

# **Korean Citizens' Responses to the Inflow of Foreign Workers: Their Impacts on the Government's Foreign Labor Policy\***

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In this paper, I discuss Korean society's response to foreign migrant workers. The employers, workers, trade unions, civil organizations and individual citizens have met and known them as employees, fellow workers, and neighbors since 1987. The Employment Permit Program for foreigners, the government's new foreign labor policy since 2004 is understood as a product achieved by a decade of interaction between Korean citizens and foreign migrant workers. This paper examines the Korean citizen's responses' impacts on the government's foreign labor policy from 1987 to 2005.

## **INTRODUCTION**

Year 1987 is a turning point not only in the history of Korea's democratization but also in its international labor migration history. Around this year, outflow of indigenous workers (see Seok 1986) has significantly decreased, and instead, migrant workers from abroad started flowing into Korea to work. In spring 1987 when several months passed from the Seoul Asian Games, the *Dong-A Ilbo*, one of the major Korean newspapers, reported an article about Filipino domestic helpers working in Gangnam Areas or the Southern part of Seoul, one of the most well-off residents in the country. The article was a signal announcing the birth of foreign migrant workers in Korea. Since then, the number of foreign migrant workers rapidly increased with more diversity in their country of origin. Besides, Roh Tae-woo government's *Nordpolitik* (North-bound Policy) opened up a road to economic and cultural exchange with China and USSR; in the process, the government actively hosted ethnic Koreans' visit to Korea. Since then, ethnic Koreans living in China (*Joseonjok*) and formers Soviet Unions including Russia, Uzbekistan and Kazakhstan (*Goryeoin*) started to pour in (Seol and Skrentny 2004b). Regardless of whether they were ethnic Korean visitors from China and former Soviet Union or tourists from the less developed countries in East, South and Southeast Asia, but not long after their entrance, the visitors and tourists settled as workers in Korea. As their number increased, Korea converted to one of the labor-importing countries.

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\* Paper presented at the 46<sup>th</sup> annual meeting of the International Studies Association, Hilton Hawaiian Village, Honolulu, Hawaii, USA, 2 March 2005.

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Inflow of migrant workers was a proof of success to Korean government's industrialization policy propelled since 1960. Had been placed as one of the poorest countries after the Korean War 1950-1953, its development progressed rapidly till 1980s when migrant workers from neighboring countries started to flow in. International labor migration into Korea can be explained by the existing development gap among countries. The *magic of exchange rate* reflecting developmental gap among countries (Miyoshi 1993) was the major driving force; the amount earned by working for a month in Korea equaled to income of several months or years in their home country. In addition, the labor market of Korea was suffering from labor shortage in manufacturing sectors. Citizens, having achieved a fast economic development, were no longer willing to take difficult, dirty and dangerous (so called "3-D") jobs. Thus, small and medium size manufacturing firms and construction companies were experiencing chronic shortage of labor. Furthermore, when the Korean government eased restriction on Koreans' traveling abroad, it equally allowed easy entrance to foreigners. As a result, Korea became a "country of opportunity," where migrant workers could easily enter and find a job.

The government, however, did not take any significant action to manage this new phenomenon until 1990. There was no identification card available to make foreign migrant workers legally work in Korea. No single foreign manual worker could find appropriate document under the *Departures and Arrivals Control Act* (DACA), thus becoming an undocumented worker. In the pretext of coping with the labor shortage, the government left the employment of undocumented migrant workers undisturbed until 1991 when it finally adopted the *Industrial Technical Training Program* (ITTP) for foreigners, which however imported "trainees" but not "workers." ITTP was an expedient policy aimed at providing foreign labor to small and medium size business, while easing criticisms of the trade unions who opposed importation of foreign labor force. ITTP was put into effect on November 1, 1991 and still exist today as the ITTP of Korean companies with foreign investments (see Yoo, Lee, Park and Park 2005).

The government designated the period of June 10—July 31, 1992 as "voluntary self-report period for illegal overstayers" and accepted applications to find out the situation of undocumented migrant workers in Korea. The number of undocumented migrant workers self-reported during this period was 61,126 and the employers were 10,796. The government extended the permitted overstay period till the end of that year; in addition in September 1992, the government imported trainees and placed them for companies also with no foreign investment records. Ten 3-D small and medium size manufacturing businesses including dying, gliding, heat-treat, metal works, machinery, shoe manufacturing, glass-work, leather, electronics, and electric work were permitted to employ maximum 10 thousand industrial technical trainees with the recommendation from the Minister of Commerce and Industry. But this policy was suspended within a year since its start in April 1993 (Seol 1999: 118-119).

The government tried to replace every undocumented migrant worker with industrial technical trainees by establishing "1992 Voluntary Self-Report Period." The government (Ministry of Industry and Commerce) in January 4, 1994 appointed the Korea Federation of Small and Medium Business (KFSB, *Junggihyeop*) as the implementing body of ITTP to import industrial technical trainees from May 1994. Afterwards, the Construction Association of Korea (CAK, *Geonseolhyeop*), the

National Federation of Fisheries Cooperatives (NFFC, *Suhyeop*), and the National Agricultural Cooperative Federation (NACF, *Nonghyup*) were added as implementing agencies of ITTP to recruit and manage the industrial technical trainees designated to construction, fisheries, and corporate farming sectors and pasture industries.

