



BWI • Building and Wood Workers' International
BHI • Bau- und Holzarbeiter Internationale
BTI • Byggnads- och Träarbetar-Internationalen
IBB • Internationale des Travailleurs du Bâtiment et du Bois
ICM • Internacional de Trabajadores de la Construcción y la Madera

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8 April 2019
Geneva, Switzerland

President Moon Jae In
Republic of Korea
1 Cheong Wa Dae Road,
Jongno District
Seoul, Republic of Korea

Dear President Moon,

We appreciate your efforts to ensure that the principal trade union rights Conventions of the ILO, Convention 87 on Freedom of Association and Convention 98 on the right to organize and bargain collectively are ratified. Even though those Conventions have not yet been approved, the Republic of Korea has long experience with the meaning of both as there have been so many complaints from your country.


Decisions of the Committee on Freedom of Association, which considers cases regardless of ratification, as well as the Committee of Experts, have highlighted many violations of both Conventions in the Republic of Korea, both in law and in practice. Normally, a process of ratification of ILO Conventions should be accompanied by national legislation which ensures that, from ratification, governments are in full compliance with the Conventions.

However, we have been informed that, not only are there efforts to maintain in law some established anti-labour, anti-human rights provisions, but that other bad measures are being brought back. Some affect freedom of association and collective bargaining and others affect other international labour standards. Among those unjust laws are provisions that affect trade union rights in the construction industry where so-called specially employed workers, like dump truck drivers and heavy equipment operators, are excluded.

In terms of existing legislation, the Trade Union Labour Relations Adjustment Act (TULRAA), breaches several principles of Conventions 87 and 98, as determined by the Experts and the Committee on Freedom of Association. Categories of workers are excluded from the right to organise and/or bargain due their employment relationships; and provisions interfere with the free determination of workers of their leadership, by excluding dismissed workers from both membership and leadership.

Restrictions on the right to strike would be tightened by authorising the use of strike breakers in the public sector outside of essential services and by defining in an over-broad manner, essential services. These proposals, combined with long-standing restrictions of the right to strike, undermine progress that would otherwise be the result of the ratification to those two, fundamental human rights Conventions.

President Moon, it is highly appropriate, even essential, that social dialogue processes be put in place in connection with the ratification of ILO Conventions. However, the purpose of such social dialogue is not to re-define or re-interpret labour standards, but rather to gain



ratification while, at the same time, amending national legislations so it is in full conformity with those Conventions.

We ask you, as a matter of urgency, to use your good offices, to put the ILO Convention process back on track so that this historic occasion is a step forward for the Republic of Korea and for its place in the international community rather than a cruel deception. The workers of South Korea have a right to freely exercise their human rights as workers in accordance with international labour standards. They have always had the support of BWI and will continue to have it until justice is won.

Thank you for your consideration.

Yours sincerely,



Ambet Yuson
General Secretary

CC:
Ambassador Paik Ji Ah, Permanent Representative
Permanent Mission of the Republic of Korea