

# ASIAN WORKERS NEWS

NO .197 아시안 워커스 뉴스

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## Period for MWs Temporary Return Home Must be include as a Continuation of Work

Chinese migrant worker Mr. Yin entered Korea as an industrial trainee in 2002, and started work at a timber company in Paju, Gyeonggido, will return to China because of his change of qualification into a trainee worker on August 15 when his visa expired.

The company hires approximately 50 workers in Paju, Gyeonggido and there are quite a lot of Chinese workers, so workers whose qualification changed from industrial trainee into trainee worker could return home within one month, with the company's consideration, without extra salary.

Most of the Chinese migrant workers had made visits home. Mr. Yin visited home for one month last September because his child was sick.

However, after Mr. Yin returned to work and checked the salary, there was less money than he thought. He asked the company manager who said that the one-month-leave meant retirement and because Mr. Yin had to re-join the company his salary was smaller than when he went on leave.

The company's salary system is such that standard workers get standard payments and veteran workers get more payments in accordance with extra working hours. In

this case Mr. Yin was treated as beginner so the salary was smaller. He was informed that only 11 months had passed since he became a trainee worker, so there was no retirement grant for him.

Two friends of Mr. Yin suffered the same kind of fate, but neither of them was good at speaking or understanding Korean and their visas had expired, so they left the country. After this, no Chinese workers went home without extra salary.

A mortified Mr. Yin visited the Labour Office, but found no answers there, then came to the counseling centre. We told him that if he continued with this case, it might be hard to go on working. He said that he did not want to make any trouble and would protest to the company first.

Other centers where petitions had been filed concerning similar situations, said that they suggested early retirement because of a Labour Office official saying, "What company will give unpaid holiday for one month with this kind of labor power shortage."

But the Ministry of Labour's answered officially, admitting continuous working years while temporary homecoming period because at that time, undocumented migrant workers who had stayed in Korea from 3 to 4 years should returned to their country and re-enter Korea for legalization according to Korean government's legalization policy. But returning for private reason will be judged on each individual situation.

But all migrant workers who can bear testimony have already left the country, and there are no documents to show the custom, so it's hard to demand the presentation of the evidence, unlike domestic workers.

If migrant workers have to leave the country temporarily, they must submit a re-entry consent form, with the business proprietor's seal, to the Immigration Office. It is awkward to seal re-entry consent for workers that have already retired, as it also carries re-employment intention when he/she returns to Korea.

When an employment relationship finished in dismissal or retirement, the business proprietor has to submit a statement to the Employment Security Centre to approve continuous work.

In the case of the Employment Permit System (EPS) we must have labour contracts, modelled on standard labour contracts, authorized by the MOL in Article 9. But working hours or wages are different from real wages, housing problems, food, etc. These kinds of contracts can be orally or formally conducted. We need labour contracts that are suited to migrant workers.

On EPS, most of migrant workers working in small size and poor condition factories, so many migrant workers cannot get a job with collective agreement, even the rule of employment. To guarantee the labour contract context, the administration will need to actualize the context of labour contracts and try to make companies follow such rules.

We also have to inquire whether companies with employment rules have noted and made the rules fully known to migrant workers. **AWN**

### EXCHANGE RATES

Date : September 14, 2005

US Dollar is :

Country	Currency	Rate
Korea	Won	1,025
Philippines	Peso	55.88
Thailand	Bhat	41.00
Indonesia	Rupiah	9,990
Sri Lanka	Rupee	101.25
India	Rupee	44.00
Bangladesh	Taka	65.71
Pakistan	Rupee	59.77
Nepal	Rupee	70.11
Russia	Rouble	28.28
Burma	Kyat	1,205
Vietnam	Dong	15,885
China	Yuan	8.08
Nigeria	Naira	131.70
Ghana	Cedi	8,975
Mongolia	Tugulik	1,193



Sri-Lankan workers take the Korean language test for entering to Korea through EPS in Sri-Lanka on August 29. (photo from Yonhap News)

## Voice of FWR

# Katrina Shows the Tragedy by Race Discrimination

By Kim Min-jung, Secretary general of FWR

Early in the morning on August 29, hurricane 'Katrina' took the people's whole living place in New Orleans, south of the United States.

According to the news report, around one million residents already left from New Orleans and near the place, and only the poor who didn't have cars for moving to other cities has stayed in super dome which was prepared by the city. Estimated more than 10,000 people died and worth of property were damaged by the Katrina.