Before the launch of the *Employment Permit Program* (EPP) for foreigners in August 17, 2004, ITTP was known as the key foreign labor policy of Korea. “Trainees” under the ITTP are not in most cases being trained for anything and are only filling menial jobs that Koreans refuse to take. Since they are not classified as workers, they are denied the rights of regular workers in Korea, including unionizing, collective bargaining and collective action. Therefore, they are regarded as “disguised workers” (Seol 2000).

ITTP is stigmatized as the program to institutionalize and legalize the “coyote” system which brings Latin American undocumented immigrants to the United States, where brokers facilitate the migration of trainees, but make false promises of high wages, charge high fees for the migration and trap workers in cycles of debt (Seol, Skrentny and Lee 2002: 150). As a result, more than 20 percent of trainees have run away from their firms, to earn higher wages as undocumented workers, but still not having full rights of Korean workers.

Although the formal foreign labor policy of Korea was ITTP, actually speaking, the Korean employers utilized undocumented workers much more than trainees (Seol 2000; Seol and Skrentny 2004a). Before the regularization of undocumented workers in September 2003, only 16 percent of foreign workers residing in Korea were industrial technical trainees and post-training workers,<sup>1</sup> while 78 percent were undocumented migrant workers (Seol and Han 2004: 45).<sup>2</sup> Undocumented migrant workers, although resolved Korea’s labor shortage and contributed to its economic development, suffered from unpaid or delayed wages, industrial accidents, occupational illnesses, and unreasonable lay-off/dismissal because of their illegal status (JCMK 2000, 2001; HRSWM 2002).

The government’s such foreign labor policy resulted in uncontrolled illegal overstays of migrant workers, human rights abuses, and corruptions in recruiting trainees (Seol, Choi and Han 2002). Migrant workers who worked in Korea during the late 1980s and early 1990s suffered from extreme wage delays/nonpayment, industrial accidents, physical assaults and sexual violence. Because of their dark skin color, short appearance, and their position to perform 3-D jobs quietly, some Korean citizens often treated them with discrimination (see Yoo 1997; Hahm 1997; Han 2003, 2004; Seol and Han 2004).

Nevertheless, there also were individuals who took care of the migrant workers when they became victims of such human rights violations. These people organized social groups to assist migrant workers in need. Thanks to these organizations and individuals, Korea with its foreign labor policy often seen as “contemporary forms of slavery” (JCMK 2000, 2001; HRSWM 2002), at least had a hope to be saved. Debates on alternative policies began in the same year ITTP started under the auspices of KFSB. The government adjusted its foreign labor policy when faced by the criticisms of the

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<sup>1</sup> In 1998 the government eased the exploitative aspects of the program by creating the Work-After-Training Program (WATP) for foreigners, which allows change visa status from trainees (D-3) to post-training workers (E-8). Now, the program is to allow two years as “worker” after one year as “trainee” (see Seol and Han 2004: 46-47).

<sup>2</sup> Other 6 percent are professionals or high-skilled workers (see Lee, Park, Kim, Nho and Kim 2005).

organizations, ended up making several adjustments without a clear objective (Lim and Seol 2000). Finally after 8 years and 6 months, *The Act on Employment of Foreign Workers, Etc.* was passed in the Korean Assembly in July 31, 2003, officially announced in August 16<sup>th</sup>, and with the one year preparation period, put into effect in August 17, 2004. Although effect of EPP has faded largely due to maintaining ITTP at the same time it is at least meaningful that one of the major objectives of the migrant worker rights movement, which was acquiring the legal status of *geunroja* (workers) defined by the *Labor Standards Act* was achieved. However, without the complete abolition of ITTP, success of EPP in the future is unclear.

At this turning point of foreign labor policy (Seol 2004c), the objective of this paper is looking into Korean citizens' attitudes towards foreign migrant workers for the past 10 years. Koreans have formed their conscience and attitude towards migrant workers through direct encounters with them and found solutions to problems. The major actors of the Korean society in this issue are small and medium size business owners or managers who employ migrant workers, fellow workers who interact with them in everyday life, trade union activists and human rights campaigners. I examine responses of different social groups' responses to the influx of migrant workers in order to understand attitudes of accommodating migrant workers.

## **EMPLOYERS AND THEIR ASSOCIATIONS**

Small and medium size businesses, suffering from labor shortage, began hiring migrant workers in 1987. ITTP was one of the solutions to manufacture sector's labor shortage. Abella and Park (1994: 75) conducted a sample survey which asked managers of small and medium size business to cite two solutions to labor shortage in manufacture sector. According to the result, "improving wage level and working conditions" (59%), "extending extra-work hours of the existing workers" (44%), "adopting labor-saving manufacturing technology" (36%) were followed by the "employment of foreign labor" (20%) as the fourth solution. They also showed preference in employing migrant workers over "hiring housewives or elderly" (8%), or "temporary or expeditionary workers" (5%).

An important fact found in this survey is that companies do not solely rely on employing migrant workers to resolve labor shortage; they at the same time look for alternative solutions. Nonetheless, labor shortage in manufacturing sector cannot simply be resolved by efforts listed above. Structural improvement of the small and medium size companies and employment of migrant workers have to take place at the same time. As labor market grows tighter, employers continued to seek workers from abroad, although the employment of the elderly, increased labor force participation by women, and the application of technology to the service sector are expected to reduce the need for migrant workers.

