

# ASIAN WORKERS NEWS

NO .194 아시안 워커스 뉴스

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## STOP human-hunting for migrant workers

On June 3, the Ministry of Labor rejected the foundation report of Seoul-Gyeonggi-Incheon Migrants' Trade Union (MTU) because most of the union members are undocumented migrant workers. Since then, there have been strong resistances from labor circles and NGOs.

Support groups strongly criticized the move saying, "the government which should protect human rights even produces victims of human rights" in connection with the recent forced crackdown conducted by the Seoul Immigration Office under the Ministry of Labor. And they proclaimed to face the issue along with other NGOs.

"Organizing Labor Union does take not a permission system but a report system; therefore, the rejection of MTU report must be the pressure on labor union."

In the morning of June 7, the Federation of Korean Trade Union (FKTU) and Korea Confederation of Trade Union (KCTU) including People's Solidarity for Participatory Democracy, Minjung Solidarity, Joint Committee for Migrant Workers in Korea (JCMK), and 18 other NGOs held "A Joint Press Conference of NGOs for charging the pressure on labor union, human-hunting for migrant workers, and crackdown" and requested the government to cancel the Industrial Trainee System and to issue Labor Visa."

In the statement, they asserted, "the fact that the Ministry of Labor rejected the report for labor organization is clearly showing that the present government intends to abuse la-



"stop suppression on migrant trade union!"

bor rights of migrant workers" and asserting "the Ministry of Labor must immediately withdraw its wrong decision on the labor union because undocumented workers are also recognized as laborers in the Labor Standard Law just as the Supreme Court had already confirmed."

Also, they mentioned, "it is evidently a discrimination and violence to have ignored migrant workers who have been victimized in every blind corner of the law and to do human-hunting or prohibit organizing labor unions." They also asked the government to ensure the 3 major Labor rights and the Labor union law, job selection rights and abolish Industrial Trainee System right away."

Hae-sam Lee, the general manager of the headquarter of part-time removal movement under Democratic Labor Party, criticized the government in the conference by saying, "Organizing labor unions follows not a permission but a report system. So, if there are more than two workers, they can organize a labor union. Yet, the Ministry of Labor had asked for a supplement of the report many times and finally rejected it. It clearly shows that the government won't guarantee the 3 major labor rights for migrant workers." And he continued to say, "the Democratic Labor Party will do its best to keep the union for migrant workers." Then he added, "we will try to revise the immigration laws and remove the Industrial Trainee System and to pass the bills for ensuring 3 major labor rights."

"Crackdown on undocumented workers overran the barrier of violence and human rights abuse" In the press conference, participants asserted, "the government has conducted inhumane actions like frictions done by 70-80's military regimes and abol-

ished human rights by arresting migrant workers who visited the office for delayed payment. Migrant workers are so vulnerable even inside the workplace only because they are undocumented workers that they are placed in the blind spots of human rights."

An activist from a support group for migrant workers said, "I recently called the Vietnamese who was forced to leak out his fellow undocumented workers' names at the Seoul Immigration Office. And he

said that he feels so ashamed of what he had done that he couldn't even go back to his hometown. The Ministry of Justice excused that he voluntarily cooperated, but it could n't be done. Therefore, the government should offer an apology for their infringement on human rights of migrant workers and they should set up a policy not to do the same thing again."

Jihae Kim, a vice director of KCTU said, "I charge the Korean government with?infringements of human rights and pressure on migrant workers in the ILO general meeting which has been held since June 5. So, KCTU will build up its solidarity along with other international groups to achieve 3 major Labor rights for migrant workers."

### Forming a co-organization for a protection policy of migrant workers' human rights

Right after the press conference, 18 NGO participants held a meeting at Hyanglin Church nearby and they started to plan an NGO meeting for migrant workers' human rights and labor rights. They agreed to band together to deal with the government's more violent crackdown and deportation policy. Sooner or later, they are supposed to get together to have a meeting to set up a specific policy.

On that day, MTU also started to hold one-person demonstration to ask to "stop repressing MTU and letting Anoare, the chairman of MTU free" at Myungdong Cathedral. They planned to stage one-person strike simultaneously at regional immigration offices, Ministry of Justice, Ministry of Labor, and National Human Rights Commission from then on.

### EXCHANGE RATES

Date : June 21, 2005

US Dollar is ;

Country	Currency	Rate
Korea	Won	1,013
Philippines	Peso	55.55
Thailand	Bhat	41.00
Indonesia	Rupiah	9,555
Sri Lanka	Rupee	99.96
India	Rupee	44.00
Bangladesh	Taka	63.73
Pakistan	Rupee	59.45
Nepal	Rupee	69.76
Russia	Rouble	28.01
Burma	Kyat	6.42
Vietnam	Dong	15,860
China	Yuan	8.27
Nigeria	Naira	134.70
Ghana	Cedi	9,000

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So, they will try to appeal to the public to realize the 3 major labor rights for migrant workers, MTU chairman's release, and human rights for migrant workers.

