



A Step Forward for Creating a Better World Where We Live Together



Addressing Challenges and Responses in the Seasonal Worker Program



Implemented by JCMK

In collaboration with/ Funded by MFA

Report of the 2023 Survey
On the Lives and Labor Rights of Seasonal Migrant Workers



Member of MFA
Joint Committee with Migrants in KOREA
외국인이주·노동운동협의회



MIGRANT FORUM IN ASIA

MFA believes in the human rights and dignity of all migrants
irrespective of race, gender, class, age, religious belief and status.



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■ Acknowledgments

The Joint Committee with Migrants in Korea(JCMK), which advocates for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and their Families, has vigilantly observed the human rights landscape concerning seasonal migrant workers over the past several years.

JCMK's dedicated member organization, 1218forAll, with a profound interest in the Seasonal Worker Program (SWP), has discovered through counseling seasonal workers that they are facing significant challenges as a result of the SWP. Brokers, during this process, intervened in the remittance procedure and the management of the Seasonal Worker' stay in Korea, perpetrating a spectrum of human rights violations. Instances of widespread Labor Standards Act violations and intermediary exploitation emerged, with brokers deducting substantial sums from seasonal workers' remittances or compelling them to deposit funds in the accounts of the sending municipality, seemingly for remittance convenience but essentially as a measure to prevent undocumented stay. Shockingly, some cases of sexual crimes, including rape and molestation, were overlooked, and victims were offered meager compensation in exchange for guaranteed re-entry into the country, contrary to the imperative prioritization of victim protection measures and police investigations.

In response to this disconcerting reality, I, as the representative of "1218forAll", presented a survey proposal through JCMK to the Migrant Forum in Asia(MFA) to uncover the unvarnished truth about seasonal workers. The MFA, in turn, responded positively. During the 10th General Assembly in Thailand, the MFA resolved to collaborate on the SWP survey, agreeing to coordinate efforts with activists in pertinent countries.

The MFA provided financial and human support for overseas surveys conducted in the Philippines, and so on. Throughout the survey period, the MFA organized webinars to disseminate information on issues related

to SWP operations and underscored the imperative need for institutional improvements.

The JCMK expresses sincere gratitude to the Daum Foundation for their financial backing of the survey through the "Human Rights Movement and Activism Grant" and to the National Human Rights Commission for actively participating in overseas surveys and discussions. And my heartfelt thanks go to the distinguished translator, Mr. Dongin Kim, whose expertise and encouragement were pivotal in assisting me with the composition of this English report.

Above all, the "Report of the 2023 Survey on the Lives and Labor Rights of Seasonal Migrant Workers" was only possible due to the dedication and interest of JCMK Colleague activists, Do Hannah, 260 Jang Dongman, Heroh Youngsook, Kim JeongWoo, Lee Wan, Ryu Jiho. They deserve praise.

We hope that this report will contribute to improving the SWP, fostering the creation of a better world, and safeguarding the rights of all migrant workers and their families.

"With the remnants of 2023 within my grasp, I raise my eyes to the frigid sky, the brisk wind a partner in this solitary moment."

Ko GiBok
Representative of 1218forAll
Migrant Journalist

Chapter I



→ Seasonal workers working with Koreans on a cabbage farm.



→ Seasonal workers working with Koreans on a potato farm.

Chapter I



↑ The issue of seasonal workers is being discussed at the MFA 2023 General Assembly in Thailand.

→ Seasonal workers working in a greenhouse growing spinach



→ Social protection and rights guarantee of migrant workers are key issues of MFA.

Chapter II



→ Containers used as accommodations for fishery seasonal workers



→ Containers used as accommodations for agricultural seasonal workers

Chapter III



→ Fact-finding interview in Nepal



→ Vietnam fact-finding team



→ Fact-finding interview in the Philippines



→ Explaining for Focus Group Interview(Philippines)

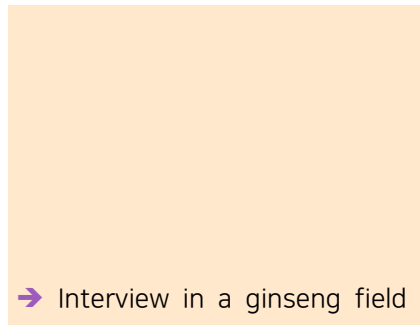


→ MFA Webinar-Understanding the South Korea Seasonal Workers Program

Chapter IV



→ Interview in a ginseng field



→ Interview in a ginseng field



→ Interview with the Philippines Seasonal Workers

Chapter IV



← Video interview with the Mongolian Seasonal Workers



→ Video interview with the Philippine Seasonal Workers



→ Interviews with Laotian workers taking a break



→ Interviews with seasonal workers in the farm's rest area



→ Interviews with relevant public officials during a fact-finding survey in the Philippines.



→ Explaining Focus Group Interviews during fact-finding survey in the Philippines

Chapter V



→ Seasonal workers weeding potato fields



→ Notice on the recruitment of seasonal workers to Korea at a library in the Philippines



→ Seasonal workers spraying pesticides



→ Seasonal workers picking tea leaves



→ Seasonal workers harvesting tangerines



→ Seasonal workers are also used to harvest rice, a staple food in Korea.

■ Chapter I .

Overview on Seasonal Worker Program

The Seasonal Worker Program(SWP) is a foreign employment permit policy that has been in full force since 2017, following a pilot project in 2015 (Gwasan and Boeun counties) and 2016 (Gwasan, Boeun, Yanggu, and Danyang counties. A total of 124 workers were assigned to agricultural enterprises in the four local governments) to resolve labor shortages in the agricultural sector, which, unlike the manufacturing industry, has large differences in labor demand throughout the year.

The Ministry of Justice, the key department, introduces the Foreign SWP on its website, Legal Policy Service, as follows.¹⁾

The Seasonal Worker Program (SWP)

About the scheme

The program allows legal hiring of foreign workers for short period to address chronic labor shortages during the busy farming and fishing season.

Introduced by

Local governments intending to introduce Seasonal Workers (City, County, District)
Quota limit

Quota per household

- ▶ Maximum 4 workers

Household quota is subject to change in case many applications are made by local governments.

1) https://www.immigration.go.kr/immigration_eng/1860/subview.do

Quota per local government

- The total number of seasonal workers and the quotas per local government are determined after comprehensively assessing local governments’ management capacity, preventive measures against human rights violations and absconders, etc.

The Ministry of Justice (MOJ) decides on the allotment of workers by forming a consultative body with the relevant ministries, including the Ministry of Agriculture, Food and Rural Affairs, the Ministry of Oceans and Fisheries, the Ministry of Employment and Labor, and the Ministry of Gender Equality and Family.

Types of Industries Allowed to SWP

- **Agriculture**
 - Industries acknowledged by the Minister of Justice, including the ones that require intensive work for less than 90 days in principle as there are seasonal factors
- **Fishery**
 - Industries acknowledged by the Minister of Justice, including the marine products processing industry which requires work for less than 90 days in principle as there are seasonal factors

Allotment Time

Allotment of workers is made in the first and second half of the year (2 times annually)

Entry Procedures

Entry Procedures

01 Allotment MOJ	▶	02 Selection ▶ Local government	▶	03 Apply for Confirmation of Visa Issuance Local government
				▼
06 Entry	◀	05 Visa Issuance ◀ Diplomatic Mission Abroad	◀	04 Issue Confirmation of Visa Issuance Immigration office

Impact

The Seasonal Worker Program serves to relieve labor shortages in farming and fishing communities by providing customized, additional foreign workforce.

■ Key policy changes since implementation of SWP

Since the implementation of the SWP, the main demand of employers to extend the period of stay has been executed.

Accordingly, the period of stay has gradually increased from 3 months to 5 months to 8 months. On the other hand, the Ministry of Justice has been making changes to the system with the aim of strengthening residence management.

Among the major policy changes, the following are vulnerable to human rights violations.

■ Extension of the period of stay

On September the 1st, 2022, the Ministry of Justice cited "Extending the period of stay for foreign seasonal workers (from 5 months to 10 months)" as an example of an innovative administrative policy project. At the time, the Immigration Division of the Immigration and Foreign Affairs Headquarters of the Ministry of Justice, a business unit, proposed as a major national issue to "promote the amendment of the law to allow seasonal workers to stay for up to 10 months from the date of entry (with an additional 5-month extension for E-8 status only)" in order to secure additional labor for 3 to 4 months from the end of the sowing season to the harvest season.

Accordingly, on May 30, 2023, the Ministry of Justice amended the Act to allow seasonal workers to work for up to eight months, with a one-time extension within the range of three months, from the existing five months, and retroactively applied the amendment to seasonal workers who had already entered and stayed in the country through a supplementary regulation.

On May 24, the Ministry of Justice allocated an additional 12,869 seasonal workers (107 local governments) in addition to the 26,788 seasonal workers (124 local governments) allocated for the first half of 2022 (2023).

■ Return Deposit

In June 2022, it was announced that the Basic Plan Operational Guidelines for the Foreign SWP specified the deposit of a return deposit in the section on Efforts by foreign local governments and governments to prevent undocumented stay(overstay).

○ "To prevent damage to Korean farmers and fishermen due to undocumented stay of seasonal workers (illegal stay), foreign local governments shall ensure that their seasonal workers return home immediately upon termination of their employment contract.

○ To this purpose, it is stated that "a certain return deposit is deposited from the worker before departure, or if the deposit is not deposited before departure, a certain amount of money is collected from the worker's home property if the worker does not return to his/her home country after completing the seasonal work.

※ After signing the MOU and recruiting workers, prepare the sending country's laws and guidelines regarding the amount of the return deposit, attribution procedures, and collection of the deposit, and documents proving that the deposit has actually been deposited, and submit them when applying for a visa issuance certificate.

○ In case of undocumented stay (illegal stay), specify the measures to be taken.

(e.g), dispatching foreign local government officials to assist seasonal workers in returning to their home country, requesting family members to convince them to return voluntarily, etc.

○ Clarifies that "seasonal workers must be selected from those who have worked in agriculture and fisheries in their home country.

Each seasonal worker must submit supporting documents when applying for a visa issuance certificate.

In response to criticism from civil society organizations such as the Joint Committee with Migrants in Korea(JCMK) after the release of 'the Basic Plan Operational Guidelines for the Foreign SWP', the Ministry of Justice announced the abolition of the return deposit system on November 16, 2022. It reconfirmed this fact on December 14, 2022, in the Major

Changes for 2023.

○ In addition to basic expenses in the selection process for seasonal workers, the "return deposit system" of overseas local governments, which is implemented in the name of preventing undocumented stay, was abolished as it was pointed out that it may violate human rights, and an agency dedicated to attracting seasonal workers was designated and operated through a public offering process in the first half of next year to eradicate irregularities in sending workers due to the involvement of intermediaries.

Based on a domestic and international survey conducted by JCMK, it was found that foreign local governments were still requiring repatriation bonds. Additionally, concerning human rights violations in labor contracts and repatriation procedures, practices such as confiscating bankbooks and imposing penalties on undocumented individuals were observed.

■ Manpower dispatch restriction regulations

The Ministry of Justice presented the "Refinement of Sanction Criteria for Foreign Local Governments and Countries with Undocumented Rates" as a major change in 2023, revealing that there are countries and local governments that are restricted from entry.

○ Breakdown of sanction criteria for foreign local governments and countries where Undocumented migrants occur.

- ① Foreign local governments will be restricted from sending personnel to all local governments in Korea for one year if there is a 20% or more Undocumented Rate.
- ② In the case of 50% or more Undocumented Rates, the country (as a whole) will restrict the sending of personnel to all local governments in Korea for one year.
- ③ If more than 70% are Undocumented, the country (as a whole) will be restricted from sending labor to all local governments in Korea for 3 years.

* However, the reentry of sincere workers and the invitation of family and relatives of marriage migrants are allowed.

The Ministry of Justice has restricted the sending of seasonal workers through a memorandum of understanding (MOU) with all local governments in Korea for three years starting in 2023 for Country A, which has the highest undocumented rate of foreign seasonal workers based on the criteria for sanctioning foreign local governments and countries for undocumented stay. In addition, some overseas local governments, such as four local governments in Country B, one local government in Country C, and one local government in Country D with high undocumented rates, are prevented from sending workers to Korea for one year. However, the Ministry of Justice has stated that even if entry through the MOU method is restricted, the invitation method of inviting family members and relatives of married immigrants, which has low undocumented rates and high satisfaction among farmers and fishermen, participation of legal residents in Korea, and reentry of sincere workers are allowed.

Contrary to the Ministry of Justice's announcement, a survey of the JCMK has found that, despite the sanctions to restrict entry, recruitment of seasonal workers by recruitment brokers was still going on in Country A, causing victims. On the other hand, there were cases where migrant workers who had faithfully completed their contracts, returned home, and received promises of re-entry from their employers were prevented from re-entering the country.

■ Major changes in 2023

- Expansion of permitted industries in the fishing sector
 - Expanded seaweed farming nationwide and allowed oyster shucking, cleaning, shucking, and packaging.
- Changed the age requirement for seasonal workers under the MOU method
 - (Existing) 30 to 55 years old → (Improved) 25 to 50 years old * No upper age limit for reentry of sincere workers
- Abolish indirect employment through public seasonal worker agencies
 - Expansion of public seasonal work programs (5 locations in '22 ⇒ 9+ locations)

planned in '23)

The number of public projects and the number of employees to be assigned will be finalized as soon as the '23 budget is finalized.

○ Abolish the system of deposit return deposit for overseas local governments

- Abolish the system of depositing a return deposit and collecting property in the home country to prevent undocumented stay.

Expanding the number of seasonal workers allowed to be hired by excellent local governments and simplifying submission documents

- Currently, each farm can hire up to 9 workers, and excellent local governments can hire up to 5 additional workers, allowing them to attract seasonal workers who do not have a history of working in agriculture and fisheries.

○ Exemption of workplace change fee

- (Existing) fee 60,000 won → (Improved) fee exemption

Establishment of standards for handling violators of change of workplace permits

- Exemption of penalties for first-time violators of Article 21 of the Immigration Control Act who moved to a farming or fishing area for legitimate reasons such as employer liability but did not obtain a change of workplace permit in advance.

○ Establishment of detailed criteria for room and board deduction

- Deduction of up to 8 to 20 percent depending on the type of accommodation facility and whether or not room and board is provided

○ Refinement of sanctions for foreign local governments and countries in case of undocumented stay.

->① Foreign local governments will be restricted from sending workers to all local governments in Korea for one year in case of 20% or more undocumented stay, ② The country (as a whole) will be restricted from sending workers to all local governments in Korea for one year in case of 50% or more undocumented stay, and ③ The country (as a whole) will be restricted from sending workers to all local governments in Korea for three years in case of 70% or more undocumented stay.

* However, the reentry of sincere workers and the invitation of family and relatives of marriage migrants are allowed.

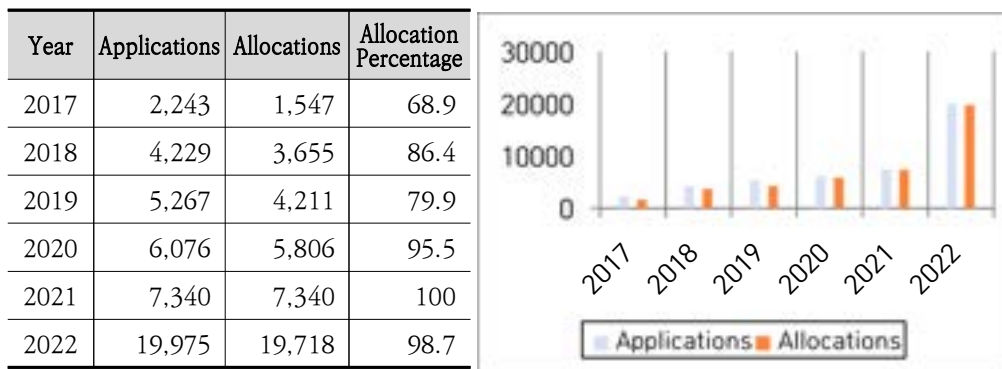
○ Clarify criteria for recognizing and re-entering sincere workers

- Recognize the period of normal stay from the date of entry of seasonal workers into Korea to the date of recommendation for reentry as a working day, and allow reentry of sincere workers even in sanctioned overseas local governments or countries with a high rate of undocumented stay.

■ Application, Allocation, Operation, and Undocumented rates of Seasonal Workers by Year

The following is a breakdown of seasonal worker applications, allocations, operations, and undocumented rates from 2017 to 2022. The table reconstructed from data acquired from local governments by the office of the member of parliament, Hong Young pyo

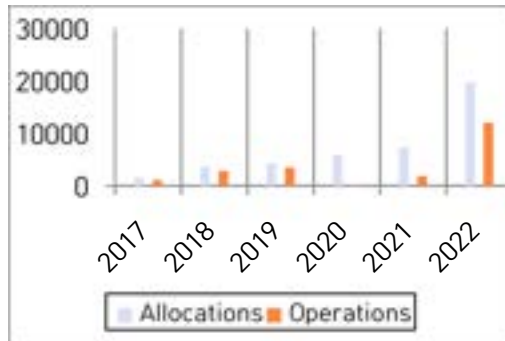
► Applications vs Allocations of Seasonal Workers by Year



Since the SWP was fully implemented in 2017 after a two-year pilot project for 2015 and 2016, the number of local governments allocated has gradually approached 100%. This can be interpreted as either local governments have improved their skills in order to receive more allocations (e.g., how to fill out the application form, such as providing a plan to prevent undocumented rates and describing how to operate), or the Ministry of Justice is gradually making allocations more generous. Even during the COVID-19 era, the number of seasonal workers allocated gradually increased in response to the needs and demands of farmers and fishermen.

► Allocations vs Operations of Seasonal Workers by year

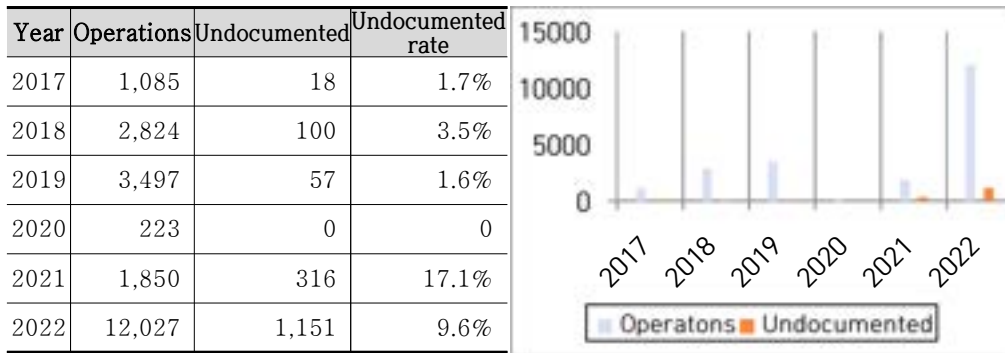
Year	Allocations	Operations	Operating Ratio
2017	1,547	1,085	70.1%
2018	3,655	2,824	77.2%
2019	4,211	3,497	83.0%
2020	5,806	223	3.8%
2021	7,340	1,850	25.2%
2022	19,718	12,027	60.9%



From 2017 to 2022, the volume of seasonal worker applications witnessed a consistent annual upswing, resulting in a parallel rise in the allocated positions (42,277). However, the operation rate, standing at 21,506, has consistently maintained a six-year average of 50.86%. The proportion of seasonal workers assigned compared to those actually operational was notably lower during the challenging entry conditions of 2020-22 amid the COVID-19 pandemic. Specifically, in the case of 2020, where the ratio of allocated (5,806) to operational (entered Korea) (223) workers stood at a mere 3.8%, it underscored significant issues in the functionality of the SWP.

