

# Foreign workers' policies and issues in South Korea: Focus on the workers from the South East Asian Region

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## ABSTRACT

*This paper examines the foreign workers policies and issues in South Korea. It analyses the statistics and status which related to the foreign workers from the South East Asian region. In the first section, the statistics of South East Asian workers in South Korea are examined and analyzed. The second section explains the development and the changes of foreign workers' policy in South Korea. The third section evaluates the outcome of the policy changes. The fourth section identify the issues and problems faced by the foreign workers from the selected South East Asian countries, such as the illegal labors' issues, labor exploitation, human right violation, discrimination and cultural gap. The final sections recommend alternative way to deal with the foreign workers' problems in South Korea. It conclude that the government policy plays the most important role in determine the labor mobility of migrant workers and their working condition in Korea.*

## INTRODUCTION

The rapid growth of manufacture industries and economy in South Korea has brought essential changes to its society and demography. From a traditional agricultural economy to a developed industrialized economy South Korea has had an enormous transformation. The development has not merely brought prosperities to its society but also to its labor's market structure. One of the significant changes is the growth of the population of foreign labor in South Korea. Labor market demand for the low-skilled foreign workers has increased substantially in the past two decades after the Korean government opened the market and revised the labor law. The amendment of the Korean labor law in late of 1987 gave a big impact in the domestic labor cost. The sharp increment of the domestic labor wages has forced many small and medium enterprises to look for another alternative by recruiting the cheaper foreign labor from the neighboring countries. This has transformed Korea from a labor exporting country to a labor importing country starting from 1990s.

Before 1990s, Korea was one of labor exporting countries particularly to Middle Eastern countries. From 1963 to 1989, 61 per cent of the Korean migrant workers went to the Middle East. However, with a slow-down in the economies of Middle Eastern nations, the overseas migration of Korean labor has decreased since the mid 1980s. In 1990, about 56,000 Korean workers went abroad, a reduction of 72 per cent compared to 1982.<sup>1</sup> However, Korean workers seem to have lost the incentive to go abroad for employment due to Korea's rapid wage increase since the late 1980s. As of 1991, Korean workers constituted less than 20 per cent of the total labor force of the Korean overseas construction firms.<sup>2</sup> Economic growths and better incomes have encouraged Koreans to work at home country. In addition, the good salary also has created the reverse trend of labor migration by attracting foreign workers into the country in increasing numbers.

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<sup>1</sup> Young-bum Park. 1997

<sup>2</sup> Ibid

Before 1987, there were only a few thousands foreign workers in Korea. A decade later after the amendment of labor law, there were more than 200,000 immigrant workers in Korea. The large majority of foreign workers recruited in Korea were working “illegally” in so-called 3-D (dirty, difficult and dangerous) factory jobs. The financial crisis of late-1997 led to a short-term mass departure of foreign workers from South Korea, but by early 2002, the number had risen to 384,000, including at least 189,000 illegal or undocumented workers.<sup>3</sup> In 2007, the undocumented workers surpassed 200,000. Because of their undocumented status, most receive wages and other terms of employment that are significantly inferior to those of Korean workers in the same occupations. Due to the rising numbers, problems and issues of foreign workers are getting crucial particularly when the number of undocumented workers remains high.

To analyze the changes and issues of the foreign workers’ in South Korea, understanding of the foreign labor policy is essential because it is one of the key factors that affecting the immigration process. From late of 1980s to present, inflow of undocumented low skill foreign labor to South Korea has steadily increased, particularly the labor from South East Asian region such as Philippine, Thailand, Vietnam and Indonesia. The soaring number of undocumented foreign workers was mainly due to the labor law that did not allow recruiting foreign workers. Different opinion from different parties had caused the delay of the implementation of employment permit system. It reveals the foreign labor polices plays a significant role in determine the statistics of illegal foreign labor and their working life in Korea.

The main objective of this paper is to examine the foreign workers’ policies and issues related to the South East Asian workers. It analyses the statistics and status of workers and discuss the worker’s perspectives on the foreign labor policies. The problems faced by the foreign workers from selected South East Asian countries would be discussed.

