

The Situation of Migrant Workers in Korea by (Rev.) Jeorg Baruth¹

After the Japanese occupation (1910-45) and the end of the Korean war (1950-53), Korea was a ruined and economically underdeveloped country. The level of poverty drove Koreans abroad in the 1970s to work as migrant workers. During that period Korea was thus one of the "sending" countries. Capital poured into Korea as these Korean migrant workers transmitted their savings home.

At the expense of the Korean workers the successive ruling military dictatorships (1961-1987) pressed ahead with the rapid economical development of the nation. At the end of that period and with the beginning of the period of democratization in Korea the labour unions were growing stronger and wages increased. Working conditions improved and at the same time the differences between small and large companies became greater. As a result of these developments the young generation of Koreans began avoiding the "3D" (dirty, difficult, dangerous) work. The resulting lack of labour-power was dealt with at the end of the 80s by bringing in workers from other countries. The tide had turned; Korea became a "receiving" country and was referred to in the international community as one of the "four little dragons".

The influx of migrant workers dates back to the years of 1986-88 when Korea hosted the Asian and Olympic Games. The booming economy required cheap labour-power, especially for the work in small companies which Koreans shunned. The owners of these companies were willing to employ workers from other countries who overstayed their tourist visas. The government tried in vain to prevent this, while at the same time facing the strong demands by such organizations as the Korean Federation of Small Businesses (KFSB) for labourers to fill the vacuum left by Korean workers. That pressure led to the introduction of the "industrial trainee system" in 1991, which was several times revised. The trainee system is still in force today and in fact is a source of the present problems and of countless human rights violations.

Under the trainee system, trainees do not have the status of worker in Korea; consequently they do not have the rights of workers. They provide the cheapest labour in Korea and in fact do not really become trained. Officially they do not receive a wage but, instead, a maintenance grant of about 500,000 Korean Won a month.

In addition to this financial difficulty, trainees have already paid, on average, \$4000-\$6000 to a broker in their native country for providing them access to the

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"Korean dream". This debt and the poor circumstances of employment lead many to escape their companies, consequently becoming undocumented. Other undocumented workers are those who overstayed their visas and those who illegally entered Korea. Undocumented workers earn twice or three times as much as trainees. In June 2003, out of a total of 400,000 migrant workers in Korea as many as 300,000 were undocumented; the number of undocumented workers fell to 120,000 in December 2003 under the government's present effort to deal with the issue.

The Korean economy profits from the labour of the migrant workers. Their working hours are longer than average, days off are rare, and the working conditions are often highly dangerous. Many Korean companies withhold the monthly salary from the migrant workers. Since the year 2000 I have been documenting and graphing the counselling cases handled by the migrant workers centre where I serve. Even at first glance, one can see on the relevant graph that among the human rights violations, indisputably the problem of unpaid salaries comes first.

Recently, as they have already done several times before, the Korean authorities once again tried to solve the problem of illegally-staying migrant workers, requiring undocumented workers to report themselves to Korean authorities by the final deadline of November 15, 2003. However, the whole procedure was not only very difficult for the applicants but also contained several severe problems. A migrant worker already handicapped by the language barrier had to complete five different kinds of official forms, and, further, depended on the good will and cooperation of the employer to not only grant the time off but also to sign a guarantee of employment. Those who had lived more than three and less than four years undocumented in Korea were forced to leave the country after reporting to authorities and receiving a certificate of re-entry, but must return to Korea within three months. This is of course inconvenient and extremely expensive for the migrant worker. On average, the cost of a one-way ticket is equivalent to one month's salary; thus, in return air fare alone the worker loses the equivalent of two months' salary in fulfilling the demands of the authorities.

Much more severe is the case of the migrant workers who have lived more than four years undocumented in Korea and who, under the present crackdown, were forced to report and leave Korea by November 15th. This group of approximately 100,000 migrant workers have contributed the most to the Korean economy. But expelling them means attaching no recognition or value to their past efforts and contribution, regarding them, rather, as nothing more than old equipment to be discarded and replaced. And that is exactly what is already happening. New migrant workers are invited to join the regrettable trainee program and to work as substitutes for all those who have been deported. From an economic perspective that makes sense, because the undocumented migrant workers earn double or three times what the new trainees receive for the same work. From an ethical perspective, it is fatal. Korea is putting itself on the same level with the brokers and becomes their henchman.

The present attempt of the Korean authorities focuses on implementing the existing Trainee System and the newly enacted Work Permit System at the same time from

August 2004. However, the existence of both systems simultaneously will result in a discriminatory imbalance between the rights and treatment of those working under the two different systems. And it will also result in an increase in undocumented migrant workers. From my point of view the intended implementation of the two systems simultaneously is a halfhearted attempt at a solution. In the short term it might ease the situation a little, but in the long term the problem that has already been awaiting a solution for more than ten years will continue to be a problem.

Many churches and other NGOs are working on behalf of the migrant workers in order to secure their rights and ensure justice, not only because the workers cannot do this themselves but also because the Korean authorities are not making sufficient efforts to really improve the situation. The whole issue includes and is made more complex by the serious matter of the rights of ethnic Koreans from such countries as China and the former Soviet Union. Compared with other Koreans living in Europe and America, they are discriminated against under the present Korean law in terms of the freedom to visit and leave Korea and to work in Korea.

Since the day after the November 15th deadline over 2,000 undocumented workers have been arrested and 1,800 deported. Arrests continue. In this critical situation, hundreds of undocumented workers are taking refuge in several churches and church headquarters in Seoul and a few other cities. Under the protection of the churches, these workers are protesting against forcible deportation and against discrimination against overseas Koreans particularly from China and the former Soviet Union, and actively demanding justice. Since November 17th, visitors to the PROK General Assembly office on the 15th floor of the Korea Ecumenical Building in downtown Seoul have the amazing experience of meeting and passing about 150 undocumented migrant workers who are spending day and night in the space leading from the elevators to the office.

Even though the floor is crowded, a way is left open to the office for visitors and staff. Let us hope and pray that there is also a way left open to solve the long-lasting problem and to secure justice for migrant workers in Korea.

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