COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

KOREA, REPUBLIC OF (2000-2018)[1]

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING

REPORTING	**Fulfillment of Government's reporting obligations**	**YES,** except for the 2003 Annual Review (AR).	
	Involvement of Employers' and Workers' organizations in the reporting process	**YES**, according to the Government: Involvement of the Korea Employers' Federation (KEF), the Federation of Korean Trade Union (FKTU), the Korean Confederation of Trade Unions (KCTU) and the Korean Federation of Public Services and Transportation Workers' Union (KPTU) through communication of Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	**Employers' organizations**	**2016 AR:** Observations by the KEF. **2014 AR:** Observations by the KEF. **2013 AR:** Observations by the KEF. **2012 AR:** Observations by the KEF. **2009 AR:** Observations by the KEF. **2002 AR:** Observations by the KEF. **2001 AR:** Observations by the KEF. **2000 AR:** Observations by the KEF.	
	Workers' organizations	**2018 AR:** Observations by the KCTU and the FKTU. **2016 AR:** Observations by the KCTU. Observations by the FKTU. **2015 AR:** Observations by the KCTU. **2014 AR:** Observations by the KCTU. Observations by the KPTU. **2013 AR:** Observations by the KCTU. **2012 AR:** Observations by the KCTU. **2010 AR:** Observations by the FKTU. Observations by the KCTU. **2009 AR:** Observations by the International Trade Union Confederation (ITUC). **2008 AR:** Observations by the ITUC. **2007 AR:** Observations by the International Confederation of Free Trade Unions (ICFTU). **2006 AR:** Observations by the ICFTU. **2005 AR:** Observations by the ICFTU. **2004 AR:** Observations by the KCTU. Observations by the KFTU.	
		2002 AR: Observations by the ICFTU. Observations by the KCTU. **2001 AR:** Observations by the ICFTU. **2001 AR:** Observations by the KFTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	**Ratification**	**Ratification status**	**Korea has ratified neither the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (C.87) nor the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (C.98).**
		Ratification intention	**Unable to ratify both C.87 and C.98, since 2012**

[1] Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: http://webfusion.ilo.org/public/db/standards/normes/libsynd.

			2018 AR: The Government indicates that C.87 and C.98 are likely to be ratified since discussion is underway on how to improve laws and institutions at the Economic, Social and Labor Council (the ESLC), a tripartite Presidential Advisory body. Once all the procedures are complete for making necessary improvements to relevant laws and institutions based on the discussion, the government will immediately start the ratification process. KCTU commented that no concrete plan for the ratification has announced and the process needed has yet to started. So it is still unclear whether the ratification would be done in near future. **2015-2017 ARs:** According to the Government: It remains difficult to ratify C.87 and C.98 as the current law is not in full conformity with the Conventions. In 2017, the incumbent government administration included the ratification of C. 87 and C.98 as part of its agenda. KEF commented that the current domestic laws (such as the Operation of Public Officials' Trade Unions) restrict the scope of public officials' right to organise such as general public officials of Grade 5 or above and fire fighters. This remains a barrier for the ratification of the C.87 and C.98. According to the KCTU: The Government did not intend to ratify C.87 & C.98 and no progress has been made in the ratification process. **2014 AR:** According to the Government: It remains difficult to ratify C.87 and C.98 as certain provisions of the current labour law are not in full conformity with the provisions of the Conventions. The KEF reiterated its support for the ratification of C.87 and C.98, also indicating that the ratification is not likely to take place in a near future. According to the KCTU and the KPTU: The KCTU and the KPTU fully support the ratification of C.87 and C.98. No progress has been made in the ratification process over the last year. The Government has stated that it has no intention to ratify the two instruments. **2013 AR:** According to the Government: At the present time it remains difficult to ratify C.87 and C.98 as the Government and the ILO have different views on whether the current labour law is in full conformity with the provisions of the Conventions. The KEF reiterated its support for the ratification of C.87 and C.98, also indicating that no progress had been made in the ratification process over the last year. The KCTU reiterated its full support for the ratification of C.87 and C.98, and reported that no progress had been made in the ratification processes and in the realization of the PR. **2012 AR:** According to the Government: No change. The KEF reiterated its support for the ratification of C.87 and C.98. The KCTU expressed its full support for the ratification of C.87 and C.98, and emphasized that ratification of C.87 and C.98 was urgent as there were many violations of freedom of association in Korea. **2011 AR:** According to the Government: The

			Republic of Korea has removed a lot of barriers to ratification of C.87 and C.98 by allowing the establishment of multiple trade unions at enterprise level and introducing the paid time-off system with the revision of the Trade Union and Labour Relations Adjustment Act in January 1, 2010. Nevertheless, the ratification of these Conventions remains difficult as some provisions of the labour laws are incompatible with the PR. **2010 AR:** According to the Government: It is difficult for the country to ratify C.87 and C.98

			because some provisions of domestic labour laws are not in conformity with ILS. Moreover, ratification prospects for these instruments seem restricted as there have been continuous controversies over union pluralism at the enterprise level and wage payment to full-time union officials is banned. The FKTU and KCTU expressed their full support for the ratification C.87 and C.98 but deplored Government's unwillingness to ratify these two Conventions. **2009 AR:** The Government indicated that it was continuing its study on C.87 and C.98. The KEF stated that it was supporting the ratification of C.87 and C.98. **2008 AR:** The Government indicated that ratification of C.87 and C.98 is still under study. **2007 AR:** The Government indicated that it would continue to review the possibility to ratify C.87 and C.98 in considering the existing national laws and institutions as well as any other developments in the future. It has made continuous efforts towards ratification. For instance, it has conducted in 2003 *A Study of Policy Tasks to Ratify ILO Conventions on Freedom of Association*.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	**Constitution**	**YES.** The 1948 Constitution (article 33, paragraph 1) provides that workers shall have the right to independent associations, collective bargaining and collective action.
		Policy/Legislation and/or Regulations	• **Legislation:** The Trade Union and Labour Relations Adjustment Act (TURLAA), 1997, the Bill on the Establishment, Operation, etc. of Public Officials' Union, 2004 to come into force in January 2006, the State Public Official Act and the Local Public Official Act relate to the principle and right (PR). **2013 AR:** According to the KCTU: The amendments to the TURLAA, made in January 2010, were enforced in July 2012. These revisions provide permission for multiple trade unions to be created at enterprise level. The law provides for trade union pluralism, and introduced a new system for collective bargaining in a multiple union system. These new provisions allow for employers to create yellow unions and use the pretext of having a unified collective bargaining between the real union and the yellow union. Cases where employers have created yellow unions to take control over situations of strike have already been reported. The KCTU has prepared a Bill to amend labour laws to ensure compliance with C.87 and C.98, and specifically to ensure that all precarious workers are covered by the FPRW. **2012 AR:** According to the Government: The TULRAA was revised on January 1, 2010. According to the KCTU: At the initiative of workers and opposition parties amendments of the Trade Union Act was presented to Parliament in June 2011. **2008 AR:** According to the Government: Based on the tripartite agreement of September 2006 regarding numerous legal and institutional reform measures including the compulsory arbitration system, the reform measures were made into law