### **STATISTICS AND TREND OF MIGRANT ASIAN WORKERS IN KOREA**

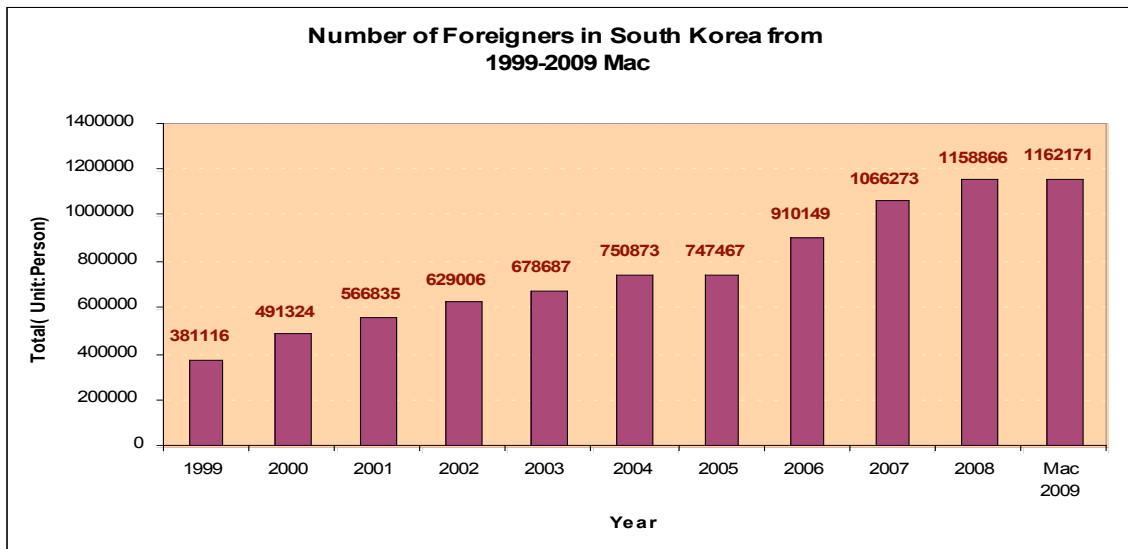
Economic growth has made Korea as a new migrant’s destination in Asia. Today, the Korean income per capita has surpassed USD20, 000 annually. The attractive wages is continually attracting numbers of foreigners to get employment in Korea. It is proven by the rising trend of the number of foreign residents in Korea. Even though the financial crisis in 1997 led to a short-term mass departure of foreign workers from South Korea, but after a short period, inflow of migrants to Korea was recovered and even increase every year. For instance, there were only 381,116 foreigners resided in Korea in 1999 and the figure three folded after 10 years. According to the Korean government statistics, there were over 1.15 million foreigners residing in Korea as of Dec. 31 2008 and almost half of them were on E-9(foreign low skill workers) and H-2 visas (Korean abroad)<sup>4</sup>. It is expected that the trend will continue to soar and the size of the foreign communities in Korea will be growing. The graph below reveals the rising trend of the number of foreign residents in the past 10 years.

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<sup>3</sup> Timothy Lim. 2002

<sup>4</sup> Ministry of Labour, Korea. 2009

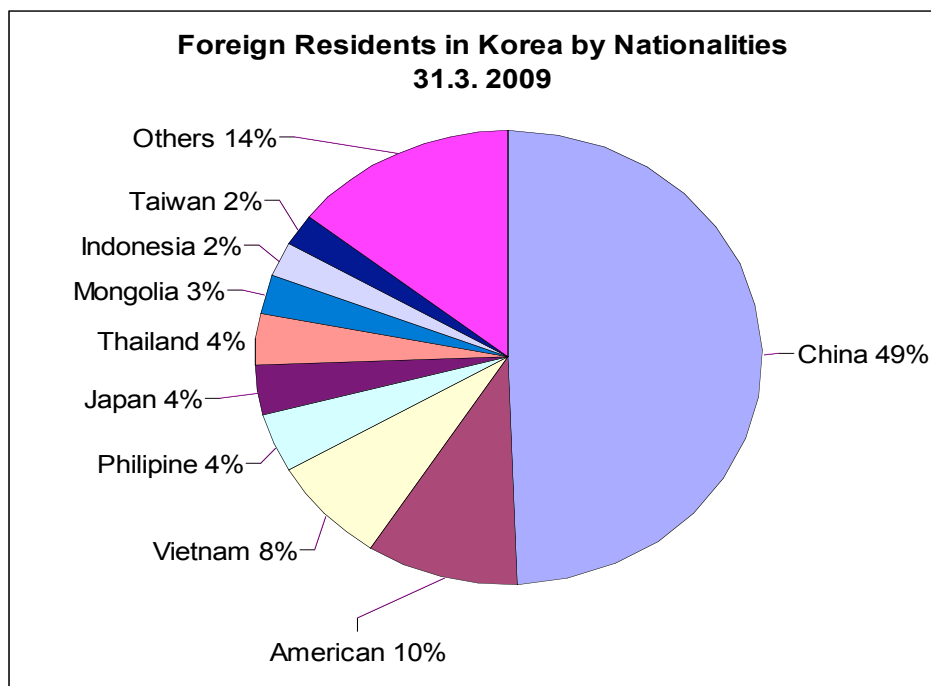
Graph 1: Number of Foreigners in South Korea from 1999-31.3.2009



Source: Korea Immigration Office

Under the ethnic based migration policy, majority of foreigners reside in Korea are from China and most of them are Korean ethnic. Overseas Koreans are given priority and special treatment to work and reside in Korea. Among the foreign residents in South Korea, Chinese Korean numbering at top followed by South East Asians. Vietnamese constitute eight percent of the total of foreign residents in Korea and followed by Filipinos (four percent), Thai (four percent) and Indonesians. (See graph 2) The other major groups of South East Asian are Myanmar and Cambodia.