However, many people criticise toward American society and Bush government because the Katrina disaster is not as unavoidable force of nature, but as a political and social disaster.

The residents portion of race minorities are 60% in disaster area and it's so high portion compared with other areas. Moreover, three houses among four houses live below poverty line, one house among three houses don't have cars. Most of them are African-American. That's why it seems that American government were so slow for taking a

action for Katarina victims.

Most volunable group in this situation is undocumented migrant workers as well. Many undocumented Mexican workers have suffered from no government support because they can't reveal their undocumented status.

It's surprisable that race discrimination and undocumented workers poor situation revealed through disaster of nature. At the same time, I got angry with American government's attitude which the government didn't repair for avoiding disaster and also didn't take a measure even after the accident because that is poor people's area.

We feel angry with the reality at the out of America, undocumented migrant workers, race minorities and poor people in the area much more feel in 'discrimination', 'sense of loss' and 'anger' surely.

If so, these anger will blow up for whom? Now, I remind that 'Peace' we dreamed is always must go together with 'Human Rights', 'Equality' and 'Justice'. **AWN**

## Day Breaking

# Migrant Era Ethics

By Song Du-Yul

Days ago, a district in Berlin, where many foreigners live closely together, had a fire. Nine people from Turkey and Poland died and many others were seriously burnt.

Among several disputes regarding where responsibility for the fire lay, was lack of understanding of the victims in following firemen's directions. Some said that if the victims had German literacy & language tests before getting residency permission from the government, then the tragedy would not have happened. Others have rejected such an idea, saying that any German could encounter unavoidable disaster because of misjudgement. Another critique viewed this accident as inhumane and irresponsible, which comes from the shallow idea of getting more votes with in the September elections by focusing on the migrant issue.

Of course, language is an extremely important means of smooth communication, but this is not enough. From time to time, Mexicans working at Korean restaurants in New York surprise me with their fluent Korean.

I know of a cook from Nepal who works for a Korean restaurant in Germany.

Although there is no big communication difficulty, there is often conflict with the Korean employer and local police or the labour union because of his illegal employment and low wages.

Not only do cultural factors set off racial falling-out, but so do economic factors. For instance, as a minority group, Korean people experienced such a situation in April 1992, with African Americans in Las Angeles. This does not only apply to other countries. Over 300 thousand migrant workers are living in Korea, and they are facing similar social problems, like payment delay and human rights violations.

At the core of these problems are negative emotions and prejudice toward migrant workers from poor nations. My wife

has witnessed Seoulites very often avoiding sitting next to a migrant worker in the subway, even if there is an empty seat right next to him/her. This shows a dark side of Seoul, and is hard to erase from one's memory.

Newspaper reporters and social activities often visit Germany to learn about migrant policy and immigration law, but Germany itself has issues about outsiders looking into its society.

There is still extreme prejudice against migrants in Germany, especially in the eastern part of the country. I am not saying that the rest of Germany's situation is much better. I have always wanted to take a vacation in the eastern part of Germany, but fearing attacks, I dare not. Because the eastern part of Germany has had less contact with foreigners and economic deprivation compared to the rest of the country, a trend has developed to make migrant workers scapegoats.

The migrant workforce has reached approximately 10 percent of the total workforce in western European countries. The migrant worker issue in Korea may not be as serious compared to the west, but I suppose it is high time to closely examine migrant worker problems.

We can see the contractions of neo-liberalism, as it claims freedom of crossing the board, but turns against transporting labour power. However, the long line of people from poor countries migrating to rich countries cannot be controlled by any strict immigration process or barriers to freeze smuggling, as we witness between California and Mexico.

S. Castle, an immigration specialist at Oxford University, indicates that immigration control policies enforced by wealthy countries has brought more global inequality. No matter what the case is, we must remember that we need a firm attitude to see migrant workers as human beings, not just a labour power. **<Seoul Times, August 17, 2005>**

**AWN**

# APEC Summit 2005 Busan : A festival for whom?

By Kim Seok-jun

APEC's 2005 Summit is scheduled to be held from November 12 to 19 in Busan.

Busan City Hall, which will be the venue for the Summit, is preparing for the event with the mobilization of all of Busan's administrative powers.

Local media and civic organizations have also revealed their full support and intention to participate, with the expectation that the Summit's success will be an epoch-making turning point for local development.

