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| HE Mr Sungnam Lim  Ambassador Extraordinary & Plenipotentiary  Republic of Korea  60 Buckingham Gate  London SW1E 6AJ | our ref freethe15/fog/ot  date: 23 February 2014  contact: Owen Tudor  direct line: +44 (20) 7467 1325  email: otudor@tuc.org.uk |

Dear Ambassador

Respect for workers’ rights in the Republic of Korea

Ahead of the “people’s strike” organised for this Tuesday by our sister organisation in Korea, the Korean Confederation of Trade Unions (KCTU) and many civil society organisations, ***I urge you to convey to your government the British trade union movement’s serious concerns about the wave of intense repression against labour and civil society in Korea***. The British trade union movement is deeply troubled by the government’s blatant disregard for international labour standards in law and practice. We strongly support the People’s Strike and express our solidarity with our fellow trade unionists and workers in your country.

Of particular concern, we understand that 15 labour leaders and workers are in jail or or on bail, many under the obstruction of business clause (Article 314 of the Penal Code), for engaging in industrial action that would be legal elsewhere in the world. I attach a list of the 15, and would in particular ***I ask you to investigate their cases and let me know how their sentences or the charges against them are consistent with the core ILO Conventions 87 and 98 on freedom of association***, which by its membership of the ILO, your government is committed to uphold.

Korea has been asked by the ILO to bring Article 314 of the Penal Code into line with freedom of association principles without delay, and ***I would be grateful if you could explain the delay in responding to this request***, which dates back to the original complaints in 2008 and was most recently reiterated by the ILO Governing Body last October.

These efforts to destroy unions by removing their leaders are often compounded by outrageous strike compensation lawsuits against unions that have no purpose but to bankrupt them. We understand that in total 125,108,700,325 KRW (about £70m) has been claimed against the KCTU and its affiliated unions and members. Suits against individuals in an amount that no one could pay have led in some cases to suicide. These are not the kinds of acts that a mature democracy would ever take. ***I therefore call on your government to stop these astronomical compensation claims against workers and unions.***

It is now two decades since the Republic of Korea joined the ILO, 17 years since it joined the OECD and just three years since the EU-Korea free trade agreement entered into force. In all these cases, your government gave commitments to abide by international standards on fundamental workers’ rights including on collective bargaining and freedom of association. The limited progress that was made in this direction (I understand your government has still not ratified the core ILO Conventions on freedom of association or forced labour) is now being dramatically reversed. ***I would be grateful if you could explain how your government justifies its continued failure to comply with the ILO’s core conventions.***

Because of their interest in this matter, I am copying this letter to the British Foreign Secretary, the EU Trade Commissioner and the Director-General of the ILO. I hope you will be able to answer my questions without delay.

Yours sincerely

**FRANCES O’GRADY**

General Secretary

cc Rt Hon William Hague MP, Secretary of State for Foreign and Commonwealth Affairs

Commissioner Karel de Gucht, Commission of the European Community

Guy Ryder, Director-General, International Labour Organisation

Korean trade unionists in jail or 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.