Graph 2: Foreign Residents in Korea by Nationalities, 31.3.2009



Source: Korea Immigration Office

As of Dec.31<sup>st</sup> 2008, a total of 190,777 foreign low-skilled workers worked in Korea. This figure excludes the overseas Korean ethnic. Foreign low-skilled workers with the Korean origin are given H-2 visa. Low-skilled workers from other countries and non-Korean ethnic such as South East Asian workers are given E-9 visa. 82% of the foreign workers are documented as revealed by the table below.

**Table 1: Number of Foreigners and Low Skill Foreign Workers( E-9 visa) in South Korea up to Dec 31 2008**

Unit: Person/%

Category	Total	Documented Foreign Sojourner	Undocumented Foreign Soujourner		Percentage of Undocumented
			Age 16-60	Total	
Total	1,158,866	958,377	184,074	200,489	17.3%
Non-Professional Employment ( E-9 Visa)	190,777	156,429	32,868	34,348	18.0%

Source: Korea Immigration Service

Among the foreign labor sending countries in South Korea, Vietnam are the second largest after China, numbering 48,043. Among the South East Asian workers, the largest group is Vietnamese, followed by Filipino (30,714), Thai (27640), Indonesian (25538), Cambodian (4500) and Myanmar (2176).

The history of inflow low-skilled labor from Vietnam, Philippine, Thailand and Indonesia can be traced back since early 1990s. Majority of the South East Asian worker works in manufacturing industries and they are not allowed to work in the service and construction industries. In the early stage, most of the low-skilled labor from South East Asia entered Korea through the industrial trainee program. Many of them ended up as illegal workers after the visa period expired. This is because undocumented immigrant workers almost always earned more—usually much more—than their counterparts in the Industrial Trainee Program. Not surprisingly, many “trainees” who included Thai, Filipino, Indonesian and Vietnamese quickly deserted their positions to find higher paying work on their own, which was quite easily done. In the early years of the program, for instance, 60 percent of all trainees deserted their positions. In 1991, the number of trainees was fewer than 600, but by the end of 2001 the number had increased to more than 100,000 due to the big demand from the industries.<sup>5</sup> Based on the statistics of Ministry Labour of Korea, total of foreign workers in South Korea in Dec 2007 reached 642,000. Out of this figure 202,000 are undocumented workers and majority is low-skilled labor.

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<sup>5</sup> Ibid

Graph 3: Foreign Workers in Korea by Nationalities, 31.12.2008



Source: Korea Immigration Service

## 2. DEVELOPMENT AND THE CHANGES OF LOW-SKILLED FOREIGN WORKER POLICIES

With the fundamental shortage of production labor in the Korean labor market since the late 1980s, industries continued to request that the employment of foreigners be approved, but for a long time, the employment of foreigners in Korea was limited to professional positions in specific job groups.<sup>6</sup> In principle, the employment of foreigners for manual labor was prohibited until migrant workers were employed as industrial trainees with the introduction of the Industrial Trainee Program for Foreign-Invested Firms in November 1991 and the Industrial Trainee Program in November 1993.<sup>7</sup> Since the mid-1990s, numerous attempts were made to implement the Employment Permit System in an effort to fundamentally solve the problems in the Industrial Trainee Program, but the implementation was not possible due to the opposition of industries for the consideration of labor cost.

Following the delays, the government enacted the Post-Training Employment Program in April 2000, allowing industrial trainees to become employed as workers after fulfilling a certain period of time as trainees. At first, the timeframe was "two years as a trainee followed by a year of employment," but with the amendment of the Enforcement Decree (on April 18, 2002) and the Enforcement Regulation (on April 27, 2002) of the Immigration Control Act, the timeframe was adjusted to "one year as a trainee followed by two years of employment."<sup>8</sup> The Post-Training Employment Program can, in fact, be said to possess the characteristics of an Employment Permit System for it opens the way for one or two years of employment as a laborer. The Employment Management System,

<sup>6</sup> Lee Kyu Yong.2007

<sup>7</sup> Ibid

<sup>8</sup> Ibid

which permits the employment of foreign national Koreans in the service industry, was introduced in December 2002.<sup>9</sup>