APEC however, unlike common misconception, is not an influential organization on the world stage.

Inside APEC there has been tension and discord, with conflicts of ideas and interests between developed and developing countries. The enhanced unilateral policies of the US government recently caused friction with China, and tension between Japan and China is surfacing. Because of this situation, the developmental outlook of APEC, which played a role in WTO/FTA conclusion and ratification, an instrument of ecocide and propaganda of the public sector's privatization, is ever-darkening.

The key agenda and road-map of the Summit is the acceleration of trade liberalization, resolution of WTO/DDA support, North Korea's nuclear weaponry, and the human rights issue.

These issues will be supposedly decided with the US government's demands and interests at the forefront, the consequence causing more pressure on markets to open in developing countries, including Korea, and the deepening of international subordinate relationships.

Accordingly, although the Summit itself will be held in Busan, there are many possibilities that it will force grassroots organizations in developing countries or undeveloped countries, including Korea, to highlight

issues like the deepening of poverty and inequality, and the increase of war hazards.

Although Busan City Hall has made sincere arrangements for a successful Summit, it seems that the masses, the real owners of the Summit, are excluded from participating. Furthermore, unlike propaganda would have us believe, it has been confirmed that the APEC's host effect on Busan is not that big.

Direct economic benefit, in consideration of production inducing effects and employment, is well under one percent in relation to the entire local economy.

Considering the cases of other cities that have hosted APEC Summits, it is supposed that the indirect ripple effect, publicized as a megaton range, will only be slight.

Many citizens, who take the inconvenience lying down, sincerely support the success of the Summit. However, they will meet a worse reality that poverty and inequality, which are deepening as a result of neo-liberal globalization.

I am concerned that although Busan is sincere in its hopes for the Summit, many citizens will be pushed backwards, treated as bystanders, and that after it ends, the people will be galley slaves.

However, even though the Summit is not pleasing to all of us, blocking it is not the answer. We have to use positive means for a Summit that is real and ours, through disclosing the problem of it only being for the powers that be.

The most important thing is that we do not lose hope that, unlike neo-liberal globalization, which forces poverty, subordination, disruption and war, 'the other world is possible'. **AWN**

## Rumor : 'Korean govt. seize bank accounts of Undocumented Workers'

Recently, a strange rumor that the Korean government will seize the bank accounts of undocumented migrant workers has arisen among Chosunjoks (Korean-Chinese) living in Korea, causing a sudden rush of withdrawals.

Mr. Kim, a business owner, got an urgent request from one Chosunjok employee, asking him to open an account in his name, with their money because the Korean government is tracing accounts of Chosunjok in order to seize their money.

Indeed, the rumor that the government seizing accounts of undocumented residents, beginning next month, is widely known, with September 31 being the deadline for self-report of undocumented workers.

Because of this, some banks in areas densely populated by Chosunjok, such as Guro-gu in Seoul or Ansan, are experiencing large amounts of inquiries ask whether or not the rumour is true.

"We've gotten numerous phone calls since last Sunday, which either asked for closure of accounts or inquired about the authenticity of the rumor", said Mr. Seo

Tae-hun, branch manager of the Daerim Branch of the Foreign Exchange Bank.

However, a related office has stated that the rumor is false. The reason being, that even though they are undocumented residents, there is no legal authority that can seize their money.

Mr. Lee Min-hee, the chief of the Immigration Bureau explained that there is no ground to seize money, and therefore it is just a canard. Experts indicated that the reason for this strange rumour is due to the anxieties about the tough regulations of the government.

"Groundless rumors like this are innumerable. People easily accept as true what they don't believe at ordinary times, when they suffer anxieties", said Mr. Kwon Oh-hyun, a member of the Joint Committee for Migrant Workers in Korea.

Undocumented residents who face the time limit of voluntary departure live every day as if they are walking on the thin ice on a lake of strange rumors. **AWN**

# One Year Since Enforcement of EPS Introduced

## – Problems After Immigration to Korea –

Many migrant workers associations have pointed out the defects of EPS, and since July, the Korean government has changed some clauses.

Because the clauses are made for employers' convenience, they are – 'stoppage of one company, one system'; shortening of time to find Korean workers ; shortening of reemployment restrictions; etc.

Even though proposals for change were made to the short rotation policy and restriction for moving factory, these clauses remain the same. In this survey, it was found that those clauses cause trouble, which were predicted before EPS was introduced.

