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Международная федерация транспортников
الاتحاد الدولي لعمال النقل

ITF Position on the Application for an Arrest Warrant for Bongju Lee, President of the KPTU Cargo Truckers Solidarity Division

On 22 April the International Transport Workers' Federation (ITF) was informed by our affiliate the Korean Public Service Transport Workers' Union (KPTU) that Korean police have applied for arrest warrants for Bongju Lee, President of the KPTU Cargo Truckers Solidarity Division (KPTU-TruckSol), and KPTU-TruckSol Incheon Regional Branch Chair Geun-yeong Kim in relationship to protests during prolonged strike action against the food supply company SPC GSP last year.

SPC GSP is a subsidiary of SPC Group, a multi-billion-dollar company operating a wide range of well-known brands including Paris Baguette and Paris Croissant (operating globally) as well as Dunkin Donuts, Baskin Robins and Shake Shack in South Korea. Our affiliate has reported to us that despite its image as a leading Korean company, SPC not only failed to respect an agreement reached with KPTU-TruckSol to improve scheduling, reduce excessively long working hours, and respect trade union activities, but also filed a suit for damages against union members and cancelled the contracts of all members in the Gwangju Regional Branch. In the face of these actions, TruckSol members engaged in repeated strike action. As their leader, President Lee understandably took responsibly for protest actions during this time, and Brother Kim participated in solidarity with his fellow union members.

As is clear in the case of SPC, the denial of fundamental labour rights, including the right to collectively bargain, to Korean truck drivers, who are classified as independent contractors, induces volatile labour relations. In this context truck drivers often have no other recourse than strike action in the face of poor conditions and a lack of respect at work.

With ILO Conventions 87 and 98 having come into force in South Korea only a few days ago on 20 April, it is deeply disappointing that this situation continues to persist. It is important to recall that the ILO Committee on Freedom of Association (CFA) has recommended on several occasions that the Government of the Republic of Korea, "hold consultations with all the parties involved with the aim of finding a mutually acceptable solution so as to ensure that, on the one hand, workers who are self-employed (can) fully enjoy trade union rights under Conventions Nos 87 and 98 for the purpose of furthering and defending their interest, including by the means of collective bargaining and, on the other hand, that no measures which would deprive trade union members from being represented by their respective unions are taken."¹

¹ ILO Committee on Freedom of Association 359th Report (2011), Case No. 2602, para. 370

Regarding the arrest of trade unionists in South Korea the CFA has noted that, “the detention of trade union leaders or members for reasons connected with their activities in defence of the interests of workers constitutes a serious interference with civil liberties in general and with trade union rights in particular. The arrest of trade unionists may create an atmosphere of intimidation and fear prejudicial to the normal development of trade union activities. This intimidating effect is likely to be even stronger in the case of precarious, and therefore particularly vulnerable workers...”²

Furthermore, the timing of the application for these arrest warrants, a full seven months after the end of the SPC strike, makes it hard not to believe that it is in fact politically motivated. We are aware that the conservative government of Yoon Seok-yeol, which will take office on 10 May, has vowed to take a hardline stance against trade union protest on top of promising to weaken labour protections.

Most concerning for transport workers globally, the arrest warrant application comes at a time when KPTU-TruckSol is in negotiations with the government and lawmakers concerning new legislation to make the Korean Safe Rates system permanent and extend its coverage to more sectors. We are extremely concerned that the attempt to arrest and detain President Lee at this time is aimed at derailing these negotiations.

If this happens, it would be a travesty for transport workers in Korea and around the world. Korean Safe Rates have set a standard for the advancement of road safety and decent work in the road transport industry. Indeed, the system is in line with the recommendations on ‘sustainable payments’ in the *ILO Guidelines on the Promotion of Decent Work and Road Safety in the Transport Sector* (paras 73 to 82). Recent research has demonstrated that this system is already effective in reducing dangerous on-road practices such as working excessive hours, driving while fatigued, speeding and overloading, which are the main cause of accidents. Furthermore, the Government has acknowledged that the system of social dialogue and minimum standards it establishes has helped to reduce industrial conflict.

We have been assured by our affiliate that both President Lee and union member Kim will cooperate with any further police investigations, making it entirely unnecessary to detain them at this time.

As such, we request that the arrest warrants for the two men be dismissed and call on the Government to play a constructive role in the protection of trade union rights for truck drivers and other workers in non-standard forms of employment, and act to ensure the preservation and expansion of the Safe Rates system.

² ILO Committee on Freedom of Association 340th Report (2006), Case No. 1865, para 778