

## **Information supplied by governments on the application of ratified Conventions**

**Republic of Korea**

Convention No. 111

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#### **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

**Republic of Korea** (ratification: 1998). The Government has provided the following written information.

##### ***I. Protection of migrant workers***

The Korean Government has implemented various policies to support migrant workers at every stage of employment from the “entry”, during the employment relationship and to the “departure”.

A fair and transparent workforce selection system is in place to help prevent workers under the Employment Permit System (EPS) from being taken advantage of by brokers from the moment when the workers are selected as EPS workers in their home countries until they sign employment agreements and arrive in the Republic of Korea.

After entering the Republic of Korea, EPS workers get employment training services (and the education costs are fully borne by the employers); are provided with instructions on Korean language and culture, and their rights under labour laws, including the Labour Standards Act. They are also provided with occupational health and safety education and detailed instructions on the means and procedures for filing complaints when their rights have been infringed upon.

Under the EPS, labour laws are equally applied to both migrant workers and Korean nationals. The 47 local labour offices across the country are responsible for dealing with complaints of the violation of rights under labour laws.

Every year, the Korean Government inspects roughly 3,000 to 4,000 workplaces which employ migrant workers, and gives correction orders and imposes sanctions against businesses which have violated laws. After conducting inspections of 3,052 workplaces in 2014, the Government recorded a total of 5,579 cases of violations (in about 2,011 workplaces), and issued correction orders, imposed fines and notified relevant agencies, including the Ministry of Justice, of the violations. Most cases involved violations of

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administrative duties or procedures, such as migrant workers or employers not joining insurance and employment changes not being reported.

Across the country, 65 job centres under the Ministry of Employment and Labour are in operation to support employment activities. They deal with various employment-related affairs for migrant workers, including the extension of employment periods, and provide counselling services regarding legal matters.

A total of 37 support centres and one call centre for migrant workers are in operation in the Republic of Korea. They provide various services free of charge, such as counselling services on all kinds of difficulties migrant workers have on labour law issues, in addition to free lectures on Korean language and culture, free medical check-ups and shelters. At these centres, free interpretation services in 15 languages are provided. Approximately 250 interpreters are in service at any given time and 500 interpreters remain available.

Migrant workers are provided with vocational training services, which are fully funded by the Government. In 2014, 2,653 migrant workers completed vocational training in various areas, such as computer literacy, operation of heavy construction equipment and car repair.

An insurance system designed exclusively for EPS workers is in operation. The Government requires employers to join the “guarantee insurance” for overdue wages and the “departure guarantee insurance” to protect migrant workers from the risk of overdue wages or severance pay.

Under the returnee support programme, information sessions are held to inform the workers on ways to prepare for the return to their home countries. For instance, instructions are provided on how to collect unpaid wages and receive insurance benefits. The Korean Government supports EPS workers, after their departure, to build returnee community networks in their home countries.

The Government also provides job placement services for returnees, including job fairs to connect jobseeking returnees with Korean companies in their home countries. In 2014, 157 meetings were held between returnees and Korean companies in respective countries to increase employability of returnees.

The Government offers the returnees with an employment support package which covers free customized vocational training and job placement to help them find work at Korean companies in their home countries. In 2014, 942 workers received vocational training and 411 of them obtained a job. The returnees can get the certificate of employment in the Republic of Korea through the online system.

For migrant workers who left the Republic of Korea without receiving the insurance compensation of the departure guarantee insurance (joined by employers) or the return cost insurance (joined by migrant workers), the Government ensures that such insurance compensation is received by the workers in their home countries. In 2014, 24,900 million South Korean Won (KRW) (approximately US\$22,493,224) was paid for 20,962 cases under the departure guarantee insurance, and KRW3,400 million (approximately \$3,071,364) was paid for 8,189 cases under the return cost insurance.

If the returnees decide to come back to the Republic of Korea and find work in the Republic of Korea, they are provided with an opportunity for re-entry and employment.

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## ***II. Measures to address discrimination on the grounds of gender and employment type***

In 2014, the Government inspected workplaces which employ a large number of fixed-term or dispatched workers, and issued correction orders in discrimination cases. Inspections were carried out in 343 workplaces with a large number of fixed-term workers, and 48 workplaces were found in violation. Orders were issued to pay a total of KRW658,798,000 (approximately \$595,120) for 49 discrimination cases relating to wages, bonuses and other benefits; correction orders were given in 11 discrimination cases relating to welfare. In addition, 449 inspections were carried out in workplaces with dispatched workers. Of which 18 workplaces were found in violation. Orders were issued to pay a total of KRW145,578,000 (approximately \$131,586) for 16 discrimination cases (683 people) relating to wages, bonuses and other benefits; correction orders were given for five discrimination cases relating to welfare.

In 2014, the Government carried out labour inspections of businesses employing dispatched workers or in-house subcontracted workers, and ordered direct employment to the businesses involved in illegal dispatch of workers. In workplaces sending or employing dispatched workers, 358 worker dispatch agencies and 449 workplaces employing dispatched workers were inspected. Key measures taken included: (1) judicial action for nine cases; (2) fines for two cases; (3) administrative action for 149 cases; and (4) direct employment for 1,058 people. In workplaces employing in-house subcontracted workers, 68 contractors and 140 subcontractors were inspected. Key measures included: (1) judicial action for seven cases; (2) a fine for one case; (3) administrative action for 17 cases; and (4) direct employment for 1,095 people.

Following the revision of the Act on the Protection, etc. of Fixed-term and Part-time Workers and the Act on the Protection, etc. of Dispatched Workers (on 18 March 2014), the discrimination correction system has strengthened since 19 September 2014. For instance, punitive damage orders are introduced and once a discrimination case is confirmed and correction orders are made, the Government may initiate an investigation or make a correction order for those workers who are undertaking the same kind of work within the same workplace, as they may face the same kind of discrimination.

## ***III. Equality of Opportunity and Treatment of Women and Men***

The labour force participation rate and employment rate of women in the Republic of Korea are on a continued rise from 53.9 per cent in 2009 to 57.0 per cent in 2014. The employment rate rose from 52.2 per cent in 2009 to 54.9 per cent in 2014; the percentage of women workers has risen in workplaces which are subject to the Korean Government's affirmative action scheme from 34.01 per cent in 2009 to 37.09 per cent in 2014 while the percentage of women managers has risen from 14.13 per cent to 18.37 per cent in the same period. The use of childcare leave (for those with a child under the age of 6) and the reduced working-hours system during the childcare period has increased. The number of recipients of childcare leave benefits rose from 58,134 in 2011 to 76,833 in 2014 (73,412 women and 3,421 men). The number of workers using the reduced working-hours system during the childcare period has also steadily increased, from 39 in 2009 to 1,116 in 2014. Starting from October 2014, the basic pay for those using the reduced working-hours system during the childcare period has increased from 40 per cent to 60 per cent of the ordinary wage; and the period of reduced working hours may be extended by the period of childcare leave not taken (up to two years).

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In 2015, the Government has introduced part-time childcare services at day-care centres across the country to support part-time working parents, and implemented a program designed to ensure that working mothers get childcare services. The Government plans to increase gradually the target of childcare services provided by elementary schools.