According to the Labor Ministry's sample survey to employers (Song and Seol 2001: 113-114), there are four major reasons why small and medium size businesses hire migrant workers. Those participated in the survey answered, "inability to find indigenous workers" (82%), "low wage level" (46%), "high productivity" (24%), and

“low turnover rates”<sup>3</sup> (24%) as the major reasons for hiring migrant workers. Song and Seol (2001: 114-115) found the reasons for businesses to hire migrant workers as the following three: “the wage level is too low for indigenous workers” (78%), “working condition is too poor to hire indigenous workers” (59%), and “labor intensity is too high for indigenous workers” (32%). Therefore, it can be summarized that migrant workers are employed to fill in the niches in the labor market avoided by Koreans.

Several sample surveys of reasons hiring migrant workers produce unitary results (see Yoo and Lee 2002; Yoo, Lee, Rhee, Cho, Nho, Kim and Park 2004; Yoo, Lee, Park and Park 2005). It is important to notice that businesses cannot find domestic labor force, and the wage level of migrant workers is low. These factors can be interpreted in two ways.

First, the fundamental reason of being unable to find indigenous workers is not on the quantity of workers but on the quality of working life (Kang 1996). Three-D jobs became undesirable to indigenous workers, and thus became works for migrant workers (Böhning 1972; Abella, Park and Böhning 1994). This means that even if the wage level increases, 3-D jobs cannot attract indigenous workers. In other words, migrant workers do not compete with indigenous workers on the same jobs, but rather fill in undesirable jobs. Migrant workers and indigenous workers form mutually beneficial relationship.

Second, businesses hire migrant workers because of their low wages. If businesses hire migrant workers because they are cheaper than indigenous workers, it will have replacing effect to indigenous workers. But in fact, migrant workers are hired with concentration in “marginal companies” of “sunset industries” (Lee, Choi, Kwon, Cho and Shin 1995; Kang 1996). Sunset industries are suffering from chronic labor shortage; in other words, there are hardly any job seekers in these sectors. Hence, it is rather correct to interpret low wages as an additional cause of hiring migrant workers. They hire migrant workers primarily because they cannot find indigenous workers, and additionally beneficial because labor price of migrant workers is cheap. In particular, wage level of industrial technical trainees is much lower than unskilled indigenous workers and even undocumented migrant workers. Therefore, ITTP benefits marginal companies.

Meanwhile, in the survey of the Guri Labor Counseling Center (Seol 1992: 267), which asked “comparing migrant workers and indigenous workers, what is the advantage of employing migrant workers?,” it cannot be ignored that 92 percent of the small and medium size companies answered “perform tasks as they are ordered.” Some employers answered that migrant workers are easy to control although productivity is relatively lower. But in general, it is proven that “easiness in labor control” is not the major reason for Korea’s 3-D sector businesses’ hiring migrant workers. The threat to indigenous workers employing migrant workers to kill or weaken labor movement (Castells 1975; Bonacich and Cheng 1984) is not particularly becoming considerable things.

Yoo and Lee (2002: 92-93) indicates only 4 percent of employers answered that “migrant workers are more productive than indigenous workers in performing the same task,” and the majority answered that productivity of migrant workers is lower than indigenous workers. It is noticeable that 14 percent responded that migrant workers’

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<sup>3</sup> In case of industrial technical trainees, they can be hired as long as three years without their transference of workplace.

productivity is less than 50 percent of indigenous workers'—it implies that the productivity of migrant workers is seriously low. Generally speaking, productivity of migrant workers is seen as 76 percent of indigenous workers' productivity.

Another survey result once again confirms that the employment of migrant workers is due to labor shortage. According to Kang (1996), 38 percent of employers answered that “if available, I would hire indigenous workers,” and 16 percent answered that “considering the extra costs, the price of employing migrant workers is not lower than that of indigenous workers.”<sup>4</sup> Nonetheless, one cannot ignore the fact that 33 percent of the respondents added that “if well managed, hiring migrant workers has advantages”; it is clear that foreign labor force is cheap.

Dilemmas in hiring migrant workers can be examined in the survey of the Korea Labor Institute (Sun 1996: 12). Employers answered the followings as the most serious problem: “industrial technical trainees' runaways from the designated companies” (83%), “cultural differences” (70%), “communication difficulties” (52%), “lack of loyalty to the company” (51%), “difficulties in control” (49%), and “low skill level” (44%). Yet, most of companies found migrant workers' diligence, productivity and adoptability to be satisfactory (Seok, Chung and Jang 1998). Furthermore, the rate of defective goods did not rise, nor harmony among the workers did not get worse, when migrant workers were hired.

Employers generally view migrant workers as “cheap and docile laborers who perform tasks not taken by Koreans” (Seol 1999: 389-390). In other words, employers regard migrant workers as “servants,” “farmhands,” or “maids” of traditional Korean culture who can be hired with much lower wages (Seol and Han 2004: 49). Small and medium size businesses minimize the cost of employing migrant workers and strictly control their everyday life in order to secure cheap labor. Companies hiring industrial technical trainees often confine them and prohibit them from making outside contacts to prevent escape. Many companies hiring undocumented migrant workers delay wage payment and seize their passports for the same reason. Employers of migrant workers consider such discrimination as natural. The greater problem is that such discriminatory treatment is backed by the Korean government's foreign labor policy—ITTP.