The fact that the actual number of operational workers constituted only 3.8% of the allocated figure in that particular year can be attributed, in part, to the stringent border controls during the unique circumstances of COVID-19. However, a more fundamental reason also played a significant role. This was due to the lack of international cooperation and seasonal worker management capacity of local governments, as well as the indifference and non-cooperation of the central government. The Ministry of Justice increased the number of seasonal workers every year, but left the operation to local governments at home and abroad, ignoring the difficulties of the operation process. In the end, the 2020 case showed that the central government or local governments should be more actively involved in the operation of the SWP to save the purpose of the system.

► Operations vs. Undocumented rates of Seasonal Workers by Year



The ratio of undocumented workers to those officially recorded as having entered Korea experienced a notable surge in 2021 and 2022, reaching 17% in the former and 9.57% in the latter. In terms of absolute figures, there were nearly 835 more undocumented workers in 2022 compared to 2021, surpassing the total number of undocumented workers in all of 2017. This underscores the trend that as the number of officially recorded workers increases, so does the number of undocumented workers.

This shows that while local governments are taking measures to prevent migrants from becoming undocumented through recruitment brokers, it only leads to higher recruitment costs and human rights violations. In the end, statistics show that the SWP is imitating the industrial trainee system, which was abolished when it was criticized as modern-day slavery. It's a step backward in history.

■ MOJ-led Seasonal Worker Program

A seasonal migrant worker is a worker who leaves his or her home country to perform migrant labor during certain periods of the year (seasonal). The SWP is a system designed to employ foreigners for a short period of time to alleviate extreme labor shortages during the agricultural season, and is operated in most OECD countries, and is usually handled by the department in charge of labor and employment.

While, in Korea, the Ministry of Justice is uniquely responsible for the

system of seasonal migrant workers. Although it is the head of the basic local government (mayor or county governor) who wants to introduce seasonal workers under this system, it is the Ministry of Justice that presides over the allocation review committee that determines the size of the seasonal worker allocation for each local government twice a year. The Ministry of Justice presides over the Allocation Review Council, which consists of the Ministry of Employment, Labor, and Welfare, the Ministry of Agriculture, Livestock, and Food, the Ministry of Oceans and Fisheries, and the Ministry of the Interior and Safety, and effectively controls the allocation of quotas for the SWP.

It is challenging to determine whether the SWP managed by the Residence Management Department of the Ministry of Justice is an immigration policy or a foreign manpower policy. In Korea, the agriculture and fishery industry is a representative industry that suffers from a labor shortage due to the super old age of its workers. To solve this problem, agriculture and fishery policy should be solved with the help of immigration policy. Nevertheless, as the SWP is designed as an immigration policy, preventing undocumented stay has become a top priority, which has led to adverse consequences.

Since the introduction of the foreign employment permit system in 2004, rural areas experiencing severe labor shortages have been securing labor by inviting seasonal workers and families of marriage migrants. The SWP has helped alleviate the labor shortage in rural areas amid tightened immigration controls after COVID-19.²⁾

However, due to the problems such as working environment different

2) The total number of foreign employment permit system in the agricultural sector is expected to reach 6,600 in 2019 and 6,400 in 2022, up from 2,000 in 2004, with a quota of 8-12% compared to the manufacturing sector. After 2015, the Ministry of Justice piloted the SWP in response to the demand for more foreign labor in rural areas, and expanded it nationwide in 2017. In 2022, the Ministry of Justice announced that it would introduce a public seasonal worker program nationwide as the labor shortage intensified due to the tightening of border controls due to COVID-19.

from the contract conditions before departure, forced accumulation, remittance and wage exploitation due to broker intervention, employment instability due to short-term stay, and relatively low wages and poor working environment despite long working hours compared to those of the manufacturing industry, workers left their workplace. The number of migrant workers is increasing. Accordingly, the Ministry of Justice is requesting measures to prevent defection from each local government that introduces seasonal workers, and local governments at home and abroad are implementing measures to prevent undocumented stay, such as defection deposit, mandatory accumulation, and joint responsibility with family and relatives, for enhance the acquisition and augmentation of quotas, there is a concerning trend of potential human rights violations occurring.

Meanwhile, when seasonal workers leave their workplaces in Korea, they are often described as perpetrators, while farmers and fishermen are portrayed as victims. The media is influenced by local government press releases, which assert that measures infringing on human rights to prevent worker departure are not only effective but also deemed appropriate responses, demonstrating a lack of awareness about the underlying issue.³⁾ Despite the fact that human rights violations of

3) ▶ A broker who takes more than half of your salary... Foreign workers encouraged to leave without notice(<https://c11.kr/16d0j>, Maeil Daily Newspaper),
 ▶ Foreign seasonal workers disappear... The double whammy of damage to farms and emotional betrayal (<https://c11.kr/15wql>, Gangwon Daily Newspaper),
 ▶ Now farming with peace of mind” The secret to local governments without the undocumented (<https://c11.kr/16d0p>, JoongAng Daily Newspaper), ▶ Filipino workers picking tomatoes in Buyeo (<https://c11.kr/16d0w>, Hankyoreh 21).

Farmers, the government, and the media are criticizing migrant workers with the frame of migrant workers = perpetrators and farmers = victims, without examining the reasons for the departure of seasonal migrant workers. In particular, Hankyoreh 21 highlighted only the advantages of the agreement, citing a press release from Buyeo County, saying, “The framework of this agreement was created through discussions between Buyeo County and farmers.” “Buyeo County’s foreign worker program is a policy to provide a stable supply of labor to farms. It is also an opportunity for foreign workers to work without illegal residency and without referral fees. The contents of the agreement signed between Buyeo County and Cordoba City are... ” However, at

seasonal workers are being intensified by business operators and the media, there has been no domestic or international survey on the situation that can be judged based on objective data. However, the factions advocating for a substantial expansion of the **SWP** and those advocating for its abolition are merely reiterating their respective positions without making a concerted effort to objectively assess the prevailing reality.

■ Requirements

It is urgent to systematically investigate the **SWP** in order to dispel unnecessary controversies over the present state, improve the system, and find solutions to mid- and long-term immigration policy.

Above all, the Ministry of Justice, in charge of the **SWP**, has the authority to set quotas and requires local governments to take measures to prevent migrant workers from becoming undocumented workers. In December 2022, the Ministry of Justice announced that it would restrict the dispatch of seasonal workers through the MOU method to all local governments in Korea for three years from next year and that it would restrict the sending of seasonal workers to some overseas local governments for one year, including four local governments in country B, one local government in country C, and one local government in country D. Those governments have high rates of undocumented. Accordingly, the Ministry of Justice has refined the criteria for sanctioning foreign local governments and countries for undocumented rates. This is a completely different approach from the one taken in New Zealand and Australia, where employers are held accountable for all liabilities resulting from undocumented stays.

the actual contents of the agreement, it violates the principle of direct and full payment stipulated in Article 43 (Payment of Wages) ① of the Labor Standards Act, which states that “wages must be paid in full to the worker directly in currency,” and is called modern slavery. The industrial trainee system, which was abolished amid criticism, requires compulsory accumulation of funds under the pretext of preventing escape and defection, resulting in regressive human rights violations.

On the other hand, local governments both in sending countries and in Korea often lack the capacity for effective international cooperation. Consequently, brokers have entered the scene, and exploitative practices, including charging migrant workers brokerage fees, have become widely accepted. The current **SWP**, which the Ministry of Justice administers, replicates the problems of the industrial trainee system, which was criticized as modern-day slavery in the past, such as mandatory pre-departure deposits and forced accumulations, intermediary exploitation by interest groups (or individuals), and human rights abuses.

The measures implemented by the Ministry of Justice to enforce requirements for undocumented workers in the **SWP**, mirroring those of the historical industrial trainee system, have the potential to become deeply entrenched in the future. This violates Article 43 (Payment of Wages) of the Labor Standards Act, which requires direct and full payment of wages, and Article 9 (Prohibition of Forced Labor) of the Labor Standards Act, which states that "An employer shall not force a worker to work against his or her free will by means of assault, intimidation, confinement, or other means of unreasonable restraint of mental or physical freedom." Furthermore, "an employer shall not force a worker to work against his or her free will. It also violates the International Convention on Forced Labor (ILO), which states that "an employer shall not compel a worker to work against his or her will by means of assault, intimidation, imprisonment, or other means of undue restraint of mental or physical liberty".

Before forcing workers to work against their conscience and free will through the use of exit deposits and compulsory contributions, **SWP** must first ensure that decent work and decent wages are guaranteed, that wage payments do not violate labor standards Act, and that sending workforce costs and domestic working conditions are appropriate.

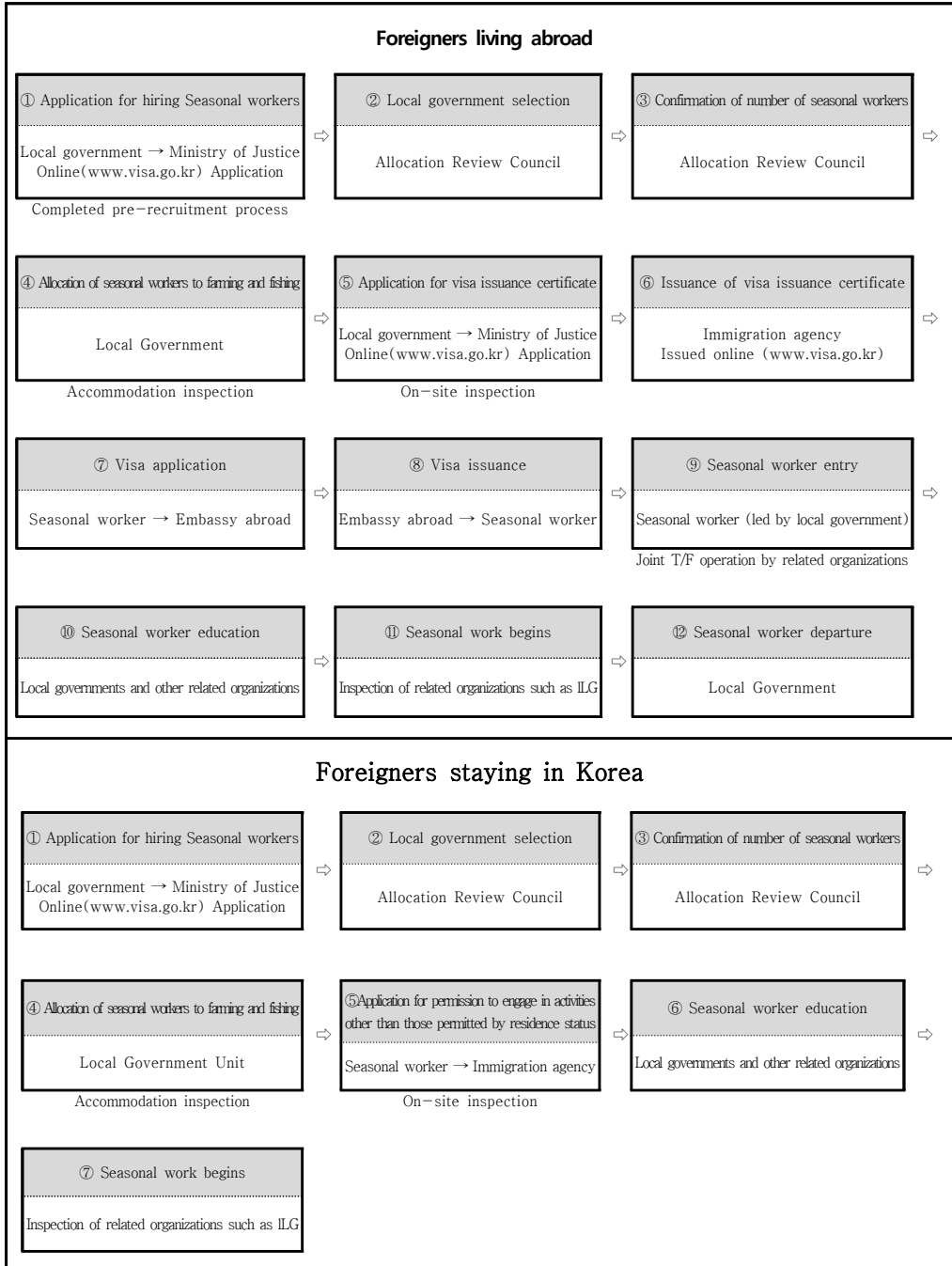
While nations that have previously implemented the SWP have actively sought mutually beneficial arrangements through agreements with the central government of the sending country, Korea has delegated this responsibility to local governments. This approach perpetuates the

reliance on brokers. While the re-entry of seasonal workers is preferred by employers as a means to retain skilled workers, it is not practically implemented in countries with stringent recruitment restrictions. It's essential to note that workers' claims to self-determination may be compromised in exchange for the prospect of 're-entry'.

Countries with long-standing seasonal worker programs are required to closely examine the cost of departure and the appropriateness of the labor contract during the recruitment process, pre-departure training, orientation after arrival in the country, accommodation and wages, occupational safety training, overall working conditions such as working hours and salaries, and problems in the resettlement process after returning home.

The **SWP** should be used as an opportunity to explore mid- and long-term immigration policy solutions in Korea, a society with a low birthrate and aging population. In this regard, we, JCMK conclusively emphasize that the current system, which focuses on residence management, has its limitations.

See also) Seasonal Worker Program detailed flowchart



Chapter II

Survey Results Based on Questionnaire Analysis

Research Target

In order to investigate the labor conditions of seasonal migrant workers, this research was conducted among workers who have experience in seasonal migrant worker. Nationality, circumstances before and after entering Korea, and working conditions in Korea were comprehensively considered to understand their labor conditions in detail.

The questionnaire consisted of 20 questions as shown in Table 1(Appendix 1. Questionnaire), and the detailed questions included the general socio-demographic characteristics of the respondents, the process before entering Korea, the working environment in Korea, and the difficulties that had experienced in Korea. A total of 89 questionnaires were gathered, and any questionnaire items left unmarked by the participants were excluded from the percentage calculation. The data were analyzed using the STATA program.

<Table 1> Questionnaire configuration

No	Category / Target	Content
1	Demographics	Sending country/organization, gender, year of birth, number of visits to Korea
2	The process before entry to Korea	How did you obtain your entry visa, your status in Korea, where you get your job information before going to Korea, whether you were aware of the job and contract terms before coming to Korea, whether you had a labor contract, the total amount you paid to work in Korea, any additional expenses, any experiences with fraud the job search process, how long it took from application to arrival, and how you arranged for your departure.

<p>3 Working conditions in Korea</p>	<p>Wage remittance account, work location, average daily hours, overtime pay, days off per month, average monthly earnings, whether or not you want to extend your employment, availability of toilets and showers in your accommodation, whether or not you changed work location, reasons for changing work location, satisfaction with working conditions, how your employer provides benefits, and forced accrual</p>
<p>4 Challenges experienced in Korea</p>	<p>Difficulties experienced, experience with counseling for human rights violations. Experience with grievances</p>

■ Questionnaire analysis results

The JCMK’s SWP Survey was conducted through group or individual interviews with individuals who had experienced, were preparing to experience, or were currently working as seasonal migrant workers in Korea. The survey researchers used questionnaires translated into the native languages of the survey participants and used bilingual interpreters to ensure that the intent of the survey was accurately conveyed.

During the course of the survey, the researchers experienced some explicit and implicit interference from stakeholders such as recruitment organizations and employers. In addition, seasonal migrant workers, who arrive in the country based on family recommendations and accompanied by someone from their hometown, hesitated to articulate their individual viewpoints during group interviews due to the implicit influence of local and personal connections.

As the recommendation for re-entry is entirely dependent on the employer's decision, local governments at home and abroad are limited in the number of individuals they can dispatch, tied to the count of undocumented workers. To mitigate this risk, each local government has mechanisms in place to ensure human security guarantees. And

the sending organization's interests are intertwined, seasonal migrant workers cannot easily express their opinions against the collective will, as if they were in a sit-in or shackles. This was the biggest challenge in the research.

To overcome the difficulties, the researchers tried to access the real truth by using Google Forms and interviewing undocumented migrant workers and those whose attempts to re-enter the country were unsuccessful. On the other hand, the Google questionnaire was limited by the fact that migrant workers using second-hand or low-end cell phones or living in areas without Wi-Fi complained of difficulties in opening files, sending photos, etc. and we encountered a number of illiterate people during the survey, which gave us the impression that there were seasonal migrant workers who had significant difficulties in understanding labor contracts and opening bank accounts.

Nevertheless, we believe that the survey elicited the most sincere responses possible from seasonal migrant workers regarding their demographic characteristics, entry process, and working conditions and difficulties in Korea, with the assistance of the National Human Rights Commission, MFA, and local activists of MFA members. In addition, there was cooperation from employers and domestic and foreign officials who expressed their grievances as stakeholders and mentioned the need to improve the system.

■ Nationality and Gender

A total of 89 respondents were from Vietnam (34.83%), the Philippines (30.34%), Nepal (11.24%), Laos (11.24%), Mongolia (10.11%), and Uzbekistan (2.25%). And 82.95% of them were male. This can be seen from the Ministry of Justice's Immigration Statistics Yearbook (2021 and 2022). The data show that in 2021, 82% of E8 (seasonal worker) visa entrants were male, and 91% were the undocumented. In 2022, the proportion of males dropped to 66.25, but the proportion of the undocumented reached 76.9%, which is close to the survey respondents when averaged over the two years, suggesting that the data collection was adequate in terms of

gender. Also, by nationality, there was good correspondence between arrivals and survey respondents. On the other hand, about 81% of seasonal migrant workers are in their 30s and 40s, which is a bit older than the EPS(Employment Permit System) workers, but it indicates that seasonal worker employers are hiring younger, more energetic workers compared to Korean workers.

■ Number of visits to Korea by respondents

The majority of seasonal migrant workers (63%) had visited Korea once before starting work, which means that many Vietnamese married migrant-related seasonal workers chose to return to Korea based on their previous visits. On the other hand, in the case of the Philippines, there were many seasonal workers who had cumulatively entered the country due to the active reentry of seasonal workers through the recommendation of their employers.

■ How to obtain a visa

64% of those surveyed obtained visas through MOUs between local governments, while 35% obtained visas through family members of married immigrants.⁴⁾ (Other 1%) According to data from the Office of Members of Parliament, Kwon Insook, 'Operation Status of Seasonal Workers': As of November 11, 2022, the number of entrants was 7,959, with 2,231 entering under E-8-2 (agriculture) and 224 under E-8-4 (fishing), both of which are visas related to married immigrants. This was 31% of the total seasonal workers, which was close to the survey

4) The Seasonal Worker Program is based on the principle of signing an MOU between local governments, but in countries such as Laos, transmission is only possible through a specific agency designated by the central government, making it no different from a project entrusted to the private sector at the 'national level'. In Nepal, local governments are prohibited by law from sending overseas manpower, but while sending through local governments is being restricted due to the high undocumented rates. Nepal's central government lacked understanding of the SWP, saying that after the Korean Ministry of Justice decided to stop sending workers abroad, they revised the law to allow local governments to send workers overseas.

respondents.