In order to relieve continuous labor shortages in production and establish a framework for a system to manage the employment of migrant workers, the need for the implementation of the Employment Permit System was voiced, and the "Act on the Employment of the Migrant Workers" was enacted on August 16, 2003, resulting in the Employment Permit System going into effect on August 17, 2004.<sup>10</sup> The Employment Permit System granting foreign national Koreans the eligibility to reside as visitors was absorbed into and integrated with the Employment Permit System. The Industrial Trainee Program was used along with the Employment Permit System until 2006, but was integrated into the Employment Permit System on January 1, 2007. In 2007, the Visitor Employment System for foreign national Koreans was introduced and is on the verge of full-fledged implementation.<sup>11</sup>

Overall, in the migrant worker policies, overseas Korean ethnic has been given priority and special treatment. This has made the Korean ethnic backgrounds benefit more than do other foreign workers. The table below summarizes migration policy changes for three different groups: 1) ethnic Koreans who mainly live in first-world countries; 2) ethnic Koreans who live in China and the former Soviet Union states (hereafter, the CIS states); and 3) non-Korean migrant workers. As shown in Table 2, Korean immigration policies have experienced three phases. Phase I (1987–1997) corresponds to the period before liberal economic consolidation, Phase II (1998–2002) to the period of economic transformation, and Phase III (2003–present) to the development of liberal and ethnic immigration policies.<sup>12</sup>

**Table 2: Low-Skilled Migrant Worker Policy Changes in Korea**

Phase	Period	Ethnic Koreans Not from China and CIS States	Ethnic Koreans from China and CIS States	Low-Skilled Foreign Workers
I	1987–1989	Travel documents	Travel documents	Zero-immigration
	1990–1991	Mandating visa policies		
	1992–1997			Industrial Trainee System (D-3 visa)
II	1998–2002	Overseas Koreans Act (F-4 visa)	Mandating visa	Trainee-Employment System (D-3 & E-8 visas)
III	2003–2006	Overseas Koreans Act (F-4 visa)	Special work permit (F-1-4 & E-9 visas)	Trainee-Employment System (E-8 visa) & Employment Permit System (E-9 visa)
	2007–2009		Special work and residence permit (H-2 visa)	Employment Permit System (E-9 visa)

Source: Nora Hui-Jung Kim. 2008.

<sup>9</sup> Ministry of Labor ROK

<sup>10</sup> Lee Kyu Yong.2007

<sup>11</sup> Ibid

<sup>12</sup> Nora Hui-Jung Kim.2008

## **Employment Permit System**

The Employment Permit System allow employers who have failed to hire native workers to legally hire an adequate number of foreign workers and is an system that the government uses to introduce and manage foreign workers in Korea in an organized manner. <sup>13</sup> Under the Employment Permit System, migrant workers are issued unskilled employment visas (E-9) which allows them to find jobs involving manual tasks, sign a labor contract with a Korean employer before entering the country, and work for up to three years at a small-and-medium-sized manufacturer with less than 300 employees. Under the Foreign Employment Permit, foreign workers are restricted to be only allowed to work in 5 business industries. The industries are manufacturing industry, construction industry, agriculture and stockbreeding (farm products cultivation, stockbreeding), fishing industry, service industry (refrigerated warehousing, restaurants, business support service, social welfare, sewage disposal, general repair services of motor vehicles, nursing, household service etc.) <sup>14</sup>Service and construction industries are limited to Korean ethnics. The size of the foreign workforce, job group and nationality are decided by the "Migrant Worker Policy Committee"<sup>15</sup> Majority of South East Asian workers are working in manufacturing industries.

According to the Ministry of Labor, Korean employers who wish to employ migrant workers must prove that they are not able to find local workers despite the efforts of the job security agency; the employer may apply for a permit to employ migrant workers. The Employment Support Center of the Ministry of Labor recommends a number of foreigners, who fit the requirements set by an employer, from the list of foreigners seeking jobs, and the employer selects the qualified people from those recommended. The Center issues the Migrant Worker Employment Permit with the name of the migrant workers selected. The length of the labor contract can be up to one year, and the contract may be renewed for up to three years. However, from July 2008 onwards, foreign workers will be able to work for up to five straight years without having to make the obligatory one-month sojourn outside Korea to extend their job contracts. <sup>16</sup> This has benefited employers and worker itself by allowing employer to secure experienced foreign manpower and workers can easily adjust to Korean society and save more wages.