On the other hand, although companies hiring migrant workers show positive position on using foreign labor force, they do not show a unified opinion on abolition of ITTP and adoption of EPP. First of all, the Korea Employers Federation (KEF), the Korea Chamber of Commerce and Industry (KCCI), and the Federation of Korean Industries (FKI) position that as far as companies suffering from labor shortage can secure supply of labor force, the kind of system does not matter. However, KFSB, CAK, NACF and NFFC, all of which work as agencies recruiting industrial technical trainees, strongly oppose abolition of ITTP.

ITTP not only provides benefits to each of these employers' associations but also reflects the interests of each government bodies overseeing them, such as the Small and

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<sup>4</sup> Taking the length of working hours into consideration, hourly wages of migrant workers is 55 percent of those of indigenous workers for men and 52 percent for women. But since additional costs for housing is needed when companies hire migrant workers, the actual costs of employing migrant workers is 66 percent in case of men and 63 percent in case of women (Yoo and Lee 2002: 93). It means that considering productivity and additional costs, the price of employing migrant workers is not much lower than that of hiring indigenous workers; however, since indigenous workers are not available, the companies do not have any choice but to hire migrant workers.

Medium Business Administration (SMBA)—KFSB, the Ministry of Construction and Transportation (MOCT)—CAK, the Ministry of Maritime Affairs and Fisheries (MMAF)—NFFC, and the Ministry of Agriculture and Forestry (MAF)—NACF.<sup>5</sup>

## FELLOW WORKERS

Indigenous workers' attitude towards migrant workers is closely related to their work experience with them. Those who have closely worked with migrant workers have their views influenced by their experience. Those who have not may accept general attitudes of the society. The overall concept of general Korean workers toward migrant workers is close to the latter case. Most of Korean workers have not any meaningful interaction with migrant workers because of the small number of migrant workers.<sup>6</sup> Actually speaking, most Korean workers have no image toward migrant workers. Apparently, they are indifferent to the inflow of migrant workers.

Until nowadays, migrant workers have been placed into jobs avoided by indigenous workers; therefore, conflict between the two groups on job opportunity and wages has not yet been an issue. However, since problems migrant workers face today is increasingly becoming labor rights issue, and policy resolutions are being sought, it is necessary to understand indigenous workers' understanding of the situation with migrant workers.

First of all, indigenous workers' attitude towards employment of migrant workers in Korea is examined (Seol 1999: 391-392). Korean workers generally oppose the importation of foreign labor, but they are most tolerant of Joseonjok migrants. While 34 percent favor and 40 percent oppose Joseonjok entering Korea to work, the comparable numbers for other foreigners coming to Korea are 13 percent in favor and 64 percent opposed. According to the legal status of migrant workers, they have positive attitude towards employment of industrial technical trainees, but negative about undocumented migrant workers.

The survey result can be best shown by comparing cross-legal status and ethnic categories. Indigenous workers are more hospitable to migrant workers in the following categorical order: ethnic Korean industrial technical trainees, followed by ethnic non-Korean industrial technical trainees, ethnic Korean undocumented migrant workers, and ethnic non-Korean undocumented migrant workers. Indigenous workers consider legal status more important than ethnic background. Such attitude of indigenous workers is very contrary to that of ethnic Korean migrant workers. While Korean Chinese (*Joseonjok*) ask for treatment as Korean citizens, indigenous workers only recognize them as foreigners. Such situation is the basis for making ethnic Korean migrant workers "marginal men" (Park 1928, 1950).

In addition, I asked indigenous workers to choose three concerns employing

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<sup>5</sup> Among the government departments, the Ministry of Labor (MOL) administers EPP; SMBA, MOCT, MAF and MMAF advocate maintenance of ITTP. The Ministry of Justice (MOJ) overseeing the Immigration Office, which regulates illegal migrants and overstayers, is more interested in replacing ITTP by EPP.

<sup>6</sup> Migrant workers made up 1.5 percent of the workforce (including self-employed and employers) and 2.5 percent of all workers (Seol and Skrentny 2004a: 485).

migrant workers in Korea (Seol 1999: 392). The result of the survey show that 73 percent of the respondents chose “harmful influence on indigenous workers’ employment” as the biggest concern, followed by “crimes committed by foreigners” (48%), “industrial accidents” (44%), “wage delay/nonpayment” (33%), “crimes against migrant workers” (33%), and “long-term overstay” (28%).

I further examined how seriously indigenous workers consider the threat of replacement of migrant workers. Answering the question, “To what degree do you think employment of “migrant workers can threaten indigenous workers’ job?” 29 percent answered “encroach seriously” and 54 percent answered “encroach a little” (Seol 1999: 393). In other words, 83 percent of indigenous workers saw migrant workers as threat to their job security.