Meanwhile, in response to the increase of seasonal workers becoming undocumented, some local governments, such as Yeongwol, Hwacheon, and Cheolwon in Gangwon-do and Hwaseong and Pyeongtaek in Gyeonggi-do, were reportedly applying for seasonal workers only from families of married immigrants as a measure to prevent undocumented stay. This has led to the absurd phenomenon where marriage migrants are compelled to manage their family members' stay in Korea without pay, all while being held responsible for their family member's risk of becoming undocumented.

■ Correlation between visa acquisition and nationality

It was found that 74.2% of Vietnamese respondents obtained their visas through family members of migrant workers and 25.8% through MOUs with local governments. The high number of Vietnamese seasonal workers on E-8-2 visas was due to the high number of marriage migrants. At the end of 2022, according to the Ministry of Justice's immigration statistics (2022 Statistical Yearbook, not including naturalized persons by marriage), the number of married immigrants by nationality was 39,136 from Vietnam, 12,253 from the Philippines, 2,738 from Uzbekistan, 2,528 from Mongolia, 852 from Nepal, and 636 from Laos. On the other hand, the Philippines had a significant number of marriage migrants compared to other countries, albeit at a third of the level of Vietnam, but the survey found that many migrants enter the country through MOUs between local governments because it is favored by sending brokers.

■ Sign a labor contract

A total of 64 respondents had a labor contract while in Korea, accounting for about 79%. There were 17 respondents who did not have a labor contract, accounting for about 21%. In other words, the majority of respondents had a labor contract while working in Korea. However, if we, JCMK interpret the absence of a labor contract, it means that 21% of employers did not comply with the Labor Standards Act.

If the workers who responded that they do not have an employment contract are classified by country, they are Nepal (8 people), Vietnam (7 people), and the Philippines (2 people). Since the ratio of entrants to each country and the number of respondents to the survey are not the same, it is difficult to say that only certain countries are neglecting the writing of employment contracts based on the response rate alone. Rather, it shows the possibility that seasonal workers from all sending countries may be excluded from rights related to employment contracts.

The creation and issuance of labor contracts are specified in Article 17 (1) and (2) of the Labor Standards Act. In principle, one copy should be kept by the employer and the other by the employee, and if the employer fails to execute and deliver the labor contract in writing, a fine of up to 5 million won(≈3,720\$) can be imposed. This applies to short-term workers, including seasonal workers, part-time workers, and day workers, who are required to have a labor contract if they provide work for even one day. The Labor Standards Act also requires employers to keep labor contracts for three years from the date the employee leaves the company.

Even if workers have a labor contract, it is another matter whether they are aware of its contents or not, which is only in Korean and English. Most non-English-speaking migrant workers (none of the countries that send migrant workers have English as their first language) are not provided with a labor contract in their native language, leaving them open to manipulation by brokers. In fact, migrant workers were at risk of being forced into labor due to disputable wording. For example, the phrase "salary and holidays will be agreed upon with the worker" means that the employer, who has absolute control over the labor contract, can unilaterally change the weekly holiday to a biweekly holiday, provide room and board, deduct room and board expenses, and pay overtime at its discretion

Without a domestic network, seasonal migrant workers are at risk of forced labor and trafficking if they live in isolated areas where only their

employers know where they are staying. It is common sense for seasonal migrant workers to have a mutually understandable contract so that they can work without the problems of lack of information and the anxiety of isolation. The reality is that even this basic common sense is not followed in the SWP.

■ Total expenses paid to get a job in Korea

In addition to expenses such as airfare, medical examinations, and visa procedures, 34.4% of respondents paid additional fees to their home local governments and private brokers or agencies to get a job in Korea. While 65.6% did not make any additional payments, we, JCMK, has found that a small percentage did.

Among the 14 respondents who reported paying additional fees to brokers or local government officials in the sending country, 13 were from Vietnam, and 1 was from Laos. Furthermore, all instances of fraud victims (100% in Nepal) were accounted for in the responses, highlighting the countries that should be taken into consideration when addressing transparency in the recruitment process.

<Nationality if there is an additional payment amount>

Division	Frequency	Ratio
Vietnam	13	92.9
Laos	1	7.1
Total	14	100.0

The fact that 34.4% of seasonal workers experienced additional costs in the form of express fees or other fees in addition to the reasonable (official) costs allowed by the employment permit system(EPS) indicates that the repatriation process is not transparent and involves private interests. This suggests that as the number of applicants increases in the future, the burden of additional costs will also increase, so it is necessary to strengthen the transparency of the seasonal worker program.

Transparency is a basic premise of Decent Work. Although seasonal workers are not a transnational program, they are introduced through MOUs between local governments and should be public. To this end, guidelines for reasonable or official costs should be established, and these should be publicized to prevent irregularities in remittances

■ **Whether or not there is fraud during the employment preparation process**

As a result of a survey about experiences of fraud during job preparation, 76 respondents (about 94%) responded that they had never experienced fraud. There were 5 people who were swindled, accounting for about 6.1%. It turned out that out of five people who responded that they had experience with fraud, all five were from Nepal.

■ **How long does it take for a seasonal worker to enter Korea?**

About 38.3% of the respondents said that it took two months to apply for a seasonal worker and enter Korea. This was followed by 25 percent who said it took three months and 13.3 percent who said it took one month to four months, respectively. Those who took more than one month but less than two months accounted for 8.3%, and one respondent took more than five months, accounting for 1.7% of the total. This shows that the process of applying for and entering Korea as a seasonal worker generally takes about two to three months.

Under the Employment Permit System (EPS), applicants are chosen based on their scores, prioritizing those with the highest scores after successfully completing a Korean language proficiency test, skill level assessment, and interview in 16 sending countries. The Korea Industrial Manpower Agency, a division of the Ministry of Employment and Labor, then facilitates contracts between employers and three times the number of selected applicants. Even if the candidate for EPS worker passes the Korean language proficiency test, which is valid for two years, he/she only has a 34% chance of being able to enter Korea. This means that many people are unable to enter the country after the two-year validity period.

In comparison, the SWP has a much shorter preparation period before entering the country, creating opportunities for middle-aged people in sending countries who are relatively unable to compete. This can be an advantage, but it can also be a starting point for unprepared migrant labor, so discussions on pre-departure education are necessary.

Despite the shorter entry process compared to the employment permit system (EPS), there have been cases where employers who hire seasonal workers have been asked to return early (e.g., the watermelon farm in Y** County) or change their workplace due to the delayed entry of seasonal migrant workers.

■ Working hours and days off

More than 50% of the migrant workers surveyed worked 8-9 hours per day, with 37.1% working 8 hours, 26.9% working 9 hours, 20.5% working 10 hours, 6.4% working 11-12 hours, and 2.6% working 7 hours, and the average working hours of all migrant workers was 9.1 hours.

In terms of the number of days off per month, 54.1% of migrant workers in the EPS took a bi-weekly (twice a month) break, which is the most common type of break. This was followed by 4 times a month (18%), 8 days off per month (8.2%), 1 day off per month (6.6%), and 0.5 days off per month (morning off, afternoon on) (9.8%). The average number of days off per month for all seasonal migrant workers surveyed was 2.7.

Employers of seasonal migrant workers claim that they are not underpaid because their wages are based on a monthly salary system, which means that they are paid on days when they do not work due to weather, and they are provided with accommodation. However, the fact that 16.4 percent of employers closed in the morning once a month or monthly, with bi-weekly closures being the most common, suggests that most seasonal migrant workers are overworked and underpaid without adequate breaks.⁵⁾ In terms of accommodation, it is unfair to call it a farmer's

5) City Y, which unified all farm salaries at 10 hours a day, 1 hour break (lunch), 2 days off per month, and a monthly salary of 2 million won, was in good condition.

burden, as farmhouses and communal accommodation (e.g., using village halls) were common.

■ Payment for overtime work

62.3% of respondents said they were paid for overtime work, while 19.4% said they were not paid for overtime work. A notable 11.7% of respondents were uncertain about receiving payment for overtime, and 6.5% had never worked overtime. This indicates that, although over 60% of participants reported being compensated for overtime, a significant percentage either did not receive payment or were unsure about it.

Article 63 of the Labor Standards Act, which establishes guidelines for working conditions such as wages, working hours, and breaks, explicitly exempts the agricultural, livestock, and fishery sectors, along with monitoring and enforcement workers, from the regulations concerning working hours, breaks, and holidays.

Due to Article 63 of the Labor Standards Act, these sectors are allowed to work more than 40 hours a week without additional overtime pay and are not required to take breaks. The agricultural sector has a high proportion of day laborers, and the nature of their work makes it difficult to apply uniform working hours. On the other hand, seasonal workers are not day laborers whose employment relationship is settled on a daily basis, so it is appropriate to provide paid holidays, overtime restrictions, and additional allowances for overtime work according to the duration and hours of work. This is where the government's support is needed, along with a change in thinking that it can help solve the labor shortage by promoting the influx of rural labor.

■ Average monthly income

The average monthly income was divided into six categories, with 33.7% of respondents earning more than 2 million won(≈1,488\$) and less than 2.4 million won(≈1,786\$), and 30.3% earning more than 1.8 million won(≈1,339\$) and less than 2 million won. Those earning less than 1.8 million won accounted for 21%, and those earning more than 2.2 million won but

less than 2.4 million won accounted for 4%. We found that a large number of seasonal migrant workers were paid between KRW 1.8 million and KRW 2.2 million(≒1,637\$).

Due to the nature of farming and fishing, average monthly working hours may vary depending on weather conditions. However, when looking at the average working hours under the premise that the wages of seasonal workers are monthly, seasonal workers do not reflect reality. Based on the minimum hourly wage in 2022 (KRW 9,160), the basic salary is KRW 1,914,440 per month when working 48 hours a week, and based on the minimum hourly wage in 2023 (KRW 9,620), the basic salary is KRW 2,010,580 per month. In a reality where the daily wage of undocumented agricultural migrant workers is 120,000-150,000 won, seasonal workers who are not subject to the Labor Standards Act feel relatively deprived, which becomes a factor which leads to leaving the country.

■ Reasons for changing workplaces

85.3% of respondents said they had not changed their workplace, while about 14.7% said they had changed their workplace. Considering the difficulty of changing workplaces for seasonal workers, 14.7% is not a small percentage, but what is unusual is that seasonal migrant workers were required to change workplaces by their employers. Five out of seven respondents said that their employer asked them to change their workplace, while two respondents said that they wanted to change their workplace. This shows that employers are responsible for the majority of workplace changes.

Given that the majority of workplace changes are made at the need of employers, not workers, and are seasonal during the agricultural season, this could be a problem caused by a mismatch in the supply and demand for seasonal workers, or it could be a case of seasonal migrant workers being victimized by workplace changes due to employer complaints.

■ Forced salary accumulation

87.3% of the respondents reported that they were not forced to save, while 12.7% of the respondents reported that they were forced to save. Of those who had forced contributions, 71.4% were sent to their home municipality or an authorized sending agency, while 14.3% were sent to an employer and a private agency or broker. In other words, forced contributions were more likely to be sent to their home municipality or an authorized sending agency.

Because forced savings can lead to forced labor, Article 43(1) of the Labor Standards Act states that "wages shall be paid in full in currency directly to the worker." Article 43(1) of the Labor Standards Act states the principle of currency payment. Seasonal workers who have experienced forced accumulation are registered in the name of their home municipality, sending organization, or sending to company rather than in their own name, indicating that this is done to prevent them from leaving the country. In some cases, seasonal workers were threatened with deportation and paid a 'return deposit' that they could not receive if they left

■ Challenges of living in Korea

36.9% of respondents reported being verbally abused or assaulted, and 28.9% reported being subjected to racism or racial slurs. 10.5% had been forced to work on days off, 5.3% had been injured or ill while working, 5.3% had experienced sexual harassment and sexual violence, and 2.6% had had their passport or bank account confiscated. This shows that in addition to physical violence, such as verbal abuse and assault, a significant proportion of respondents also experienced verbal abuse, such as racial and ethnic slurs.

In 67% of cases, the survey respondents had not counseled others about human rights violations while working in Korea.⁶⁾ Of those who had, about

6) The seasonal migrant workers that JCMK researchers encountered during the survey were either confiding in their family members or keeping their problems to themselves. In this sense, it is reasonable to assume that most of the seasonal migrant workers who said they had no experience of consultation when faced with human rights violations were invited by local governments.

7.4% said they had approached the Employment and Labor Office or local government, followed by 6.1% who had approached a migrant worker from the same country. 4.9 percent of respondents said they had contacted an embassy with a married migrant from the same country, 3.7 percent said they used a migrant worker counseling center, 2.4 percent said their employer or home country sending agency, and 1.2 percent said a fellow Korean worker.

This shows that more than half of the respondents did not seek counseling when their human rights were violated, and those who did so through public institutions such as the Employment and Labor Service or local governments, migrants from the same country, or embassies or migrant worker counseling centers where they spoke the same language.

More than half experienced verbal abuse, assault, racial discrimination, or derogatory remarks about their country of origin, but only 7.4% had consulted a public institution (2.4% with a sending organization). On Jeju Island, which operates the **SWP** at the provincial level, there was only one official in charge, which is not much different from other basic local governments. As a result, married migrants whose relatives work as seasonal workers are forced to consult privately and bear the burden. In other words, migrant women are being forced to deal with the system's shortcomings for free in an area that should be the responsibility of the public.

On the other hand, private support organizations have been active in the manufacturing sector and cities for a long time. Nevertheless, the low consultation rate may be due to the weak assertiveness of migrant workers' rights, but it is also due to the lack of information and marginalization of migrant workers' support systems. This means that counseling support organizations and institutions should be strengthened to help seasonal migrant workers claim their rights and access remedies. Unfortunately, contrary to this reality, the budget for all foreign support centers has been completely cut in 2024, showing no signs of strengthening the poor support system for seasonal migrant workers.

■ How and what information is provided on penalties for becoming undocumented (Open-ended questionnaire)

Forty-six individuals responded to the open-ended questionnaire, providing insights on whether they had ever been informed of potential penalties for leaving the contractor or not returning home after the expiration of a contract term, and if so, from whom. This may be partly due to the fact that the surveyors were conducting the survey in the workplaces where the participants were working and did not have enough time to complete the survey, and partly due to unfamiliarity with narrative responses. Some people wrote the same answers as their coworkers, and some wrote things unlike what the researcher intended. JCMK did not organize these answers separately.

Vietnamese respondents said that they were educated by the employment center staff in charge of sending them that if they overstayed, they would not get their 1.1 million won (≈\$850) return deposit back, and that they were mainly warned by their families to avoid overstay, and were told about penalties such as fines and entry bans. Unusually, two respondents said that they were also informed by the foreign counseling center in Korea. On the other hand, all 10 respondents from Laos stated that they were not aware of any penalties for overstaying in Korea, attributing this lack of awareness to the assertive approach of the interpreters present in the field.

Among the Filipinos, two respondents mentioned that their local municipality had provided information about this during pre-departure education. However, they noted collective pressure from the municipality, both in terms of being unable to receive the remitted money and the potential impact on the entire community if there were many undocumented individuals. This is because the municipality would be subject to restrictions on sending manpower.

In Vietnam, the return bond was a substantial sum of 1.1million won (≈ \$850); in the Philippines, pressure from family members; in the Philippines, community responsibility and wage garnishment while in the country; and in Mongolia, the return bond was used as a deterrent. The

prevalence of these methods, such as return bonds, community pressure, and wage garnishment, in sending municipalities, despite the fact that they can be used as a pretext for forced labor, indicates that the seasonal worker program is subject to serious human rights violations.

<Content of information on penalties for Arbitrary leaving the workplace>

No	Country	Response Description
1 - 8	Vietnam	<ol style="list-style-type: none"> 1. Employment support center in Dong Thap province, Vietnam / Payment of 1.1 million won(≈820 \$) as return deposit 2. Vietnam Dong Thap Employment Support Center / Return Deposit 3. Vietnam Dong Thap Employment Support Center / Return Deposit 1.1 million won / If you become undocumented, you cannot get the deposit back 4. Dong Thap Employment Support Center in Vietnam / Return Deposit / I will not be able to get the deposit back. 5. Employment support center in Dong Thap province, Vietnam / Pay 1.1 million won for return deposit 6. Employment support center in Dong Thap Province, Vietnam / Paid 1.1 million won for return deposit 7. No response 8. Employment support center in Dong Thap province, Vietnam / Paid 1.1 million won for return deposit / If I leave, I cannot get the deposit back.
9	Laos	I haven't heard anything about penalties for becoming undocumented.
10- 19	Laos	No response or said not heard anything.
19 - 20	Philippines	<p>Educated locally that if I became undocumented, I would not receive my wages sent to the Philippines.</p> <p>If I become undocumented, my local government will no longer be able to dispatch seasonal workers to Korea. I was told in the pre-departure training(3 hours) that my neighbors were being harmed.</p>
21 - 40		1. My sister and aunt told that if I stayed in Korea illegally and got caught later, I would be fined, it would affect my family back home, and I would not be able to invite them back.

No	Country	Response Description
		<ol style="list-style-type: none"> 2. I was told by me brother that if I stayed illegally and was later caught, I would be fined, my family back home would be affected, and I would not be able to invite my family back.(2cases.) 3. I was told by my sister that if I left workplace or completed my 5-month contract and stayed illegally, it would affect my sister's family and I would not be able to invite them back. 4. If I stay in the country illegally, it will affect my sister's in Korea. 5. My sister told me that if I stayed in Korea illegally and got caught, I would have to pay some fine and would not be able to come back. 6. If I stay in Korea and become an illegal immigrant, it will affect my family in a bad way. 7. It would be bad for my family if I stayed in Korea illegally. 8. If I stay in Korea illegally, it will affect my family in Korea and I will not have the opportunity to come back to work in the future. 9. I have been told by my family that staying in Korea illegally will affect them. 10. My family has told me that if I stay in Korea illegally, I will be deported and have to pay some fine, which will affect my family. 11. I was told that if I stayed in Korea illegally that I would be deported if I stayed illegally. 12. I was told by a foreign counselor and my guarantor that I would be deported if I stayed illegally. 13. I have been told by the counselor and my family. 14. The counselor and my friends told me. 15. I was told by my family. 16.I was told by my sister that if I stayed in Korea illegally and was later caught, I would be fined and deported, which would have a negative impact on my family in Korea and make it difficult for me to come back as an invite the future.(2cases) 17. I was told that if I did not return to Korea after my contract was over, I would have to pay some fine, and my sister would also have to pay some fine and it would be

No	Country	Response Description
		<p>difficult for her to come back as an invitee in the future.</p> <p>18. I was told by my coworkers that if I left my workplace arbitrarily or stayed illegally in Korea, I would be fined and rejected when I applied to work again.</p> <p>19. I have been told by my family that being undocumented will have a negative impact on my family.</p> <p>20. I have been told by my family that staying in Korea illegally will have a negative impact on my family.</p>
41 - 44	Mongolia	<p>1. They said they would not give me the money I paid to the local government in my home country if I left the dispatched place(3 cases)</p> <p>2. They said they would not return the money I paid to the local government as a deposit if I became undocumented.</p>
45 - 46	Uzbekistan	I've heard about it.(2cases)

■ Findings and conclusions

To eliminate subjectivity from the data collection and interpretation process, the survey researchers endeavored to uphold objectivity by cross-referencing the data with the Ministry of Justice statistics. Consequently, the demographic makeup of the survey participants closely mirrored that of the total immigrant population. Despite inherent limitations in the survey, a substantial number of responses underscored significant issues within the SWP.

