jinsook, the company agreed on the reinstatement of dismissed workers and to compensation. Each side agreed to drop lawsuits against each other. However, Hanjin continued to sue the chair of the KMWU for damages related to the strike in the amount of $15.8 million $100,000 against KCTU leaders. Even worse, the company established a management dominated “yellow” union and sought to lure the members of the KMWU. This situation drove Choe, Kang-seo, and the deputy organising director of KMWU Busan Regional Branch Hanjin Local, to take his life. His coffin is still lying on the cold street and his family members are urgently request for the company to have a talk with the union. However, the company has been rejecting any talk with the family members and the union so far.

At Ssangyong, 3 union leaders are sitting in on top of a high electronic pylon. The company decided in 2009 to file for bankruptcy and filed a proposed reorganization plan, which was approved the following month. On April 8, 2009, the company announced its plan to dismiss 2,646 workers. In May, workers went on strike to encourage negotiations over alternative, cost-cutting measures short of mass dismissals. On June 2, the company notified 1,056 workers of their dismissal effective June 8. On June 26-7, riot police entered the factory and secured the main building following intense fighting that resulted in several injuries and arrests. On July 1, all water was cut off and on July 16 all food was blocked from entering the plant. From July 20-27, thousands of riot police and hired thugs again attempted to take the factory. This time, the police moved in with water cannons and dropped concentrated tear gas and chemicals onto the strikers from helicopters, which caused in some cases severe chemical burns. Several other workers sustained serious injuries at the hands of the police. In the end, the company brought lawsuits against individuals and union officers for obstruction of business, as well as a multimillion dollar lawsuit against the parent union - the Korean Metal Workers Union (KMWU) and the confederation, the Korean Confederation of Trade Unions. It now appears that the dismissals were completely illegal, based on false claims about the company’s economic situation. During the presidential election campaign, you made a commitment to a parliamentary investigation with regard to the Ssangyong case, but to date there has been no action.

At Hyundai Motor, a "dispatched" worker won court decisions in January 2011 and February 2012, holding that he was an "illegally dispatched labour" and not "subcontracted labour". The courts recognised the worker as a full-time employee directly employed by Hyundai after he worked more than two consecutive years at the plant. However, management of Hyundai refused to implement the ruling, which it announced on August 2012. Following the company's denial, the Korean Metal Workers' Union (KMWU) initiated an industrial action for the regularisation of all subcontracted workers who work for more than two years. The company responded with lawsuits requesting damages of 16.2 billion won for strikes and sit-ins at the Ulsan, Asan, and Jeonju plants. The ILO examined this case and requested that the government develop, in consultation with the social partners, appropriate mechanisms aimed at strengthening the protection of subcontracted/agency workers' rights, "so as to prevent any abuse of subcontracting as a way to evade in practice the exercise by these workers of their trade union rights".

At Yooseong Piston Ring (YPR), a major supplier of piston rings for Hyundai Motor as well as to four other major auto assemblers in Korea, had signed an agreement with the Korean Metal Workers’ Union locals at the YPR Asan and Yeong-dong plant to implement a 2 day-shift system with a monthly wage and no night work beginning January 2011. The agreement was meant to respond to sleep disorders and other health issues related to night work. However, in 2011 the 2 day-shift system was not implemented in YPR and the company refused to bargain in good faith to find solutions to implement the 2 day-shift system. On May 18, the union locals held a 2-hour trade union education for the day shift union members. Hours later, the company undertook an illegal lockout. Later on, during a parliamentary audit, it was revealed that this all was intentionally conducted according to the company’s long-term strategy to bust the union. Indeed, YSR had hired the Changjo Consultant, a professional union busting company. The union filed 23 complaints regarding the company’s unfair labour practise to the Ministry of Employment and Labour. The Ministry sent the case to the public prosecutors with the opinion that the CEO of the company should be investigated under detention. However, no action has been taken, leading the union leader to conduct an aerial protest on the guardrail of a bridge.

In many industrial disputes, companies have used a much criticized “obstruction of business” law to seek arrests and devastating fines for engaging in strikes. The ILO has repeatedly criticized the government’s use of this law, urging the government “to consider all possible measures, in consultation with the social partners concerned, so as to revert to a general practice of investigation without detention of workers and of refraining from making arrests, even in the case of an illegal strike, if the latter does not entail any violence."

The **[name of union]** calls upon your government to: 1) recognize the KGEU and to reinstate the 137 KGEU members and 165 KPTU members fired for their union activities; 2) seek the amendment of the “obstruction of business” law so that union leaders or members are no longer subject to arrest or to enormous fines for activity related to industrial disputes; 3) urge Hanjin Heavy Industry to withdraw their lawsuit against the union’s leader and reinstate the dismissed workers; 4) work with Parliament to launch an investigation into the Ssangyong mass layoffs as promised and to ensure the reinstatement of dismissed workers; 5) urge Hyundai, and indeed the manufacturing industry, to respect the Supreme Court’s decision with regard to the use of in-house dispatch work; and 6) take enforcement actions against anti-union retaliation by employers and the establishment of company unions, especially in YPR.

We thank you for your urgent attention to these matters.

Sincerely

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