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Background briefing

February 2014

#FreetheKorean15

Trade union rights under the Park Government

Trade unions have been under attack in South Korea since the Park Government was inaugurated on 25 February last year:

* The Korean Government Employees Union (KGEU), which represents 140,000 public officials and devotes itself to ensure that all citizens have access to quality public services, has been denied its legal status. The government returned the union’s establishment report on the ground that it allows union membership to 135 workers who were dismissed because of their union activities.
* For the same reason, the Korean Teachers and Education Workers Union (KTU) was deregistered when it rejected the government’s recommendation to exclude dismissed workers from its membership. The union has been protesting against the governments’ competition-oriented education policy and distortion of the country’s history to glamorise the former military dictatorship and Japanese colonialism.
* Four leaders of the Korean Railway Workers Union (KRWU), who led a 23 day strike against railway privatisation were arrested and have just been bailed. Disciplinary actions (likely to include over a hundred dismissals) against KRWU members and officers will be announced soon and the union's bank account has been frozen in relation to a claims for damages suit.
* The KMWU Hyundai Motors Irregular Workers Local was ordered to pay the company a record 9 billion KRW ($9 million) in financial damages after its strike demanding the company follow a court decision which recognised the employment status of the company’s ‘in-house subcontracted workers’ (a form of contracted-out labourers). The leader of the union local who led the strike is now in prison.
* In total, 15 union leaders, including those mentioned above are in jail or on bail for their union activities. Almost of them are charged under the article 314 of the Penal Code, ‘Obstruction of Business.’
* The KCTU office was illegally raided by the police on 22 December 2013. The police pushed into the building to execute improper warrants, destroying union property in the process. Police indiscriminately arrested protestors outside, using pepper spray. In total, 138 people were arrested including the Secretary General of the KCTU, the President of the KTU and two other presidents of KCTU affiliates.

Trade union leaders in jail or on bail

The following trade union leaders have been imprisoned or are on bail:

* Ki-chui Shin – KCWU Chungnam Construction Equipment branch chair – arrested in July 2011 for joining a solidarity rally with the KMWU strike at YPR – sentenced to three years in prison, and due for release in July 2014;
* Hwan-yun Jeong – Organising Director of the KCTU Chungnam Regional Branch - arrested in July 2011 for joining a solidarity rally with the KMWU strike at YPR – sentenced to three years in prison, and due for release in July 2014;
* Jun-il Kim – Chair of the KMWU Gu-mi chapter – imprisoned for two years for obstruction of the business of the court over a strike, due for release this month;
* Jung-han Kim – Chair of the KPTU Cargo Truckers’ Solidarity Division, Ulsan Regional Branch – imprisoned in August 2012 for three years over a strike, due for release in August 2015;
* Jong-hwa Lee - Chair of the Korean Plant Construction Workers Union, Ulsan Regional Branch, arrested in September 2012 and due for release in March 2014;
* Hee-seung Yang – Chair of the KPTU Cargo Truckers’ Solidarity Division, Ulju Chapter, arrested in September 2012 and due for release in September 2015;
* Hae-geon Shin – Organising Director of the KPTU Cargo Truckers’ Solidarity Division, Ulsan Regional Branch – imprisoned for three years in September 2012 and due for release in September 2015;
* Jang-hyun Shin – Vice Chair of the Korean Plant Construction Workers Union, Chungnam Regional Branch – arrested in February 2013 over the Hyundai Steel strike, sentenced to 1 year and 2 months and appealing to the Supreme Court;
* Jung-woo Kim – Chair of the KMWU Ssangyong Motor Branch, arrested for protesting against the destruction of a public martyr’s altar in June 2013 and appealing in the High Court;
* Hyung-geun Kim, Chair of the committee on reunification affairs of the KTU Jeonbuk Regional Branch, arrested in September 2013 and charged with the violation of national security laws – case pending;
* Hyun-jae Park – former Chair of the KMWU Hyundai Motor Irregular Workers Local, arrested in October 2013 over the precarious workers’ strike, appealing in the High Court;
* Myung-hwan Kim – President of the KRWU, arrested on 16 January 2014 over the railways strike, bailed;
* Tae-man Park – First Vice President of the KRWU, arrested on 16 January 2014 over the railways strike, bailed;
* Eun-chul Choi – General Secretary of the KRWU, arrested on 16 January 2014 over the railways strike, bailed; and
* Gilyoung Eom – Chair of the Seoul Regional Branch of the KRWU, arrested on 16 January 2014 over the railways strike, bailed.

Attempts to bankrupt unions

Apart from the criminal charges and deregistration attempts, unions, individual union leaders and in some cases individual members are being sued for astronomical amounts of damages. Employers are trying to destroy unions by removing their leaders on the one hand and by bankrupting them on the other hand. Lawsuits against individual workers, for amounts that no one could pay, have in some cases led to suicide. Even worse, this outrageous practice is being exported to the countries where Korean multinationals are operating, such as Cambodia.

Election pledges

As soon as President Park took office, she unilaterally abandoned almost all of her election pledges on social protection and security, and labour relations, including:

* Parliamentary inspection of the mass layoffs/redundancies in Ssangyong Motors (recently declared invalid by the High Court);
* Increased benefits in the basic old-age pension;
* Reduction of university tuition fees by half;
* free medical treatment for four severe diseases; and
* no privatisation of key public services.

Now the government is promoting privatisation of public services including the railways, healthcare, education, etc. The National Pension Service has also deteriorated.

Democracy at risk

A number of state agencies extensively and illegally intervened during the last presidential election. Several state agencies including the National Intelligence Service (NIS), Cyber Command, Ministry of Security and Public Administration, Ministry of National Defense, Ministry of Unification, and Ministry of Patriots and Veterans Affairs as well as government funded organisations such as the Korea Veterans Association intentionally created negative public opinion on the Internet by posting articles and retweeting comments that slandered opposition party candidates.

Even after these illegal interventions in the elections by the state agencies were revealed, prosecutors have not conducted a transparent and independent investigation, and political pressures have been applied by the current government to disrupt any such investigation. Civil society organisations in the Republic of Korea have held a series of demonstrations calling for a transparent investigation and a fact-finding mission on this matter, but the Presidential Office, responsible for this matter, has ignored this call from the people.

In order to turn public eyes away, the prosecution launched investigations against the KGEU and the KTU according to a false accusation by a far-right organisation that the unions had intervened in the election. In the name of investigation, the prosecution seized and searched the unions’ computer servers and all the personal information on its members.