The lack of a grievance system puts a lot of pressure on marriage migrants, with 67% of seasonal migrants reporting that they have never spoken to anyone about human rights violations. This is reminiscent of the way local governments, which used to organize rural bachelor marriages in the past, used administrative agencies or intermediaries to carry out international cooperation projects because they lacked the capacity to do so.

In addition, the lack of labor supervision was a major problem due to the

fact that the Ministry of Employment and Labor was virtually hands-off due to the nature of the Justice Ministry-led system. This is a serious problem because the lack of access to redress can leave seasonal migrant workers in relationship and geographic isolation and subject them to trafficked forced labor. The Ministry of Justice's decision to extend the employment period for seasonal workers from five months to eight months has resulted in challenges concerning National Health Insurance coverage. Prior to the 8-month duration, local governments had chosen to rely on private healthcare support systems, such as the Jubilee Medical Association.

Above all, the lack of in-country training after arrival needs to be corrected, unlike the employment permit system, which provides formal in-country training.

The statistics of the survey show that it is urgent to secure transparency in outbound transportation, block the intervention of outbound transportation brokers for profit, and establish domestic and international systems to prevent human rights violations.

■ Chapter III

Reports on Overseas Survey by Country

III-1. Overseas Survey - Nepal

■ Research Overview

Researchers: Kim Jung-woo (JCMK), Lee Wan (JCMK),

Lim Sun-young (National Human Rights Commission),

Baek In-ae (National Human Rights Commission)

Research period: March 22 (Wed) ~ March 29 (Wed), 2023, 6 days and 8 nights.

Location : Nepalese seasonal worker sending areas and Kathmandu

Purpose of the investigation - To understand the cost requirements and role of local brokers in Nepal's local remittance system.

- Identify seasonal labor conditions and human rights violations in Korea
- Identify local information on the Ministry of Justice's three-year exclusion of sending countries in Nepal
- Identification of local treatment of seasonal laborers, etc.

■ Research Background

In 2022, Korean local governments, Inje-county, Gochang-county, and Muju-county, signed MOUs with Nepalese municipalities of Mangsebung, Pakpoktum, Gandaki (Machapuchare), and Durkot, and a total of 614 people entered Korea, with the 93% undocumented rates as of early 2023 among the 614 people who entered in 2022. In late 2022, the Korean Ministry of Justice imposed a three-year ban on seasonal migrant workers from Nepal. Nepal's undocumented rate is relatively high compared to that of other countries. JCMK decided that it was necessary to identify the reasons why migrant workers who entered Korea as seasonal workers were unable to return to their home countries after completing their contracts and staying in Korea in an unstable state. Therefore, JCMK resolved to visit Nepal, where the undocumented rate is very high, and conduct an investigation on the overall process of selecting and sending migrant workers.

Korean local governments	Nepal local governments	Number of entries	Number of returnees
Inje county	Mangsebung	147 people	8 people left Korea mid-contract. 11 people left Korea after contract termination
	Phakphokthum	170 people	
Gochang county	Gandaki Province (Machapuchare)	213 people	8 people
Mujoo county	Dhurkot	84 people	1 person left Korea mid-contract. 11 people left Korea after contract termination

■ Selection of interviewees

The interviews were conducted with people preparing to leave the country as seasonal migrant workers, workers returning home after seasonal migrant work, local government officials related to seasonal workers, civil society officials involved in activities related to migrant workers, and officials from the Nepal Ministry of Labor. During this field visit, all the arrangements were made in place to reach as many different groups as possible related to seasonal workers.

Classification	Contents
Worker preparing for departure	Dhurkot 5 people Machapuchare 2 people 2 people near by Kathmandu
Returnee worker	Dhurkot 9 people Machapuchare 1 person
Local government officials	Interview with Dhurkot mayor and public officials Machapuchare
Civil society	Interview with Nepalese migrant workers support group
Nepal Ministry of	3 people including the Under Secretary of the Nepal

Classification	Contents
Labor	Ministry of Labor, Employment and Social Security
etc	Interview with Nepali journalist

■ Research and Interviews

1. Interviews in Dhurkot area

A) Mayor and officials

- Date and Place : Thursday, March 23, 2023 / Tansen Crown Hotel

▶ Interviewee

- Bhupal Pokhare (Mayor of Dhurkot): Mayor at the time of signing the MOU on seasonal migrant labor
- Jhabindra Bhandari (government official): Recruiting seasonal migrant workers and preparing documents for Korea

▶ Interview Highlights

- Was the mayor in office when the MOU was signed with the local government of Korea to send seasonal migrant workers, and was the mayor aware of this MOU?
- Initially got involved when a Nepali who had returned from Korea came to him and introduced him to the system, then helped him connect with Muju county in Korea, and later discussed the details with an official from Muju county, who was thought to be an agency.
- On December 23, 2021, Dhurkot city officials met with a Mujoo county official in Kathmandu and signed an MOU. Dhurkot is too remote for them to travel to, so they decided to meet in Kathmandu.
- January 21, 2022. Dhurkot city sent the 211 applications we had received to the Mujuru county, and they confirmed and sent us a list of 149 people.
- Originally, the central government of Nepal was supposed to be in charge of sending labor abroad, but there was no law regarding seasonal workers. As a result, local governments were doing it on their own.

When the issue was raised in the media, the Minister of Labor in Nepal halted the local governments from sending workers abroad without obtaining permission or approval from the central government.

- Since this was the first time that overseas workers had been sent from Nepal, it was thought that the MOU between local governments was too difficult for inexperienced officials to carry out, making it easy for agencies such as brokers to intervene.

B) Departure Preparation Workers

- Date and Place : Thursday, March 23, 2023 / Tansen Crown Hotel

► Interviewees

- 5 departure preparation workers

* 5 workers who had completed all paperwork and contracts and were waiting for their departure date, but were unable to leave due to the central government of Nepal's order to stop sending overseas workers to local governments in 2022.

► Interview Highlights

- A was supposed to go to South Korea as a seasonal worker and was waiting after leaving the company. He even had a visa. His departure, initially scheduled for June 23, 2022, was abruptly canceled, and he has been in a state of uncertainty ever since.

- B and C are a married couple, B was working in India, returned home after hearing the news, applied for seasonal work, and was preparing to leave. C cannot farm if they both go to South Korea, so they have sold all their water buffalo and are waiting.

- D owned a grocery store in another part of the country that was closed due to the coronavirus, so she came to her hometown, heard about it, and applied.

- Five interviewees said that they knew it was suspended because the local government did not have the authority to send them, but they heard for the first time today that the Korean government has suspended the dispatch of seasonal migrant workers from Nepal for three years.

C) Returned Workers

- Date and Place : Thursday, March 23, 2023 / Tansen Crown Hotel

▶ Interviewees

- 9 returnees after working as seasonal migrant workers in Korea

▶ Interview Highlights

- Paid about 2,800,000 to 3,000,000 won in Korean won per person, including airfare, insurance, visa fees, agency fees, etc.

- Visited an agency office in Kathmandu, where they were told they had to pay \$600 to the Nepalese agency and \$600 to the Korean agency, for a total of \$1,200 in cash.

- All nine interviewees had borrowed money from friends and relatives because they were unable to afford the cost of sending them home, paying 24% APR in interest.

- Before departure, they were told to meet at the agency's office and sign a pledge that would hold them accountable if they left workplace arbitrarily, which they all did. It was written in Korean, English, and Nepali, with a \$10,000 fine for leaving workplace arbitrarily.

Pledge

As a seasonal worker dispatching from Dhurkot City, Nepal to Muju County, South Korea, I pledge to comply with the following.

1. as a seasonal worker, I will abide by the labor laws of the Republic of Korea.
2. I will return to Nepal 7 days before the end of the work period (approximately 5 months) specified by the entire Republic of Korea and Muju County, the employer.
3. I will not pay any brokerage or other nominal fees to any organization other than Muju county, Korea and Dhurkot City, Nepal.
4. I will pay a fine of USD 10,000 to the local government of Dhurkot City, Nepal for violating clauses 1, 2, and 3 above.

May 26, 2022.

Right(Nepali)	Left(Nepali)	Pledger(Name) :
(Finger print)	(Finger print)	Passport NO :
		Signature :

- Before leaving the country, only knew that the job was related to agriculture before leaving the country, but did not know the specifics of the job.
- In South Korea, he was paid about 2 million won to 2.4 million won per month in wages, with an average workday of about 10 hours.
- They were never given a paycheck stub, so they did not know the specifics, and they did not know how much overtime they were paid or if they were paid at all.
- Workers 1 and 4 were paid in cash, while the rest of the workers were paid in passbooks.
- Worker 1 was accommodated in a container, while Worker 2 (female) and Worker 3 through 9 (male) resided in a motel overseen by the Muju County Agricultural Cooperative. The five men were housed in a single room, while the women had separate rooms.
- After more and more people left workplace arbitrarily, the motel manager asked for their passports, so he kept them.

- One of the workers had to return home early due to jaundice.
- He was told he could come back to South Korea every year for the next five years to do seasonal worker, so he went back, unlike the others.
- We are still in the waiting list, and today we were told for the first time that seasonal migrant workers have been suspended for the next three years. We're unsure of what to do next.

2. Machapuchare Area interviews

A) The Mayor

- Time & Place : Thursday, March 24, 2023 / Pokhara Hotel

▶ Interviewee

- Mayor Min Bahadur Gurung Machapuchare

▶ Interview Highlights

- I was elected in May 2022, and the contract for seasonal migrant labor was signed by the previous mayor, so I do not know the details.
- I was not aware of the MOU with Gochang-county, but learned about it on October 19, 2022, when I received a request from Gochang-county to dispatch Nepalese officials.
- There was a list of about 200 people in the attached document, but after checking the list, I realized that most of them were not residents of our area.
- Through an email from Gochang-county, I learned about the large number of desertions and received news from Nepal that the dispatch of seasonal migrant workers was suspended for the time being.
- I searched for relevant data to understand the situation of Nepalese seasonal workers in South Korea, but found only one document.
- Upon contacting the relevant officials, they said that they did not have any relevant data because all the work was done by the sending agency in Kathmandu.
- I have since requested a letter from the Nepalese Ministry of Labor and the Korean Embassy in Nepal regarding the suspension of seasonal

workers, but have not received any response to date.

- To understand the problem, we tried to meet with the sending agency in Kathmandu, but they refused to meet with us.
- To understand the problem ourselves, we interviewed locals and family members of migrant workers, who told us that the agencies charged them between \$8,000 and \$13,000 per person to send them away.
- Local governments cannot solve the problem of brokers alone; the central government needs to play a role. I also believes that a transparent management system is needed, such as publishing a list of brokers on an internet website.

B) Pre-departure Workers

- Time and Place : Thursday, March 24, 2023 / Pokhara Hotel

▶ Interviewees

- 2 departure preparation workers (couple)

▶ Interview Highlights

- We have been working abroad since 1998. Until last year, we worked in Dubai. After returning home eight months ago, we heard about seasonal migrant workers in Korea and went to the office of a sending agency in Pokhara city.
- They told me that there were 300 people currently preparing, so if we paid an advance payment, they would put us on the list. So we paid 2 million won.
- The agency told us that we could work as a seasonal worker for one year and that the total cost would be 12 million won.
- To our knowledge, only about 20-30 of our friends paid the agency an advance payment of 2 million won each.
- This is the first time we have heard of a ban on sending seasonal migrant workers for three years.

C) Returned Workers

- Time and Place: Thursday, March 24, 2023 / Pokhara Hotel

▶ Interviewees

- 1 am a returned seasonal migrant worker

▶ Interview Highlights

- First heard about the Seasonal Worker Program from the mayor (former mayor) of Machapuchare and was told to go to the agency office for more information.
- When I left the country, I noticed that there were a lot of people who were not from my hometown(Machapuchare). At the medical examination 5-6 days before departure, I asked a few people, and out of the 43 people traveling with me, I didn't know about 25 of them.
- Arrived at Incheon Airport on June 21, 2022, and went straight to work, with no training.
- Paid about \$900,000 in Korean won to the sending agency (and paid for their own return tickets).
- Since I didn't have this much money, I took out a loan to cover the cost, with an interest rate of 24 percent per year.
- The total cost, including the agency fee, interest on the loan, and other expenses, was about \$12,000 in Korean won.
- I was told that my first month's salary in Korea had to be deducted for a medical examination, so I received about 1.5 million won, followed by about 2 million won, for a total of 9.5 million won.
- I never received a paycheck stub, so I didn't know the exact calculation of my wages, and I couldn't raise any issues due to language barriers.
- A coworker left the company and the boss took my passport.
- Worked in a greenhouse growing watermelons, which was very demanding and unbearable in the summer.
- Accommodation was in a room at the boss's house, and it was never explained to me whether the cost of room and board was deducted from my salary, so I didn't know.
- Studied Korean for four years to get into the Korean Employment

Permit System(EPS), but it didn't work out. Subsequently came to Korea as a seasonal worker.

- The agency told me that if I returned within the contract period, I could go back to Korea, so I returned and am still waiting.
- I was told for the first time today that I am banned for three years.
- As a result, I'm in debt because I came to Korea as a seasonal worker, and I don't know what to do next.

3. Interviews in Kathmandu

A) Pre-departure workers

- Time and Place: March 26, 2023 (Sun) / Kathmandu Hotel

▶ Interviewees

- 2 departure preparation workers

▶ Interview Highlights

- Worker 1 is an agricultural worker who grows vegetables in greenhouses near Kathmandu.
- Worker 1, 2, and 12 friends went to FarmerNews.com on September 15, 2022, after reading news about seasonal migrant workers on the Internet, and paid 200,000 won each as an advance payment on September 27.
- They were told the total cost, including airfare, would be 3-4 million korean won.
- They were told that the contract would be for six months, that they would be paid approximately 2.1 million won for eight hours of work, and that they could continue for several years.
- I heard for the first time today that I would only be working for 5 months and that I would only be able to go to the MOU region.
- I also heard about the 3-year ban for the first time today.
- Currently, agencies are still accepting advance payments and passports to go to Korea as seasonal workers.
- About 90 people they know have paid about 1 million to 2 million won in advance to the agency.

B) Ministry of Labor, Employment and Social Security, Nepal

(Ministry of Labor, Employment and Social Security)

- Time and Place: March 27, 2023 / Office of the Deputy Spokesperson, Ministry of Labor, Employment and Social Security, Nepal

► Interviewee

- Kabiraj Upreti (Under Secretary)
- Dambar Bahadur Sunuwar (Director, Overseas Employment Division)

► Interview Highlights

- Under Nepal's Foreign Employment Act, Nepalese nationals can work abroad in three ways. First, individuals can contract directly with an employer abroad and independently select the destination country, employer, and type of employment; second, they can go through a private recruitment agency's sending process; and third, they can go through a government-led process.
- Accordingly, the Ministry of Labor manages the employment permit system, which is a government-led process. And about 600 people have departed through MOUs between Korea and local governments in four districts of Nepal, but we did not know the specifics, such as the high rate of undocumented workers, and we heard about it for the first time today.
- They first became aware of the sending of seasonal workers to South Korea through media reports in May-June 2022, and suspended seasonal overseas employment due to the lack of management capacity or system at the basic local government level.
- Subsequently, the Ministry of Labor prepared the 2022 Guidelines for the Management of Seasonal Workers (applicable to all countries) on the system of sending workers abroad for a period of 3-13 months, and in January 2023, the Ministry of Labor forwarded it to the Korean government through the Embassy of Nepal in Korea.
- The Nepalese Ministry of Labor issues 'overseas work permits' to Nepalese nationals who go to work abroad and manages them online, but the number of people who go to Korea as seasonal workers was

not being managed.

- Through this discussion, we felt the need to investigate how MOUs are signed, how much agencies are involved in the process, and how the overall process of recruiting and sending workers works.
- A discussion table between the Nepalese Ministry of Labor and the Korean Ministry of Justice should have been set up in advance to understand and communicate about the seasonal worker program, but it is regrettable that this was not done. It was felt that communication between the two countries is necessary to resolve the issue of Nepalese remaining in Korea and the resumption of overseas employment for seasonal work in the future.

■ Interview summary

- Most people in Nepal were unaware of the Korean government's announcement of a three-year suspension of seasonal migrant workers from Nepal at the end of 2022. Nepalese labor brokers were still receiving large sums of money at the time of the investigation, and victims were still being victimized. Nepali workers who had returned home after working seasonal migrant labor in Korea had not made any other plans until the time of the investigation because they thought they could go back every year. While there may be questions about whether the Korean government should be held accountable for the problems that occurred after it notified the Nepalese government, JCMK believes that more proactive measures should be taken in light of the ongoing victimization of seasonal migrant worker in Korea.
- The Korean Ministry of Justice banned the importation of Nepalese seasonal migrant workers for three years, meaning that migrant workers who voluntarily returned to Korea after their contracts ended because they believed the promises made to them at the time of their contract were not allowed to go back. This has left them in debt after migrating to Korea, and they have no recourse.
- Nepalese local governments, like their Korean counterparts, had no experience in sending migrant workers overseas, creating a situation

where brokers were forced to intervene. In addition, two of the local governments JCMK interviewed said that they had no documentation on the recruitment, selection, and cost of the migrant workers, which means that they cannot be expected to manage the migrant workers responsibly during the recruitment process, the selection process, and their subsequent stay and work in Korea.

- Sending brokers demanded and received approximately 4 million won(≒2,980\$) to 12 million won(≒8,941\$) from seasonal migrant labor applicants without calculating or explaining the exact costs involved. Considering that the real income of a year's seasonal labor is about 10 million won (≒7,451\$ for five months), this was a major factor in preventing seasonal workers from returning home after the expiration of their contracts.
- As seen in the case of Machapchare, brokers sent seasonal migrant workers to Korea by falsifying documents, even those who were not members of the municipality where the contract was signed. This is one of the reasons why many seasonal migrant workers end up leaving their original contracted workplaces. This was a huge loss for all parties involved, including the migrant workers, the farmers, and local governments in both countries who needed labor and wanted workers, except for the brokers who received large sums of money in the middle.
- JCMK has found that passports were frequently confiscated from seasonal migrant workers in Korea, and when they received their paychecks, they did not receive an accurate explanation of the wage calculation or a paycheck stub. JCMK has also found that local governments in Korea do not provide safeguards or necessary monitoring of the poor labor rights and human rights conditions of seasonal migrant workers.

III-2. Overseas Survey - Vietnam

■ Research Overview

Interviewees: 5 activists from the Korean Migrant Women's Rights Center
(Kim Hye-jung, Nam Ji-eun, Ion Yu, Jeon Ji-soo (interpreter),
Heo Young-sook)

Research period: April 27 (Thu) - May 5 (Fri), 2023, 7 days and 9 nights.