**Immigration Office requests a company to report "walk out" – The case of Amiad Hussain (25)**

*This is an evident case of infringement of human rights of migrant workers: He had been imprisoned in a migrant shelter for over 2 hours by immigration officer even though he mentioned he was an industrial trainee permitted by the government.*

*Mr. Hussain, a Pakistani, entered Korea last year and has been working legally at a car-parts manufacturer for 8 months as an industrial trainee. However, he was classified as an undocumented worker and taken into a migrant shelter on April 24.*

*On hearing his father's death, he obtained an official vacation from his company and was about to visit Bucheon to meet a relative. He stopped by at an Asian market run by Ha Jiin Sung who naturalized to buy some food for his sick relative. However, when he was heading for his sick relative's, 4 officers from immigration office called him to stop.*

*According to Hussain's testimony, the immigration officers identified themselves and asked him to show his ID without any further explanation. Then, Hussain showed them his ID and explained clearly that he is working in Korea legally as an industrial trainee and is now spending holidays. And yet, although the officers checked out his ID, they put handcuffs on him and placed him in their car and took him to the Incheon Immigration office.*

[Prometheus 08.06.2005]

## Ministry of Labor Denies Migrant Workers' Union Permit

The unique union consisting of migrant workers is going to be illegitimate.

It became clear on June 5 that the Ministry of Labor, on the 3rd of last month, had given back the establishment certificate submitted by the 'Migrant Workers Labor Union of Seoul, Kyunggi, and Incheon.' The union members are migrant workers and live in the capital area. The ministry said that most of their members are undocumented. That's why they rejected it.

The migrant union, groups concerning migrant workers, and two big labor unions harshly censure the decision and controversy is expected.

### Reason why the establishment certificate was turned down:

The critical reason why the ministry rejected it is that most of them are undocumented. The ministry said, "in case of the undocumented foreigners who are incapable of getting a job, they cannot be the party exercising the labor's three major rights "so as to maintain and improve the working conditions for the future" (the Law of Labor, article 2, number 4), setting aside the protection of getting paycheck and reimbursing for industrial accidents which happened in the past."

The reason why the ministry concluded like that is that this foundation of the labor union is not for protecting the workers, but for improving and maintaining the working condition for the undocumented. According to the Law of Labor article 2, number 4, it defines that the union is the group or the united group, which the workers voluntarily unite together, to plan for improving the economic and social status of the worker, for improving working condition.

The ministry mentioned, "the Supreme Court, in case of illegally getting a job, the labor contract can be terminated. They can't demand the performance of a duty based on the labor contract ('95.9.15, the decision of the Supreme Court, 94th trouble, 12067)" The ministry is building up the logic, since 'the illegal workers' cannot be asked for the performance of a duty on labor contract in the future, they can't be the subject to exercise the labor's three basic rights. The ministry emphasized, "considering the international standard for illegal workers, other countries guarantee the payment and the rights which had been produced from the ex-employment. However they don't guarantee the basic labor rights."

The ministry nailed down that the Law of Labor is for guaranteeing the basic labor rights of the worker, so it comes from the nation's helping and consideration. Just for improving the profit of the illegal employment, the nation can't actively help the foreigners who illegally stay and illegally get a job.

Jeong Won-kyung, the head of the migrant worker union said, "the government completely ignored the fact that most members of the union have worked in Korea for over 10 years as a laborer. We are going to submit the administrative litigation to a court, because the judgment of the Ministry of Labor is wrong. Regardless of the establishment certificate, the local branches have been sprung up as planned. We keep struggling for the guarantee of the rights to labor."

Woo Sam-yeol, the director of Joint Committee for Migrant Workers in Korea (JCMK), criticized, "the Supreme Court has already acknowledged the status of illegal workers, it is natural that they make the union for themselves; that is their basic right. I'm completely sorry for the judgment of the Ministry of Labor." He said, "We're going to publicize for the migrant worker union to be approved, and to plan to ask for the government's reasonable policy for foreign workers, by uniting together with civil groups of human rights."

Along with the Federation of Korean Trade Unions (FKTU), Korea Confederation of Trade Unions (KCTU), People's Solidarity for Participation and Democracy, Nationwide Women Union, and the Home for Human Rights Movement etc, the migrant union is having a joint press conference at 7:00 in the morning on the 10th of this month in front of Meyongdong Cathedral. This is going to be the interview with the civil groups for censuring the compulsory banishment, so to speak, 'human-hunting' and for criticizing the oppression towards the migrant worker union. In the form of demonstration, the union is planning 1 person relay.