In principle, migrant workers need to be employed at the workplace which received the permit to employ the migrant worker in question. They are not allowed to change work place. However, in cases in which normal employment relations are difficult to maintain due to reasons such as temporary or permanent suspension of business, or the cancellation of the permit to employ migrant workers or restriction of the employment of migrant workers, migrant workers may be employed at other workplaces. Migrant workers are not to be discriminated against on the grounds of being migrant workers, and the acts on labor relations such as the Labor Standard Act applies equally to migrant workers and Korean workers. <sup>17</sup>Migrant workers are only allowed to change work place for up to three times during working in Korea. This regulation is one of the main problems for workers.

## **The Outcomes of Policy Changes**

Implementation of Employment Permit System from 2004 is proven to be one the effective ways to reduce the number of illegal foreign workers in South Korea based on

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<sup>13</sup> Ministry of Labor ROK

<sup>14</sup> Ministry of Labor ROK

<sup>15</sup> Lee Kyu Yong.2007

<sup>16</sup> Asia Law. July/Aug 2008 .

<sup>17</sup> Lee Kyu Yong.2007

the statistic changes. By allowing foreign low-skilled workers to work full time in local industry, the number of unauthorized leaved by industrial trainees are reduced. After many years of struggle by Korean NGOs in fighting for the migrant worker's right, Korean government finally came to the decision by accepting foreign workers to work in the local industries with "worker" status.

The Industrial Trainee Program that implemented from early 1990s are able to solve the labor shortage in domestic labor market but unable to protect the foreign worker's right. Under the trainee system, foreign workers received lower wage compared to market wage due to their "trainee" status. They are also not eligible for the legal labor right. The gap between welfare of "trainee" and "worker" is the main factor for causing the unauthorized leaved by many foreign trainees. The lower trainee wages had forced many of foreign workers seek for higher paid in other work place. This was the main factor for the rising number of undocumented workers. Even though government allowed two years of employment following one year of training from 2002, it is not enough for the workers to cover back their investment cost to get employment pass to Korea. Based on the author's interviews to workers, some of them paid up to USD10, 000 to their country agent for the employment pass to Korea. With the monthly income at USD700 in Korea, they need longer time to recover their initial cost therefore it is not surprise to see that some workers hope to work in Korea as long as possible, even though at the illegal status and unprotected by laws. Some of the workers received salary up to nearly 2 million Korean won per month and most of the high paid workers are undocumented. Many of undocumented workers are experience and skilled workers therefore their employers are willing to give higher paid. Besides, employers also save a lot cost by hiring illegal workers in terms of insurances and tax.

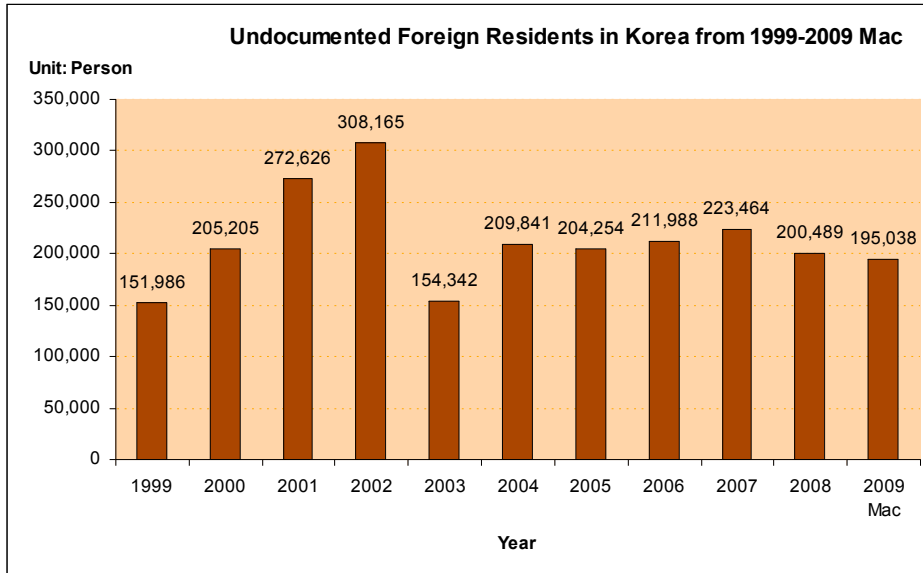
Better paid and flexibility encouraged the trainees to take the risk to work illegally. When they are not eligible for the legal right, labor exploitation and human right violations occur. Problems of underpaid wages, poor living places and polluted work places usually happened to undocumented workers. Therefore, to solve the labor issues must start from the undocumented workers. The steady increase of the undocumented workers during the implementation period of Industrial Trainee Program signifies the policy had failed. According to statistical data from the Ministry of Justice in 2002, out of 89,000 trainees, 52,000 (58.4%) left their workplace in 2002 to become illegal workers. Thus, the introduction of Employment Permit System in 2004 was to tackle the weakness of Industrial Trainee Program. Based on the statistics, undocumented foreign residents have dropped to 200,489 in 2008 from 223,464 in 2007 since the Industrial Trainee Program was ended officially in the end of 2006. It is expected that the numbers will continue to drop in the coming years under the government tight enforcement and better offers given to documented workers under the new system.