			with the adoption of the revised TURLAA by the National Assembly on 22nd December 2006. The main features of the revision bills are as follows: (i) the notification requirement for third-party assistance was repealed as of 1st July 2007; (ii) compulsory arbitration for essential public services is to be abolished as of 1st January 2008. Instead, a minimum service system will be introduced and the use of a replacement workforce during strikes will be allowed. With regards to the implementation of enterprise-level union pluralism and ban on wage payment to full-time union officials, it is postponed until 2009 through agreement between labour and management. **2004-2006 ARs:** According to the Government: A new Bill was adopted in 2003 in order to better guarantee public officials' right to organise. The 2004 Bill on the Establishment and Operation, etc, of Public Officials' Trade Unions will enter into force in January 2006. **2000-2002 ARs:** The TURLAA of 1997, adopted the principle of multiple unionism with a reservation that the union pluralism at the enterprise level would be effective from 2002 (section 5, paragraphs 1 and 3, of the TURLAA). The Ministry of Labour is working on improvements to the legal system, in order to secure freedom of association and the effective recognition of the right to collective bargaining.	
		Basic legal provisions	(i) The 1948 Constitution (article 33, paragraph 1); (ii) the TURLAA, 1997; (iii) the Bill on the Establishment, Operation, etc. of Public Officials' Union, 2004, to enter in force in January 2006; (iv) the State Public Officials Act; and (v) the Local Public Officials Act (section 58).	
		Judicial decisions	**2014 AR:** According to the KCTU: A case concerning public sector workers' and migrant workers' right to organize is ongoing in the Supreme Court since 2007. **2013 AR:** According to the KCTU: The Supreme Court has, based on the Act on the Protection, etc., of Dispatched Workers, taken a judicial decision concerning the manufacturing sector. According to this decision, subcontracted workers who have been working for more than two years in the same workplace should be employed as permanent workers. This court ruling and the implementation of its implications has been rejected by employers. As a consequence, the Government and employers have jointly prepared a new Bill to counter the decision by the Supreme Court.	
	Exercise of the principle and right	**At national level (enterprise, sector/ industry, national)**	**For Employers**	**2004 AR:** Government authorization or approval is not required to establish employers' organizations, or to conclude collective agreements. Freedom of association and the right to collective bargaining can be exercised at enterprise, sector/industry and national levels by all categories of employers.

			For Workers	**2007 AR:** According to the Government: The Act on the Establishment and Operation, etc. of Public Officials' Trade Unions (2004) which allows public officials to establish trade unions and exercise the right to collective bargaining, took effect on 28 January 2006 and since then the protection of basic labour rights of public officials has been significantly enhanced. **2004 AR:** Government authorization or approval is not required to establish workers' organizations, or to conclude collective agreements. Freedom of association and the right to collective bargaining can be exercised at enterprise, sector/industry and national levels by the following categories of persons: medical professionals; teachers; agricultural workers; workers engaged in domestic work; workers in export processing zones (EPZs) or enterprises/industries with EPZ status; migrant workers; workers of all ages; and workers in informal economy. However, freedom of association and the right to collective bargaining cannot be exercised by workers in the public service, except those engaged in manual labour in postal services, railways business, etc. In addition, only freedom of association can be exercised at international level.
			Special attention to particular situations	**2014 AR:** According to the KCTU: Special attention is directed to realize the PR in the public sector. **2004 AR:** According to the Government: The new Law on the Establishment and Operation, etc, of Public Officials Trade Unions, 2004 guarantees public services trade unions' right to strike and at the same time protects public interests.
			Information/ Data collection and dissemination	**2009 AR:** According to the Government: As of March 2008, 179 complaints about unfair labour practice were filed with the Regional Labour Offices and 221 applications for remedy were processed by the Regional Labour Relations Commissions.

				2000-2005 ARs: According to the Government: Data exist on trade unions' density.
		At international level	According to the Government: The Republic of Korea recognizes the exercise of the PR at international level, only with regard to freedom of association.	
	Monitoring, enforcement and sanctions mechanisms	**2007 AR:** According to the Government: The TURLAA considers as an unfair labour practice any impediments on trade unions' establishment or operation by employers. In this respect 195 indictments for unfair labour practices were recorded as of August 2006. **2005 AR:** According to the Government: Compulsory arbitration for essential public services has been introduced to ensure harmony between public interests and the workers' right to act collectively and a minimum level of service during negotiations. In addition, the labour rights of workers in the public sector have been gradually expanded, following an agreement at the Tripartite Commission. **2004 AR:** According to the Government: The following measures have been implemented to realize the PR: (i) inspection/monitoring mechanisms; (ii) penal sanctions; (iii) civil or administrative sanctions; (iv) capacity building of responsible government officials; (v) training of other government officials. **2000-2005 ARs:** According to the Government: In instances where the PR has not been respected, employers who infringe the rights of trade unions to organize or bargain collectively will be subject to legal sanctions under charges of unfair practices, in accordance with sections 81 and 90 of the TURLAA, 1997.		
	Involvement of the social partners	**2018 AR:** The Government indicates that social dialogue has been underway at the Economic, Social and Labor Council, which is a Presidential advisory body, on ways to improve laws and systems on labor-management relations and practices, including contentious issues to amend the relevant laws. The incumbent administration has set the ratification of Conventions Nos. 87 and 98 as part of it's agenda. The Government, through consultations with experts, is carrying out close review on domestic laws that might not be in line with the Conventions. **2014 AR:** The KEF indicated its participation in social dialogue. According to the KCTU: The situation concerning social dialogue has remained the same over the last year, the KCTU being still excluded from most social dialogue fora. However, efforts have been made to work with the legislators and develop adequate legal instruments to support the ratification of C.87 and C.98. **2013 AR:** According to the Government: The Tripartite Commission for Economic and Social Development is an organization for social dialogue between labour, management and the Government. The Commission is currently operating, and while the KCTU has internally discussed several times whether to participate in the Commission, it has refused to do so. The Korean Government welcomes and looks forwards to the participation of the KCTU in the Commission. According to the KEF: Social dialogue is exercised in the country. According to the KCTU: A strategy adopted by the Government aims at dividing the trade union movement by only recognizing the FKTU as a tripartite participant, excluding the KCTU from most social dialogue practices. A tripartite body that is an exception is the Minimum Wage and Deliberation Commission, where the FKTU and the KCTU jointly represents the interest of the workers. The Government has also ended a tripartite process which used to take place for the designation of representatives to public interest groups. However, contrary to the past, this designation was made alone by the Government in 2012, without inclusion of the social partners. **2012 AR:** According to the Government: Tripartite consultations regarding labour law reform have been continuously undertaken.		