Experts like lawyers, judges, prosecutors, and jurors are opposed to the judgment of the Ministry of Labor as well. Lawyers for Democratic Society said, "the Supreme Court regards the illegal stayers or foreign workers as workers, considering the Labor Standard Law. Being punished is another problem by the regulations of the Immigration Control Law. It is a natural conclusion that, based on the principles of the Law of Labor, both illegal stayers and foreign workers should be protected as long as the labor contract is valid.

Kang Seon-tae, a professor at Han Yang Univ. pointed out "that staying itself is illegal is the problem of the Immigration Control Law. Because of that, not being able to be the subject of the labor's major rights is unreasonable." Kim Gae-hun, a professor at Han Reem Univ. said, "Even though they are illegal stayers, the provided rights to the labor and the rights which have possibility to be provided in future should be approved, until the labor contract is substantially terminated by crackdown or banishment."

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Like this, pro and con whether the union joining the undocumented migrant workers is acknowledged or not, even the administrative litigation is going to happen. The controversy about this is getting worse for a while. *[Labor Today, 6,June,2005]*



## Unification of Foreign Workforce Income Divisions Being Examined

The government is examining to make a 'unified organization' that gathers all divisions such as the Korea Federation of Small and Medium Business(KFSB), National Agriculture Cooperative Federation, National Federation of Fisheries Cooperatives, Construction Association of Korea and Human Resources Development Service of Korea(HRD) which induce foreign labor resources.

The government's trying to make a unified organization of foreign labor income is thought as a follow-up measures to integrate foreign workforce income policy by employment permit system that started last August, after the abrogation of the twelve-year-old industrial trainee system.

Officer Hong Jung Woo of the Foreign Workforce Policy Division at the Ministry of Labor said "debate on appointment for executing the employment permit system by selecting organization individually or by making a division within the newly unified organization is now in progress" and "report to the Blue House will be held this month."

The debate seems to be heated more. Because this indication has been going on but no decision has been made- which is making a unified division for HRD or running it with some manpower from 4 agencies of trainee system, including KFSB.

Only 'nonprofit organizations or associations appointed by HRD and the Minister of Labor' are allowed to deputize foreign workforce introduction by laws related to employment permit system.

Four federations have inquired on the existing operations after the abolishment of industrial trainee system. Especially, KFSB has been expressing opposition about the employment permit system from the beginning because "it is a converse discrimination to non-regular domestic workers lacking similar benefits" and "more costly in that the employment permit system ensures the three labor rights".

Companies which employ industrial trainees are now preparing a

lawsuit against the employment permit system for being against the constitution so unification of foreign workforce income divisions will stir up censures on the employment permit system.

In fact, recently the legal adviser of the 'Association for Protecting Interests of Small and Medium Business' declared, "employment permit system is against the fundamental rule of capitalism because it prevents hiring migrant workers by free wage system". Then the adviser added that they would stand on opposite sides of the policy of the government.

On the other hand, a section of experts concerned about overwhelming work problem can result only if the Human Resources Development of Korea, the organization which practices the employment permit system, manages migrant workers without the industrial trainee system that are operated by the KFSB, NACF, NFFC, CAK. *[Financial News 05.06.2005]*

## Trainee System Ceased Entirely in 2007

It is supposed that the government will integrate the way of employing migrant workers to only the employment permit system from 2007. The present system allows enterprises freedom to choose between the industrial trainee system and the employment permit system. On this, enterprises raise their voice worrying about expansion of conflicts between labor and management, a responsibility to labor costs, etc. They predict altering the industrial trainee system (that started in 1993) to the employment permit system (which was introduced less than a year ago) is going to make the hiring system kinked. Besides, their responsibility to employ migrant workers will be heavy owing to obligation that forces them to join 4 insurance systems, such as the national pension and the employment insurance system, and to guarantee the 3 labor rights (right to association, collective bargaining and collective action).

Hence the Korea Federation of Small and Medium Business proposed the following complementary measures on June 30.

- Extend the foreigner probationary period to six months.
- Restrict the right to collective action in the 3 labor rights.
- Increase the number of allowance of employing migrant workers to 15 in a small company with less than 50 workers.

