



Korean Confederation of Trade Unions

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International Labour Office
CH-1211 Genève 22
Switzerland
Email: jur@ilo.org

Re: Right to Strike

Dear Director General,

We thank you for your letter to all ILO Member States dated 31 August that was brought to our attention. In this letter you confirmed that you have received the request from the ILO Workers' group of 12 July 2023 for the urgent referral of the dispute over the interpretation of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No 87) (C.87) in relation to the right to strike to the International Court of Justice (ICJ) for decision, in accordance with article 37(1) of the ILO Constitution. The Workers' group also requested this matter to be put urgently on the agenda of the Governing Body for decision. This request has in the meantime received support from 36 Governments from different regions, recognising the importance of legal certainty on this issue for all constituents.

We also express our appreciation for the background report that was prepared by your Office to inform the decision during the Special Meeting of the Governing Body on 10 November 2023 and welcome your invitation to all Governments and employers' and workers' organisations concerned to send in comments.

Indeed, the right to strike is of the utmost importance for workers in Korea and the inability of the ILO to supervise this right, as a consequence of the dispute, in our national context has seriously affected labour relations in our country.

Korea has ratified the C.87 very recently but we still have a long way to go for a full implementation of the convention in law and practice. Especially in Korea, the domestic law excessively restricts the right to strike, and it is almost impossible for the workers to exercise the right to strike without criminal and civil sanction. In that situation, the ILO's principle on right to strike has been served as an important guidance to protect the fundamental workers' rights.

We, therefore, wholeheartedly support the request for a referral from our Workers' representatives in the Governing Body and call for an urgent decision by the Governing Body to ensure an immediate referral of the dispute to the ICJ. In addition, since we firmly believe that the right to strike is an essential part of freedom of association and already elaborated by the ILO supervisory bodies, there will be no added value in a protocol complementing the convention to qualify the right to strike. On the contrary, any such attempt would generate a conflict with C.87 already guaranteeing the right to strike as a fundamental principle and right at work. This would further exacerbate the dispute rather than solve it. We are convinced that legal certainty through an advisory opinion of the ICJ that is binding on the ILO is urgently required.

Yours sincerely,

YANG, Kyeung-soo

President, Korean Confederation of Trade Unions (KCTU)