### 1. Elaborated circumstances of migrant workers

#### ▷Average salary

The average salary of migrant workers in Korea is, 640,000 won to 700,000 won at 38.5 percent, 810,000 won to 900,000 won at 18.9 percent, and those on a salary less than 900,000 won is 74.6 percent.

This shows that migrant workers' salaries are still too low. Some 25.4 percent of migrant workers do earn between 900,000 won and 1,200,000 won, but it is not because of generous employers paying high salaries, but because of over works.

#### ▷Holidays and average working time

The incidence of working more than 12 hours per day is very high at 42.4 percent, those working an average of 9 to 11 hours is 29.7 percent, and less than 8 hours is 38 percent. For holidays, the incidence of four days off in a month is 78.1 percent, but those having no holidays are 7.6 percent, while those having one to three days off are 14.3 percent.

#### ▷Offering of accommodation and meals

91.6 percent of companies offer accommodation for workers, 74 percent in dorms and 17.6 percent in apartments. For payment of living costs, 69 percent of companies pay the full amount of money. Co-payment by a company and worker or entirely by a worker is 15.5 percent. There were some unfair cases that workers were charged from 120,000 won to 200,000 won.

Regarding meals, 80.8 percent of those surveyed said that their companies offer meals. Those getting free meals are 51.9 percent, some meals 36.8 percent. Employers paying entirely for accommodation and meals are 11.3 percent.

#### ▷Management of passports and foreign ID cards

Regarding management of passports and foreign ID cards, cases of 'the company controlling both of them' are 30.2 percent, and 'workers controlling them themselves' are 50.4 percent. The other 19.4 percent of cases are, 'passport – company, ID card – worker'. Therefore, it shows that 49.6% companies are illegally seizing travel documents.

### 2. Violating labour contracts and labour law

#### ▷Violating labour contracts

For the question, "Did you know about labour conditions, such as salary, before coming Korea?" 56 answered, "Yes".

However, for the next question, 'Are conditions different to what you expected after coming Korea?' 71 workers answered, "Yes".

Only one worker said he got more salary, the others said their condition was worse than they had expected. No employers were asked if workers mind the alterations or not.

#### ▷Violating labour law

118 workers answered the questions about work time, revealing that 42.4 percent of companies force workers to work more than the time specified in the labour law (8 hours a day, 44 hours a week, including extended working time less than 56 hours). In addition, 105 workers answered that 21.9 percent of them have less than 3 holidays in a month, 7.6 percent have no holidays in a month.

Some workers protested to or rejected their overwhelming work hours, companies fired or threatened them. This is an obvious violation of clauses 49 and 54 of the Labour Law. 16.2 percent of workers get less than the minimum salary.

### 3. Problems following Workplace Changes

#### ▷Reason to Change Workplace

A large number of migrant workers who have responded to the survey said that they wanted to change their workplaces. 69% of respondents answered that they want to move to another company and 43.87% of them said either long time working or excessive labor is the reason why they want to move their workplace. 27.1% of workers who wanted to move their workplace showed desire to move to a better paying company since their present salary was low. Other than that, 9.6% of them answered physical violence, employer or Korean workers' abusive words made them want to move, and 19.3% of those workers were people who have experienced coercion to eat Korean foods even though they couldn't eat them or have worked although they were sick.

#### ▷Reason Why They Can't Move

But, 33.3% of the respondents thought moving their workplace is impossible in the first hand. Also, 13.3% said they were afraid of disadvantages after they failed moving, employer's disagreement 26.7%, and 10% said they can't move because they think it is hard to find a new job. Over 73.3% of total respondents are aware of the fact that they can't move workplace by their own minds. Due to this, workers were enduring infringement of personal rights or injustice from their work.

#### ▷Reason why moving workplace was too hard

79% of workers who changed or tried to change their workplace answered that they confronted many obstacles in workplace moving. 52.6% said it was extremely hard. 26.4% of them said it is impossible to move with their own power and effort.

The greatest obstacles were employer's opposition(43.5%), worker's lack of information in workplace moving(19.6%), and employer's lack of information in workplace moving(13%). This suggests third-man's help is necessary. 19.6% answered it is hard to attain a new job after change in employment. This shows it is hard for workers who don't know either Korean or English to negotiate contract condition and contract conclusion since job hunting informations are made in Korean and it is hard to communicate between the company.

