

INTERNATIONAL TRADE UNION CONFEDERATION

Korea: Supreme Court Affirms Right to Unionise for Undocumented Migrants

Brussels, 25 June 2015 (ITUC OnLine): In a landmark decision, Korea's Supreme Court has now ruled that undocumented migrant workers have the right to unionise, eight years after the migrant workers' trade union MTU first launched its legal action. The government refused to register the MTU and engaged in a targeted crackdown by arresting and deporting its leaders. The Court's ruling that these workers are included in the scope of the Trade Union and Labour Relations Adjustment Act is a major victory against the staunchly anti-union government.

Udaya Rai, President of the MTU said, "We, the migrant workers, have the right to form a union. It took no less than eight years for the litigation because the government didn't want to recognise our fundamental right. Today we found that we can achieve what we want when we are united and fight together. On this occasion, we will organise more migrant workers regardless of their status into our union and continue our struggle for labour rights for all migrant workers! I appreciate all the support and solidarity for the MTU".

The Korean government's refusal to recognise the right of migrant workers to organise unions was criticised by the International Labour Organization's Committee on Freedom of Association numerous times, most recently in March 2015.

In reaching its decision, the Court reviewed relevant legislation from a wide range of other countries, and found that the right to organise for undocumented migrants is the international standard. The Court also heard that the number of undocumented migrants in the country, largely those whose residence permits had expired, was around 210,000 in 2014.

Sharan Burrow, ITUC General Secretary, said, "This judgement clears up one of many breaches of international labour standards in Korean law and practice. It is an important victory for some of the most vulnerable and exploited workers who will now be allowed to organise to protect their rights at work and improve their lives."

The ITUC represents 176 million workers in 162 countries and territories and has 328 national affiliates.

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