However, indigenous workers’ fear that migrant workers would take away their job comes from misunderstanding the reality. As it is explained previously, the jobs migrant workers take are ones avoided by the Koreans,<sup>7</sup> the sectors experiencing chronic labor shortage. In other words, migrant workers are not “thieves” who snatched indigenous workers’ jobs, but rather should be seen as “rescue forces” who fill up vacancies of the labor market.

Another issue the employment of migrant work force can produce is the level of wages. To find answer, I conducted a sample survey of indigenous workers (Seol 1999: 394-395). In order to find the wage level of migrant workers they think is appropriate, I asked them to write down “the reasonable percentage” compared to novice indigenous workers, given that the real wages includes housing and meals. The reasonable average wage level indigenous workers thought appropriate according to migrant workers’ legal status and ethnic background was the following: ethnic Korean industrial technical trainees 69 percent of indigenous workers’ wage level, ethnic non-Korean industrial technical trainees 65 percent, ethnic Korean undocumented migrant workers 63 percent, and ethnic non-Korean undocumented migrant workers 60 percent.

These responses imply several important facts. First, indigenous workers desire reform of the situation where industrial technical trainees receive lower income than undocumented migrant workers. Second, indigenous workers think that migrant workers with ethnic Korean background should receive higher wages than ethnic non-Korean migrant workers; nonetheless, ethnic Korean background cannot supersede legal status. The wage level of undocumented migrant workers with Korean ethnicity is known as less than the wage level of non-Korean ethnic industrial technical trainees. Third, indigenous workers regard wage discrimination as natural and reasonable. It is clearly shown that wage level of even ethnic Korean industrial technical trainees, those with same ethnicity and a regular legal status has to be paid only 69 percent of indigenous workers’ wages. Hence, indigenous workers also clearly discriminate ethnic Koreans.

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<sup>7</sup> The Korean government (SMBA) designed a subsidy program to provide Korean workers with more employment opportunities in 1999. The SMBA earmarked 21.2 billion Won to finance the employers who replace their foreign migrant workers (industrial technical trainees) with jobless Koreans. According to the program, firms which substituted their foreign workers with Koreans would get a subsidy of 500,000 Won per head from the government as part of its effort to create more jobs for the jobless (see *Korea Times*, March 26, 1999). Despite rapidly growing number of unemployed persons, however, Korean workers did not take the 3-D jobs at small and medium size business. So, the government paid just small part of the budget. The subsidy program failed on account of labor market segmentation.

Indigenous workers first consider legal status of foreigners as the first priority, and then consider ethnic background. Undocumented migrant workers with Korean backgrounds do not have any better image than non-Korean industrial technical trainees. In other words, Koreans have similar stereotypes about ethnic Koreans from China and former Soviet Union countries with other foreign migrant workers.

Some migrant workers complain that Korean fellow workers discriminate against themselves more than supervisors. According to the survey by the National Human Rights Commission of Korea (Seoul, Choi and Han 2002: 105), 51 percent of the migrant workers had experienced “verbal abuse and ridicule” at the workplace. 68 percent of the migrant workers answered that they had been abused by Korean fellow workers and 49% had experienced abuse by supervisors. Some Korean workers regard themselves as supervisors, managers or instructors to the migrant workers (Seoul and Han 2004: 48).

Not only among workers but also in the general Korean society, no social conscience to think and treat foreign migrant workers equally as Korean citizens is present. It is apparent that indigenous workers’ such prejudice and discrimination of migrant workers reflects the general citizens’ attitude with lack of experience neither interacting nor working with foreigners. Because of their inexperience with foreigners, Koreans are largely undecided on a number of migrant worker issues (Seoul and Skrentny 2004a: 501). When asked for their views on foreigners moving into their neighborhood, about 20 percent of Korean workers said they disliked or strongly disliked this prospect, 22 percent welcomed it, and 57 percent were undecided. Responses were similar when Korean workers asked about the prospect of foreigners in their workplace. There was stronger opposition to a question about marrying foreigners, with 61 percent strongly opposed, 30 percent undecided, and only 9 percent in favor.

But with the globalization, a formation of global civil society became a reality, it is indeed a problem that the Korean citizens still have attitudes formed in the isolationist past. In this sense, Koreans’ attitude towards migrant workers may be regarded as an indicator to measure Korean society’s level of globalization.

On the other hand, when indigenous workers met migrant workers at work, such stereotype can either be destroyed or firmly settled. Yoo (1997) emphasizes that stereotypes of indigenous workers have towards migrant workers have light or dark side. Indigenous workers’ stereotypes of migrant workers are not one-sided but ambivalent. Indigenous workers show positive or neutral attitudes and responses describing migrant workers as “slow,” “individualistic,” “polite,” and “frugal” when migrant workers’ attitudes fit to their standards; otherwise, they have negative stereotypes such as “lazy,” “selfish,” “servile,” and “stingy.”

In the actual case studies, when indigenous workers and migrant workers work in a same place, conflict of interests develops and misunderstandings cumulate. Thus, without building informal personal relationships, relationship between the two groups with the flow of time can get worse. With the absence of better communication negative stereotypes tend to solidify.

