
Korea report

Young-bum Park

Outline of the Korean schemes

- Tier I for skilled workers
 - Tier II for unskilled workers
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Scheme for skilled workers

- Generally welcome and try to get for some types
- Seven categories

language teachers; researchers; technology consultants, professional occupation; entertainment; and specific activities

Language teachers, specific activities and entertainment constituted more than 80 percent

Schemes for unskilled workers

- Employment permit scheme
 - Industrial trainee scheme (training/employment scheme)
 - General type
 - Special type
 - Industrial trainee scheme designed for foreign workers affiliated with Korean companies abroad
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General employment permit scheme: procedures 1

- ❑ The Foreign Labor Policy Committee determines which businesses will use foreign labor and which countries can send their nationals.
 - ❑ The Korean government and the government of selected sending countries sign the MOU.
 - ❑ The concerned public agencies of the sending countries makes a pool of candidates who can work in Korea. In selecting candidates they must use objective criteria. If they can not select by using the objective criteria, they must do so randomly, i.e. by using computer selection process. The sending countries' government agencies must send the list of candidates to the Korean Manpower Agency regularly.
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General employment permit scheme: procedures 2

- ❑ The Korean public employment centers nationwide issue a Certificate of Labor Shortage to the Korean employers who have attempted to employ Korean workers for one month without success. The Korean employers who obtain the Certificate apply for unskilled foreign labor with their requirements for foreign labor employment to the public employment centers.
 - ❑ The public employment centers recommend multiple candidates of foreign workers to the employer and the employer select one of them.
 - ❑ The Korean employer and the selected foreign worker sign a labor contract.
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General employment permit scheme: procedures 3

- With the Certificate of Labor Shortage and the labor contract the Korean employer applies for a visa recognition certificate of the foreign worker.
 - The Korean employer sends the visa recognition certificate to the foreign worker. The foreign worker obtains visa from the Korean embassy in his or her country and comes to Korea. After entering Korea, the foreign worker should received a training for a certain period to have a pre-knowledge about Korea.
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selection criteria for sending country: General employment permit scheme

- ❑ Preference of Korean companies based on the survey results conducted by a government agency;
 - ❑ The history of leaving training places without permit under the industrial trainee scheme by country
 - ❑ Transparency of sending its nationals (cost of sending nationals, Corruption Parity Index, and employment security infrastructure)
 - ❑ Guarantee of sending back its nationals (number of voluntary leavers out of over stayers and rationalization of overstayers)
 - ❑ Diplomatic and economic relationship.
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Sending countries under general employment permit scheme

- Thailand, Vietnam, Mongolia, Sri Lanka, Uzbekistan, Pakistan, the Philippines, Indonesia and Cambodia
 - China will bring its nationals soon
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Special employment permit scheme: procedures 1

- The Foreign Labor Policy Committee determines which businesses will use foreign labor and which countries can send their nationals.
 - The Korean embassies will issue a visa for the purpose of visit to qualified foreign workers with Korean ancestors, but if those who wish to come to Korea are more than the allowed number, Korean test will be given or computer will be used to select the candidates.
 - The foreign workers come to Korea and receive training for employment. For workers who wish to work for the construction sector may be given labor permit, which means that they can freely choose their jobs without going through the following procedure.
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Special employment permit scheme: procedures 2

- ❑ The foreign workers after receiving training apply for jobs to the public employment centers.
 - ❑ The Korean public employment centers nationwide issue a Certificate of Labor Shortage to the Korean employers who have attempted to employ Korean workers for one month without success. The Korean employers who obtain the Certificate apply for unskilled foreign labor with their requirements for foreign labor employment to the public employment centers.
 - ❑ The public employment centers recommend multiple candidates of foreign workers to the employer and the employer select one of them.
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Special employment permit scheme: procedures 3

- ❑ The Korean employer and the selected foreign worker sign a labor contract.
 - ❑ With the Certificate of Labor Shortage and the labor contract the foreign worker applies for change of visa status for him or her to work in Korea.
 - ❑ The Ministry of Justice issues a new visa status to the foreign worker with Korean ancestors.
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Problems with training/employment scheme

Training/employment permit scheme will disappear soon

□ Employment permit scheme

- Trainee for the first year and workers for the next two years
- Public authorities
- Employers chance to choose their workers.
- Employers must attempt to find domestic workers for a certain period.

□ Training/ Employment scheme

- Worker for three years
 - Small Business Federation
 - Neither employers nor workers have chance to choose their workers or jobs
 - Industrial policy-related considerations are given priority without regard to the labor shortage
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Problems with employment permit scheme

- ❑ The employment permit system still falls short of filling labor shortage at small- and medium-sized enterprises as it limits the number of foreign employees at the companies.
 - ❑ The scheme limits the changing of workplaces, forcing migrant workers to accept poor working conditions or leave the company and become irregular workers.
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Rights of foreign workers

- ❑ Maximum three-year employment period
 - ❑ Family members of foreign workers not allowed
 - ❑ All labor rights including union rights guaranteed
 - ❑ Can change jobs up to three times in three years, but only if the contract is canceled or not renewed.
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Foreign worker situation

- A total of 395,000 as of June 2006
 - 43%; with working visa
 - 48%; illegal workers
 - 10%: industrial trainees
 - Types of employment permit holder
 - Special; 56%(construction/ service)
 - General; 44%(manufacturing)
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