Tragic Fire Illuminates South Korea's Treatment of Migrant Workers

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In the early morning of February 11, around 4 a.m., a devastating fire swept through the locked cells of a migrant worker detention center in the South Korean city of Yeosu, killing 10 detainees and wounding many others. The center staff tried to put out the flames by spraying fire extinguishers through the bars of the cells, but in an act that can only be described as barbaric, did not unlock the cell doors to free those trapped inside, out of fear that they would escape. Migrant workers behind the locked doors and barred windows were forced to breathe in the toxic fumes emitted from burning mattresses. These fumes were the cause of most of the deaths and injuries. The cause of the fire is still under investigation, but the reality is that the roots of the tragedy lie with the Korean government's inhumane policy towards migrant workers.

There are currently about 400,000 migrant workers in South Korea. Close to half are undocumented. While migrant workers in South Korea represent over 90 countries around the world, most come from Asian developing nations such as China, Mongolia, Vietnam, the Philippines, Indonesia, Bangladesh, Nepal, Sri Lanka, Uzbekistan and Burma. There are also small communities of migrant workers from African countries. The majority works in jobs classified as low-skilled work: generally manufacturing jobs at small and medium-sized factories, construction work, and in the irregular service industry. About one third of all migrant workers in South Korea are women and their numbers are increasing. Most migrant women are employed in manufacturing and the service sector with some employed in sex-related industries. Women face all of the barriers faced by male migrant workers plus the added barrier of gender discrimination, including considerably lower wages for equal work, a situation that extends to the entire range of low-level service or factory jobs, not just to migrant women.

Like their counterparts in many other labor-importing countries around the world, migrant workers in Korea experience inhumane treatment, unsafe working environments and low and unpaid wages. But there are also a number of specific features of the South Korean system. Migrants in Korea have come either as "Industrial Trainees" or under the government's Employment Permit System (EPS), which places them at specific factories and prohibits them from freely moving to other jobs without specific permission from their employer. EPS is definitely an improvement over the former Industrial Trainee System (ITS), which as of January 2007, is in the process of being phased out. Under the ITS, migrant workers were considered to be ‘student trainees’ rather than laborers, meaning that they were not protected under Korea’s Labor Standards Act. The Korean Federation of Small and Medium Business (KFSM), was delegated the responsibility of managing this system and providing services for migrants. While KFSM collected the dues paid by each migrant worker to their workplace supervisor, the Federation provided little in the
way of services. Civil society groups grew increasingly critical of the KFSM and the trainee system. Under ITS, migrants faced draconian levels of control by employers. All trainees stayed in company dormitories with employers often not allowing trainees to go outside to prevent workers from creating networks with other migrants and from receiving beneficial information from NGOs. Workers’ passports were also often held by employers in order to prevent trainees from running away from the factory.

Migrant Trade Union Workers and Supporters

In order to respond to the growing criticism, and the increasing number of migrants fleeing their assigned workplaces, the government pushed for the enacting of the Employment Permit System (EPS). The EPS was heavily opposed by the KFSM, which would lose management control and the right to collect dues, and by employers who would now have to abide by the laws of the Korean Labor Standards Act. Korean NGOs, after some time, decided to support EPS, as the new system provided workers with greater protection than did the ITS, which many civil society groups regarded as akin to a modern form of slavery.

However EPS has not cured many of the fundamental systemic problems plaguing migrant labor in Korea. Recent research conducted by Amnesty International shows that by having little chance of changing jobs under EPS, migrants are seriously hindered in their ability to lodge complaints about abuses because they fear losing their jobs by antagonizing their employers. A worker who loses his or her job effectively loses the legal status to work in South Korea. There are also numerous reports of migrant workers held captive by employers who have seized their official documents, including passports and work permits in order to prevent the workers from looking for jobs elsewhere.

Under the Employment Permit System, migrant workers are given one-year contracts, which can be renewed annually for a maximum of three years. After 3 years, a migrant worker is required to return to his or her home country. While these workers are technically allowed to apply to return to Korea afterwards, few migrants actually follow through on this due to the high cost of broker fees and the complicated procedures that must be followed in order to legally return. Most workers choose - or rather are forced - to stay longer in Korea and become ‘undocumented’ after 3 years because they have not made enough money to pay off the huge debts accumulated from the high, black market application fees necessary to gain a job in the first place.

Once in Korea, many migrants find that the jobs they are assigned to are very different from those they were promised and are more dangerous with less pay than expected. The blame for this usually lies in combination with the brokers in a migrant worker’s home country who exaggerate the kind of jobs available in Korea, and with Korean employers who provide little in the way of prior information to workers. As they are essentially ‘tied’ to their workplace for the duration of their stay, many workers eventually flee their legal employment and going to work as undocumented migrant workers. This is not a choice but a necessity for a worker who needs to earn enough money to pay off debts and
Asian Rights interviews migrant workers

The Korean government, in an attempt to diminish the number of undocumented migrants, has responded to this situation with a brutal crackdown. Migrant workers are frequently injured and even killed in surprise immigration raids. Moreover, once caught, they face brutal conditions and human rights abuses in detention centers like the one in Yeosu.