		According to the KCTU: Social dialogue is not exercised in the country. A tripartite committee was previously established, but is currently not operating. The KCTU was excluded from this committee. **2011 AR:** According to the Government: Tripartite consultations have been implemented in relation with this PR. **2009 AR:** According to the Government: Tripartite consultations have been continuously implemented regarding industrial relations reform. **2004 AR:** According to the Government: Tripartite consultations have been implemented in relation to this PR. **2000–2001 ARs:** The Government stated that it had devoted efforts to stimulating dialogue on the promotion of the PR within the Tripartite Commission.

	Promotional activities	**2018 AR:** The Government indicates that it has commissioned the Korea Labor Foundation a project, through which the Foundation has opened on Sept. 14, 2018 online promotion channels (blog: www.blog.naver.com/nosa_ilo, and Facebook page: www.facebook.com/ilonosa) to raise public awareness about the necessity of ratifying the fundamental Conventions on freedom of association and abolition of forced labour. To promote these channels, a giveaway was held on Sept. 17 in celebration of their opening. From September to October, two contributions by experts and one card news, a form of news articles in image slides, were posted. And Webtoons, a type of digital comics, will be available starting November. Also, an open forum on the ILO fundamental Conventions, where an ILO expert participated, was held on Oct. 15. The tripartite discussions now underway at the ESLC is preparatory work for the ratification of the Conventions and is therefore not unrelated to the ratification, unlike the KTCU's comments. The procedure for ratifying the fundamental Conventions has already begun, as the discussion at the ESLC is one of the necessary steps in the procedure. Also, the Government has been engaging in various promotional activities through the Korea Labor Foundation, such as posting expert contributions, card news, and Webtoons, to help build public consensus about what it means to ratify the ILO core Conventions and why it is necessary. The Government has also held an open forum engaging an ILO expert. After sufficient discussion at the ESLC on necessary legal and institutional improvements for the ratification, the government will promptly engage in the next steps for the ratification based on the outcomes of the discussions. KCTU commented that the outcome of the research and the information/data compilation have yet to unveiled and any card news(interactive news), web toon, blog on the fundamental conventions has yet to be posted on MOEL's website. The discussion in the Economic, Social and Labor Council among the government, trade unions, employees and academics is about the improvement of the law, institution and practise on labour relations. However, this body is not for the discussion in relation to the ratification itself. KCTU is joining the discussion in the council and at the same time, is campaigning to raise awareness on the necessity of the ratification and to urge the government to take necessary steps for the ratification itself. FKTU reports that it has not seen any card news and web toon posted or produced by the MOEL directly related to the ratification of convention on freedom of association. **2014 AR:** The KEF indicated that it had participated in a number of promotional activities. According to the KCTU: The KCTU and its affiliates are continuously undertaking activities to promote the ratification of C.87 and C.98. An awareness raising campaign on the FPRW, with emphasis on the PR, has been conducted in collaboration with the Korean Teachers' and Education Workers' Union (KTU), the Korean Government Employees' Union (KGEU) and the Korean Federation of Public Services and Transportation Workers' Union (KPTU). The campaign included leaflets with information on the situation of workers' rights in the country, and requested labour law amendments to align the national legislation with international labour standards. The leaflet was designed as a letter directed towards the President of the Republic of Korea, urging the President to ratify C.87 and C.98 without delay. A part of the campaign especially focused on realizing the PR for public sector workers. The aim of these activities is to increase the pressure on the Government to ratify the remaining ILO core Conventions and to amend the labour laws to meet international labour standards. Further promotional activities include a rally among public sector workers calling for the ratification of ILO core Conventions which gathered approximately 10 000 workers on 1 June 2013 and an ongoing protest campaign in front of the National Assembly. **2013 AR:** The KCTU indicated that it had prepared and promoted a Bill to amend labour laws to ensure compliance in with C.87 and C.98 and to ensure that also precarious workers are covered by the FPRW. It further mentioned that it had campaigned for this Bill to be passed in the national Parliament in 2011, and this campaign would continue with a view to

		sensitizing the new Parliamentarians to be elected in 2012. **2012 AR:** According to the KCTU: The KCTU has been campaigning for ratification of C.87 and C.98, and is currently campaigning for revision of the Trade Union Act to amend it in line with international standards. **2011 AR:** According to the Government: Tripartite consultations have been continuously implemented in the framework of the labour law reform. **2010 AR:** The Government reiterated that tripartite consultations were in process with a view to reforming industrial relations. The FKTU mentioned that its members had participated in a tripartite workshop on the PR organised by the Government. The KCTU stated that it had organised workshops and meetings to raise awareness and promote the PR among its members. **2009 AR:** According to the Government: Tripartite consultations are being implemented regarding the reform of industrial relations. **2004 and 2007 ARs**: According to the Government: The following measures have been implemented to realize the PR: (i) training of other government officials; (ii) capacity building for employers' and workers' organizations; (iii) awareness-raising/advocacy.
	Special initiatives/Progress	**2007 AR:** According to the Government: Several special initiatives were taken following the recommendations of international organizations: A "Committee for the Advancement of Industrial Relations Laws and Systems" was established in March 2006. It has made suggestions on how to: (i) establish multiple unions at enterprise level; (ii) repeal the third-party support notification requirement; (iii) abolish the compulsory arbitration system; etc. Moreover, a "Tripartite Representatives Committee" was set up in March 2006 to pursue social dialogue aiming to improve labour-related legislation. This Committee has also held negotiations more than 40 times during the last six months and finally reached a tripartite agreement to abolish the compulsory arbitration system for essential public services and the third-party support notification requirement. On the other hand, through the Government's efforts, the compulsory arbitration system and the third-party support notification system will be repealed. In addition, public officials' rights to organize and to bargain collectively will be protected. It is considered that these reforms should pave the way for Korea to have laws and systems better in line with international labour standards. **2004-2005 ARs:** According to the Government: A special initiative was taken following an agreement at the Tripartite Commission of the Bill of 23 June 2003 guaranteeing the labour rights of public officials, now under legislative process.