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# Weighing the EPS A Year After

By pastor E. Galang Jr.

When migrant workers get worked, hunted and forced into hiding Written and submitted this August 17, 2005.

## She came. She worked. She fled. All in 14 days

Ellen (not her real name) availed of the employment permit system (EPS) in the Philippines in 2004. She got her visa the year after and flew to Seoul in July. After receiving a four-day training, she was sent to work for her employer.

Despite the thin frame and a weight of 37.5 kilograms, Ellen could work. Her employers, however, believed otherwise. She was almost refused during the first meeting but she insisted. The following days, she noticed how she was being observed by her employer and supervisors. On the seventh day, she was hit in the head by her employer for no reason.

Knowing then that she would be fired, she immediately called the Philippine Overseas Labor Office to inform them of her situation. Apparently, her employer has called the Guri City Employment Security Center and told her that she would be immediately sent back home. She ran away that evening.

## What's with EPS

Ellen is one of the many migrant workers in Korea who have been forced into hiding. Although she would prefer to be legally working in the country, the cold reception from both governments led her to rely instead on other people and even herself to work. Despite the serious and dangerous implications, she chose to join the growing phalanx of undocumented workers, most of whom availed of the EPS.

The EPS, was signed into law in 2003 and took effect the year after. It was enacted to monitor the balance between number of local and migrant workers while ensuring the latter are hired at a regular basis. It is also aimed at reducing the number of undocumented workers.

Philippines is one of the eight countries who signed in a memorandum of agreement with South Korea for the EPS. On August 31, 2004, the first batch of 92 overseas Filipino workers flew to Korea.

Several of those in the first batch are already undocumented. While both Korean and Philippine laws are passed to protect migrant workers, the migrant workers themselves feel they are not protected. When an employer, for example, decided to lay off one of her/his workers, both Korean and Philippine labor offices cannot do anything.

A myriad of violations against the foreign workers can be laid down, the most glaring of which would be underpayment, long working hours, no benefits and mental abuse. Despite the maltreatment of workers, the Philippine government continues to have Filipinos register. The Korean government, on its part, remains nonchalant about the number of violations and pursues its crackdown on the undocumented.

Presently, 199,000 foreign workers are signed under the EPS whose visas would expired this year, but more new hired migrant workers keep on coming because according to the EPS they need 78,000 migrant workers under the EPS. All these migrants would only come from the eight countries which have signed a memorandum of understanding with the Korean Government :

## Cornered yet struggling

Many migrant workers chose to be undocumented because they are simply forced to. No protection is given due them by both receiving and host governments while a mass of

contract violations swamps these migrant workers.

Pastor Jones Galang of KASAMMA-KO, an alliance of Filipino migrant workers organizations in Korea, stated that the migrant workers opt for low payment and irregular jobs rather than go home to their countries and unable to write off their financial debts.

While they may be migrant workers, Galang averred, they should be given enough protection, attention and support by both host and home governments. And with the EPS, however sounding virtuous in its claims to help the many jobless overseas, not aligned with these demands of migrant workers, both governments should temporarily hold a moratorium and attend to the growing cases of violations.

This is the best way to serve the migrant workers, Galang concluded. Migrant workers said and believed so, too.

## And Ellen

As for Ellen, she got back her alien card, passport and the 7-day salary from her employer. After dropping by the Uijungbu Stability Center yesterday, she got her release papers as well as a new employer. Today, she starts her first day at work. She is not illegal anymore.

Thankful to the Shalom Migrant Center for being with her and helping her all through her ordeal, Ellen committed herself to helping fellow migrant workers who may encounter the same problems as she had.

Despite the thin frame and a few grams to her weight, she knows she can do it. Her experience tells her so. **AWN**

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## ► From page 4

### ▷ motivation of moving

27.3%, which was the biggest party, said non-fulfillment of labor contract motivated them to move and 20.5% answered physical and mental violence of employer or Korean fellow worker was one of the reasons to move. 15.9% answered delayed payment of wages. 63.9% of reason to change occupation is labor or human rights trespass and injury, closing down of the workplace was only 13.6%.

## 4. Flimsy Employment and Human Rights Education

To comply to the EPS, the government has to give employment education to migrant workers, who just arrived, for twenty hours within two days and three nights. Due to Human Resources Development Service(HRDS), this education contains grounding of Korean, Korean culture, related laws, difficulty management, and special studies such as industrial safety, health and basic techniques. But, results of this survey showed that profound number of migrant workers were not getting enough education in basic labor related laws and systems.

