

IndustriALL Global Union calls on the Korean Government and National Assembly to Commence Revision of the Law to Implement ILO Core Conventions (Nos. 87 and 98)

South Korea ratified ILO core Conventions (Nos. 87 and 98) in 2021 and they entered into force on 20 April 2022. At the time, Korea revised parts of the Trade Union Act (TULRAA); however, it had become clear that it maintains laws and institutions not in compliance with the ILO core conventions. This was apparent not only in reports from the Korean affiliates of IndustriALL but also in the direct requests officially sent by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) to the Korean government in the process of reviewing Korea's implementation of ILO core conventions.

As the Korean National Assembly is well-aware, the ILO Committee on Freedom of Association (CFA) had consistently pointed out to the Korean government that the issue of wage payment to full-time trade union officers is a matter to be voluntarily decided by labour and management instead of by legislative fiat, and that legislative interference in the scope of activities for time off is inappropriate. The ILO Committee of Experts, through a direct request to the South Korean government, also requested removal of Trade Union Act Article 24(4) provisions for nullification of collective agreements that exceed this time off cap as they are incompatible with the convention. Accordingly, IndustriALL urges the Korean government and National Assembly to commence revision of the law to abolish this restrictive time off system.

Korea's YOON Suk Yeol administration vetoed the revision of Trade Union Act Articles 2 and 3 passed by the National Assembly last year. The enacted bill called for ensuring trade union rights to subcontracted workers and easing excessive restrictions on strikes and regulating damages claims suits against and criminal punishment of those exercising the right to strike. The ILO Committee of Experts asked the Korean government to submit a copy of the revised law citing the same position as the legislative intent behind this revision of the Trade Union Act last year.

Accordingly, IndustriALL deeply regrets the Korean government's veto to refuse the revisions to Articles 2 and 3 of the Trade Union Act. Further, we urge the Korean government and the National Assembly to commence revision of the law again.

Last year, despite the absence of any issues raised by union members and based on the discretion of the administrative authorities, the Korean government launched forcible administrative investigations into trade unions' ledgers. Subsequently, and despite opposition from the labour community, the administrative authorities unilaterally introduced a system inducing all the details of union ledgers to be disclosed to the world holding as hostage union members' tax deductions for union dues. The ILO position is that forcible intrusion by the state into trade unions internal financial affairs can only be justified when there are serious grounds including violations of laws.

Accordingly, IndustriALL calls on the Korean government and the National Assembly to abolish the system that augments the possibilities of administrative authorities and employer interference into union financial affairs.

The failure to properly implement ratified ILO conventions is tantamount to breaching the commitments among nations. The Korean government and the National Assembly must be aware that this is a serious issue that goes beyond cheapening their credibility in the eyes of the international community but can also lead to situations that adversely affect the Korean economy such as trade sanctions.

IndustriALL will continue to keep a close eye on whether the Korean National Assembly and the administration are taking all measures, including amendments to the law, to implement the ILO core Conventions No 87 and No 98 that Korea has ratified. In addition, we shall continue to stand in solidarity with our Korean affiliates' fight for amendment of the laws.