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	**According to the social partners**	**Employers' organizations**	**2014 AR:** According to the KEF: While the Government of Korea has undertaken efforts to move forward in the ratification process of C.87 and C.98, the economic crisis and high levels of youth unemployment hampers the ratification of the two instruments. **2013 AR:** The KEF indicated that the obstacles in the ratification of C.87 and C.98 relate to the restrictions to collective bargaining practices in essential services. **2001 AR:** According to the KEF: There are restrictions on collective action in essential services. **2000 AR:** According to the KEF: The TURLAA provisions banning the payment to full-time union officials should be maintained to secure independence of trade unions.
		Workers' organizations	**2015-2016 ARs:** KCTU reiterated that the main challenge is how to realize the principle and right in the public sector. It further noted that self-employed workers, workers in precarious employment and in small and medium enterprises as well as those under subcontracting arrangements do not enjoy the right to freedom of association. **2014 AR:** According to the KCTU: Challenges are related to: (i) Realizing the PR in the public sector. The Government regards the organization of public service workers as a threat, and regularly refuse the registration of public service unions. Teachers are being threatened with the cancellation of the registration of their trade unions and public officials have been refused trade union registration for the last four year. Cases where workers in the public sector have been dismissed in retaliation for involvement in trade union activities have been reported. Collective bargaining agreements are being ignored or unilaterally terminated in public institutions; (ii) Prevailing employment practices.

			Precarious employment is widespread and many precarious workers are employed by employment agencies and therefore considered as self-employed. As they are considered to be self-employed, regulations forbid them to form unions and to bargain collectively. Trade unions attempting to organize these self- employed workers risk having their trade union registration withdrawn. Among the KPTU members, truck drivers are especially subjected to this violation of their freedom of association and right to collective bargaining. For workers in precarious employment in the public sector, collective bargaining is non-existing. Furthermore, the Government has been expanding its schemes for temporary and part-time employment in the public sector. This is of great concern as it will create more part-time and temporary positions in a sector where up to 70 per cent of the employees are already on part-time contracts. This further obstructs the realization of the PR; (iii) Legal obstacles, including the prohibition to grant trade union membership to dismissed workers, restrictions on collective bargaining, and the regulations on trade union recognition and registration, which allows the Government to deny recognition of a trade union on arbitrary grounds. The Government has shown no sign of initiating the necessary legal amendments. Following the legal amendments of the TURLAA, enforced in July 2012, the situation concerning the PR has deteriorated. The legal amendments opened up for the creation of yellow unions and gave the employers the right to choose to only bargain with one union at company level. The Government has, along with employers, formed yellow unions which in many cases have become the exclusive counterparts to the employers in collective bargaining. Through the yellow unions, the employers also pressure members of the legitimate trade unions to leave their memberships. Consultant agencies have been established with the sole mission to provide employers with guidance on how to utilise the legislation so as to evade the realization of the PR; (iv) Lack of political will. The Government tend to have an anti-trade union approach and it has stated that it has no intention to ratify C.87 or C.98; and (v) Limited social dialogue. The exclusion of the KCTU in social dialogue practices is hampering progress in the ratification process and realization of the PR. **2013 AR:** According to the KCTU: More than 50 per cent of the workforce in the Republic of Korea is in precarious forms of work. This creates great challenges in terms of realizing freedom of association and the right to collective bargaining. Many precarious workers are defined as “specially employed workers”, such as health care professionals and domestic workers, which are often employed by employment agencies and therefore considered as self-employed. As they are considered to be self-employed, regulations forbid them to form unions and to bargain collectively. Trade unions attempting to organize these self-employed workers risk having their trade union registration withdrawn. Another category among the precarious workers are the dispatched workers, in particular in the automotive industry where workers are hired by a sub-contractor but working for an auto company.

			This category is referred to as "in-house subcontracted workers", and work alongside with the permanent workers but are being paid half ofthe salary for the same amount of work. These in-house subcontracted workers stand without any protection to ensure their freedom of association, and in cases where they have tried to organize the employer has answered with dismissals. Ensuring the right to collective bargaining is equally challenging as the company hiring subcontracted workers in general refuse collective bargaining practices with the subcontracted workers arguing that they do not have a direct employment relationship. Through these forms of employment, freedom of association and the right to collective bargaining are being violated. Therefore, the challenge mentioned under the 2012 AR concerning the right to strike in relation to the Criminal Court, section 314, remains. Furthermore, a strategy adopted by the Government aiming at dividing the trade union movement is further hampering the realization of the principle and right (PR). This strategy only recognizes the FKTU as a tripartite participant, and excludes the KCTU from social dialogue. **2012 AR:** According to the KCTU: The challenges are: (i) lack of political will by the Government, which needs to reform domestic laws; the Government argues that the ILO Conventions are not in line with the national legislation, and is not open for amendments of the domestic legislation. (ii) Difficulty in striking because of Criminal Court, section 314 – obstruction of business – even if the Trade Union Act provides for the right to strike. For workers who are guaranteed the right to strike, it is difficult to exercise the right, as workers who participate in a strike are charged a fee by the employer for their engagement in the strike, they risk disciplinary actions to be taken by the company, and/or repression or imprisonment. (iii) Definition of essential services in Korea is broader than ILO essential services (for example railway is considered essential in Korea); certain categories of public servants are denied freedom of association and recognition of collective bargaining (personnel management, teachers, etc.). (iv) Payment of fulltime union officials is prohibited according to Korean law. Concerning C.98, collective bargaining is guaranteed for the formal work force, but legislation also gives employers the right to unilaterally cancel the collective bargaining agreement, limiting the effective recognition of collective bargaining in the Republic of Korea. Another problem concerns the self-employed workers, who according to national legislation are regarded as employers. These workers are not covered by any workers' rights as they according to the legislation are defined as employers. **2010 AR:** The FKTU and the KCTU expressed their fears that the forthcoming new labour law would restrain unions' pluralism and therefore override the PR to some extent. **2009 AR:** The ITUC reiterated the same challenges it mentioned below under the previous AR (2008). **2008 AR:** The ITUC noted the following challenges: (i) under the Law on Assembly and Demonstration,

			any gathering is banned within a hundred metres of foreign diplomatic missions. As a result many large companies, such as Samsung, have invited embassies to rent offices in their buildings. This tactic effectively prevents workers from demonstrating in front of the company's headquarters; (ii) third party intervention in collective bargaining and industrial disputes is still hindered; (iii) the law on Special Economic Zones (SEZs) contains preferential provisions in relation to foreign companies investing in the SEZs, which exempts them from many national regulations on the protection of the environment and labour standards. It is feared that this will result in further violations of workers' rights, since this law also makes it easier to hire "irregular" workers, who will have little or no protection; (iv) the Act on Employment of Foreign Workers and the Employment Permit System (EPS) allow employers to violate migrant workers' trade union rights with impunity. They are permitted only three years contracts and are strictly forbidden from changing employers during their stay in the country; (v) on May 2006, a riot police invaded a lawful demonstration in front of the Rural Development Administration. As a result, several trade unionists were severely beaten and arbitrarily arrested; (vi) a campaign of intimidation was launched by Woojin Industry, a subcontract firm created and controlled by Lafarge Halla Cement after finding out that two-third of the workers had joined the Korean Chemical and Textile Workers' Federation (KCTF); (vii) intimidation and violence was carried out by the Sejong Hospital towards the Korean Health and Medical Workers Union (KHMWU) that exercised its right to strike in January 2006; and (viii) systematic anti-union campaign was engaged towards workers belonging to the Kiryung Electronics Workers' Union Local, such as termination of contracts, mass dismissals without reinstatement, or imprisonment of the union's president. **2007 AR:** According to the ICFTU: (i) Persecution by the Government of the public servants' unions; (ii) the Law on the Establishment and Operation of Public Officials' Trade Unions of 31 December 2004 excludes many categories of workers (such as managers, human resources personnel, personnel dealing with trade unions or industrial relations) in the private sector, and special public servants such as military, police, fire-fighters, politically-appointed officials, and high level public officials from the right to organize; (iii) the right to collective bargaining is recognized but limited to some subjects of negotiation; (iv) no sanctions against unfair labour practices; (v) strong restrictions concerning the right to strike in the public sector; (vi) interference of the Government in the trade unions' affairs; (vii) foreign companies are exempted by the Law on Special Economic Zones (SEZs) of July 2003 from the obligation to respect the labour legislation; (viii) severe limitations on the right to strike and to create unions in the private sector since where an employer creates a union, it is legally forbidden to organise alternative unions. **2006 AR:** The ICFTU observed the following: (i) civil servants will be allowed to organize within