Survey Area : Northern Vietnam : Quảng Ninh, Thái Bình

Southern Vietnam: Tây Ninh, Bạc Liêu

■ Background of the survey

The seasonal worker program is divided into two types: MOUs with local governments and invitations to immigrant families. As of 2022, seasonal migrant workers invited by married migrant families accounted for about 31% of all seasonal migrant workers. Most of these women are from less developed countries in Asia, and they have a high preference for labor migration to Korea. JCMK wanted to examine how this interacts with international marriage. JCMK also wanted to explore whether family sponsorship has a different impact on seasonal migrant workers' working conditions and life in Korea, and the role of married migrant women in this process. JCMK found that Vietnamese women are overwhelmingly invited to work as seasonal workers. Based on this, JCMK chose Vietnam as our target country.

■ Selection of interviewees

In Vietnam, the field research was limited to those who have experienced seasonal worker in Korea in the form of invitations to the families of marriage migrants. In other words, all participants were relatives of marriage migrant women living in Korea and had experienced seasonal labor mediated by marriage migrant women.

■ Participant Selection Method

Before departing for Vietnam, JCMK conducted FGIs with migrant women who had experienced seasonal labor in Korea. The migrant women who

participated in the FGI introduced their families in their home countries. The participants were divided into southern and northern regions to see if there were any differences in the families introduced by the migrant women. The breakdown of participants by region is as follows

Area	Contents
Quảng Ninh	4 people experienced seasonal worker in agriculture in Mokpo City (1person) and Boseong County (3people), Jeollanam- Province.
Thái Bình	3 people experienced seasonal worker in agriculture in Okcheon-county, Chungcheongbuk-province (2 people) and Jecheon-si (1 person) 2 experienced seasonal worker in agriculture in Okcheon county, Chungcheongbuk-province
Tây Ninh	4 people experienced seasonal worker in the fishing industry in Boryeong-city, Chungcheongnam-province 3 people with experience in seasonal worker in the fishing industry in Boryeong-city, Chungnam-province
Bac Lieu	3 people experienced seasonal worker in the fishing industry in Boryeong-city, Chungcheongnam-province 1 worker preparing for seasonal work in the fishing industry in Boryeong-city, Chungcheongnam-province

■ Research Highlights

▶ Participant working Sectors

Participants worked in both agriculture and fisheries, with the agriculture group working primarily with chives and sesame leaves, and the fisheries group working in anchovy processing factories.

In some cases, the participants worked on farms owned by the migrant woman or her husband or father-in-law at the invitation of the migrant woman, but in other cases, they worked in rural areas unrelated to the migrant woman's place of residence in Korea or in anchovy factories

unrelated to the migrant woman.

► **Duration and number of visits**

Participants worked for either 3 or 5 months, depending on the length of time they could work as a seasonal worker. Of the 19 seasonal workers, 7 had one time visit, 3 had two times, 5 had three times, 3 had four times, and 1 had five times. The workers with the highest number of visits (4-5) had been working once a year since 2017 or 2018.

3) Simultaneous entry of family members

In the case of inviting family members of marriage migrants, it is possible to invite the spouse of the marriage migrant woman's cousin. As a result, there were many cases where several close family members, such as brothers, sisters, and couples, entered the country at the same time and worked at the same workplace.

► **Number of visits**

Depending on the participant, the number of visits ranged from a single visit to multiple visits over the course of several years, but the wages were mostly at the minimum wage level for that year. One case of multiple visits said, "I received about 1.5 million won in 2017, about 1.7 million won in 2018, about 1.8 million won in 2019, and about 1.9 million won in 2022," excluding 380,000 won in food expenses that were not deducted in 2022.

However, in some cases, they were paid according to the amount of work they did: "In October, I was paid 2 million won, in November 1 million won, in December 500,000 won, in (the following) January 800,000 won, and in February 900,000 won". In a similar case, a worker's salary was reduced if she did not meet the 209 hours of work per month, so she received 1.2 million won for the first month, 1.6 million won for the next month, and 1.5 million won for the last month.

In most cases, there was no gender wage gap, but there was a case where men were paid 100,000 won more in agriculture in Chungbuk province.

▶ Holidays

Regardless of the industry, wages, or length of work, most workers had two days off per month. In the anchovy processing plant, some workers did not have a set day off, but were given days off depending on the workload.

▶ Housing

Most of the participants stayed in the accommodation provided. In some cases, A worker stayed at the home of a married migrant woman who invited her, but most of the time the workers stayed in separate accommodation. Most of the migrant workers stayed with other migrant workers. Most of the accommodations had a separate restroom and bedroom, and there were no complaints of poor housing conditions. Dormitory expenses were not deducted separately in most cases, although one respondent reported that she had not deducted separately in the past and had done so for the first time in 2022.

▶ Meals

Meals were provided by the employer, who provided basic ingredients such as rice, and the workers cooked their own meals. In some cases, there were not enough staple ingredients provided, and those who worked in agriculture often grew and supplied their own simple ingredients at work.

▶ Industrial accident Compensation and Health

Seasonal workers are not covered by health insurance. They are vulnerable to health problems and industrial accidents. Among the survey participants, there was only one case of using a hospital due to health problems. The hospital bill was about 10 million Vietnamese dong (about \$530,000), but the employer told her to pay out of pocket. After returning to Vietnam, she filed a claim with the Vietnamese insurance she had heard about before going to Korea, but was told that it was not applicable. Most of the other cases had no health problems.

■ Interview summary

FGI participants all visited Korea once as seasonal laborers because their family members were married migrant women; those who went to Korea with them were family members, such as siblings and couples. An interviewee was employed in the agriculture sector, specifically in the cultivation of chives in Jeonnam Province. And she invited married migrant woman who lived in Seoul, so it was expensive to send her out.

- I came in with a 3-month permit, extended my stay for 2 months through a broker, and signed a 2-month extension contract with my boss. At the end of the three months, she had to go through a medical examination and paid an extension fee of about 100,000 won.
- I earned a total of 4.8 million won in 5 months. In winter, I didn't have any work, so I only received about 500,000 won, but I had to pay about 160,000 won for dormitory fees, so it was hard to live. I expected to earn about 2 million won per month, but I was disappointed that I didn't.
- I had to buy my own clothes and equipment for work. Work clothes, shoes, gloves, hats, field chairs, etc. were not given to me by my boss, but I had to buy them myself.
- I had a lot of support from my sister in Korea because of the high cost of living.
- I didn't want to overstay because it would disadvantage my future applications to other countries, and I couldn't overstay because I didn't want to affect my sister in a bad way because she has a family in Korea.
- The first seasonal job I went to was short-lived, and I didn't make much money despite working hard. Next time I go, I hope the system will be improved so that I can work longer hours and get paid well.

All Focus Group Interview participants who were seasonal workers whose family members were married migrant women in Korea visited more than once, and some visited 4-5 times. Participants traveled to Korea with family members, such as siblings and couples. All worked in agriculture (sesame leaves) in the Chungbuk Province (Okcheon,

Jecheon).

- The sponsored migrant woman, her husband, or father-in-law were farmers, so they had no difficulties. I lived in the same house as the sponsored migrant woman. The worker lived in the same house as the sponsored migrant woman, but she was cautious about the sponsored migrant woman's husband and had difficulty communicating with him.
- Worked 8 to 9 hours daily, seldom exceeding regular hours. Monthly salaries ranged between KRW 1.8 million and KRW 2 million, with the husband's salary occasionally surpassing his wife's by approximately KRW 100,000.
- Twice-monthly holidays
- A woman who was affected by COVID-19 while working as a seasonal worker in Korea was quarantined for a week at a public health center with the help of her husband.
- There's no difficulty in completing the necessary procedures such as documents and medical examinations.
- Family member is a married migrant woman who has visited Korea as a seasonal laborer 1~3 times or is planning to visit. Worked at an anchovy factory in Chungnam. The person who went to Korea with me was a family member, such as a couple or nephew.
- Expressed to avoid becoming a burden to the sponsor and did not think about overstaying. Expresses a desire to continue working for an extended period.

III-3. Overseas Survey - Philippines

■ Research Overview

Researchers: Ko GiboK(JCMK), Jang Dongman (JCMK)

Clarice Dondonay Sta Ana (MFA Secretariat),

Center for Migrant Advocacy (CMA)

Interpreter: Marzan Zion

Research Period: February 13-18, 2023

Survey Area: San Juan, San Pascual, and Talisay in the province of Batangas, Philippines. 3 cities

Research Objective

- To understand the status of local governments and the system for sending seasonal workers in the Philippines.

- Identify the involvement and role of sending organizations (brokers)

- Identify seasonal worker conditions and human rights violations in

Korea

■ Background of the survey

JCMK's decision to undertake a survey of seasonal migrant workers in the Philippines was prompted by a series of publicity-seeking media reports about some of the municipalities that have adopted seasonal workers. Media reports have verified that local governments, which entered into Memorandum of Understanding (MOUs) with the Philippines to administer the Seasonal Worker Program, follow a comparable approach. These reports portray the program as a model for residency management, despite the existence of significant human rights violations.

Above all, the local government's measures to prevent the occurrence of undocumented workers have many human rights violations. These efforts were

directed towards obtaining and broadening quotas, aligning with the requisites of the Ministry of Justice, the principal authority responsible for the introduction of seasonal workers. The problem is that the Ministry of Justice is ignoring or promoting the same measures to prevent undocumented workers as the industrial trainee system, such as departure deposits, forced resettlement, and relatives' liability, so JCMK needed a basis to demand a correction.

According to a report on August 20, 2022, Buyeo-county has been trying its best to prevent seasonal migrant workers from becoming undocumented workers, and its methods are heavily severe human rights violation measures such as return deposit and solidarity liability. In addition, reports from Hongcheon-county, Gangwon-province, which has the largest number of seasonal migrant workers, but no one has left workplace, and Seongju-county, Gyeongbuk province, which clearly shows the involvement of brokers, were enough to suspect the seriousness of seasonal worker operations.

"Buyeo county asked the city of Cordoba to prepare a plan to prevent the occurrence of undocumented workers. Both local governments noted that seasonal workers enter the country for money. The city of Cordoba signed a memorandum of understanding (MOU) to collect a \$150 deposit per worker and to immediately notify the Philippine Bureau of Immigration of any unauthorized departures. Deciding that these measures were not enough, the city tightened regulations to prevent seasonal workers from entering the country at all. Family members and relatives who remain in the Philippines will be held "jointly and severally liable" to prevent them from leaving for other countries. Visas will also be suspended. It's a double and triple prevention: if a worker flees, all the worker's relatives will suffer. Because of these measures, only one Filipino seasonal worker who arrived in Buyeo county became undocumented" (JoongAng Daily Newspaper, Aug. 20, 2022).

"Hongcheon-county, Gangwon-province has been receiving seasonal

workers from San Juan City, Philippines since 2017. Starting with 81 in 2017, 312 in 2018, 354 in 2019, and 534 in 2022, a total of 1281 workers entered the county. Although the number of arrivals has been increasing every year, there has not been a single case of undocumented workers so far" (JoongAng Daily Newspaper, Aug. 20, 2022).

"Seongju-county received 124 foreign seasonal workers from Lubau City in the Philippines in four batches starting in April this year and placed them in 62 farms, but 47 of them left workplace without permission and 17 returned home voluntarily. For the foreign seasonal workers who left their placements and became undocumented, the most problematic issue was their salary. Foreign seasonal workers usually enter the country for five months. Their monthly salary is 2.1 million won. After deducting 200,000 won for room and board, they are left with 1,810,000 won. However, reports indicate that foreign seasonal workers face significant deductions from their salary by brokers, who claim expenses for entering and leaving the country, visa issuance, etc. As a result, they reportedly end up receiving only about 1 million won (Korea Daily, September 21, 2022).

According to "Status of Seasonal Worker Operations (Overseas Entrants) in 2022" provided by the Members of Parliament, Kwon In-sook's office, Filipino seasonal workers were being recruited in San Juan, Cordoba, Tacloban, Isabela, Dumaguete, and Batangas. In Korea, 2,418 Filipino seasonal workers are working in Gangwon-do (Samcheok, Yang-gu, Yeongwol, Jeongseon, Chuncheon, Pyeongchang, Hongcheon (513), and Haengseon), Gyeongnam-do (Geochang, Bonghwa, Seongju), North Gyeongsang-do (Yeongju, Yeongju, Cheongsong), Jeonnam-do (Goheung, Muan, Wando, Haenam), Jeonbuk-do (Wanju, Jinan), Chungnam-do (Gongju, Buyeo), and Chungbuk-do (Jincheon, Yeongdong) on E-8-1 or C-4-1 visas, with 513 workers in Hongcheon-County, Gangwon-do on E-8-1 visas. According to media reports, as a measure to prevent seasonal workers from becoming undocumented, local governments of sending countries have been demanding return bonds. As the rate of undocumented seasonal workers in the Philippines is relatively low

compared to other countries, JCMK believed that the system was violating human rights and wanted to investigate the situation.

In response, the JCMK, together with the Migrant Forum in Asia (MFA) and local organizations, organized a survey through a preliminary webinar.

■ Interview selection

Interviews were conducted with individuals who had previously worked as seasonal workers, as well as those who were preparing to work as seasonal workers. In addition, JCMK interviewed the heads of local governments that sent seasonal workers, local councils, officials, and organizations affiliated with the MFA to understand local conditions.

Classification	Contents
Visit municipalities	San Juan, Batangas San Pascual, Batangas Talisay, Batangas MFA network
Returned workers	San Juan 20 people San Pascual 20 people (including migrant workers before departure) Talisay (interfering with the survey interview of local government officials) About 20 people responded to the survey. However, all of the survey respondents were dispatched multiple times, and other than the fact that there were differences in the number of dispatches, it was difficult to attach much significance to the uniform answers.
Local government officials	San Juan, Standing Chairman of the City Council's Revenue Committee (Overseas and External Public Relations Committee) Vice Mayor of San Pascual Talisay Director of Agricultural and Environmental Affairs
Civil society organizations	MFA, On and off meetings with Lawyers Without Borders and others

■ Research and Interviews

1. San Juan, Batangas

A) Mayors and officials

- Date and Place: February 14, 2023
- San Juan is the second largest city in the province of Batangas, with a population of 114,068 (as of 2020), primarily engaged in agriculture and tourism. Due to its size, the local government is focused on increasing revenue from sending migrant workers abroad.

► Interview highlights

- MFA arranged to meet with the mayor, government officials, and migrant workers (20), but instead met with HON. ROWENA M. MAGADIA, permanent chairperson of the city council's revenue committee and member of the overseas and public relations committee, and related officials at the office of the vice mayor.
- The local officials were reluctant to conduct interviews with migrant workers, claiming that they were only interested in promoting the results of municipal broadcasts and that they had not been informed of the appointment. In the end, researchers only conducted focused interviews with officials about seasonal labor transfers, and they generally had no complaints other than wanting more transfers.
- San Juan has been twinned with Hongcheon County, Gangwon Province, since 2009, and since 2012, they have conducted practical international exchange cooperation projects such as typhoon assistance. (*Special note: In 2018, an online Sejong Academy was opened with the support of the Korea Foundation for International Exchange, and teachers are expected to be dispatched in 2023.)
- In 2016, San Juan officials visited Korea at the invitation of Hongcheon County and signed an MOU to dispatch seasonal laborers, and in 2017, San Juan City dispatched 180 people. At the time of the first dispatch, they recruited farmers with actual farming experience, but most of the selectees did not have passports and could not be dispatched immediately because they did not have the money to pay for the

dispatch. Recognizing the need for administrative support for recruiters, the city began to actively intervene in the sending process, sending out letters to recruited seasonal workers to help them obtain financing from local banks and ensuring that they only pay the actual cost of the labor without the need for a broker.

- Prior to sending out seasonal workers, San Juan's authorities benchmarked other cities with extensive experience in sending out seasonal workers (Talac) and presented Hongcheon County with measures to prevent the occurrence of undocumented workers, such as pre-departure training, group chat rooms, recommendations from barangay(the smallest administrative unit in the Philippines) captains, and submission of family guarantees and pledges. San Juan City specifically emphasizes solidarity responsibilities by conducting a dispatching ceremony that doubles as pre-departure training.
- In 2022, 550 people (501 according to Representative Kwon In-sook's data) were dispatched and all returned home, they are promoting exchanges such as visiting farmers for mutual cultural understanding. They are also planning to sign MOUs with other local governments.
- Regarding the establishment of a complaint system for seasonal workers, a married migrant woman (Mrs. Me***) has been communicating her concerns to Hongcheon County. Farmers who have filed complaints are asked not to assign workers to Hongcheon-County, and they are educated to refuse if they are asked to do work other than farming, such as driving or carpentry.

B) Seasonal Workers

- Due to intentional obstruction by San Juan officials, no direct interviews with migrant workers were conducted, only surveys. When researchers posed questions that should have been directed at seasonal workers to the officials, they were unable to offer clear answers regarding the presence of a return deposit. Despite asserting that they had only received the actual cost of repatriation without third-party involvement, they were unable to furnish relevant receipts.

- Moreover, commercial banks have not denied that the conditions under which they lend to seasonal workers are that the authorities intend to seize of undocumented workers (the fact that the banks are not commercial banks (tier 1 financial institutions) is also not in the interest of migrant workers, given the transfer fees). In fact, the city of San Juan has publicized that seasonal workers are only allowed to transfer money through the banks that lend to them, and Hongcheon County has had the city manage the accounts as a precautionary measure against overstay.
- The precautionary measures to prevent overstay, which require workers to deposit their salary in the bank (unclear what percentage, e.g., Buyeo-County promotes 60%) but pay it out upon return, and shifting responsibility to the local community and family if they do not return after the contract expires (restrictions on overseas labor), are human rights violations, and there is no monitoring of salaries that do not comply with the minimum wage in addition to the method of payment. (Average working hours of 300 hours with two days off per month. Excessive room and board deductions(450,000 won(=335\$), different workplace from the contractor, etc.)

2) San Pascual, Batangas

A) Mayors and officials

- When: Feb. 15, 2023
- It is an urban-rural complex with a population of 70,000 that is emerging as a residential center, adjacent to the capital city of Batangas City and connected to the capital city of Metro Manila by highway. It has many historical sites such as diving and churches, and tourism and agriculture are well developed.

► Interview Highlights

- With the help of a city councilor who works with the MFA, we were told that we would be interviewing 20 people who had worked as seasonal workers in Korea, as well as city officials, but instead we were met by the returned migrant workers, the pre-departure migrant workers, and

a vice mayor who seemed to have no knowledge of the issue.

- The deputy mayor, who met with the migrant workers prior to the interview, was familiar with the MFA's referral (who was not a city council member) but had no knowledge of the Korean Seasonal Worker Program. However, she had run a recruitment agency in the '90s and had sent migrant workers to places like Saipan in the U.S. and Cyprus in the Mediterranean. So she was surprised that the Korean side did not pay for the transportation, health checks, and other fees for hiring farmers who could not afford it.
- The vice mayor asked the officials if there is a farm subsidy for seasonal workers, and pointed out to the officials the problems with the design of the Korean SWP, such as who bears the responsibility and interest burden if the local government recommends (guarantees) a bank loan like the city of San Juan.