Also, the government did not provide sufficient education to make them acknowledge their rights or how to confront human rights problem. Migrant workers don't have informations about rights that a worker necessarily possesses such as rights to possess standard labor contract, rights to adequately understand contents of contract, rights to take care of their IDs, veto rights to overtime work or extra duty, health rights, work circumstance rights. Thus, migrant workers can't solve their problems by themselves when they experience payment problems or human rights infringement.

**AWN**

## Across the Himalayas

# Unprecedented Rain

By Sangwhan Shin, India Correspondent

Generally, Indians are regarded as admirers of Mother Gaia – nature, consideration of coexistence with this phenomenal world, and the spiritual.

Unfortunately, this is not always a positive aspect. In the rainy season (monsoon), whatever happens, Indians accept the result of catastrophe. I have reported almost every year on cyclones, tsunamis, earthquakes, drought and so on; it's a joke. Since the Rig Veda period (about 3,000 years ago), Indian weather has been impossible to forecast. Unfortunately, my mind is still unable to properly adjust to this idea, even though I came to India more than 10 years ago. In 2005, as usual, newspapers are full of natural disasters, not about cyclones and tsunamis in the Bay of Bengal, but unprecedented rains in West India.

Mumbai (Bombay), the financial capital of India, suffered heavy flooding, with almost one meter of rain falling within a single day. The 150 year old drainage system was not able to handle the volume of water, so the streets turned into rivers and rescue helicopters had to drop food packets into the metropolitan area, as if it were a war zone. Of course, and as usual in this case, the question has arisen in political circles, "Is it a natural disaster or man made one". But we can make an educated guess to this without any difficulty, even if we are not politicians.

More than 1,000 people died in the floods. I guess that is only a minimum number because the effected area was mostly slums. The government has said that 40 percent of Mumbai's population live in slums, which is estimated to be 16 million people.

It is difficult to find any metropolitan city in the world able to handle one meter of rainfall in 24 hours. The misfortune is accepted by everyone as a natural disaster, in spite of the local governance not taking any preventative measures, even though heavy rains had fallen in Gujarat, Goa and other parts of West India in previous weeks.

During that time, Kolkata (Calcutta), India's cultural capital (even Kolkatans said proudly that Kalkata is a India's cultural capital, but general Indians don't accept the Kalkatans' idea) only had strong winds and a few drops of rain. From the City of Joy to the financial capital is 1,968 km by train.

The Bay of Bengal is far enough away from the Arabian Sea that the massive misfortune did not impact on me personally, with the exception of my wife complaining that



she could not get painting materials, which are only produced in Mumbai. Except when the Bay of Bengal is hit by a massive cyclone or Tsunami, we feel quite safe in Santiniketan, the land of peace.

India is huge enough to ignore disasters occurring on the other side of the country.

Nowadays, there is not any trace of news about the Mumbai floods. We only hear about Hurricane Katrina in the US, and 1,200 people being massacred in Baghdad. Despite the regular occurrence of disasters, its continuation gives a good antidote for Indians since 3,000 years ago. Pandora's Box has hope inside it, but it also contains forgetfulness. Without this, heartbroken victims on earth cannot maintain their daily lives.

I always wonder why India is the strongest power holder in South Asia. Is it because of its huge size, or being the most prosperous culture of ancient times, or the people's forgetfulness, or the aged caste system, or the totality of them all?

I am trying to think in a positive way, but most of time I am terrified of the bureaucratic system in this country. I cannot understand the mindset of its citizens who adjust to these circumstances quite well, and the government offices' unbearable laziness and irresponsible behaviour. I am an alien, and I wonder how to live in India. With hope? Who is brave enough to open that Pandora's Box? **AWN**

## First Korean Language Efficiency Test for MWs

A Korean language efficiency test for migrant workers who want to work in Korea has been implemented for the first time.

The Ministry of Labour made it public today that 130 workers in Sri Lanka applied for and took a Korean Language Efficiency Test.

There are a total of 50 questions, 25 involve listening and reading. To be listed on a job applicant list, a worker should get more than 40 points by domain and a total average of over 60 points. Other countries, including Vietnam, will implement the test on September 11.