			administrative predefined units by the Bill on the Establishment and Operation, etc of Public Officials Trade Unions, 2004, with the exception of managers, human resources personnel dealing with trade unions or industrial relations, and specific public servants such as military, police, fire fighters, politically appointed officials, and high level public officials. In addition, a union member can work full-time for the union, but only with the authority of the employer; (ii) civil servants will have the right to collective bargaining, but the subjects of negotiations are limited to matters concerning trade unions members' pay and welfare and other working conditions, and laws and budgets prevail over collective bargaining agreements; (iii) the Bill, however, maintains the strike ban; as does the TURLAA for central government and local government workers and the 1999 Law on the Establishment and Operation, etc. of Trade Unions for Teachers- striking workers and union leaders can be prosecuted and sentenced under section 314 of the Penal Code, which prohibits "obstruction to business"; (iv) the TURLAA provides for compulsory arbitration for disputes in "essential public services" if the parties cannot come to an agreement on their own; (v) The right to demonstrate is limited, as under the Law on Assembly and demonstration, any gathering is banned within a hundred meters of foreign diplomatic missions (as a result large companies have invited embassies to rent offices in their building); (vi) under the TURLAA, 1997, employers are banned from remunerating trade union leaders until 2006; and union pluralism at company level is banned until December 2006; (vii) as a result, many employers have resorted to creating management-controlled unions, known as "paper unions"; (viii) There is a ban for dismissed workers to remain members of a union, and non-union members are not eligible for trade union office; (ix) the Third party intervention in collective agreements or industrial disputes is hindered by the compulsory arbitration. **2005 AR:** According to the ICFTU: The trade unions observed that the new law makes it easy to hire "irregular" workers, who will have little or no protection. **2004 AR:** The FKTU made the following observations: (i) the TURLAA provides for the right to organize and collective bargaining; (ii) government authorization or approval is required for workers in public services as regard collective agreements; (iii) the right to organize and bargain collectively is recognized by the Constitution (article 33); (iv) employer's organizations should not be exempted from the responsibility of realizing the PR. The KCTU made the following observations: (i) it does not agree with the definition of "the effective recognition of the right to collective bargaining" provided by the Government; (ii) there is no effective sanction mechanisms in case of violation of collective agreement by employers; (iii) there is no governmental internal mechanism for the implementation of collective agreement; (iv) freedom of association is provided for teachers

			under the "Act on the Establishment and Collective Bargaining of Teachers Organizations", not under the "Trade Union and Labour Relations Adjustment Act", which led to various restrictions on collective bargaining; (v) migrant workers do not have the right to exercise freedom of association; most workers in the informal economy are denied the right to organize or join a union; (vi) workers in "essential services" are governed by a "compulsory arbitration" mechanism, which restricts the right to collective bargaining; (vii) there are restrictions on freedom of association at enterprise level as multiple unions are prohibited under the Trade Union and Labour Relations Adjustment Act (Addenda, section 5, paragraph 1); (viii) there is neither effective recognition of the right to collective bargaining at the supra-enterprise levels and nor collective bargaining mechanisms at the supra-enterprise level; (ix) the current system of "giving notice" on the formation of a union under the provision of the Trade Union and Labour Relations Adjustment Act works as an authoritative measure. **2004 AR:** The KFTU called for negotiations at the industrial level. It also observed that the PR was not recognized in the country, contrary to the Government's statement. **2002 AR:** According to the KFTU: The Tripartite Commission in Korea is a presidential advisory body only, but not a social dialogue mechanism like in other countries. The ICFTU raised the following challenges: (i) there are obstacles to the right to strike (complaint cases); (iii) broad categories of civil servants remain deprived of the right to belong to professional associations. **2000 AR:** According to the KFTU: (i) the provisions of the TURLAA banning payment to full-time union officials should be repealed; (ii) the TURLAA should be revised in order to allow the unemployed to join the trade unions; (iii) the system of compulsory arbitration should not be imposed in case of labour disputes in the essential public services when there is no possibility of mediation. The ICFTU observed the following: (i) the authorities had refused to register the Korea Confederation of Trade Unions (KCTU) for four years; (ii) dismissed workers cannot be members of trade unions, and union officials have to be elected amongst union members; (iii) public service workers cannot bargain collectively or strike; (iv) teachers cannot go on strike.
	According to the Government	**2017-2018 ARs:** The Government indicated that the existing legal provisions pose challenges for the ratification of the Conventions. **2016 AR:** The Government reiterated that the provision of the labour law concerning public officials' right to organize may serve as a barrier to the ratification of the Conventions. **2015 AR:** The special provision of labour law concerning public officials' right to organize may serve as a barrier to the ratification of the Conventions. In response to KCTU's comments under the 2014 AR, the Government indicated the following: (i) As for public officials and teachers, freedom of association is guaranteed according to the Act on the Establishment, Operation, etc. of Public Officials' Trade Unions and the Act on the Establishment, Operation, etc. of Trade Unions for Teachers. Under the laws, trade unions for public officials and teachers have been	