## **TRADE UNIONS**

Responses of trade unions should be examined in two different levels—

company trade unions and their federations at national level. Most of company trade unions are affiliated with the Federation of Korean Trade Unions (FKTU) and the Korean Confederation of Trade Unions (KCTU). Looking at FKTU and KCTU separately, FKTU does not have an office solely responsible for migrant worker matters. They do provide individual counseling in regional headquarters or in each federations by industries; however, the actual matters are consigned to human rights organizations supporting migrant workers. On the other hand, KCTU prior to its establishment in November 11, 1995 showed deep interest in migrant workers and has participated in establishing measures. KCTU has a separate section dealing with issues of migrant workers. The two trade union federations have put efforts to establish policy directions of trade unions and to educate their member unions at company level. The two federations' policies towards migrant workers are not too different. They are both adding voices to the abolition of ITTP and the implementation of EPP. Although they are against unlimited importation of foreign labor force, the federations support equal treatment for migrant workers if the company has to import the foreign labor due to labor shortage. By prohibiting discrimination against migrant workers, they also aim to block off additional benefits of the employers, and thus, protect indigenous workers. And the two federations are strongly recommending their affiliated trade unions at company level to proactively accept migrant workers as members of unions. However, neither union group makes migrant worker issue a priority.

Company trade unions in Korea are not largely against their companies' employment of migrant workers. It is because the presence of migrant workers does not directly violate union members' employment. According to the survey by the Central Institute of FKTU on trade unions conducted in October 1995 (Uh and Kwon 1995: 82), trade unions do not oppose hiring migrant workers as far as they play supplementary role to indigenous workers' job. Companies planning to hire migrant workers either present the matter as an agenda for labor-management meeting or simply report the decision to the unions. The unions assent to the companies' position on "resolving labor shortage and reducing labor cost," and under the condition of "not infringing jobs or working condition of the union members" the unions give approval to the companies' decision to hire migrant workers (Uh and Kwon 1995: 81).

Among the 294 companies Uh and Kwon (1995: 83) surveyed, 84 (25%) were hiring migrant workers, among them, only 8 companies were accepting migrant workers as union members under the constitution of the trade union. Even in trade unions accepting migrant workers as members under the constitution, in reality, they hardly participated in union activities. In other words, migrant workers were hardly accepted as union members.

The majority of trade union officers, however, agree that rights of migrant workers also have to be protected by trade unions since migrant workers are also subjects of the unions (Seol 1999: 404-405). However, it is very difficult to organize migrant workers. Not only is it hard to unify opinions of unions member, but also migrant workers consider disadvantages they may receive from companies in case of participating in union activities. Industrial technical trainees do not have right to join trade unions since they are "trainees" but not "workers." Undocumented migrant workers have worries of losing their job. Like this, companies put pressure to restrict migrant workers' activities; in many cases, this is the major reason for such small number of migrant workers wanting to join the unions. Nevertheless, domestic trade

unions at company level were generally indifferent to the tasks of organizing migrant workers

Therefore, there have been almost none of significant efforts to improve discriminatory situation of migrant workers from the trade union at each company level. The largest reason was on concentration of migrant workers in small and medium scale businesses. In particular, majority of companies hiring undocumented migrant workers did not have trade unions. Normally, companies designated for industrial technical trainees have trade union, but the managers tried to shut contacts among migrant workers. In particular, businesses in 3-D sectors have oppressed labor movement since they have had continuous difficulties with trade unions while the companies were facing labor shortage. In sum, each trade union of the companies has left migrant workers ignored.

The federations under their auspices established trade unions covering migrant workers. Under KCTU, the *Equality Trade Union Migrants' Branch in Seoul, Gyeonggi, and Incheon Areas* (ETU: *Pyeongdeung nojo yiju jibu*), covering undocumented migrant workers, was established in May 2001. ETU however has its focus on political activities rather than economic activities reflecting individual members' interests. FKTU also in March 2004 established *General Trade Union in Seoul, Incheon and Gyeonggi Areas* (GTU: *Ilban nojo*). About 600 irregular workers including models, musicians, event assistants, service job holders, the unemployed and migrant workers. Since the Supreme Court's decision allowed the unemployed to organize unions, an official union centered on the unemployed and undocumented workers was established with the help of the federations at national level; its activities, however, are not yet significant.

## **NGOS SUPPORTING FOREIGN MIGRANT WORKERS**

Unlike the situation in many nations in Europe, where socialist parties have worked for migrant rights (see Jacobson 1996), Korean political parties generally have not taken the lead in immigration. Only some nongovernmental organizations (NGOs) have served as supporters of migrant workers' human rights.

With the increasing cases of human rights abuses, the new social movement to protect migrant workers was initiated by the civil society rather than the trade unions. A Filipino priest at *Jayangdong Catholic Church* in Seoul celebrated Mass in Tagalog in May 1992. Hundreds of Filipino workers started to gather on Sunday afternoons, and it received the media's attention. At the same time, human rights abuses of migrant workers were to get revealed in the media. To many human rights campaigners interested in migrant workers, this became a starting point. They have established NGOs for supporting foreign migrant workers since 1992.

The change in establishment and development of NGOs supporting foreign migrant workers associates with the change in the number of migrant workers. From 1992 to 1997 the number of NGOs steadily increased. Since 1992, counseling centers for migrant workers were established starting from Seoul Metropolitan area spreading throughout the nation. Most of the organizations initially established were faith-based—Catholic, Protestant, Buddhist, and Muslim—with strong religious characteristic/background. Although the number was relatively small, NGOs with little religious color were also established, and some existed labor counseling center started counseling services for

migrant workers (Seol 2003b).

