

Resolution No. 2

REPUBLIC OF KOREA EFFECTIVE IMPLEMENTATION OF SUPREME COURT DECISION ON EMPLOYEE STATUS OF TOLLGATE FEE COLLECTORS

The 4th ITUC-AP Regional Conference, 7 - 9 October 2019, Tokyo, Japan:

EXTENDS warm-hearted solidarity to the protesting tollgate fee collectors of Republic of Korea, who have been fighting in a desperate situation for their right to work. More than 1,000 toll collectors who are mostly women found themselves suddenly dismissed when they demanded their right to be employed directly according to the court ruling. Since 31 August 2019, some 250 workers have been staging sit-in protest at the headquarters of the Company, based on the court decision that the public corporation the workers are working for should employ them directly;

**EXPRESSES
DEEP CONCERN** on the fact that the company, which should be a model employer, have been rejecting to have a dialogue on the regularisation regardless of the judicial decision. The Supreme Court of Korea, on 29 August 2019 upheld the First and Second Instance courts' ruling that the labour dispatch practice of the public corporation to hire toll collectors under service contract with labour agencies was illegal and ordered the company to directly employ them. Instead of implementing the court decision or having a dialogue with the protesting workers in good faith, the company resorts to criminal charges of obstruction of business, etc. and police's intervention in the labour dispute. The company is blocking media's access to the venue of the sit-in protest; and

CALLS ON the Government of Korea to ensure that the company upholds the Supreme Court decision and regularises all toll collectors with a direct employment contract. The right to effective judicial settlement of industrial dispute is protected in Recommendation No. 198 of the International Labour Organization (ILO). Failure to implement the court decision amounts to a denial of access to justice. It is the responsibility of the government of a member State of the ILO to promote collective bargaining and social dialogue and a dialogue should be facilitated between the toll collectors and the KEC to achieve direct employment of the workers in their original position.