		carrying out union activities freely. Only a few organizations violating the acts are not recognized as trade unions under the laws; (ii) TURLAA prohibits the act of firing workers or giving them unfair treatment because of their legitimate trade union activities. In principle, the termination of a collective bargaining agreement at an individual workplace should be resolved autonomously by labor and management and the TURLAA recognizes the rights fairly to both sides; (iii) Workers' legal status is not the same but varied and determined based on court rulings. Moreover, even if they are recognized as self-employed, they can form organizations which represent their interests to protect their rights in accordance with the principles of freedom of association under the Constitution; (iv) Part-time workers in the public sector are not discriminated against, and enjoy the same rights as those of full-time workers, including the freedom of association; (v) The revised TURLAA, introducing multiple unions and unification of bargaining channel system, made workers set up multiple trade unions freely. Also, the law imposes the duty of fair representation on bargaining representative unions, thereby prohibiting them from discriminating against minority unions. The bargaining channel unification has nothing to do with yellow unions; (vi) The Government respects fundamental labour rights; and (vii) The Ministry of Employment and Labour has continuously asked the KCTU to join social dialogue to address current employment and labor issues. The Government welcomes the KCTU as a tripartite participant. **2014 AR:** According to the Government: Specific provisions of the labour law governing public officials' right to organize and the union membership of unemployed workers constitute barriers to the ratification of C.87 and C.98. Furthermore, in response to the KCTU's observations under the 2013 AR, the Government emphasized the following: (i) With regard to the sentence "As they are considered to be self-employed, regulations forbid them to bargain collectively", in cases of workers engaged in domestic work or special types of employment their legal status are not the same but varied and determined based on court rulings; (ii) Moreover, even if they are recognized as self-employed, they can form organizations which represent their interests and negotiate with their employers to protect their rights. Aforementioned organizations are not trade unions as defined by the TURLAA; (iii) Under the current legislation basic rights are granted equally to in-house subcontracted workers and permanent workers. In-house subcontracted workers are, equally to permanent workers, allowed to exercise the right to organize a trade union and conduct collective bargaining; and (iv) In June 2013, the Ministry of Employment and Labor invited the KCTU to join social dialogue to address current employment and labour issues. The Government welcomes the KCTU as a tripartite participant. **2013 AR:** According to the Government: As reported under the 2012 AR, specific provisions of the labour law governing public officials' right to organize and the union membership of unemployed workers may constitute barriers to the ratification of C.87 and C.98. Furthermore, in response to the KCTU's observations, the Government emphasized the following: (i) workers are never punished for legitimate strikes, and even in the case of unprotected strikes, as per the recent changes to the Supreme Court's ruling, peaceful and passive refusal to work is not penalized for obstruction of business; (ii) The Constitutional Court of Korea unanimously ruled the scope of the essential services constitutional (29 December 2011); (iii) As for teachers, freedom of association and recognition of collective bargaining are guaranteed according to the Act on the Establishment, Operation, etc. of Trade Unions for Teachers; (iv) While employers are in principle prohibited from paying wages to full-time union officials, union officials can get paid up to a certain amount for activities that are in the mutual interest of the labour and the management i.e. collective bargaining, occupational safety activities, grievance handling; (v) The date of expiration of a collective agreement is respected. Neither an employer nor a trade union can unilaterally terminate a collective agreement while it is in effect. When a collective agreement expires, either the employer or the trade union may notify the other of its intention to terminate the collective agreement, and the termination takes effect six months after notification. Notwithstanding the termination of the

		collective agreement, the working conditions in the collective bargaining remain in effect; (vi) With regard to the sentence: "Another problem concerns the self-employed workers, who according to national legislation are regarded as employers", the Korean Government is in the position to respect the decisions made by the Court with regards to whether they are employees or not; (vii) The Tripartite Commission for Economic and Social Development is an organization for social dialogue between labour, management and the Government. This Commission is currently operating and while the KCTU has internally discussed several times whether to participate in this body, it has refused to do so. The Korean Government welcomes and looks forwards to the participation of the KCTU in the Commission. **2012 AR:** According to the Government: Specific provisions of the labour law governing public officials' right to organize and the union membership of unemployed workers may constitute barriers to the ratification of the Conventions. **2011 AR:** According to the Government: The main challenge for the country is the necessity to operate legal reforms in relation to the PR. **2010 AR:** According to the Government: The prohibition of union pluralism at enterprise level is a major challenge to the realization of the PR. Furthermore, the national approach of the PR is different from the ILO's, especially as regards the recognition of public officials' right to organize. Finally, controversies between national employers' and workers' organisations over the PR are also a challenge that slows down the realization of the PR in the country. **2009 AR:** According to the Government: The TURLAA considers as an unfair labour practice any impediments on trade union establishment or operations by employers. In this respect, 179 complaints about unfair labour practice were filed with the Regional Labour Offices and 221 applications for remedy were processed by the Regional Labour Relations Commissions as of March 2008. In response to the ITUC's observations, the Government further indicated the following: (i) the Act on the Employment etc. of Foreign Workers (AEFW) prohibits employers from giving unfair and discriminatory treatment to foreign workers on the grounds that they are foreigners. The AFWE and the Employment Permit System (EPS) guarantee that foreign workers can enjoy all the labour rights granted under labour laws; (ii) the ITUC's claim that collective action often becomes illegal because of the complicated legal procedures for organizing a strike is unfounded because in the case of such action, it is required to undergo mediation by the Labour Relations Commissions and this is a minimum requirement imposed to support autonomous dispute settlement between labour and management; (iii) the Government protects peaceful demonstrations and strikes. However, in case of violent demonstrations and strikes, the Government uses the police force to protect the public interest. However, the police exercises such power only in inevitable cases and to a minimum necessary extent; (iv) according to the Criminal Procedure Act, a judge is responsible for issuing an arrest warrant in order to promptly deal with illegality and investigate, even in the case illegal violent strikes and rallies the leaders and masterminds of which often refuse police's request to show up or go underground. All trials are conducted openly with strict evidence required and the defendant's right to defend sufficiently guaranteed pursuant to the Criminal Procedure Act, and punishment is determined in accordance with the court's punishment standards; and (v) the union members referred to by the ITUC were detained in isolation not to block their collective action, but to prevent any distortion that might happen during the investigation and trial, the length of each visit is limited to 12 minutes in case of general visits by family members and relatives and to 30 minutes in case of visits by lawyers. **2008 AR:** In response to the ITUC's observations, the Government made the following comments: according to decision of October 2003 by the Constitutional Court, the law prohibits the holding of a rally less than 100 meters away from any foreign diplomatic mission is not an extreme regulation. Furthermore, the provision of third party intervention was