B) Seasonal Workers

- The seasonal migrant workers had been deployed to the Chuncheon city of Gangwon Province between two and five times and expressed satisfaction with their housing arrangements, mainly using motels for accommodation. They presented receipts for various fees that they had received during their application for seasonal labor, which were handwritten and not issued by a public organization, but they believed that they were issued by the government. The migrant workers who had been sent multiple times did not complain, while those who had had their documents prepared for them due to their age were anxious because they were unsure of their re-entry into the country.
- The seasonal workers said that the city hall helped them fill out the paperwork during the application process, but the vice mayor was unaware of this, and in reality, the MFA filled out the paperwork with someone they thought was a city councilor.

L: *"I was a seasonal migrant worker in P** for five months in 2022. After almost two months of work, I moved farms and worked on the same*

*farm until the end of my contract. I got my passbook back at Incheon Airport with no balance due to termination. Before that, I was told that my passbook was held by a Philippine *** LGU(Local Government Unit). After receiving the passbook, I had to choose whether to give up 5 months' salary for an uncertain next opportunity or to give up 5 months' salary and find an opportunity on my own. Either way, we had to give up five months of salary. Some of us were coming to Korea for the second time, and some of the people who came to Korea for the first time were not allowed back in. I realized that it might not be easy for me to get back in because I had moved my farm, so I chose to stay."*

3) Talisay, Batangas

A) Mayors and officials

- Date : Feb. 16, 2023
- As the volcanic eruption has dampened tourism, the local government is seeking closer cooperation with Korean local governments for the purpose of sending seasonal workers in agriculture and fisheries and exchanging technical personnel.

► Interview Highlights

- The director of the Agriculture and Environment Bureau said that the seasonal worker program is not just about earning foreign currency, but also about introducing advanced technologies such as fish farming, as the region is close to the sea and lakes. However, the director said that local officials in the region were relying on a private individual to handle the documentation of seasonal worker applicants, and some were sent through other local governments. The official in charge said that the ratio of applicants to laborers was about 1/20 in Talisay, and the competition was increasing.

B) Seasonal Workers

- In this case, the migrant workers were sent not only through local officials but also through out-of-town municipalities. Due to the high competition in the region, they applied through the metropolitan

municipality, and city officials helped them with their documents.

- The cost of recruitment increased from 4,500 pesos (≈\$81) in 2019 to 8,000 pesos (≈\$144) in 2022 because of the added cost of the COVID-19 test. Most claimed, in unison, that there were no bank loans available. This was puzzling given that the municipalities we, JCMK interviewed were unable to provide clear answers to questions about bank loans and solidarity guarantees, and each seasonal worker said they had borrowed money from relatives to leave the country.
- They said they helped them fill out the paperwork at city hall, but they weren't actually government employees. Before leaving the country, they were given information about the remittance system called the Palawan System and how to use ATMs, but some said they actually used their friends' bank accounts to send money.

"I was paid an average of 2 million won(≈\$1,544)per month with a 400,000 won(≈\$309) deduction. The jobs ranged from pickling kimchi to growing tomatoes, cucumbers, zucchini, asparagus, lettuce, onions, broccoli, potatoes, mushrooms, and kimchi cabbage."

- On average, we worked 28 days a month, with 8-hour shifts, and were paid overtime.
- Our accommodation was a motel, and we had two days off per month to do laundry and go to karaoke. An interviewee stated that she was given pre-departure training that if she deserted, she and her family would be blamed in the community because they would not be able to repatriate all the migrant workers from the Talisay area. The pre-departure training was conducted once (3 hours) in Batangas province, and if there were any complaints in Korea, they were resolved by the marriage migrant.
- P: *"I was told that the salary I received in Korea would be deposited into my account in the Philippines and that the LGU would keep my passbook, but I was not told how much I would receive each month. Just before I returned home, I got my passbook back and realized that*

*a person named J** had repeatedly withdrawn or transferred 300,000 won over two days, leaving only 200,000 won in the passbook. I had no way to verify that the money was deposited into my account in the Philippines. I was only allowed to spend 200,000 won per month on my ATM card, and I was angry that J** was able to spend my money as he pleased. When he took the money from my bank account, he said he was an authorized Local Government Unit agent when he left the Philippines. I don't know who is in control of the money withdrawn from my bank account and how much he/she is taking. I gave up five months' salary. The LGU needs to change the way it manages seasonal migrant workers."*

4) Civil society organizations + Academia + public institutions etc.

Meeting with MFA members

- Date and place : 2023. 2. 17

► Webinar

- Webinar with MFA members (As seasonal workers are sent from all over the Philippines, all MFA members participated in the webinar, and more than 100 activists, academics, lawyers, and local government officials participated.)

■ Problems in the Philippines

- The relative advantage of Korean working conditions and salaries over those in the Philippines does not mean that it is acceptable to violate their basic human and labor rights. The reality for many seasonal migrant workers is poor. Lack of adequate compensation for long hours and heavy work, minimum wage pay (which is actually lower after deductions for brokerage, airfare, and room and board), poor housing, temporary work, and more. Unlike manufacturing workers, they are also isolated in the region.
- In the dispatch process of seasonal migrant workers, sending agencies and brokers exploit the desperation of migrants. The anti-labor

treatment seasonal workers experience at the workplace constitutes inhumane acts. Efforts to prevent migrants from becoming undocumented in the country do not focus on improving working conditions. Instead, pre-modern practices, such as applying all-round pressure through community networks and holding families responsible for security deposits, are also problematic.

- While local governments prided themselves on preventing overstay through education and enthusiastic welcoming ceremonies, behind the scenes it was a system of sit-ins. The sending country is inevitably in a position of power in the agreement process, and the problems of unfair agreements are inevitably passed on to the workers. Just because a problem is not visible doesn't mean it doesn't exist.

■ Chapter IV

Report on Domestic Survey

In the domestic survey, JCMK met with seasonal migrant workers and conducted focus group interviews (FGIs) on the process of coming to Korea (recruitment process and departure costs in their home countries), the appropriateness of labor contracts, pre-departure training, orientation after arrival in Korea, and working conditions.

■ Survey Overview

This research was conducted to understand the reality of the seasonal worker program and to develop policy alternatives to improve the system. For the domestic research, JCMK tried to recruit seasonal migrant workers through various migrant support centers in local governments that have introduced the **SWP**, but it was difficult to contact seasonal migrant workers. Basically, the farmer's approval was required to be interviewed, but most of the farmers were negative about the interview and refused to allow the research team to contact the seasonal migrant workers.

In the municipality A, Gyeonggi Province, the research team's researcher recruited through the Mongolian community on Facebook, while in the municipality B, in Gyeonggi Province, (MOU with Dong Thap Province, Vietnam) and the municipality C, in Gyeonggi Province, (MOU with Nasay Thong, Laos), the research team approached officials in charge of the **SWP** and asked them to help find farms.

The interviews were conducted by the research team visiting the farms in Region B, explaining the purpose of the research to the farmer, and the farm owner introducing the workers who he hired.

In municipality C, the official in charge and a municipality C interpreter⁷⁾ moved to the farm with the JCMK researchers to conduct the interviews.

Despite being accompanied by a survey team of migrant worker advocates, the interpreter blatantly made anti-migrant and discriminatory comments to the migrant workers, including "I don't trust Laotians".⁸⁾ The surveyors asked the accompanying government official to remove the interpreter, but the interpreter refused.

The seasonal migrant workers in the group with the interpreter were the least likely to express their opinions. The proximity of the farmers in municipalities B and C made it difficult for migrant workers to feel comfortable with the interviews.

This survey conducted FGIs with 23 workers in three regions where seasonal workers are employed in Korea. The interviews were conducted in parallel with the survey, asking for additional information. The interviews with the Vietnamese and Laotian worker groups were conducted during the workers' breaks and lasted around 40 minutes. Since the interviews were conducted during their breaks, the interview locations included housing, vans, ginseng fields, and workshops. The interviews were recorded with the participants' consent and used for reference. The research period and methodology are shown in the table.

<Domestic seasonal worker survey timeline and methodology>

NO	Regions	Schedules	How to recruit the interviewees	Method	Survey Target
1	Gyeonggi-province A municipality	March 30, 2023.	Facebook, Online Mongolian community	Online, Face-to-face interview	Mongolia 5 workers

- 7) The interpreter hired by the municipality C as a fixed-term worker was a Korean who had lived in Laos for about 12 years, married a Laotian woman, entered Korea during the Covid-19, and signed a labor contract with a private sending company that was in charge of sending workers when Laos signed a seasonal worker MOU with the municipality C, and received wages from that company. The Ministry of Justice gave him a corrective instruction and he is planning to sign a labor contract with the municipality C.
- 8) The Laotian interpreter said that his harsh words and actions were an expression of intimacy, but the migrant workers who heard him were displeased.

2	Gyeonggi–province B municipality	May 26, 2023.	B local government official ask the farm owners	Face-to-face interview	Vietnam 8 workers
3	Gyeonggi–province C municipality	July 20, 2023.	B local government official ask the farm owners	Face-to-face interview	Laos 10 workers

Through the survey, JCMK were able to confirm various actual conditions and information by focusing on the entry process (access to SWP information, departure deposit, employment contract conclusion, etc.), living environment after entry, working conditions, and working environment. JCMK also surveyed what participants wanted about the SWP so that it could serve as basic data for future system improvement.

■ Findings

▶ Preparation and Process of Entry

① Where to get job information and return deposit

Seasonal migrant workers responded that they received information about the seasonal labor program from their local employment centers, TV advertisements, village broadcasts, and broadcasting companies. Among the FGI participants, eight migrant workers from Vietnam said they paid a return deposit of about KRW 1.1 million (≒\$850) to the employment center in Vietnam (He said it's the official cost).

"I paid about KRW 1.1 million as a return deposit to the employment center. They told me that if I didn't return home after the contract period, I wouldn't get it back."

"I paid 1.1 million won to the employment center and got it back after returning home. This time, when I came for seasonal worker for the second time, I signed up for the guarantee insurance again."

The departure guarantee insurance seems to have been requested by B County in Gyeonggi-do to Dong Thap Province in Vietnam to prevent laborers from overstaying. In the case of Laos, the central government has designated four recruitment agencies to manage migrant workers leaving for Korea. In principle, the SWP requires local governments in

Korea and local governments in sending countries to sign an MOU, but in Laos and Cambodia, the central government is already involved.

Mongolian seasonal workers were paid KRW 1.45 million into the local government's account as insurance against being undocumented. Survey participants noted that seasonal workers feel pressured to stay only until the agreed-upon period of stay in Korea for the benefit of others, especially considering that individuals from the same region are arriving to work as migrant workers.

"I entered Korea on a tourist visa, but as it became difficult to leave the country due to COVID-19, it was reported that a temporary visa (seasonal worker G-1) would be granted to foreigners who could not leave the country to work in farms that lacked labor, so I paid a fee to an acquaintance who spoke Korean well and received a visa."

In reality, Korea, facing a labor shortage in rural areas, implements the SWP. However, it doesn't proactively take steps to prevent undocumented migration. Instead, it places the responsibility on local governments in the workers' home countries to prevent such situations. Consequently, these local governments shift the burden onto their own migrant workers. Korea, as the operator of the program, should analyze the factors contributing to the undocumented rate among seasonal migrant workers and actively explore alternative solutions.

► Signing labor contracts without native language information

All of the seasonal migrant workers signed a standard labor contract, but the contract was only in Korean and English, not in the workers' native language. While, the employment permit system at least provides for a multilingual standard labor contract.⁹⁾ In terms of labor contracts, seasonal workers often only knew that they were "doing farm work," but did not know the details of what crops were being grown or whether they were working in greenhouses.

9) <https://www.eps.go.kr/eo/FormDataR.eo?bbswSn=2396>

"I signed the contract after they explained to me what I would be doing and told me that I would have four days off a month and that my monthly salary would be around 2 million won, but I didn't know the details because it was only in English and Korean. When I came to the farm and talked to the farmer, instead of deducting 200,000 won for accommodation from my salary, the contract said that I would have four days off a month, but I only have two days off a month and I work 8 hours a day (contract), but in reality I work 10 hours and some days 11 hours, so I don't know if this is the correct calculation."

"I didn't know they work in greenhouses. We don't have greenhouses in my country. It's too hot and hard to work in a greenhouse because there is no breeze."

Based on the overall survey statistics, it seems that the high percentage of "45.59% of migrant workers who were very familiar with the contents of their work and 32.35% who were somewhat familiar with the conditions of their employment/contract in Korea before departure" could be replaced with "I know that they work in farming."

A worker working at a local government A, in Gyeonggi-province said that there was no explanation about accommodation cost deduction in Mongolia, but after entering the country, they rewrote the employment contract by gathering seasonal workers in an auditorium and deducting 250,000 won per month.

Most migrant workers receive pre-arrival training before coming to Korea, usually for two to three days, and they learn about Korean culture, what to do in Korea, and basic language through videos, but they said that it is often difficult to adapt to working in Korea based on this content alone.

"When I'm working, it's hard because the words I use in Vietnam and Korean are different. Sometimes I can't understand what my boss is

saying. It would be good to learn more Korean."

"Before I came to Korea, I learned simple Korean and agriculture at the employment support center, but when I got here, the farming methods were different and the terminology was different, so I sometimes had trouble communicating."

"Upon arriving in Korea, I didn't receive a comprehensive explanation of my responsibilities: I simply was driven into work immediately. Consequently, everything seemed challenging initially, and I navigated my tasks based on intuition."

All of the migrant workers interviewed in this study received no training after arriving in Korea, and only received information about meeting with farmers and preventing overstay, but no training on how to deal with problems that arise during the work period or on basic labor rights and human rights. Seasonal migrant workers are also workers with rights as workers. Systematic pre- and post-arrival training and provision of essential information on how to deal with and resolve various issues that may arise during their work should be provided. In addition, it is essential to provide interpretation services so that accurate information can be delivered in their native language.

■ Isolation of seasonal migrant workers (lack of information, people, and networks)

Only 1 out of 23 migrant workers interviewed in this survey had migrant work experience in another country, and 22 were new to seasonal work in Korea. The migrant workers we interviewed mainly traveled to and from their accommodations and farms and had few social connections with other workers and farmers on the same farm.

In the case of the farm workers in B County 1, there were no amenities or public transportation near their accommodation other than the farmer's house and the greenhouses and fields where they worked. They

had no acquaintances in Korea and had no contact with anyone other than the farmer during their workday, nor did they enjoy any other cultural activities. The work was so hard that on their one day off a week, they would just stay in the hostel and do nothing. The interviewee hasn't been anywhere other than the hostel and the greenhouse.

*"The work is so hard that even on my days off, I just stay in the hostel."
"In Korea, I have never met or talked to anyone except the people I work with on the farm and the farm owner."*

"Working in Korea, I have never been anywhere other than my hostel and the greenhouse."

"In Korea, there are not many communication channels."

Of the eight seasonal migrant workers researchers met in local government B in Gyeonggi-province, only one had ever met a friend in another region.

"Before coming to Korea, I also worked in other countries. This is my third time entering Korea and I have a friend in Busan. "I asked my boss for a vacation and came to see a friend in Busan."

Seasonal migrant workers had few social relationships other than with farmers because their work was based on short-term rotational labor, and they were vulnerable to networking and language communication in Korean society. Their level of Korean is lower than that of workers who enter the country through the employment permit system(EPS), and they have less access to information about life in Korea and Korean culture. It is difficult to respond quickly to any difficulties or injustices during the labor period. The dominant position of the farmer in the workers' environment makes them relatively more isolated.

■ Housing conditions

The C local government in Gyeonggi-province, in the case of one farm, a temporary prefabricated panel building is provided as accommodation within a large greenhouse on farmland. The farm owner said that he spent about 20 million won to install an electric ondol (underfloor heating system of Korea) and air conditioner,¹⁰⁾ but the migrant workers said that it was difficult because the accommodation for two people was too small.

"The dormitory is too small for two people. We bump into each other when we move around. (Laughs) I wish it was a little wider."

Among the Mongolian workers a researcher met at local government A in Gyeonggi-province, two of the seven who entered the country together left Korea early due to problems with poor accommodation, and one left Korea, leaving only four to work until the end of their contract. According to them, some workers said that they had suffered for a while because they arrived at Korea in the middle of winter, and the heating facilities in their lodgings were not working, and some farms did not have bathrooms in their lodgings.

"We arrived in the middle of winter, and the heating system was not working, and some of the farmhouses did not have bathrooms, so we struggled for a while,"

"The accommodation is prefabricated panels, and there are bathrooms, kitchens, etc. in the accommodation, but I think the accommodation fee of 250,000 won is too expensive."

10) Local government C in Gyeonggi-province has conflicting laws regarding accommodation, as it is difficult to provide accommodation for migrant workers due to the geopolitical characteristics of a satellite city and the fact that most of them are rented farms. More than 90% of the dormitories are prefabricated panels.

Most seasonal workers' lodgings were right next to rice paddies and fields, and there were no or insufficient amenities nearby.¹¹⁾ It is well known that the living conditions of migrant workers in the agricultural sector are poor in Korean society.

“With regard to the right to work guaranteed by Article 32 of the Constitution, the Constitutional Court ruled that not only the ‘right to a place to work’ but also the ‘right to a working environment’ should be protected, and that the ‘right to a working environment’ does not constitute a violation of human dignity. It has been ruled that foreigners are also recognized as a right to defend themselves. In addition, it was considered that this includes the right to demand a healthy working environment, fair compensation for work, and reasonable working conditions.”¹²⁾

Additionally, Article 11 of the United Nations Covenant on Social and Social Rights stipulates that everyone has the right to an adequate standard of living for him/herself and his/her family, including adequate housing, and the right to continuous improvement in living conditions. The central and local governments should strengthen management and supervision to improve the poor living conditions, including those of seasonal migrant workers.

Seasonal migrant workers' long working hours, low wages, absolute relationship with farm owners, when working conditions concluded in their home country are changed in Korea, the reality that the Labor Standards Act is not applied, and the absence of laws or systems to protect the rights of seasonal workers. In reality, it can be seen as a form of human trafficking for the purpose of labor.

11) Only in the case of City C, there is a Thai supermarket nearby, so seasonal workers sometimes go to the supermarket by bicycle, the interpreter accompanying the City C official explained.

12) National Human Rights Commission Human Rights Situation Report 2022, p90/Constitutional Court 2007, August 30. 2004 Heonma 670 decision reference requoted

■ The double meaning of seasonal workers' satisfaction with working conditions and the environment

- The working hours of survey participants were
 - Work from 6 a.m. to 12 noon, 2-hour break, work from 2 p.m. to 7 p.m. (total 11 hours of work per day), 2 days off per month
 - 7:00 am to 12:00 am (30 minutes on average), 1-hour break, 1:00 pm to 5:00 pm (30 minutes on average), (total 8 hours of work per day), 4 days off per month
 - 6:30 to 4:30 a.m. (1-hour break, 30-minute break in between), (total 8 hours and 30 minutes of work per day), 4 days off per month
 - It was 10 hours of work per day, 1 hour break, and 2 days off per month

The employment contract stipulated 8 hours of work, but in some places, under an agreement with the farm owner, instead of deducting lodging expenses, an additional 2 hours of work per day was required. In some places, although the contract stated that there were 4 days off, there were actually 2 days off.