People aged of 17 to 39 who want to work in Korea through EPS are eligible to apply for a Korean Language Efficiency Test. **AWN**

## Thai MWs' Act of Violence in Taiwan

The biggest act of violence in the 14 years since Taiwan opened its labour market to migrant workers, a confronting situation between 17,000 Thai migrant workers and 600 Taiwanese policemen, ended after 17 hours.

The Taiwanese media reported on August 23, that Thai migrant workers caused disturbances, such as setting fire to a dormitory, after asking for better working conditions and criticizing their management company for unreasonable treatment at a subway construction site in Kaoshung, Taiwan on August 21.

Hwapan Management Company had been deducting 3,500 Taiwanese dollars for lodgings and management expenses from Thai worker's monthly wage of 15,800 Taiwanese dollars (500,000 Korean won). It was also making profits from migrant workers by giving them 5,000 Taiwanese dollars in coupons, which can only be used in its dormitory.

Kaoshung Subway Corporation (KSC), Hwapan Company and Thai officials in Taiwan negotiated with the Thai workers. They promised to accept the list of 16 demands, such as paying them pocket money in cash, withdrawing Taiwanese concierges, being allowed to watch Thai TV programs in dormitories and a guarantee of no work on weekends.

Meanwhile, the National Labour Committee in Taiwan is to order KSC to reduce the current amount of migrant workers by up to half, and prohibit it from hiring migrant workers at all if it ever employs migrant workers illegally.

Hwapan Management Company is to be punished with a fine.

After an investigation, the Taiwan Prosecution will send back leaders of the 1,700 Thai workers who participated in the violent acts and workers who damaged company property.

Kaoshung Subway Corporation applied for 2,600 migrant workers to the Labour Committee and is currently employing 1,700. However, because of this sanction, its migrant workers were reduced to 800, delaying its completion.

## Hitting Chosunjok Wife Costs 10 Million Won

A ruling was handed down to a Korean husband who regularly beat his Chosunjok wife to pay 10 million won whenever he hit her in the future.

Judge Lee handed down the ruling at Daejeon District Court during the woman's divorce request suit against her husband. He revealed that he made the ruling because the woman clearly seemed to have suffered from her husband's violence, despite having no evidence, and she has nowhere to go.

He believed his decision would protect her from further physical assaults.

Judge Lee also pointed out that a considerable number of foreign wives tolerate their marriages, despite their spouses' physical and verbal assaults, because the Korean National Act entitles them to achieve Korean nationality after being married for at least two years.

The woman got married in June 2004. Since then she has suffered from her spouse's regular assaults and threats to deport her. She raised a divorce suit against him with the help from a civil group in Daejeon.

## US\$ 10,000 Ticket to Korea

Last May a law newspaper reported on the irrationality of countries exporting a workforce under Korea's EPS. Since the introduction of the EPS, in Vietnam 'The Korean Dream' has been a hot trend and people there who want to work in Korea pay up to \$US11,000 to exporting agencies and brokers. This exporting commission is almost 15 times more than the \$US699 that the Korean Ministry of Labour suggested.

According to the newspaper, Vietnamese Ministry of Labour officials are involved in this irrationality. This is not unique case in Vietnam. Several months ago, a newspaper in Indonesia published an article on exporting irrationality by an Indonesian Ministry of Labour official. In Indonesia, along with exporting irrationality, introduction of a new workforce has been stopped due to entry delays since last June. Beyond this, there are rumours that Filipinos and Thais are also pay export commission several times more than what the Korean MOL suggested.

One of major goals of EPS was to eradicate irrationality related to exporting a workforce. It was because irrationality produced undocumented migrant people and contravened their human rights.

To fulfil this goal, MOL promised that it would exclude existing export agencies criticized for irrationality and directly contract with its international counterparts based on real cost, such as airplane ticket. However, it has not seemed to keep its promise.

Social transparency in exporting countries is cloudy and compared to positions available, way more people want to work in Korea. An irrational chain of MOL officials, exporting agencies and brokers is naturally formed from this.

In exporting countries, irrationality occurs not only in selecting a workforce, but also recognizing Korean education institutes, training costs and medical check-ups. This situation has caused delays in exporting, the biggest problem of EPS.

There are many cases where companies applied for a migrant worker through the complicated EPS procedure, waited a couple of months, and then were recommended to chose another worker because the original worker was not contacted or was not entitled to work.