		abolished in December 2006, as well as related penal provisions, in order to strengthen labour-management autonomy. With regards to the Act on SEZs, it stipulates only two exceptions applicable to free economic zones. One is the partial exemption from holiday rules prescribed by the Labour Standard Act, and the other is the expansion of the scope of jobs permitted for temporary agency workers and the extension of the scope of their employment period, though this is limited to professional jobs determined after deliberation and resolution at the Deliberation Committee for Free Economic Zones. In addition, foreign workers can enjoy all the existing labour rights, including freedom of association. Regarding the change of workplace under the Employment Permit System (EPS), a change of workplace is allowed up to four times when continuance of normal employment is difficult due to suspension or closing of business or causes attributable to the employer. In practice, 27,353 persons (24 per cent) of EPS workers applied to change their work places and almost all cases were accepted by the job centres from August 2004 to March 2007. With respect to several events, the Government made the following observations: (i) over 200 KGEU members forcefully occupied the corridor in front of the Rural Development Administration's office and tried to forcefully enter a nearby police station and clashed with the police. As a result, four of them were arrested and indicted. Their trial is currently pending; (ii) in first instance, the Regional Labour Relations Commission judged that Lafarge Halla Cement should reinstate Woojin Industry's workers, and rejected the union's claim regarding unfair labour practice. However, the National Labour Relations Commission judged that the case constituted neither unfair dismissal nor unfair labour practices because firstly, the two companies were in contract relations with each other and Lafarge could not therefore be seen as the employer of the dismissed workers and secondly, the business closure was not considered to have been prompted by union activities. The workers filed no appeal so the judgement was confirmed; (iii) the parties concerned in the Sejong Hospital incident resumed their talks in March 2007 and reached an agreement in July; and (iv) in August 2005, the strike at Kiryung Electronics caused some damages, and the company brought a civil suit against the Union President. The company experienced another dispute as the union launched a strike in October 2005 and failed to reach an agreement. With regard to the dismissal of the union president, the National Labour Relations Commission concluded that the dismissal was legitimate. **2007 AR:** According to the Government: Neither employers nor workers are prepared to enforce the legal provisions on multiple unions at enterprise level and the ban on wage payment to full-time union officials, because of a sharp conflict of opinions among them. Therefore, based on the agreement among tripartite parties, the enforcement of these provisions will be postponed for three years in the spirit of stabilizing the industrial relations. During this grace period, the tripartite committee will intensively discuss detailed standards and methods of enforcement. In response to the ICFTU's observations, the Government made the following comments: (i) following the Act on the Establishment and Operation of Public Officials' Trade Unions enacted on January 2006, public officials are guaranteed the right to organize, including the right to establish a trade union and engage in union activities, and the right to conclude collective agreements through negotiation; (ii) as for the right to collective bargaining, only matters concerning policy decisions and appointment that are not directly related to working conditions are excluded from the subjects of negotiation; (iii) there is a system under which in the event of unfair labour practices by employers, public officials and their trade unions can seek remedy by filing their case with a labour relations commission, a neutral organization; (iii) the right to strike for public officials is restricted to maintain minimum service; (iv) it is stipulated in the Constitution that public officials are servants to the nation as a whole, so their status and political neutrality must be guaranteed by laws which is why public officials are not entitled to conduct political activities when they are engaged in union activities; (v) according to the Grand Tripartite Agreement, the recognition of multiple unions at the

		enterprise level and the ban on wage payment to full-time union officers will be put off for another three years; (vi) a tripartite commission agreed to remove the provisions related to the third-party notification requirement and has already submitted a related revision bill to the National Assembly; (vii) the purpose of the Act on the Designation and Operation of Free Economic Zones is to promote foreign investment, and pursue stronger national competitiveness and balanced development between different regions by improving business environments for foreign companies investing in free economic zones and living conditions for foreigners. The Act has two provisions on exemption from labour standards. The first provision is about granting unpaid holidays instead of paid ones under the Labour Standards Act, granting unpaid instead of paid menstruation leave, and excluding workomic zones from monthly paid leave, etc. However, with the introduction of the 40-hour working week, for all workplaces with five workers or more as well as those in free economic zones, paid menstruation leave was replaced with unpaid and monthly paid leave was abolished. Therefore, the only area where free economic zones are excluded from the application of the Labour Standards Act pursuant to the Act is holidays. One unpaid holiday is granted per week instead of paid a one in free economic zones. The second provision is about excluding workplaces in free economic zones from the provisions restricting occupations for which temporary agency workers can be employed and dispatch periods in the Act on the Protection, etc. of Dispatched Workers. Before applying this provision, those workplaces must undergo deliberation and decision by a separate committee. In spite of the provision, there is no company excluded from the restriction as of November 2006. **2005 AR:** In response to the ICFTU's observations, the Government made the following comments: (i) Compulsory arbitration is a system introduced to ensure harmony between public interests and the rights of workers to organise and bargain collectively; (ii) there are autonomous dispute settlement between employers and workers when a public interest is not threatened; (iii) the Research Committee for Industrial Relations System Advancement, which has been established by the Government suggested that compulsory arbitration be abolished and minimum level of service during strike be made mandatory in public services in general; (iv) the Government will implement some legislative measures to ensure more rights to trade unions in dispute settlement and to protect public interests. **2004-2005 ARs:** According to the Government: The main difficulties encountered in realizing the PR in Republic of Korea are the following: (i) lack of public awareness and/or support; (ii) social values, cultural traditions; and (iii) social and economic circumstances. **2004 AR:** In response to the KCTU, the Government made the following comments: (i) The current TURLAA does not imply any restriction on the right to collective bargaining for trade unions and federation of trade unions at industrial level; (ii) sanctions are provided to employers who violate the right to collective bargaining under the TURLAA; (iii) the "Public Sector Special Committee" has been established through the Tripartite Commission for in order to implementation collective agreements; (iv) there is restriction on the right to collective bargaining for teachers; (v) migrant workers have the right to join trade unions under certain conditions; (vi) multiple unions at the enterprise level are banned until the end of 2006; (vii) the notification for establishing union should not be considered as an authoritative measure; (viii) a Bill has been prepared by the Government and was submitted to the National Assembly in order to promote the rights of workers in public service, including the freedom of association and the right to organize; (ix) sanctions are provided in case of unfair labour practices such as violation of the right to organize and collective bargaining; (x) the Tripartite Commission should not be considered as a governmental organization simply because some specific workers' organizations are not part of it; (xi) The 1999 Act on Trade Unions for Teachers specifies the right to organize and collective bargaining for teachers; (xii) the KCTU has not sent its comments of the annual report.