Also cases where an employment contract was written in the home country, but the contract was written again in Korea. This discrepancy between the working conditions in the contract and the actual working conditions proves that the contract was concluded in a situation where seasonal migrant workers did not know the exact contents of the employment contract. Even if workers try to review the contract later, it is difficult to understand because the contract itself is written only in Korean and English, not he/her mother tongue.

"I am receiving a monthly salary of 2 million won, but the boss told me to work 2 hours more a day in exchange for not being paid for accommodation. However, some days I work 3 hours and there are only 2 days off per month, but there is no additional pay. The work is too hard and too much, but the pay seems too low."

"I am receiving 1.8 million won excluding accommodation fees. My boss buys lunch."

"I receive a monthly salary of 2 million won and pay 200,000 won for accommodation. The boss buys lunch, and cooks dinner and the boss provides the rice. I know it is the minimum hourly wage."

"It's so hard because I don't have time to rest while working. There is no overtime pay."

In C City, the working conditions were 10 hours a day, 1 hour of rest, and 2 days off per month, and the monthly salary was uniformly set at 2 million won. Workers were dissatisfied because there was no separate allowance for overtime work. Most workers did not know how to calculate and request overtime pay. When workers complained about the lack of overtime pay, farm owners also complained about the monthly salary system. The explanation is that it is the same as giving an allowance even if you are busy during the busy farming season but do not work during rainy or off-peak farming seasons. None of the seasonal migrant workers encountered in this survey received a pay stub.

The minimum wage in 2023 is 2,010,580 won based on 209 hours per month. Most survey participants worked between 220 and 308 hours, but did not receive minimum wage.

Workers responded that although realistic working conditions and situations are difficult, among all surveys, 38.24% responded that they were somewhat satisfied with the working environment in Korea, and 32.35% responded that they were very satisfied. Although the workers' working conditions and environment were difficult in reality, they expressed satisfaction when compared to the situation in their home country, and all but one of the 23 expressed their intention to extend their working period or re-enter the country.

"I think the salary is too low, but I am still satisfied to some extent."

"It's hard, but I'm still satisfied. The economy in our country is so difficult that there is no place to work. "I have to work for my family."

"When I came to Korea, I was prepared for it to be difficult. "It's a small amount of money in Korea, but it's a lot of money in our country."

“Among the people who entered the country with me, I am the oldest. Because of my age, it is difficult to find a job in my hometown. “Even though work is hard, I persevere because I can earn money and can send living expenses to my family in my home country.”

“It’s frustrating because we can’t communicate well, and it’s physically difficult, but I’m satisfied because I can make money in a short period of time and support my children’s education expenses.”

5) Responsibilities and roles of farm owners, local governments, and central government for operating the SWP

Since seasonal migrant workers have no information about the Korean labor market in general and have little relationships with people other than farm owners while living in Korea, there was a large difference in workers' satisfaction depending on the farm owner's attitude.

“I am satisfied with the working environment. The owner is very kind and considerate of convenience. Even if I come back, I want to be re-employed at the farm where I currently work. Even when I was sick, my boss took me to the hospital and paid my hospital bills.”

“If the boss is too demanding and difficult, he might not want to work on that farm. “Because my boss treats me well, I work harder” “The owner is nice and kind. He has just started working and it is still difficult for him to communicate, but he is trying to understand and listen well to what the boss is saying.”

When a farm owner from local government B in Gyeonggi Province first met the research team, he expressed great dissatisfaction with the seasonal migrant workers on his farm. Three seasonal migrant workers at his farm were growing cucumbers and pumpkins in 11 greenhouses. The farm owner was worried that the seasonal migrant workers would have difficulty harvesting crops due to the weight of the crops, so he provided them with carts with wheels, but he complained that the seasonal migrant workers did not work hard.

“They didn’t come to work, they came to make money. I even installed an electric cart, but the kids(he mentioned workers like that) are very weak and only pay attention to me, so they deliberately work slowly to kill time, so I’m so mad I’m boiling inside.” (B county in Gyeonggi-province, farm owner)

On the other hand, workers' opinions were different.

“I work in a greenhouse from 6 a.m. to 12 noon, and it is very hot and tiring because there is no way to cool off, such as ice packs. There are times when I feel suffocated.”

“I take a two-hour break from 12 o’clock, including lunch, and work again from 2 to 7 o’clock. After working 11 hours a day, I come home and don’t want to do anything and don’t think about anything.”

Meanwhile, the four workers, researchers met at Farm 2 in C county, Gyeonggi-province, arrived in Korea less than a month ago, and the farm owner was relatively friendly toward seasonal migrant workers, so they were quite satisfied with all the questions.

Seasonal migrant workers rarely travel anywhere other than the farm and their lodgings, and have no other social relationships, so their relationship with the farm owner is more important than that of workers in other industries. The workers' reactions also differed depending on the farm owner's personality or the farm owner's attitude toward the workers. The reality that the working conditions and working environment of seasonal migrant workers vary depending on the tendencies of farm owners must be systematically changed to create a more stable working environment.

Farm owners also complain that although the **SWP** is good because they can secure stable employment when labor is needed, it is a burden to prepare accommodation, food ingredients, and utility bills, and there is a burden of paying salaries even during the off-season when there is no work.

Local governments that operate the program are also burdened by the burden of hiring civil servants and interpreters in charge of the SWP and the high medical expenses incurred due to non-subscription to national health insurance when medical problems occur among seasonal migrant workers within local governments.

The current SWP is good for farm owners. Because farm owners can have stable employment for up to 8 months when labor is needed, but it is also a burden to prepare accommodation, food materials, and utility bills, and it is difficult to pay a salary even during the off-season when there is no work. Complains of feeling burdened.

■ Racism

In the overall survey statistics, many responses were “I have no experience when asked about experiences of verbal abuse, violence, getting injured or getting sick while working, non-payment of wages, or racial discrimination.” However, according to interviews with stakeholders, the biggest complaints of seasonal migrant workers is that it is said that there was non-payment of wages, verbal abuse, and hardships in daily life.

One of the survey participants said, “I don’t know Korean well, but I felt bad when I saw them making loud noises and throwing things on the floor.” There was also some discrimination against workers in certain countries, who were made to carry heavier loads or do more difficult work than other workers.

A Mongolian woman revealed that she is assigned the duty of carrying heavy sacks, a task traditionally associated with men. *“I was obligated to take on more physically demanding responsibilities solely because of my Mongolian identity”*

Looking at the overall survey statistics, approximately 36.9% of survey respondents responded that they experienced verbal abuse and assault, followed by 28.9% of respondents who experienced racial discrimination or

belittling their country of origin. Interviews with stakeholders show that seasonal migrant workers have complaints such as non-payment of wages, verbal abuse, and hardships in their daily lives.

During the survey, some farm owners, government officials, and interpreters consistently referred to seasonal migrant workers as "kid," "kids," or simply as "them." Furthermore, discriminatory remarks such as "they are using tricks and not doing their work" and "we are being watched every day for fear of them being undocumented," were prevalent. Strikingly, there was a lack of acknowledgment that these expressions held racist undertones. Moreover, treating seasonal migrant workers with informality or outright neglect based on the economic disparities between their home country and Korea constitutes clear racism. Given this context, there is a pressing need for human rights sensitivity education to raise awareness among stakeholders involved in the SWP.

■ What seasonal migrant workers want

Interviewees said that long working hours and low wages were difficult, but when asked about improvements to the system or their wishes, most expressed that they would like working hours to be continually extended without leaving the country. In addition, there was an opinion that it would be good for public officials to visit farms regularly, listen to the grievances of workers and farmers, and supervise management.

"I wish the employment period could be extended"

"I hope I can work in Korea for a long time. "The cost of going back to Vietnam is almost a month's salary, so it's a burden."

"I hope I can work in Korea for a long time. And I hope that the official in charge will visit the farm about once a month to check if there are any difficulties and talk with the boss and workers to manage them."

"I wish the salary were a little higher."

"Once you enter the country, you can work for 5 months, but it would be nice if the period could be continually extended rather than leaving and re-entering the country."

■ Conclusion

Seasonal migrant workers are choosing to migrate to Korea due to difficult economic conditions and employment difficulties in their home countries. Through this survey of domestic seasonal migrant workers, we were able to determine that it takes approximately one month or more to enter Korea, that it costs at least 1 million won, and that a return guarantee insurance system is in operation. Most seasonal migrant workers used the farm owner's car to move from their lodgings to the farm, or in some cases, the greenhouses where they worked were located right next to their lodgings. Basically, other than the farm owners, they were isolated from no other social relationships in Korean society.

Even if they were dissatisfied with the working environment, they endured difficulties for fear of causing harm to migrant workers who came to work with them from the same village in their home country. After entering Korea, they are immediately assigned to farms without even minimal safety training, and are unaware of their rights as workers. In most cases, workers received a salary lower than the minimum wage compared to the number of hours worked. Workers didn't know how their salary was calculated or whether they were getting paid for working overtime. Seasonal migrant workers were not enrolled in national health insurance, and if a disease was discovered during a health check-up after entering the country or if an illness occurred during their working period, they had to enter the country mid-way or pay high treatment fees. Of course, depending on the farm owner, there were cases in which the owners paid for the return airfare, provided overtime pay, and paid medical expenses, but there was no stable system.

There seemed to be great practical difficulties for a public official in charge of a local government that actually operates the **SWP** in order to identify, improve, and support the problems of farms, farm owners, and workers in the region.

There are many things that need to be supplemented and revised in order for the **SWP**, which was designed to address the labor shortage in rural

areas in Korean society, to become a system that satisfies all workers, farmers, and local governments. Seasonal migrant workers should be provided with employment contracts and information about the working environment, at least in their native language.

IV-1. FGI for Married Immigrant Family Sponsored Seasonal Workers

There are two main ways to introduce seasonal workers: MOUs between local governments and invitations to family members of married immigrants. Some local governments combine the MOU method with the marriage immigrant family invitation method. In the latter case, the local government invites the immediate family members or relatives of the migrant woman (or man) to work in the host family's home or other farms in the area. Of the two local governments interviewed by the research team (Gyeonggi. A city and Gyeonggi. B city), only one implemented both the local government MOU and the marriage migrant family invitation program, while the other implemented only the MOU program.

A comparison of the forms of seasonal worker introduction is as follows.

Classification	Local government MOU	Married Immigrant Family Invitations
Referrer	Foreign local governments	Married immigrants
Target	MOU with the Korean local governments and the foreign municipalities	A family member or first cousin of an immigrant who is married to a national, including the spouse of a first cousin.
Requirements	People with the experiences of working in agriculture and fishing	No conditions.
Age	30 years of age or older 55 years of age or younger	19 years old or older 55 years old or younger

As shown in the table above, the Married Immigrant Family Sponsorship Program has fewer restrictions in terms of conditions and age than the Local Government MOU Program. Under the municipal MOU program, the

worker must have worked in agriculture or fishing, but under the marriage-based immigrant family sponsorship program, the worker does not need to have worked in agriculture or fishing. In terms of age, the municipal MOU program requires applicants to be at least 30 years old, while the marriage immigrant program requires applicants to be at least 19 years old. On the face of it, the system appears to be relatively favorable to female family members of marriage migrants.

Many countries hire migrant workers on a seasonal basis for short-term needs. However, hiring the home country family members of foreign spouses married to Korean citizens as seasonal workers is quite unique. Unlike seasonal workers who are brought in through MOUs between local governments, the **SWP** for married migrants' families is a labor policy that utilizes affinity in that it is based on married migrants and their families who are already settled in Korea. It is also a policy that contradicts Korea's foreign labor policy, which restricts the participation of family members of marriage migrants in the wage labor market.

Most of the countries of origin of marriage migrants are developing Asian countries with a high demand for overseas migrant labor. Given that marriage migrants have been trying to help their families back home, the **SWP** not only meets the needs of marriage migrants and their family members back home, but also aligns the interests of the sending country and the Korean government. In particular, family members who are workers who have been invited by marriage migrants to work in Korea are expected to be loyal to the Korean government's policies regardless of the unreasonableness of the system. This may explain the lower undocumented rate than the local government MOU system.

■ Survey Overview

The in-country research to understand the current situation of the **SWP** for family members of marriage migrants was conducted by interviewing three groups of parties. 1) a group of married migrant women who had experience in inviting their family members in their home country, 2) a

group of workers who came to Korea as seasonal workers at the invitation of a married migrant woman, and 3) a local government official who is in charge of the **SWP** for married migrant family members.

The total number of interviewees was 20: 11 women, 8 seasonal migrant workers, and 1 government official. Nine of the women were from Vietnam, except for one each from Mongolia and the Philippines. The women lived in the A county in Gyeonggi province, the B city in Gyeongnam province, the C city in Chungnam province, and the D county in Chungbuk province. The countries of origin of the seasonal workers were Vietnam for four and Mongolia, Uzbekistan for two. In terms of gender, there were five men and three women. The seasonal workers worked in the A county in Gyeonggi province, the E county in Gyeongnam province, in the B city in Gyeongnam province, in the B city in Gyeongnam province, and the G city in Chungnam province.

■ Survey results

▶ Close family members enter and work together

Korea basically does not allow migrant workers to bring their families with them. Even seasonal workers cannot be accompanied by their families in the case of MOUs with local governments, as they enter the country as individual workers. However, among the seasonal workers who participated in the in-country FGIs, there were cases of father and son, mother and daughter entering and working together. Even among the married migrant women who had experience in inviting family members, they often invited several relatives at once rather than inviting them separately. This is a characteristic of the family sponsorship system for married migrants, permitting simultaneous sponsorship of first cousins (including spouses) without any specific limitations.

The advantage of arriving as a family is that by working in the same place, they can share the hard and unfamiliar labor together. In the case of short-term migrant labor, when there is no other way to communicate in Korean society, working together as a family can be a great support.

There were quite a few responses that it was a good opportunity to see family members in Korea and spend time with them that they did not see family members often due to international marriage migration. On the other hand, family ties can also act as a device to endure absurdity, such as preventing overstay.

► **Working conditions**

In some cases, the workers worked from 7 a.m. to 5 p.m., from 6 a.m. to 11:20 a.m. with a break at 2 p.m., and from 5:30 a.m. to 6:30 p.m. In contrast, some cases worked between 240 and 250 hours per month, with one hour of overtime each day and no overtime pay.

Wages were often at the minimum wage level. As of 2023, two were paid 2.1 million won, two were paid 2.5 million won, and the rest were paid between 2 million won and 2.2 million won, although the exact amount could not be confirmed. In some cases, they were not paid a fixed amount in the form of a monthly salary, but were paid less when they were not working and more when they were working at the minimum wage level.

"In May, when I first started, I was sick for about 10 days because I wasn't used to working, so I was paid 1.8 million won, 2.2 million won in June, and 700,000 won in July because I didn't work."

From a worker's point of view, it is burdensome to work for a short period of three or five months and have their income fluctuation depending on the amount of work.

Holidays were usually twice a month. The only exception was a 'daily paid' worker, meaning he could choose not to work when he wanted to. Because the crops needed to be watered every morning, he took Sunday afternoon off on Saturday afternoon, so the twice-monthly vacation was routine.

The lack of full-time days off in the form of half days off on weekends

and holidays shows that even the twice-monthly 'inadequate rest' is not being provided.

In cases where the sponsoring family was a farmer, the working conditions were relatively good because they were inviting their own family members to work as workers. In these cases, the family members did not have separate dormitories, but lived together in the sponsor's house. On the other hand, in the case of marriage migrants who were invited by their families, JCMK found that their working conditions were generally poor and their wages were insufficient, such as deducting dormitory fees or using a per diem system.

Korea's migrant worker policy has been in the form of guaranteeing labor rights, such as applying a minimum wage system, during the transition from the industrial training program to the EPS. However, the working conditions of seasonal workers are developing into a situation that may raise human rights issues. Nevertheless, the satisfaction level of migrant families who have experienced seasonal labor is generally high. Despite the fact that labor rights are not guaranteed, the satisfaction of the parties is high.

► Role of Married Migrant Women

(1) Eligibility for family invitation = Married migrant women who maintain a 'a family of a couple and their kids?'

In Korean government policy, married migrant women are supported as members of multicultural families, not as individuals. Social welfare services are not available to migrant women who are alone due to divorce or widowhood, but only if they have children of Korean nationality. On the other hand, the marriage immigrant visa (F6) is basically designed as a stay and naturalization process that requires the assistance of a Korean spouse, so it is inevitably dependent on the Korean spouse.

Marriage immigrant visas are classified according to marital status, spousal cohabitation, and the presence of children, and the naturalization

process is different depending on the visa classification, making it more difficult for migrant women who do not maintain a so-called "a family of a couple and their kids" to go through the process. It is a way of controlling the assimilation of married migrant women into Korean patriarchal family culture through residence and naturalization policies.

The introduction of seasonal workers invited by the families of married migrants is in some ways a reward for migrant women who successfully realize the ideal of a multicultural family. On the surface, it is easier than the EPS or local government MOU system because they can come and work under easier conditions. However, the application form for seasonal work for married migrant families in the A county in Gyeonggi-province requires women to indicate the length of their marriage, number of children, and in-laws. This implicitly indicates that married migrant women who maintain "a family of a couple and their kids" are eligible for invitation as seasonal workers. When asked why marriage migrants are required to indicate the number of children and in-laws on their applications, the official in charge of the A county in Gyeonggi province responded, "Because people with children feel safer. The method of granting invitation status based on family members of married migrants is aimed at managing their stay, i.e. preventing them from becoming undocumented stayers.

The role of marriage migrant women who invite family members from their home countries to become seasonal migrant workers is multifaceted. A worker who works with her father in Gyeongnam Province at the invitation of her cousin, who is a married migrant in Korea, answered "everything" when asked what kind of help she received from her cousin. "Everything" included "clothes, food, ingredients, personal items, things like sampoons and razors, cooking utensils, work clothes, shoes, everything I need to live in Korea.

The role of migrant women is not limited to providing goods. Migrant women play a role in the entire **SWP** for married immigrant families. They

start by informing their families about the availability of seasonal migrant work. It is the responsibility of the marriage migrant woman to find out what procedures and preparations are required to come to Korea, and to organize all the details. Depending on the capacity of the local government, the role of the migrant woman may vary. In some municipalities, it is the responsibility of the migrant woman herself to find a farm for her family to work on. They have to bring information about the farms to work to the municipality, and the municipality officials have to approve them.

The table below lists the roles that migrant women play in the SWP based on the oral accounts of research participants.

