

***Unofficial summary translation by Business & Human Rights Resource Centre (Aug 2017)***

**NGO Commentary: The Korean government's response to the "Report of the Working Group on the issue of human rights and transnational corporation and other business enterprises on its visit to the Republic of Korea" fails to portray the Korean reality**

On 8 June 2017, the Korean government submitted its official response to the "Report of the Working Group on the issue of human rights and transnational corporation and other business enterprises on its visit to the Republic of Korea" and verbally presented its position at the Clustered Interactive Dialogue with the Working Group on the issue of human rights and transnational corporation and other business enterprises and the Special Rapporteur on the human rights of migrants.

However, by including a fundamental distortion of relevant facts, the response is filled with self-praise and untrue assertions, utterly failing to portray the Korean reality. Therefore, we, the "Correspondence NGO group of the UN Working Group's Korean visit" (NGO group), indicate the following as the problems in the government's response:

1. "Zero tolerance" of unfair labour practices? Reality is "always tolerance"

The government states in its response, that it has an unwavering zero tolerance of unfair labour practices. Furthermore, in regard to the problematic unfair labour practices at Yoosung Enterprise Co., it states that (1) the Ministry of Employment and Labour (MOEL) sent the case to the prosecutors' office for "partial prosecution", and (2) MOEL continues to investigate Hyundai Motor Company's involvement in unfair practices.

However, considering that the government had in fact allowed for unfair labour practices to occur and renounced investigation, its recent claim of "zero tolerance" is a ludicrously false one.

First, the "partial prosecution" of Yoosung Enterprise Co., is not due to a violation of Trade Union and Labour Relations Adjustment Act for union-busting, but the case is for violation of the Labour Industrial Standard Act/Industrial Safety and Health Act. Therefore, MOEL continues to maintain its opinion of non-prosecution for unfair labour practices. Next, the government had neglected additional investigation of Hyundai Motor Company for 5 years, despite that clear evidence of the company's involvement were revealed in November 2012. Only near its expiry of statute of limitations did the government prosecute the case. To mention this as evidence of the government's zero tolerance of unfair labour practices is absurd.

2. Have unfair labour practices of lead companies towards subcontractor and temporary workers been reduced?

The response claims that after the Supreme Court ruling, the three fundamental labour rights of the in-house subcontractor workers' union of lead companies have been protected. However, subcontractor workers' unions are continuing to deteriorate due to lead companies. Just last month, Asahi Glass Techno Korea (Asahi) terminated its subcontract with GTS, which had continuously been renewed for 11 years, for organizing a union of temporary workers. Despite that the Central Labour Relations Committee judged this as unfair labour practices, MOEL and Public Prosecution have continued to not respond to the Metal Industry Union's accusations for 2 years.

3. Have there only been compensation claims of strike damages that the court acknowledged?

While the government response states that only strike damages are valid for compensation claims, there are still compensation claims being filed for refusal to labour services. Moreover, current Korean workers have weaker industrial action rights.

4. Superficial improvement of the Korean National Contact Point

None of the changes to reorganize the National Contact Point have been communicated to civil society groups, which differs from the government's response that it will incorporate various stakeholders' opinions.

5. No mention of important issues

The response has no mention of the important issues in the report. Instead of promoting its successes, there should be specific resolutions for the following issues.

- Chaebols, which are a few major companies, with concentrated economic power
- Violation of core ILO Agreements (Convention 87 and 98)
- [Methanol poisoning in supply chains of Samsung](#) and LG
- Work diseases in LCD factories and Samsung Electronics
- Hyundai Heavy Industry's industrial accidents
- Environmental damages in Hyundai Steel
- Poor labour conditions in Seoul Metropolitan Rapid Transit and Busan Transportation Corporation
- Human rights violations that occurred during construction of [Posco's India Steel](#)
- Compensation for inhabitants and environmental destruction that occurred during [Daewoo International's Myanmar gas project](#)
- [Child labour that occurred at cotton pulping factory in Uzbekistan](#) managed by Korea Minting and Security Printing Corporation and Daewoo International

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