However, in 1998 with the Korean economy suffering from the “Economic Crisis with Trusteeship of the International Monetary Fund” the situation changed. With the return of migrant workers to their home countries, the rate of increase in the number of NGOs supporting migrant workers also decreased. In 1999 with the improvement of the economy, the number of foreign migrant workers again started to rise. Eleven organizations were established only in year 2000. Since 2001, rather than being newly established, the existing organizations have expanded in their size (Seol 2003a: 22).

NGOs supporting migrant workers are located throughout the nation. According to my survey in August 2003 (Seol 2003a: 27), there were 155 NGOs supporting migrant workers, among them 107 (69%) are concentrated in Seoul, Incheon and Gyeonggi Province, followed by Daegu and Gyeongbuk 13 (8%), Busan, Ulsan and Gyeongnam 13 (8%), Daejeon, Chungnam, and Chungbuk 10 (7%), and Gwangju, Jeonnam and Jeonbuk 9 (6%). There were two in Gangwon Province and one in Jeju Province.

These NGOs provide shelter for migrant workers, provide counseling services and try to resolve difficult situations such as industrial accidents and wage delay/nonpayment, and provide legal and medical services. They also conduct surveys on migrant workers with scholars, publicize the results to raise public awareness, and suggest specific policy alternatives. Domestic NGOs supporting migrant workers have a strong character in advocating human rights protection. The major activities can be summarized as six types (Seol 2003a, 2003b).

(1) *Counseling Services*: NGOs supporting migrant workers play a role in distributing information through providing free counseling on how they can receive compensation when they become victims. According to my research in 2003 (Seol 2003a), 51 percent of the NGOs were providing counseling services. Half of the NGOs put efforts to resolve a variety of problems including wage payment delays, industrial accidents, passports, act of violence, and medical needs. Basic labor rights are the major topic of counseling. Among them wage delay/nonpayment, is the biggest. Others counsels on basic labor rights including industrial accident, labor hours, discriminatory treatment, labor laws, and physical assaults. Counseling services on immigration related matters are issues such as seizure of passport, fine on illegal overstay, confinement in detention center, and repayment of air ticket. Medical counseling can be provided by actual medical offices, give information on medical offices, or counselors accompany migrant workers to hospitals to hospitalize them. Usual counseling topics include various matters in everyday life such as food, language, communication, understanding, housing, fire and traffic accidents, and finding facts and seeking compensation in case of death by traffic accident, fire, amputation and overwork.

(2) *Provision of Shelters and Medical Services*: There are several NGOs providing shelters for migrant workers (53%). Migrant workers facing serious problems, those temporarily laid-off while looking for a new job use the shelters. Every NGO agrees on the need of providing shelters; however, many emphasize that the shelters have to be strictly operated to avoid an evil influence on migrant workers. Those providing medical assistance (53%) usually run temporary medical offices on weekends, for free or small payment. NGOs often ask neighboring medical doctors, dentists, oriental doctors, nurses, and pharmacologist to volunteer. There are also some NGOs providing professional medical service for migrant workers.

(3) *Educational Services*: Among the NGOs answered my survey, 77 percent were providing Korean language education programs. Migrant workers participated in these programs assessed them as “fairly well administered.” Some were also providing resettlement programs preparing for return (49%), computer training (49%), support for education of migrant workers’ children (32%), education on industrial safety (30%), and sex education (19%).

(4) *Research and Advocacy*: The NGOs conduct research and advocacy projects of migrant worker related topics (49%) and distribute newsletters and printing materials (30%). The NGOs’ activists and migrant workers give greater significance on the latter.

(5) *Religious Services*: As most of NGOs are faith-based, there are many organizations conducting missionary services (55%). Instead of sending missionaries to different parts of the world, they try to share their belief with migrant workers in Korea.

(6) *Supporting the Associations of Migrant Workers*: The NGOs have provided assistance to foreign migrant workers from each country to organize their own associations. 62 percent of the NGOs assist migrant workers’ associations, and 60 percent assist cultural and social events like picnics, camps, sports activities.

Apart from these ordinary everyday activities, the NGO groups organized struggles to improve foreign migrant worker policies (Seol, Skrentny and Lee 2002; Seol 2003b, 2004a; Lim 2002, 2003). The Joint Committee of Migrant Workers in Korea (JCMK, *Oinohyeop*) was organized after the protest of Nepalese industrial technical trainees at Myeongdong Catholic Cathedral in January 1995, has continuously requested abolition of ITTP and to put EPP into force. JCMK and the Solidarity for Migrant Workers’ Human Rights in Korea (SMHR, *Yijuingwon yeondae*)<sup>8</sup> have enlightened the public to improve human rights conditions of migrant workers through protests, sit-ins,<sup>9</sup> and bringing in lawsuits. Rather than independently supporting migrant workers, they expanded activities to form broader solidarity with FKTU and KCTU as well as general civil society groups including People’s Solidarity for Participatory Democracy (PSPD), Citizens’ Coalition for Economic Justice (CCEJ), and Korean Federation for Environmental Movement (KFEM). They also have cooperated with NGOs supporting migrant workers in labor-sending countries including the Philippines and Indonesia as well as labor-importing countries including Japan, Hong Kong, Taiwan, Malaysia and Germany. The enactment of EPP in 2003 may not have been possible without these NGOs’ activities.

