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South Korea: New regulation will increase risk of exploitation for migrant workers

Amnesty International calls on South Korea's Ministry of Employment and Labour to withdraw a new regulation under the Employment Permit System (EPS) that would dramatically reduce migrant workers' ability to change jobs.

Under the "Measure for Improvement in Foreign Workers' Change of Workplaces and Prevention of Broker Intervention", due to come into effect on 1 August, migrant workers in search of new employment will no longer have access to a list of prospective employers. Instead the Ministry of Employment and Labour will provide a list of job-seeking migrants to employers only. If migrants are not recruited for a new job within three months, they will lose their work visa, thus risking arrest, imprisonment and deportation.

Under the new measure, migrant workers face further difficulties in changing jobs, as any refusal of a job offer "without rational reason" will result in being struck off the job-seekers list for two weeks. Amnesty International is concerned that these changes will discourage migrant workers from leaving exploitative working conditions and force many to accept jobs in order to avoid the penalties.

"South Korea's new policy tips the balance even further in favour of exploitative employers by unfairly penalising migrant workers who wish to change jobs," said Norma Kang Muico, Amnesty International's Researcher for Asia-Pacific Migrants' Rights. "In order to ensure continued employment, migrants are more likely than South Korean workers to put up with poor working conditions, abuse and exploitation."

This new measure follows a previous amendment to the EPS, implemented earlier this month, whereby migrant workers were allowed to renew their visas for another four year and 10 month term, provided that they had no previous record of changing workplaces. Migrant groups in South Korea have expressed concern that this, along with the new measure, will put extreme pressure on migrant workers to stay with their original employers, even in the face of exploitative working conditions.

Amnesty International's research has found that restrictions on changing jobs severely hinder migrant workers from raising abuses at work, such as late or non-payment of wages or benefits, inadequate safety measures, and physical or sexual violence.

Amnesty International is concerned that the Ministry of Employment and Labour's policies affecting migrant workers increasingly undermine their human rights. Similarly, the International Labour Organization (ILO) has repeatedly raised concerns that EPS workers are vulnerable to discrimination and abuse, particularly if there are insufficient safeguards to protect them in cases of infringements of their rights by employers.

“The Government has a duty to protect the rights of EPS workers, but instead it has introduced draconian policies which risk creating a pliant migrant workforce willing to put up with abuse and exploitation,” said Norma Kang Muico. “The equality of labour rights between migrants and Korean nationals, enshrined in the Constitution, simply does not apply in practice.”

Amnesty International urges the Ministry of Employment and Labour to withdraw plans to introduce the “Measure for Improvement in Foreign Workers’ Change of Workplaces and Prevention of Broker Intervention” and to amend the EPS Act to allow greater flexibility for migrant workers to leave their jobs and find new employment, including removing restrictions and deterrents which are designed to stop migrant workers changing jobs; the requirement for employer’s permission to change jobs; and the time limit for finding a new job.