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國際運輸勞連

International Transport Workers' Federation
Federación Internacional de los Trabajadores del Transporte
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Internationale Transportarbeiter-Föderation
Международная федерация транспортников
الاتحاد الدولي لعمال النقل

Mr. President Moon Jae-in
Republic of Korea
c/o Embassy of the Republic of Korea
60 Buckingham Gate
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Delivered by hand

Our ref: OGS/SMC/ab

11 April 2019

Dear Mr. President Moon Jae-in,

ITF Letter in Support of the Fight of Specially-Employed Workers in South Korea for Ratification of Core ILO Conventions and Guarantee of Fundamental Labour Rights

On April 13, thousands of truck drivers and other specially-employed workers in South Korea will gather in a mass demonstration calling for ratification of core ILO Conventions and guarantee of fundamental labour rights for all workers. The International Transport Workers' Federation (ITF) writes to express our support for this protest and the demands being made this day. The ITF is a democratic, affiliate-led federation representing 665 trade unions from 147 countries, helping their members to secure rights, equality and justice, and acting as the voice of over 18 million working men and women across the world.

For many years, the ITF has supported the efforts of trade unions in South Korea to achieve the guarantee of fundamental labour rights for all workers at a level at least equivalent to international standards. From this perspective, we have closely following the recent debates concerning South Korea's potential ratification of core conventions and revision of trade union law.

The ITF welcomes the Moon Jae-in administration's repeated promises to secure approval for the ratification of ILO Conventions 87 and 98 in the National Assembly, and recognises the importance of legitimate social dialogue in fostering agreement on ratification in line with ILO Convention 144, which South Korea ratified in 1999. We are concerned, however, that dialogue has so far taken place in a manner that goes against its original purpose of achieving efficient ratification while bringing South Korean laws into conformity with international standards.

In this regard, we wish to underscore the importance of the principle of non-regression in international law. This principle entails the basic notion that ratification of ILO Conventions cannot be a basis for the weakening of rights or conditions already guaranteed in an existing law, custom or agreement.

Adherence to this principle of non-regression must be the starting point for the ratification of ILO convention ratification if ratification is to have the intended effect of improving labour standards. Regrettably, the current debate in South Korea has involved proposals for the weakening of existing protections against unfair labour practices and increased restrictions on collective bargaining and the right to strike. These proposals, many of which we understand the government is considering, have been made in the name of securing 'employers' oppositional powers'. However, the concept of 'employers' oppositional powers' nowhere exists in international labour law and is antithetical to the basic goal of protect workers in the context of unequal social relations.

With regards to 'specially-employed' workers and other workers in non-standard forms of employment, the ILO's supervisory bodies have constantly held that fundamental principles and rights at work, including the rights to freedom to association and collective bargaining, apply to all workers. Currently, however, the Korean Trade Union and Labour Relations Adjustment Act (TULRAA) excludes these workers from the definition of 'worker', denying them this basic rights enshrined not only in international standards but also the South Korean Constitution. It is only appropriate that the process of ratification of ILO Conventions would, as a matter of priority, involve taking the necessary measures, including revision of the TULRAA, to guaranteeing these workers' fundamental labour rights. This is especially true as we prepare for a future world of work in which non-standard forms of employment are becoming the norm.

In recognition of this new reality, the ILO International Labour Conference (ILC) this year will adopt a new Centenary outcome document that stresses the importance of a Universal Labour Guarantee for all workers, which covers not only trade union rights but also minimum standards in relation to wages, social protection, time sovereignty and health and safety. The rights of specially-employed workers, like the workers who are leading the fight for ratification of core conventions in Korea, are at the heart of the vision of a human-centred world of work put forth in the Declaration.

We understand that President Moon is considering attendance at the upcoming ILC. We sincerely hope that the government recognizes that in order not to be shamed before the international community and to be able to take part meaningfully in the Conference discussion on the future of work, it would first need to meet its obligations to the international community and the workers of Korea. This would at minimum mean putting forth a clear plan for swift ratification of ILO Conventions without regression and revision of domestic law to bring them into accordance with international standards and guarantee the fundamental labour rights of specially-employed and all workers.

Thank you for your attention to this matter, I look forward to a positive response.

Yours sincerely,



Stephen Cotton
General Secretary, ITF