		In response to the FKTU, the Government observed the following: (i) Trade unions cannot bargain collectively due to the fact there are no employers' organizations at higher levels; (ii) Workers in essential services are not allowed the right to collective bargaining; (iii) The TURLAA provides minimum requirements (non-participation of an employer or ban on financial assistance from an employer for the establishment of a trade union) for the establishment of trade unions; (iv) the right to organize is authorized for manual workers and for certain categories of workers of public service under the TURLAA (section 66.1 of the Public Servants' Act and section 5); and for teachers under The 1998 Act on the establishment and operation, etc. of trade unions for teachers (section 7.1); (v) the right to bargain collectively is not guaranteed to trade unions and the federations of trade unions as industrial level because some of them are at odds with eight employers on bargaining methods and levels; (vi) migrant workers employed in domestic service have the right to join a trade union of his/her choice, except foreign industrial trainers registered under the Immigration Control Act; (vii) the right to organize for workers in the informal economy is authorized in consideration of the dual nature of their labour characterized by subordination and independence; (ix) multiple unions at enterprise level have been delayed until the end of 2006, following a Tripartite Agreement on 9 February 2001; (x) reported cases related to unfair labour practices have been successfully investigated by the Government and appropriate measures have been taken correspondingly. In response to the ICFTU's comments, the Government observed the following: (i) there are restrictions on the right to strike for workers in essential services including hospitals, water service and services of public interest. **2002 AR:** In response to the ICFTU, the Government observed the following: (i) the ILO Declaration on Fundamental Principles and Rights at Work should be used only as a promotional framework, not as a double supervisory mechanism; (ii) efforts have been made in order to meet internationally accepted standards and to enhance cooperation with international organizations such as the ILO and the OECD; (iii) the labour laws have been revised in March 1997 in order to recognize the political activities of trade unions and multiple umbrella unions; and to repeal the provision banning third party intervention; (iv) trade unions have been established following the launch of the Tripartite Commission in1998; (v) workers in the public service, workers in the private sector and workers in State enterprise have the right to collective bargaining and the right to strike; (vi) there are restrictions on the right to strike only for workers in certain essential services (military industry, electricity, water supply); (vii) workers in the EPZs enjoy the same rights as workers in other areas. In response to the KCTU, the Government observed the following: (i) the PR is recognized in Korea; (ii) the KCTU's observations are not compatible with the basic principle of the Declaration on Fundamental Principles and Rights at Work and its Follow-up, which should. **2000 AR:** In response to the ICFTU, the Government made the following observations: (i) ILO should reconsider its intention to reflect the ICFTU's comments in the compilation of the annual report; (ii) the Korean Confederation of Trade Unions (KCTU) is legally recognized by the Government.; (ii) the KCTU's observations are not compatible with the basic principle of the Declaration on Fundamental Principles and Rights at Work and its Follow-up, which should be strictly of promotional nature.
TECHNICAL COOPERATION	**Request**	**2017-2018 ARs:** The Government stated that technical assistance is required in the area of undertaking legal reform, including the revision of labour law and other relevant legislations. **2015-2016 ARs:** The Government indicated that ILO support may be requested when preparing for the ratification of the Conventions, for example in interpreting whether domestic legislation is in conformity with the Conventions. The Government will request support from the ILO if the need occurs.

		The KCTU requested ILO technical cooperation mainly in terms of tripartite workshops and organizing awareness-raising campaigns. **2014 AR:** The Government reiterated the request it had made under the 2012-2013 ARs; the Government may need the ILO's support when preparing for the ratification of the Conventions, for example in interpreting whether domestic legislation is in conformity with the Conventions. The Government will request support from the ILO should this need arise. The KEF indicated that ILO technical cooperation may be needed in interpreting whether domestic legislation is in conformity with the Conventions, and in supporting initiatives to address high unemployment levels. The KCTU reiterated the request it made for ILO technical cooperation under the 2012-2013 ARs; (i) technical support on tripartite workshops; (ii) public awareness raising on the core Conventions; (iii) capacity building for trade union leaders; and (iv) interpretation to the Government and the employers' representatives of C.87 and C.98. It added that international exposure on the situation of workers' rights in the Republic of Korea along with pressure from the ILO and international trade unions on the Government is needed to ensure that violations of workers' rights stop and that the remaining ILO core Conventions are ratified. **2013 AR:** The Government reiterated the request it had made under the 2012 AR; the Government may need the ILO's support when preparing for the ratification of the Conventions, for example in interpreting whether domestic legislation is in conformity with the Conventions. The Government will request support from the ILO should this need arise. The KCTU reiterated the request it made for ILO technical cooperation under the 2012 AR: (i) technical support on tripartite workshops; (ii) public awareness raising on the core Conventions; (iii) capacity building for trade union leaders, and; (iv) interpretation to the Government and the employers' representatives of C.87 and C.98 so as to sensitize them on the content and implications of these Conventions. **2012 AR:** According to the Government: The Korean Government may need the ILO's support when preparing for the ratification of the Conventions, for example in interpreting whether domestic legislation is in conformity with the Conventions. The Government will request support from the ILO should this need arise. The KEF requested ILO technical assistance for capacity building on the PR. The KCTU requested ILO technical support on Tripartite workshops, awareness raising on the core conventions and capacity building for trade union leaders. The KCTU further requested the ILO to provide the Government and the employers' representatives with interpretation of C.87 and C.98 so as to sensitize them on the content and implications of the conventions. The KCTU also expressed a need for public awareness raising on freedom of association and the effective recognition of collective bargaining, as inaccurate information about the content of the conventions have been spread by the Government due to misinterpretation. **2010-2011 ARs:** The Government reiterated the request it had made under the 2008 AR. The KCTU requested ILO's technical cooperation to strengthen the capacity of workers' organizations in the country. **2008 AR:** According to the Government: In the process of considering the ratification of the Conventions, the Republic of Korea needs advice/consultation from the ILO. When required, Korea plans to ask for advisory assistance from ILO.
	Offer	ILO; Organisation for Economic Co-operation and Development (OECD).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	**2008 AR:** The ILO Declaration Expert-Advisers (IDEAs) listed the Republic of Korea among the countries that has expressed for the past few years its intention to ratify Conventions Nos. 87 and/or 98 without materializing it. It therefore encouraged it to take the appropriate steps to do so. The IDEAs also noted that restrictions on the right to organise of certain categories of workers in the Republic of Korea (and some other countries), such as workers in the public service, were not compatible with the	

	realization of this principle and right (cf. paragraphs 32 and 38 of the 2008 AR Introduction – ILO: GB.301/3). **2007 AR:** The DEAs listed the Republic of Korea among the countries that have been indicating their intention to ratify C.87 and C.98 for several years, with no indication that progress has been made. Furthermore, the IDEAs observed that with a view to giving full effect to this principle and right, the Government should be able to offer to all workers the opportunity to exercise their rights, and not have restrictions on the right to organize for workers in the public service (cf. paragraphs 33 and 37 of the 2007 AR Introduction – ILO: GB.298/3). **2006 AR:** The IDEAs observed the following: "A number of countries have provided information on new legislation, and we welcome among them the fact that the Republic of Korea has adopted special laws to allow public service trade unions to exercise the right to organize and collective bargaining" (cf. paragraph 37 of the 2005 AR Introduction – ILO: GB.295/5). **2005 AR:** The IDEAs listed the Republic of Korea among the countries where some efforts were being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification. They further indicated that the Office is following up on freedom on association and collective bargaining issues in the Republic of Korea. In this respect, the IDEAs noted with interest the information provided by the Republic of Korea and their countries in the Declaration follow-up (cf. paragraph 13 of the 2005 AR Introduction – ILO: GB.292/4).
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	**2015 AR:** At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office's resource mobilization initiatives. **2013 AR:** At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives. **2011 AR:** At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101st Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights. **2009 AR:** During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	**2013 AR:** In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316th Session in November 2012. **2011 AR:** Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/ wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.