

AI Index: PRE 01/365/2009
21 October 2009

South Korea: Migrant workers treated as ‘disposable labour’

Many migrant workers in South Korea are beaten, trafficked for sexual exploitation and denied their wages for long periods despite the introduction of rules to protect their rights, said Amnesty International in a report issued today.

In the 98-page report, Disposable Labour: Rights of migrants workers in South Korea, Amnesty International documented how migrant workers often work with heavy machinery and dangerous chemicals without sufficient training or protective equipment and are at greater risk of industrial accidents, including fatalities, and receive less pay compared to South Korean workers.

“Migrant workers are vulnerable to abuse and exploitation largely because they cannot change jobs without their employer’s permission,” said Roseann Rife, Amnesty International’s Asia-Pacific Deputy Programme Director. “Work conditions are sometimes so bad that they run away and consequently, lose their regular status and are then subject to arrest and deportation.”

South Korea was one of the first Asian countries to legally recognise the rights of migrant workers and granted them the same status as Korean workers with equal labour rights, pay and benefits.

However, five years on from the implementation of the Employment Permit System (EPS) that was meant to better protect the rights of migrant workers; many continue to face hardships and abuse.

In September 2008, there were an estimated 220,000 irregular migrant workers in the country.

The government of South Korea pledged to half this number by 2012, launching a massive and sometimes violent crackdown on migrant workers. Immigration officers and the police are accused of sometimes using excessive force against migrant workers and operating outside the law.

“Disposable Labour” documents how the South Korean government has not sufficiently monitored workplaces, with high numbers of accidents, inadequate medical treatment and compensation, and unfair dismissals.

Amnesty International interviewed migrant workers who described how their employers forced them to work long hours and night shifts, without overtime pay, and often had their wages withheld by their employers.

“Despite the advances of the EPS system, the cycle of abuse and mistreatment continues as thousands of migrant workers find themselves at the mercy of employers and the authorities who mistreat them knowing their victims have few legal rights and are unable to access justice or seek compensation for the abuse,” said Roseann Rife.

Amnesty International research shows that women are at particular risk of abuse. Several female workers recruited as singers in US military camp towns have been trafficked into sexual exploitation, including the sex industry, by their employers and managers.

Amnesty International spoke to trafficked women who said they had no choice but to remain in their jobs because they were in debt to their employer and did not know where to turn to for help. If the women ran away, they risked losing their legal status and being subject to deportation.

“These women are double victims, first they are trafficked and then they become “illegal” migrants under South Korean law when they attempt to escape from their exploitative situation,” said Roseann Rife.

Amnesty International calls on the government of South Korea:

- to ensure that employers respect, protect and promote the rights of migrant workers through rigorous labour inspections so that the workplace is safe, training is provided and migrant workers are paid fairly and on time;
- to protect and promote the rights of all female migrant workers and stamp out sexual harassment and sexual exploitation;
- to allow irregular migrant workers to remain in South Korea while accessing justice and seeking compensation for abuses by employees;
- to ensure that during immigration raids, immigration authorities adhere to South Korean law requiring them to identify themselves, present a warrant, caution and inform migrant workers of their rights, and provide those under their custody prompt medical treatment when needed or requested;

Ends

Background

Disposable Labour contains the testimony of 60 migrant workers along with staff from shelters, migrant centres, NGOs, factory workers and managers, piecing together evidence of an exploitative system that fails to uphold individual’s human rights. Interviews were carried out in 11 cities throughout the country.

Case studies

KN, a 34-year-old Sri Lankan male migrant worker, worked at a factory making shipping parts in Jinhae, South Gyeongsang province. When a 150kg metal pipe fell on him, he broke five toes and two fingers. Although he needed to be hospitalised for two months, his employer came to the hospital after 12 days and threatened to fire him if he did not return to work. He did not even give KN time to change out of his hospital clothes. Living on the second floor, KN had difficulty getting around because there were no lifts. His leg hurt so much that he could barely stand. Infuriated with KN, his employer dragged KN to the immigration office where he cancelled his work visa.

FJ, a 37-year-old Filipino female migrant worker, was recruited as a singer but was trafficked into sexual exploitation at a nightclub in Dongducheon, Gyeonggi province. During her first week, her employer brought his friends to the nightclub and locked her and another woman in a room with them and left. His friends demanded to have sex with the women but they refused. When FJ later complained to her employer, he just yelled at her and threatened to send her back to the Philippines.