## CONCLUSION

It is generally understood in the public that discrimination against foreign migrant workers is worst of all kinds of discrimination that exist in today’s Korean society. According to a public poll of Jeonbuk Province residents (Seol, Kim and Chung 2004: 40), the percentages of people answered each category as discrimination is “very serious” is in following order: foreign migrant workers (37%), education level (31%), handicaps (29%), name of higher education institution one graduated from (28%), irregular workers (23%), hometown (16%), outward appearance (15%), gender (11%),

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<sup>8</sup> SMHR was established in January 2004.

<sup>9</sup> The NGOs’ way of struggle is the legacy of the democratization age in 1980-1990s.

and age (10%). Foreign migrant worker is understood as the most gravely discriminated group.

Migrant workers' pitiful image in Korean citizens' mind is raised by mass media (see Han 2003, 2004). The print media give the plight of foreign workers front-page treatment, and television coverage frequently includes disturbing videos on because it exploits foreign workers, allows—if not encourages—their abuse, and leads to massive numbers of undocumented workers. The public is not friendly to rounding up and deporting “pitiful” undocumented workers.

In reality in Korea, discrimination against migrant workers still prevails. The major cause is in its policy (Seol 2004b). The main reason causing human rights problem is pointed out as uncontrolled number of illegal migrant workers, whose number maximum 78% of the total migrant worker population in 2003. EPP started in 2004, however, as far as ITTP remains in parallel, improvement of foreign labor policy still remain as matters unresolved.

Human rights violation and discrimination cannot be resolved only by improving policy. A recent occupational illness case<sup>10</sup> occurred in January 2005 was a clear proof of other needs. Managers of the company exempted them from medial check-ups simply because they were foreign migrant workers. Even after their case was publicized, the managers tried to hide the fact, instead of supporting their medical treatment with the *Industrial Accidents Compensation Insurance*. Based on these incidences, many people argue that Koreans' discriminatory activity/sentiment is very strong.

However, the matter should be carefully approached. There is a survey result, which proves that Koreans' exclusionist sentiment against foreigners (including migrant workers) is not so serious in comparison with that of other countries. According to the Sungkyunkwan University Survey Research Center's survey on “national identity” conducted in 2003, it is understood that Koreans have a strong nationalistic sentiment; however, this is not directly related to their exclusionist attitudes towards migrant workers (Chung 2004: 4). In the assessment of the positive attitude level towards migrant workers, Korea was placed on the 5<sup>th</sup> out of 24 countries.

Korean people's general attitude towards migrant workers should be seen as “immature hospitality” shaped in a country with relatively small number of foreign migrants concentrated in particular areas. Another survey shows the contradictory result of “immature inhospitality” (see Seol and Skrentny 2004a: 501). In other words, it is more correct to distinguish Koreans' hospitality/inhospitality towards migrant workers from hospitable/inhospitable attitude of citizens of traditional immigration countries like Canada, Australia and the United States (see Cornelius, Tsuda, Martin and Hollifield 2004).

While the attitude of citizens in traditional immigration countries is formed through direct contact with immigrants, Koreans' attitude still remains imaginative, unproven by experience. In other words, the general attitude of the public is formed simply by accepting images shown in media. Therefore, whether the hospitality will be maintained in the future, when more real life experiences are made and shared, is still questionable.

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<sup>10</sup> Eight female Thai workers were suffering from the disease polyneuropathy as a result of a long-term exposure to normal hexane after working in a South Korean liquid crystal display equipment maker factory without proper safety measures (*JoongAng Daily*, January 20, 2005).

In the meantime, new social movement to reform human rights situation of migrant workers and improve their labor rights started to rise since 1992, and it led to establishment of various NGOs. These NGOs have provided shelters, counsel services on industrial accidents and nonpayment/delay of wage, provided medical and legal assistance, along with other services needed. Furthermore, they have disseminated the results to raise social awareness, provided alternative policies, and cooperate with NGOs abroad supporting migrant workers. Such NGOs aim to remove discriminatory policies and ultimately root out discriminatory elements in Koreans' socially-accepted views.

Recently a few groups with racially discriminatory characters have been organized. In addition, there are increasingly more people making anti-foreigner comments on the internet. However, Korean society in general still remains on the side of civil movement making efforts to meet international norms of human rights (Jacobson. 1996; Joppke 1998; Gurowitz 1999; Seoul, Skrentny and Lee 2002). Human rights norms are already internalized by NGOs supporting migrant workers and apparently the wider Korean society, and their legitimacy and rectitude are self-evident. The NGOs, in solidarity with trade unions and other civic NGOs, continue to make efforts to improve Korean government's foreign labor policy, and further to awaken conscience of the citizens, actively taking a role of public education.

The Korean government established the National Human Rights Commission of Korea as an independent status body in 2001. The Commission checks the human rights of migrant workers, and made recommendations the government to abolish ITTP and adopt EPP in 2003. NGO activists usually resort to the Commission to solve human rights violations. International norms and standards serve as goal for Korean citizens to strive for as part of the nation's growth and development.

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