The graph 4 reveals that the figure of undocumented foreign residents dramatically dropped in 2003. It is because before the EPS launched in 2004, Korean government took a several aggressive steps to reduce the number of illegal foreign workers. One of the measures was to tighten the enforcement by deporting illegal foreign workers from Korea, another way is to encourage foreign workers to voluntarily report their illegal status and offered amnesty which including a one-year visa extension. This strategic had substantially reduced the number of undocumented workers and had revealed the impact of policy changes. For instance, in June 2002, it was estimated that 259,000 illegal workers voluntarily reported in. Of these, a breakdown by nationality indicates that 60% (151,000) were Chinese, ethnic Korean-Chinese included, followed by Bangladeshis (17,000), Filipinos (16,000), and Mongolians (14,000). Illegal workers who reported to the



government had a deadline of March 2003 to depart from South Korea. According to the Office of the Prime Minister, 8,075 illegal workers left Korea after voluntarily reporting. Meanwhile, employers who hire illegal workers face harsh penalties, including heavy fines and other economic sanctions, and a maximum of three years' imprisonment. All of these measures contributed to the sharp decline of the undocumented workers in 2003.

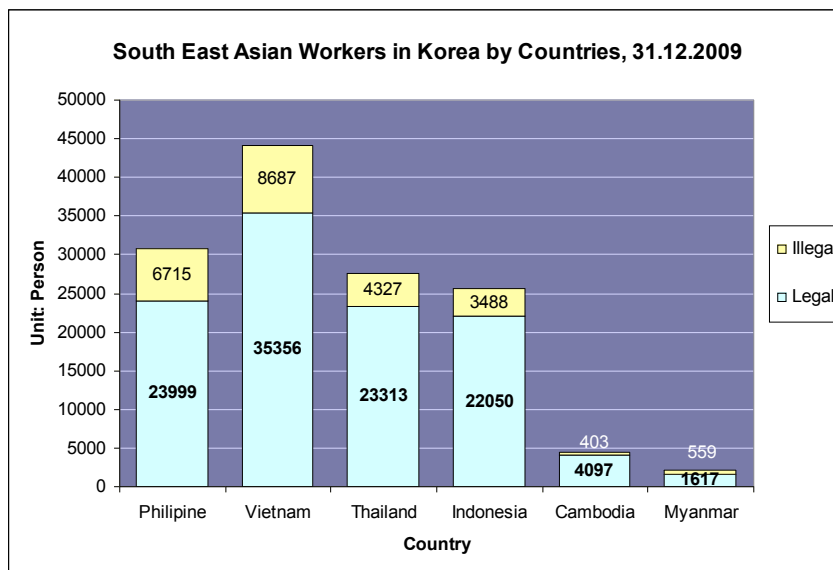
Graph 4: Undocumented Foreign Residents in Korea from 1999-2009 Mac



Source: Korea Immigration Service

### Worker's Issues and Problems

When the number of undocumented workers remains high, problems of labor exploitation and human right violations are exacerbated. Workers who choose to work illegally are not eligible for legal right therefore they are not protected by laws. When the employer delay their salary payment or physically abuse them, they are not encouraged to report to police due to the fear of being deported to home country. Besides, they have no recourse for contesting their termination or recovering their wages due to the illegal status. This problems have indirectly encouraged some of the employers continue to violate laws and ignore the labor right. According to the statistics of Korea Immigration Service, as of 31 Dec.2008, among the South East Asian undocumented workers, Vietnamese numbering 8687 at the highest place, followed by Filipinos (6715), Thai (4327), Indonesian (3488), Myanmar (559) and Myanmar (403). Currently the Korean government is working hard to reduce the number by improving the EPS and deporting more foreign workers. e



Source: Korea Immigration Service

Problems of South East Asian workers are not limited to the undocumented group. Low-skilled foreign labors usually are discriminated and unlikable by the local community. Migrant workers who appear to be poor and inferior are not socially welcomed by the status conscious based Korean society. For many small business owners, immigrant workers are seen primarily as an easily exploited and largely replaceable source of cheap labor. They are employed to work in the industries that local people unwilling to do. Foreign labors are often discriminated not only by the employers but as well as by the local community. Exploitation in terms of wage and working hours are commonly practiced by the local employers.