The migrants held at the Yeosu detention center came from a number of Asian labor exporting countries, but nine of the 10 killed in the fire were Chinese workers. The tenth was a Uzbek national. Currently, 15 of the detainees still suffering from injuries sustained during the fire are being kept in three separate hospitals in the city of Yeosu. The inhumane treatment of the detained migrant workers continued after the fire. Three injured migrants were handcuffed to hospital beds. In addition, the Korean government refused to reveal information about the incident to the bereaved families of the victims and to Korean civil society organizations.

Labor and human rights organizations have condemned the South Korean government for its responsibility in causing the tragedy and its inhumane handling of the matter. Korean civil society and migrant worker organizations have formed a strong joint response to these events. On February 25, a Joint Committee comprised of over 60 human rights, labor, civic, and religious organizations held a rally in central Seoul attended by over 1000 organization members and migrant workers. The protesters called on the government to provide adequate medical treatment and compensation to victims of the fire, to stop the violent crackdown against migrant workers, and to close all foreigner detention centers. Using this event to point out the broader structural issues that helped cause the tragedy, the Joint Committee called for the legalization and granting of full labor rights to all migrant workers residing in Korea, as a way to fundamentally solve the illegal migrant problem.

The demonstration on February 25th was completely barricaded by dozens of police buses. The police had denied a permit for a street march after the rally. But demonstrators refused to accept the prohibition. After the rally migrant workers and supporters pushed past riot police and marched through central Seoul.

One victim of the fire, Mr. W, told the rally, "I don't know how the fire started, but as the guards at the detention center turned away from our cries to open the doors, it turned into
hell itself. Even though we may be illegal migrant workers, how could they treat us that way if they saw us as human beings?"
A member of a Burmese (Myanmar) community organization told the rally, "Although the democratization of South Korea is well known throughout Asia, since we have come here we haven’t felt this democratization because of the color of our skin."

The February 25 rally

The Korean government is being criticized on several fronts. The families of the injured and dead were only contacted several days after the fire, the autopsies were conducted without relatives' consent, and the government failed to offer translation to the bereaved families. The government also sent 28 migrant workers judged to have "no injuries" to another detention center without consideration of the psychological damage they might have incurred and then on February 23rd forcibly deported 17 of these 28. The 17 were sent back to their countries without medical treatment or compensation.

"Are these the measures to ensure such a tragedy will not occur again taken by a government that really feels a sense of responsibility?" the Joint Committee asked in a statement released at the rally on February 25th. "If the government really feels a sense of responsibility it must pay reparations to the 17 who were deported immediately!" Finally, the Joint Committee claimed, "If the government seriously planned to deal with the situation and prevent further tragedies like this one from occurring it would immediately close all the inhumane detention centers, stop the man-hunting crackdown and legalize all migrant workers. These measures would be a real beginning to truly solving the problem."

Of course, the situation of migrant workers in Korea is familiar throughout the developed world and is not simply a problem limited to the South Korean government. From the US-Mexico border to 'Fortress Europe', repression of migration doesn’t stop the movement of desperate migrants, but it does make them more easily exploitable.

Many voices over the past few weeks have expressed outrage that a developed democracy like South Korea could deal with its migrant workforce in such a barbarous manner. However, this is not simply a problem of the Korean government failing in its duty to uphold its status as a "model Asian democracy". Instead it is precisely South Korea's position as an industrial nation which allows it to benefit from the desperation of migrants from poorer countries. Moreover, there is implicit popular support for the view that if South Korea's economy is to survive in its precarious position between a high-tech Japan and a low-wage industrial China, it must maintain an economy with two faces; the globally recognized face of its high-tech giants such as Samsung and LG, and somewhere in the shadows, the small factories and contractors surviving on the sweat of cheap migrant labor. This is what makes the recent horrific fire at the Yeosu Detention Center more than just a tragedy of government mismanagement but a societal problem as well as an international problem, and a poignant symptom of global capitalism.

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Notes

[1] South Korea does not permit legal stays of over 5 years due to a law which requires the Korean government to give the right of permanent residence to all persons who reside legally in Korea for 5 years. (This Act was initially created for overseas Chinese who are the oldest foreign residents in Korea).

[2] Many brokers mediate between the government and migrant job applicants. The cost of admission is high, and the administrative difficulty is great. A 2005 Field Survey Report by the Korean Ministry of Labor found that the cost for a Vietnamese migrant to gain admission into South Korea was over five times higher than the formal application fee under the EPS system.