

South Korean teachers union faces ban

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South Korea's Constitutional Court last week upheld the legality of a law used by President Park Geun-hye's administration to ban the Korea Teachers and Education Workers Union (KTU) in October 2013. The decision is part of an aggressive assault on democratic rights by the government and the ruling establishment.

The court ruled 8-1 in favor of the government. The KTU challenged Article 2 of the Teachers' Union Law, which states that the trade unions must not have any non-teachers, including those who have been fired, as members.

The court stated: "If one takes into account teachers' duties and the particularity of their working relationships, in which they are guaranteed special treatment by education-related laws, the concern is that allowing dismissed teachers to join a teacher's union could harm its autonomy."

This ruling is entirely anti-democratic. The Teachers' Union Law and similar legislation is designed to prevent teachers and other public employees from voicing their political opinions. In fact, this was the basis for the lone dissenting opinion. Judge Kim I-su argued that since the union was already barred from taking part in political activities, whether fired teachers remained in the union or not was of little consequence.

KTU head Byeon Seong-ho described the ruling as regrettable. "The [Constitutional] court has been accused of causing a regression of democracy," he said. "It is regretful that today's ruling has done nothing to disprove that opinion. Outlawing a trade union of 60,000 members just because it has nine dismissed workers is unheard of."

The Constitutional Court also ruled last December to disband the Unified Progressive Party (UPP). The now defunct party and the KTU, along with the Korean Confederation of Trade Unions (KCTU) have long operated on the periphery of the bourgeois opposition, the New Politics Alliance for Democracy (NPAD) and

its predecessors.

The dispute goes back to 2009 when 22 teachers were sacked for signing statements critical of the government of President Lee Myung-bak, the predecessor of Park Geun-hye, who replaced Lee as leader of the ruling Saenuri Party. The KTU allowed only nine of those fired to remain as members but, despite government orders to expel them from its ranks, the union refused to do so.

After Park Geun-hye's government declared the KTU illegal in 2013, the union held on to its status by taking the issue to court. However, the Seoul Administrative Court upheld the government's ban in June 2014. While the KTU has appealed to the Seoul High Court, with a ruling expected in September, the Constitutional Court's decision means it is unlikely that the ban will be reversed.

The KTU is the second largest teachers' union in South Korea, claiming 60,000 members. Its anti-government rhetoric has attracted a large number of teachers opposed to the country's strict, ultra-competitive educational system. If the ban is upheld, the KTU will lose all government subsidies and the right to collectively bargain.

The KTU's primary concern is not to defend the interests of teachers but to ensure a place at the bargaining table with the government and protect the union bureaucracy's privileged position. Despite its rhetoric, the KTU is completely willing to work with the government to impose the latter's anti-democratic agenda on teachers, workers and students.

In 2011, for example, then-union head Jang Seok-ung declared, "We want to mend ties with the [Lee Myung-bak] administration once more. I am planning to visit Lee soon." Jang denounced Seoul superintendent Gwak No-hyeon for banning corporal punishment in schools, siding with conservative organizations.

In 2013, the KTU demonized temporary English

instructors seeking to become full-time teachers. These instructors were hired under a four-year government plan that called for their termination at the end of that period. Like other irregular workers, these teachers endured lower working conditions than their regular counterparts. Not only did the KTU refuse to defend their jobs, but it sought to drive a wedge between irregular and regular teachers, legitimizing the government's firings by claiming the temporary workers received "preferential treatment."

The assault on the KTU, however, is a warning to the working class. The government's campaign is directed at silencing any and all political opposition, particularly as social conditions in South Korea continue to deteriorate. Unions like the KTU direct workers' anger back behind the NPAD. However, the government fears that the rhetoric used by these unions could spark wider opposition that could spiral out of their control.

Park, as well as previous administrations—conservative and liberal alike—is making use of the framework of the dictatorship erected by her father, President Park Chung-hee, who took power via a 1961 military coup. The National Intelligence Service (NIS) has targeted political opponents, including the KTU, by falsely accusing them of pro-North Korean sympathies, in order to justify their disbandment. The NIS, then known as the Korean Central Intelligence Agency, was founded at the beginning of Park Chung-hee's regime to suppress political opposition.

The *Hankyoreh* newspaper reported on May 27 that the NIS has been actively working to punish teachers with alleged left-wing leanings and to ban the union entirely.

According to the newspaper, NIS director Won Seihoon said on February 18, 2011: "Branch directors should work with the superintendents of schools, or the vice superintendents if the superintendents seem to be left leaning ... to make sure that disciplinary measures are taken against teachers who are members of the Democratic Labor Party (DLP) in line with the previous ruling. It looks like we're going to have to turn the Korean Teachers and Education Workers Union into an illegal union."

Won was referring to a January 2011 court decision that fined teachers who had paid dues to the DLP (forerunner of the UPP) in violation of the Political

Funds Act, banning teachers from political involvement. In February, Won was sentenced to three years in prison for his role in influencing the outcome of the 2012 presidential election, which Park won.

Won claimed that the KTU had "masterminded" pro-North Korean political activities. So ridiculous were these statements that the Seoul Central District Court found Won guilty of defamation on April 22 and ordered him to pay 10 million won (\$9,200) to the KTU. Similarly absurd accusations were used to disband the UPP in December.



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