On the other hand, restriction period of re-employing migrant workers is shortened to 6 months from a year according to 'the law about hiring migrant workers' that was passed in the National Assembly last April. *[Munhwaibo 02.06.2005]*

### ♠♠♠ Local News ♠♠♠

## 52% of Migrant Workers Undocumented

The number of illegal foreign workers has surpassed half the total number of foreign workers. The Ministry of Justice and the Ministry of Labor announced on June 5 that "of about 378 thousand foreign workers, about 179 thousand workers (47.4%) are legitimate and about 199 thousand workers (52.6%) are undocumented based on late April's data." 188 thousand workers (44.7%) of 421 thousand foreign workers were recorded as undocumented last year. But the magnitude of illegal stayers has exceeded the magnitude of documented workers.

Although the government carried strict regulation and led 46 thousand workers of Chinese Koreans, etc. to depart voluntarily until May, illegal sojourners have rather increased. Analysis says foreigners at the expiration of their staying term hesitate leaving the country because they think entry into Korea will be hard after returning back to their homeland.

"Relevant authorities will merge and manage regulation teams

to practice special intensive restriction all over the peninsula," said one officer of the Ministry of Justice and disclosed that they will strengthen regulation on employers who hire undocumented workers and prevent camouflaged move-ins in order to minimize the inflow of illegal foreign workers. *[Kyeonghyangnews.5.6.2005]*

## First Fine for Workers Without Safety Cap

The Kyungin Local Ministry of Labor gave its first fine to workers who didn't use safety caps.

The ministry pronounced that 50,000 won was fined to each of the 3 workers without safety cap during construction work in Incheon on June 6. They added that the case happened although the employer offered safety caps and directed workers to wear them. Nevertheless, the workers didn't abide by the rule.

The Ministry of Labor started the system leveling a fine of 50,000 won to one who does not use safety equipments to prevent accidents in construction works on June 1. Besides, if an employer does not provide safety equipments to workers, he or she will be sentenced to less than 5 years in person or fined less than 50 million won. *[Kyeonghyangnews.9.6.2005]*

★Migrant Support Organization

- Ansan Migrant Shelter -



By Seon-kyong, FWR Counselor



Ansan Migrant Shelter started from "Ansan migrant consultation". Our organization was set up for the missionary work supported by presbyterian church of Korea in 1994 at Ansan where most foreign migrants are. We are dealing with the following activities.

- ▶ Supporting the human right which any human being should deserve beyond boundary and races
- ▶ Seeking for the way to live together for human prosperity and coexistence.
- ▶ Humanity movement according to our belief that Social reforms move together with human revolution.
- ▶ Research, survey and experimental activities for various corporation and alternative choices.

**What activities are we doing in Ansan Migrant shelter?**

We run 'Ansan Migrant Consultation office', 'Ansan Migrant guest room', 'Migrant Farm' as subsidiaries of Ansan Migrant shelter? Human right protection, welfare, Cooperation Movement, education and cultural exchange are [our major concerns](#). Newsletter ; "Borderless village", "Foreign Migrant FAX newspaper", are being issued by our center.

**Supporters**

Our center help migrants to work under the legal protection as they face their own problem. Finally help them to be a member of democratic society. We face a new transition as the first NGO of foreign migrant was set up in 1998.

We mainly help their legal status and welfare to protect their family, eventually helping them to achieve korean citizenship.

contact us ☎ 031-492-8785/6,  
e-mail : [shimter@chollian.net](mailto:shimter@chollian.net) **AWN**

**Cannot Receive the Deposit Money**

**Q** I am Gemma from the Philippines. I made a contract with the landlord to rent a room with key money worth 5,000,000.won and 150 000 won monthly rent for a year. However, for some personal reason, two months before the expiration of the contract I had to move. I discussed it with my landlord. As the contract stipulated, I paid for the remaining two months to complete one year. By doing so I thought I could move out immediately, but the landlord said he had to find a person to rent the room before he could give me back the key money. So I had to wait. Now one year has passed and the landlord keeps avoiding my phone calls. How can I get my money back?

**A** If you want to take back your key money, you should file a claim in court. First of all, you have to write a letter to your landlord stating the following:  
 - You haven't been given back the key money.  
 - Ask to receive the key money within a certain period of time (about a week),  
 - If he or she doesn't accept your demand, you will file a civil suit.

Then send the letter to the landlord for certification of contents through the post office. After doing so, and he still does not give back your key money, the certification of contents is a very useful evidence for a civil suit because the post office can attest the letter. When you file the case, you have to prepare evidence document, for example, the contract. If you think the landlord would sell his/her properties, you can apply for provisional seizure to his/her properties. After you win the suit, if he/she doesn't give back the key money, you can get back your key money as forced sale by auction.

Process of civil suit is not simple. Koreans themselves bring their cases to an expert, so it seems difficult for migrant workers. Matters like this should be discussed with a migrant counselling center in the region. **AWN**

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