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HTUR/JSV

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Republic of Korea – Request for Urgent Intervention

Dear Mr Ryder,

On behalf of the International Trade Union Confederation (ITUC), I am writing to request that your office urgently intervene with the government of the Republic of Korea. We have recently learned that the Ministry of Employment and Labour has for the fourth time rejected the registration of the Korean Government Employees Union (KGEU).

In March 2012, the ILO Committee on Freedom of Association, in Case 1865, concluded with regard to the KGEU dispute:

The Committee recalls that when it last examined the case, it urged the Government to repeal the provisions prohibiting dismissed and unemployed workers from keeping their union membership and making non-union members ineligible to stand for trade union office (section 2(4)(d) and 23(1) of TULRAA) [see 353rd Report, para. 749(c)(iv)]. Noting with regret that the Government has not repealed these provisions, the Committee once again urges the Government to do so and to take all possible measures with a view to achieving conciliation between the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.

The latest attempt at registration began on 27 May 2013, when the KGEU submitted a new application. The Ministry of Labour requested supplemental information from the KGEU by 24 June and, following negotiations between the union and the government's public officers labour relations division, extended the deadline to 22 July. In July, intense negotiations between the parties continued, during which the KGEU proposed amendments to its constitution which would have inserted the clause "according to the relevant laws and regulations" in sections relevant to union membership. On 11 July, it was believed that these amendments had been accepted by the government and had cleared the way for the registration of the union. The KGEU convened a congress to revise the constitution and on 22 July submitted the supplementary materials.

On 2 August, the government returned the application and again denied registration, stating that the constitution could still be interpreted to allow dismissed workers to retain

membership. Regardless as to whether the constitution could be so interpreted, the CFA has made clear in this case, as well as with the case of the Korean Teachers Union, that the fact that a union is constitutionally authorized to include dismissed workers as members is not a legitimate reason to reject the union's registration.

We therefore request that you urge the government to register finally the KGEU and to amend immediately Articles 2 and 23 as repeatedly requested so as to avoid this problem in this and other cases.

Best regards,

A handwritten signature in black ink, appearing to be 'A. B.' followed by a long, sweeping flourish.

General Secretary