Why does it happen so often? In Thailand, when the Korean MOL posted job offers through EPS, 60,000 Thai people applied. Among the applicants, only 3,700 people were sent to Korea and during this procedure, much irrationality occurred. Even after the list was sent, a person who did not pay some form of commission did not have their contract fully processed for the reason of being unable to communicate any more.

Regarding this matter, the MOL explained that the rate of failing to fully process a contract after issuing an employment permit certificate is 8.4 percent because of a worker's lack of qualification, an employer's cancellation, and a worker's waiver.

However, companies experienced a far higher rate of failing to fully process contracts. According to a recent survey in local employment safety centres, the failure rate is almost 40 percent, mostly because of the workers' lack of qualifications.

Despite widespread exporting irrationality, there is no way of controlling it from Korea. Since the Korean MOL only signed MOUs with MOLs in sending countries, it can only take limited measures to prevent irrationality, such as exporting suspension and reduction of quotas. Unlike under the industrial training system, the Korean MOL cannot directly take sanctions against the exporting agencies or listed workers.

*<Herald Economy, August 11, 2005>*

## Migrant Support Organization



### Bucheon Migrant Workers' Center

Bucheon Migrant Workers' Center helps the migrant workers to be treated equally and to be able to receive medical treatment, education, counseling and many other practical needs. We also help the migrant workers with the legal assistance, labor law, medication, education, and for you to be able to work in a safe environment by protecting the human rights of migrant workers in Korean society. We work hard so that you may return to your home country safely, after your stay in Korea.

Migrant workers are scattered all over Gyeonggi Province such as Ansan, Eijungbu, Buchon, Sungnam and more. There are about 15,000 migrant workers living in Buchon.

#### 1) Labor/Human Rights Counselling

We can help you with various problems that happen in workplaces. Some of the frequent problems encountered by migrant workers are—delayed wages, industrial accidents and compensation, abuse, swindle, death, moving workplace, visa extension, passport seizure and many more. We can also help you with your everyday needs and for you to adapt into Korea easily.

#### ■ Medical Counselling

Medical Counselling helps patients who have not been able to receive medical treatment due to their financial problems, difficulty in communication, to receive appropriate treatment.

#### ■ Charity Patients

We help patients without a guardian, migrant workers with financial problems to return to their home country or to their work place when they regain their health.

#### ■ Shelter

We support patients with sickness, charity patients, victims of sexual abuse and physical abuse to feel comfort and to receive medical treatment as well.

#### ■ International Marriage

We support international married couples and their children.

#### 2) Education and Cultural Events

##### ■ Korean Language Class

The class is open to all foreigners. Every Sunday. 10:30 am-6:00 pm

##### ■ Computer Class

Every Sunday. 10:30am~6:00pm

\* Internet, OFFICE, Intermediate, CAD class.

##### ■ Internet open at all times

##### ■ Cultural Events

It's a program where you can look around the Korean cultural remains and tourist resorts every month.

#### 3) Supporting Refugee Children

#### 4) Supporting Communities

TEL:032-654-0664 / FAX : 032-668-0077 E-mail : [bmwh@hotmail.com](mailto:bmwh@hotmail.com)

By hyo-ju **AWN**



By Seon kyong,  
FWR counselor

## My wife's visa problem

**Q** I'm Shasha from Russia. I was involved in serious industrial accident, where I was badly hurt by objects falling off a forklift in May. Since May 12, I have been an undocumented worker. At present, I am receiving treatment through industry insurance, and my wife came from Russia to nurse me. I am facing another big operation and more treatment. I would like my wife to stay while I am recovering, but her C-3 visa will expire on September 8. What can we do?

**A** It was good that your wife came to Korea to nurse you while you recover from your industrial accident. If you want to extend your wife's visa, it must be changed from a C-3 visa into an F-3 visa (F-3 visas are for foreign stayers companions), after legalizing the status of your stay. Because you are recovering from an industrial accident, you can apply for a G1 visa.

However, you must pay a fine at the Immigration Office for overstaying. You need to prepare an IACI (industrial accident compensation insurance) card, issued by the Korea Labour Welfare Corporation, for your legalization, and a marriage certificate to change your wife's visa. After your wife gets an F-3 visa, she can stay with you for a longer time in Korea. **AWN**

## ASIAN WORKERS NEWS

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Association for Foreign Workers' Human Rights in Pusan (FWR)

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