Based on the author's interviews to workers, many workers suffer not only from the underpaid but also from the extremely long working hours. In average, they need to work 11-12 hours per day. In addition to long working hours, some workers have further disadvantages with the poor living accommodation. Some workers suffer from the size of room, dirtiness or the room's temperature. For instance, many workers are provided "container" by their employer as the accommodation, which is very hot in summer and very cold in winter. Many workers suffer from this poor living condition and some fall sick. According to the study conducted by the The National Human Rights Commission of Korea (NHRCK) to the foreign workers in Pusan, most migrant workers live in rooms that are not even 6.6m<sup>2</sup> and often share it with at least three people. When the result of the NHRCK study was examined, 64 % ( 508) of the respondents said that they live in the company dorm. Among them, more than half (240) live in a room that is less than 6.6m<sup>2</sup>. Moreover, 20% (105) said that they sleep at the office and temporary building structure.<sup>18</sup> This study result clearly demonstrates the seriousness of living condition of workers.

Moreover, the study show that 52% of the migrant workers said that their company holds their passport and 53% (446) of the workers said that companies violate employment contract such as working hours and salary. In fact, company's keeping passport is a customary practice for preventing escape of the migrant workers considering them as potential illegal aliens, but this is a violation of human rights.

Many foreign workers also have been victimized by verbal abuse, physical violence and sexual harassment by South Korean employers. Among them, verbal abuse is the most

<sup>18</sup> Korea Migrant Centre. Monthly Newsletter MigrantOK. 2008.11 no.26

common and considered as the minor problem. According to the Amnesty International Research Report which done by Rajiv Narayan in 2006, foreign workers in Korea face multiple abuses, industrial hazards and few possibilities for obtaining compensation. They experience physical abuse in the workplace and often work in dangerous condition. He gave an example of Nepali man named BS, who worked for Misung Industry, a plastic manufacturing company in the Southern city of Daegu had given statement as below:

*"On 7 October 2005, my left hand glove got stuck and rolled into the plastic making machine; I could not remove my hand. It was not until my left shoulder was about to roll into the machine that the machine was stopped. I heard later that people could hear the sound of the bones being ground by the machine... When taken out the machine, my arm was without flesh or bones... There was no first aid... "*

It was reported that Misung Industry initially kept the accident secret and refused to tell BS' friends where he was, until they threatened to tell the police. After five months the company stopped paying for BS' medical treatment. BS still suffers great pain in his arm and cannot work. He is having to pay for treatment out of his savings and does not want to go back to Nepal before getting compensation.<sup>19</sup> It is believed that the case of BS is one of the similar thousands cases in Korea. In response to all of these problems, some foreign workers have engaged in demonstrations with the support of local civil organizations, demanding payment of wages owed, improved work conditions, and human rights guarantees. However by laws foreign workers are not allowed to engage with labor union.

Another problem for workers is the difficulty of changing work place. Under the EPS, foreign workers are allowed to change work place for up to three times in the whole working period in Korea. They are not allowed to change work place just for better welfare or for better living, meaning that those trying to escape crippling debt or harsh working condition have little choice but to work for a new employer without the proper documentation. The difficulty and inflexibility of changing work place is one of the weaknesses of EPS which caused many workers become undocumented. It is because many foreign workers have paid large fee to recruitment agencies in their home countries which they need to repay. When they find that salaries are lower than expected before coming to Korea, they start looking for a new employer who might pay a higher salary. Though the strict regulation is for the consideration of laborer mobility control, but it is undeniable that this is one of the main reasons for contributing to the number of undocumented workers. The table 3 reveals the number of foreign workers and unauthorized leave since the launch of EPS in 2004- Apr 2008. Among the South East Asian workers, Thai workers had the highest number of unauthorized-leave compared to Vietnamese and Indonesian.

**Table 3: Number of Foreign Workers entered Korea since the launch of the EPS as of 30 Apr 2008**

(unit : person)

Country	2004	2005	2006	2007	2008	Total	Unau- thorized Leave
Total	3,167	31,659	28,976	33,687	14415	111904	3,741
Vietnam	704	8,619	5,712	11,507	3126	29668	553

<sup>19</sup> Amnesty International. 2006

Philippines	832	5,308	8,434	5,928	1209	21711	357
Thailand	558	5,964	6,746	5,798	2838	21904	1,141
Mongolia	500	4,433	4,703	2,642	1748	14026	1,079
Indonesia	359	4,361	1,215	4,343	1713	11991	467
Sri Lanka	214	2,974	2,166	2,194	1101	8649	123
Others	-	-	-	1275	2680	3955	21

Source: Ministry of Labor

Cultural differences and difficulty to suit into Korean live is another problem for the South East Asian workers especially to Indonesian. Among the South East Asian workers, Vietnamese face the least problem for the cultural gap. Indonesian Muslim always encounters problems for foods and communications. In Korea, there are no concepts of halal or non-halal food items for Muslim. Basically, all of the meats are not halal except for foreign Muslim store which sell halal food. The lack of halal food is the main issue for many Indonesians when author interviewed them about their life difficulties in Korea. In addition, the lack of Korean language ability always causes the miscommunication and misunderstanding. Language barrier exacerbate the workers' lives in Korea when they can not communicate and express themselves effectively with their employer as well as with local community. Thus, it is not surprise to see that Korean employers are always preferred to employ workers who can speak Korean fluently.

