March 6, 2019

President Moon, Jae-In

Blue House

1 Cheong Wa Dae Road, Jongo District

Seoul, Republic of Korea

**RE: Ratification of ILO Conventions 87 and 98**

Dear President Moon:

The undersigned are members of the board of the ILAW Network, a global network of labor lawyers and advocates who represent workers and trade unions. Today, we write to you as the President, but also as a well-respected lawyer who defended labor rights activists during the military dictatorship. The Republic of Korea (ROK) remains one of the few countries who have ratified neither ILO Convention 87, on the right to freedom of association, nor Convention 98, on the right to bargain collectively. We note that the government is now considering the ratification of these two human rights instruments, which we applaud. However, our colleagues in the ROK have informed us that the government is also moving forward with legislation that would not only fail to implement fully these ILO conventions but would also weaken labor laws in other important respects.

For example, we understand that the government is considering the expansion of flexible working time, which could lead to significantly greater hours of work. The current maximum hours of work per week is 52 hours. The law provides an employer to average the hours over a three-month period. Under the new proposal, the reference period for determining average work time would double to six months. The Korean workforce is already one of the most overworked, and this would grant employers more power to extend the workweek well beyond the 52-hour maximum.

The government is also moving forward on a new minimum wage determination method. Last year, the government already weakened the Minimum Wage Act by including certain benefits beyond the base wage to determine whether the minimum wage is met. Previously, compliance was determined only with reference to the base wage. Now, the government is constraining the scope of wage bargaining of the social partners on the tripartite wage council by adding a new expert committee which will decide the range of the potential minimum wage increase. The tripartite committee can thereafter only negotiate then within that predetermined range.

In addition, there appears to be no commitment to amend the Trade Union Labor Relations Adjustment Act (TULRAA) to ensure it complies with Convention 87. Not only does it fail to address long standing concerns of the ILO and Korean unions, for example on the exclusion of certain groups of workers from the Act and prohibiting dismissed workers from being members or leaders of a union, but it would permit for the first time the use of replacement workers during strikes outside of essential public services, would ban certain kinds of strikes and would require the term of collective agreements to be five years to reduce the frequency of negotiations.

The ratification of these two fundamental ILO conventions should result in workers’ rights moving forward, not backward. We therefore urge you to ratify ILO Conventions 87 and 98 without further delay, and to promote legislation that would fully implement them as soon as possible. Workers should not also have to sacrifice hard won rights in other areas in order to enjoy the right to freedom of association and to bargain collectively.

Sincerely,

**Jeffrey Vogt, United States**

**Mary Joyce Carlson, United States**

**Jon Hiatt, United States**

**Raisa Lipartelaini, Republic of Georgia**

**Nkechi Odinukwe, Nigeria**

**Makbule Sahan, Belgium**

**Maria Elena Sabillon, Honduras**

**Antonio Loffredo, Italy**

**Trevor Clarke, Australia**

**Ruwan Subasinghe, United Kingdom**

**Ruediger Helm, South Africa**

**Steven Barrett, Canada**

**Maximiliano Garcez, Brazil**

**KIM Tae Wook, Republic of Korea**