### CONCLUSION

The government policy plays the most important role in determine the migrant workers lives in Korea. When the government allowed the SME employ foreigner under the Industrial Trainee Program, influx of migrant workers increased sharply as well as the number of undocumented workers. To tackle the problem of illegal workers and the labor exploitation, Korean government finally came to the decision by allowing migrant worker to work in the local industries as a worker. Under the Employment Permit System (EPS), migrant workers are treated equally as local worker and any of the discrimination are prohibited. Based on the government statistics, the EPS is proven to be the much more effective tool to solve the problem of migrant workers. Firstly, the number of undocumented workers reveals the declining trend and secondly the labor exploitation problems has become lesser. Eventhough the various of issues and problems are still exist, the more important is that the numbers has reduced.

Basically the migrant worker's problem in Korea are similar regardless of their nationality, whether they are from Vietnam, Thailand, Philipine or Indonesia, the main concern for all of them are wages and working hours. These two factor determine their work place choice. This is because majority of them had paid expensive broker fee and they got to repay it. Despite the Korean government aware of the agency problem and has prohibited agency involve in the recruitment process, in reality many workers are still depend to their home country agent for the recruitment. This is because majority of worker are villagers and less educated. Their poor knowledge allowed the broker easily cheated them and charged a high fee. Therefore, in order to tackle this problem, Korean government must work closely with the labor sending country government and enhance the enforcement.

In addition, the regulation of prohibiting migrant worker to change work place should be revised. When the worker are desperate of their job and hoping to change, they should be given right to change work place. This is the basic labor right and should not be deprived. Despite the current system allow worker to change work place for up to three times, this is only limited to a few condition- such as bankruptcy of company or discontinuance of employment permit.. Many employers have utilise this regulation for their own benefit by violating labor right as discussed in the section before. Under the current regulation, migrant workers are unable to change jobs for health problems , or for labor rights violations in a particular workplace unless it (serious health problems and/or human rights violations) has been officially reported.<sup>20</sup> Many migrant workers found it difficult to change workplaces under the EPS. In some cases, their situation became even more difficult after they highlighted abuses by their employers which made them want to change jobs. The main problem here is that worker need to get permission from the employer to change work place. This give a powerful authority for the employer. Therefore, the government should revise this rule as well as allow the migrant worker to form their own labor union for a better life in Korea.

Overall, the migrant worker's issues are mainly influenced by the policy changes and the enforcement efficiencies. Therefore, the willingness of the Korean government in acknowledging the basic labor right of migrant workers is essential.

## REFERENCES

- Amnesty International. South Korea: Migrant Workers Exploited And Abused .Press Release. 17 August. 2006. <http://www.amnesty.org/en/library/asset/asa25/009/2006/en> Retrieved on 20 Dec 2008.
- Korea Immigration Service. Monthly Statistics Report. Mac 2009
- Korea Migrant Centre. Monthly Newsletter MigrantOK. 2008.11 no.26
- Lee Kyu Yong. 2007. Changes in Policies for Migrant Workers and Policy Recommendation. Labor Review Mac 2007. Korea Labor Institute
- Ministry of Labor ROK. <http://english.molab.go.kr>. Retrieved on 25 Apr 2009
- Nora Hui-Jung Kim. 2008. International Migration Review. Volume 42 Number 3 (Autumn 2008):576–596
- Timothy Lim. 2002. The Changing Face of South Korea: The Emergence of Korea as a Land of Immigration. The Korean Society Quaterly Summer/Fall 2002.
- Wang-Bae Kim. Migration of foreign workers into South Korea: From Periphery to Semi-Periphery in the Global Labor Market. Asian Survey. Berkeley: Mar/Apr 2004. Vol. 44, Iss. 2; pg. 316
- Young Bum Park.1997. ” Migration Issues in the Asia Pacific: Issues Paper from the ROK” Asia Pacific Migration Research Network ( APMRN)
- \_\_\_\_\_. Korea: No more obligatory sojourn for foreign workers. Asia law. Hong Kong: Jul/Aug 2008.

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<sup>20</sup> Amnesty International.2006