<Married migrant women's support for seasonal migrant workers>

Timing		Support from Married Migrant Women
	Pre-entry	<ul style="list-style-type: none"> • Provide information about the SWP to family members in the country of origin • Provide information about the relevant documents needed in the sending country and help prepare them. • Identify and prepare the necessary documents in Korea • Discussing ways to finance necessary expenses and providing some of them
After entry	Daily life	<ul style="list-style-type: none"> • Gifts, Necessities Upon Arrival • Providing information on living in Korea • Providing or purchasing items needed for living in Korea on worker's behalf • Making and serving food, including food from the country of origin • Serve as a respite and networking hub • Outings, travel opportunities and accompaniment
	Work	<ul style="list-style-type: none"> • Check about the conditions of the farm (factory) where workers will be working • Provide or find housing or check housing conditions • Explain and communicate working conditions and working methods • Provide formal and informal interpretation and

Timing	Support from Married Migrant Women
	mediation for workers in Korea, including translating between workers and employers <ul style="list-style-type: none"> • Providing foods and ingredients • Provide relevant information and try to resolve problems when they arise • Calculate and convert workers' wages to account for exchange rates • Receiving, forwarding, and sending workers' wages on their behalf using their own bank account
Administrative Procedures	<ul style="list-style-type: none"> • Accompany or assist with opening a bank account • Accompanying or supporting an extension of stay • Accompany or assist with medical exams and drug testing • Assistance with returning home

Before entering the country, married immigrants provide information and help to prepare documents in accordance with the required procedures in both Korea and their country of origin. This includes the documents that married immigrants must prepare as a sponsor. The documents from the sending countries (Vietnam and Mongolia) are more difficult (time-consuming) and relatively more expensive than those from Korea.

In the D county in Chungbuk-province, it was only possible to invite the married immigrants' family members from their home country if they were engaged in agriculture in Korea, but in 2022, it was possible to invite their family members even if they were not engaged in agriculture. It is the married immigrants who are quick to recognize these changes and provide information and procedures accordingly.

They find out how much money is needed to enter the country, and some even provide money for airline tickets. It was often the case that the married immigrants paid for the necessary expenses in advance, as expressed by one migrant woman who said, "I paid first and get it later". Someone said that her cousin's sister, who was her sponsor, paid for her

immigration expenses (travel insurance, airline tickets, drug test, etc.) and she agreed to pay it back by working in Korea, but her cousin did not.

Once in the country, the married immigrants play a role in all aspects of living, working, and official processes. The married immigrants also provide a place for seasonal workers to stay after arrival and before they start working. In terms of livelihood, they provide the basics of life in Korea, such as providing goods or purchasing and delivering necessary items on their behalf. Considering the situation of seasonal workers who do not know anyone in Korea, they cook food from their country of origin or guide them to various places in Korea.

A married woman, said it was heartbreaking to see their host families working hard and not having enough to eat. They are in a strange place, working in a strange job, in a difficult environment, and they need to eat well, but their employer doesn't provide them with meals or snacks. Therefore, twice a month, she would buy extra food and bring it to them, and when she was worried, she would cook food and bring it to them.

The role of married migrant women in the labor of seasonal workers is important. They are the ones who check on their family members, the migrant workers, to see where they are working and staying. Some married migrant women stay with their own family members who are seasonal workers in their homes.

Explaining and interpreting the worker's job description and working conditions is also essential. Married migrant women are also the first to be called when there is a mis-communication in the workplace. They are most concerned about "not being able to understand the boss", so when the boss asks them to translate, they help whenever necessary because "the boss is in a position to take care of them".

This includes not just interpreting, but also mediating to bridge the gap in understanding.

"If there is no washing machine there (in the accommodation provided by the farm), we talk about washing machine again, and if not, we wash by hand"

In the event of a problematic situation, the married migrant woman has no choice but to step in.

"It's really bad because the family comes and they're involved and they're saying this, that, and the other thing. It's almost always the married migrant's family that complains."

According to the official in charge of the **SWP**, married migrant women play an active role in solving the problems of their family members, the seasonal workers. In fact, there are multicultural families living in the community, so it is difficult for business owners to do so.

On the other hand, the married migrant women also play a role in the payment of wages to seasonal migrant workers. In the case of the D county in Chungbuk province, the basic policy was to open an account in the name of the seasonal migrant worker. It was clear enough that the employer deposited the monthly wage into the worker's account and the local government verified the deposit. However, in other local governments, it was not important to open a bank account for seasonal workers who stayed for a short period of time. In some cases, they were even paid in cash because they didn't have a bank account.

During the season when it is difficult to open an account, migrant workers' wages are often deposited into the bank accounts of the women who invited them. This is because Korean banks have become more restrictive in opening passbooks, making it difficult for migrant workers to open passbooks, or they may not have the time to go to the bank. Even considering these circumstances, it is a violation of the Labor Standards Act for married migrant women to receive the wages of seasonal migrant workers in their families with their own passbooks. The

Labor Standards Act states that 'wages shall be paid in full to the worker directly in currency'.

The marriage migrant woman checks that the migrant worker's wages have been calculated and received, and explains the wages in terms of the exchange rate. If she receives money in her bank account, she gives it to the worker.

It is also the role of the married migrant woman to support the necessary processes in Korea. Not only are they unfamiliar with Korean administrative agencies and procedures, but they also accompany their family members who are unable to communicate with them, translate for them, and help them go through the relevant procedures. Therefore, the role of migrant women is so important that 'it would be too difficult to do seasonal migrant labor if I didn't have a family member or acquaintance to look after me' and 'I wouldn't have come if I didn't have a relative'.

In this sense, the **SWP** for family members of married migrants is not sustainable without the role of married migrant women. It is very problematic that a public system is supported by the responsibilities and roles of private individuals who are married migrant women, and it is necessary to discuss and take measures to revise and establish as a public system.

► **Family, a human deterrent for undocumented stay**

As one participant put it, "I've heard stories of the undocumented overstay, but I haven't seen it myself". The absence of (low) churn is one of the characteristics of the family sponsorship system. The **SWP** for married immigrants basically prevents the invited family members from inviting other family members if they overstay. Seasonal migrant workers do not choose to overstay because they are concerned that it will harm the marriage migrant women who have settled down in Korea. This is not because they accept the **SWP** itself, but because of the penalties that overstaying will cause to the sponsor, who is a family member in Korea,

and the linkage system that prevents other family members from coming from the sending country.

"I knew I shouldn't run away, I had a daughter (married migrant woman) so I was careful"

"I was told that I shouldn't be illegal, that if I am illegal, I am not alone, the whole family suffers"

"We go back when the period expires to avoid harm"

"We were told that if we were illegal, no one else could come and the person who invited us would be penalized"

In addition to the self-censorship of migrant workers, the chain of command system can also lead to intimidating language directed at the married migrant women who invite them. In a training for the married migrant women who had invited family members from an "association" in an industry where seasonal workers who invite family members work, they were told, "If you don't do a good job, they won't let you invite your family again".

One married migrant woman used the phrase 'we are the collateral' in relation to the SWP. In fact, seasonal migrant workers do not only work hard to stay out of trouble, but also to think about their families in Korea.

► **Workers' compensation and health insurance blind spots**

A married migrant woman who invited her cousin and sister-in-law to work as seasonal migrant workers found out that her sister-in-law was pregnant when she arrived in Korea. She said she needed health insurance and employment insurance rather than travel insurance because the tests required during pregnancy were too expensive. Her sister-in-law had to pay for all of her pregnancy tests out of her own salary, as they were not covered by her health insurance.

Another married migrant woman was burdened by the medical bills of the

seasonal migrant workers she invited: "A headache is not covered by workers' compensation, and because I don't have health insurance, it costs more than \$200,000 per visit," she said. "Even something as simple as a cold or an upset stomach costs a lot of money because it's not covered by insurance. In some cases, she had to go to the hospital for treatment after hurting her backs, and fortunately, her employer paid the hospital bills. In the end, since they are not covered by workers' compensation or health insurance, they can only handle it privately or rely on the goodwill of their employers.

► **Satisfaction and contradictions in the SWP**

Despite the fact that seasonal migrant workers' working hours, wages, and holidays fall short of their basic labor rights in Korea, many of the interviewed seasonal migrant workers expressed satisfaction with the SWP for married immigrant families. 'I want to come again in the future and I am satisfied' or 'It's a bit hard because of the hot summer, but it's okay'. 'My neighbors (in Vietnam) envy us because we want to go too, but none of them are married to Koreans'.

'If I have a good job in Vietnam, I won't come' because, as the statement suggests, the conditions are better than in the sending country.

Married migrant women who have invited their families to join them are primarily satisfied with the SWP because it allows them to see their families for a longer period of time, given the limited family reunification rights of their original families.

"Being able to see my family"

"The opportunity for families to get together and play together"

"When relatives come, it's good to talk to them"

"It's good to have family"

It is also an opportunity for migrant women to fulfill their responsibilities as family members, as most of the sending countries are economically

deprived, and it can provide an opportunity for family members to come and engage in economic activities. Therefore, even though the system requires a lot of responsibility, they are willing to accept it.

"I cared a lot because my family was struggling, so I used a little bit of my strength, and if I did it, my family would come and I could earn money".

"Help me communicate with the house manager, and tell her (the house manager) whenever I have any difficulties (as a married migrant woman)".

► **Local government tasks delegated to the private sector**

In the C city in Chungnam province, a large part of the SWP for married migrant families is handled by a fishing association. Married migrant women received information about applying for seasonal workers from the association. They also received information sessions from the association and made applications to invite their family members to become seasonal workers. The migrant women understood that the association would do all the work related to seasonal migrant workers. The association also traveled to Vietnam to interview the family members of the married migrant women who applied to become seasonal workers. The women had to pay the association 100,000 won per person for the interviews. The association also paid for airline tickets. The organization collected a set amount of money from the married migrant women in advance, and then returned the money to them if they had any left over after purchasing their tickets. The association also educated migrant women who wanted to invite their families, telling them, "You have to put up with hardships because other people can't come even if they want to". In effect, the private business owners' association was taking over the work of the basic local government.

On the other hand, there were companies that mediated the process, as documents translated and notarized in both languages had to be sent back and forth. One Vietnamese worker had a local friend who was a broker and prepared all the documents for him, but it was expensive,

costing about 3.5-4 million won in Korean won. In his local government, it was difficult to invite a multicultural family if they were not engaged in agriculture, but the broker was able to find and match the seasonal migrant worker with a farm. Thus, a family member invited by a married migrant woman living in the B city in Gyeongnam province was able to work as a seasonal worker in the G city in Gyeongnam province. However, the worker's working conditions were among the worst among the other seasonal workers interviewed. He said that he would not come back if he had to go through an employment agency.

▶ **How to Improve Family Invitation SWP**

Participants in the survey generally wanted to extend the duration of the SWP: "It takes a long time to prepare the documents and come, and it would be nice to work longer. This was the first wish of almost all of the interviewees, both married migrant women who had invited their families to work as seasonal workers and seasonal workers who had already come and worked. It was argued that the short duration of seasonal work is problematic because when migrants return to their sending countries, their existing jobs are gone and the economy is disrupted.

Health insurance should be available, salaries should be well taken care of, and if they are not paid, they should be informed where to go to get them, which is very basic and needs to be actively improved.

Regarding working conditions, some of the basic needs such as higher salaries, guaranteed working hours and breaks, correct calculation of additional allowances, and accurate working hours and salaries were not being met, so it would be good if management officials could visit periodically to check the working environment and conditions, and if workers could choose where they work (farms). There were also comments that workers should have fewer days off, perhaps three times a month, and that employers should provide them with the tools they need to work. These requests show that basic labor rights are not respected in the SWP. On the other hand, some of the women said that they would like to see

the ban on employment lifted if the migrant women's families come to raise their children and that they should be able to work and raise their children together. A Vietnamese migrant woman who invited her older sister to stay for childcare purposes and invited her brother as a seasonal worker said that it would be good if she could work while he is taking care of her children, but she regretted the separate worker system.

■ Measures to improve the system

The **SWP** for marriage migrants' families varies from municipality to municipality. Where migrant women have taken the initiative to actively engage local governments in the management of the **SWP**, the working conditions of seasonal workers have been the best. On the other hand, some municipalities seem to have outsourced the program to private business societies, while others have involved brokers.

JCMK found that the marriage migrant family-sponsored **SWP** was relatively better than the municipal MOU **SWP** in terms of working conditions and discriminatory treatment, as employers and communities were aware that migrant women were being watched and provided individual support to migrant women. However, the working conditions did not guarantee basic labor rights. In most cases, seasonal migrant workers are paid the minimum wage for the year, regardless of the number of hours they work, and sometimes have dormitory expenses deducted. Efforts should be made to ensure basic labor rights for seasonal migrant workers, even if they are rural workers who are exempted from protection in terms of working hours, breaks, and holidays under Article 63 of the Labor Standards Act.

Health insurance and worker's compensation should be organized as soon as possible. This is because anyone can get injured or sick, and the lack of a system puts the burden on the individual worker and their family, the marriage migrant woman.

As we have seen, the system of inviting family members of married migrants in the **SWP** is designed and maintained in a way that puts the

burden on married migrant women. The closeness of the family makes married migrant women, as well as their family members who come as seasonal workers, actively accept the system, even if there are unreasonable aspects. Along the way, family can be a source of strength and support, but it can also be a source of oppression.

IV-2. Seasonal Worker program Stakeholder FGIs

■ Interview with the seasonal worker employers

▶ Interview Outline

- Date : May 26, 2023, 13:00~16:00
- Location : B county, Gyeonggi-province
- Participants : 3 seasonal worker employers in B county
- Purpose : To collect opinions on grievances related to seasonal worker employment and the current system.

▶ Interview results

- Farmers felt that the biggest burden of hiring seasonal workers was the need to provide them with housing.
- Even if better than last year when the SWP was first introduced, farmers would like to see seasonal workers enter the country at the right time for each crop.
- Vegetable farmers in greenhouses requested an adjustment to the length of stay to allow them to work for seven consecutive months, while ginseng farmers were satisfied with the status quo.
- Compared to hiring undocumented workers through manpower supply offices, they were satisfied with the stability of being able to hire workers when they needed them.
- Nevertheless, depending on the entry time and duration of stay, farm owners voiced concerns about the challenge of paying wages even during periods of reduced workload and encountered difficulties in managing the workers.
- Vietnamese seasonal workers were more likely to be dissatisfied with greenhouse vegetable farmers, where working conditions are relatively harsh, and more likely to be satisfied with ginseng farmers.
- Despite using seasonal workers, farmers were still hiring undocumented workers during re-entry periods and when they needed a large number of workers.
- They were not aware of the public SWP and when it was explained to them, they had some negative opinions, but also some positive

opinions in terms of cost if they could use as many workers as they needed when they needed them.

- In the past year, two farms had undocumented workers.
- ⇒ From the farmer's point of view, the length of stay should be flexible according to the farm situation rather than uniformly set, and immigration should be timed according to the crops.
- ⇒ Farmers would like to be able to choose between the current permanent and public SWP, or to have access to both as needed, depending on the farm situation, which would reduce costs and administrative burdens for farmers.

※ Interview content by farm

#1. B county Farm1 : Interview with farmer's wife

- Growing greenhouse crops (pumpkin, cucumber, etc.) / Employing 3 Vietnamese workers

▶ Accommodation

- She is renting an empty house of an acquaintance near the farm as a place to stay; because she has to provide housing, there are no empty houses nearby, so some farmers rent pensions, etc.
- They were supposed to pay 200,000 won per month, but they have not yet done so because they are close to each other. However, they had to pay a lot of money to renovate the house and install a sink because it lacked toilet and kitchen facilities.
- Electricity and water bills were about 150,000 won last month.
- They do not receive rent or utilities separately or deduct them from their wages, and rice, humus, food, etc. are provided by the farmer and they do not pay for them.
- Instead, they have an agreement with the workers to come in early and stay late when they are busy, and most of the neighboring farmers have the same agreement with their workers.
- Said that they often leave a lot of leftovers when they provide rice and other food, so they requested a visit from the B county official and an

interpreter to warn them.

► **Upon entry and Length of labor contract**

- The farmer has a lot of work until mid-April and would like to hire them for only 7 months, but this is not possible.
- Depending on the crops, the desired seasonal workers are introduced at different times, so the farmer requested B county to introduce them accordingly, but B county said that the introduction period cannot be divided into too many times, so it is divided into March and April.
- Dissatisfaction because they have to pay wages even though they don't work much.
- They have to use other workers temporarily because their contracts are for five months and they have to go home and come back.
- Also, before leaving the country, they are required to sign a labor contract for re-entering the country and working, but if they could sign a labor contract after leaving the country, they might not sign a contract with a worker they don't like, but they are forced to sign a contract.
- Last year, all three workers who came in the first half of the year signed a labor contract in hopes of reentering the country, but after reentering the country, they were paid 20% less because there was only work in the first half of the year and not much work in the second half, and two of them were rented out to other farms. And one of them left after that.

► **Challenges of hiring seasonal workers**

- After hiring married family-related Vietnamese seasonal workers, it was observed that their performance did not match that of undocumented workers from Cambodia, Thailand, and other regions. It appeared that the Vietnamese workers were only attempting to pass the time rather than engaging diligently in their tasks.
- While it is good to have stable employment, they feel like they are only looking for money (throughout the interview, the employers complained that seasonal workers do not work hard enough).

- Communication with seasonal workers is somewhat better with the help of nearby Vietnamese marriage migrants, and one of the seasonal workers currently employed had previously worked in Korea.

▶ **Recruitment of workers other than seasonal workers**

- In the past, we used to hire undocumented workers from Thailand and Cambodia, and we used to provide temporary housing in a greenhouse.
- Even though undocumented workers were good at their jobs, communicated relatively well, and cost less, they would suddenly pack up and disappear, making it difficult to find stable employment.
- Sometimes they were hired through a recruitment agency, and sometimes they were contacted by a former worker.
- Sometimes they use Korean workers from Seoul through B county, but they say that they are not good at their work and it is difficult, so they do not use them unless it is very urgent.
- * There is a program where local governments provide opportunities for people who want to return to the countryside to work in rural areas.
- Korean-Chinese compatriots live in the neighborhood and work for a daily wage, whom they use when they are in a hurry.

▶ **Comments on the Public Seasonal Worker Program**

- ** A farm owner did not know about the Public SWP and briefly described it
- Says it is not suitable for their farm
- Thinks commuting is an issue, greenhouse vegetables have housing close to the farm so they can check in and do things from time to time, but if the housing is far away, they can't do that, and they think the workers will just want to pass the time and not work responsibly.
- Public seasonal workers are such as the daily workers, and the farmer needs 'workers with ownership'

#2. B county farm 2: Interview with the farmer

- Ginseng cultivation, tomatoes, etc. / Employing 2 Vietnamese

▶ **Providing accommodation**

- We rent a house and provide accommodation, but we cannot rent it only for the period of employment of seasonal workers, so we have a yearly contract and pay annual taxes. It costs about 4-5 million won a year, including utilities, etc.
- Some farms do not charge for accommodation and instead pay for extra work, as they believe it is better to charge for accommodation but pay for extra work.
- Transportation to and from the farm is provided by the farmer.

▶ **Upon entry and Length of labor contract**

- Ginseng farmers are needed from March to June and September to November.
- This year, they came in March and worked for 5 months, then left the country and re-entered for 3 months, which is relatively reasonable.
- However, he said that he feels sorry for the burden of returning and re-entering the country, including airfare.
- There is not always work, but there are other fields such as tomatoes, so they are working there as well.

▶ **Challenges of hiring seasonal workers**

- Currently working with the same workers who came last year
- The employers are satisfied because the workers are working hard and sincerely, and they have no difficulty communicating with them because they have experience working in Korea.

▶ **Recruitment of workers other than seasonal workers**

- I used to hire workers through a manpower supply agency, but I'm happy that I can hire seasonal workers only when I need them.

▶ **Comments on the Public SWP**

- Positive about having less pressure to provide housing, but worried about too many seasonal workers staying together and something bad happening

- Thinks it would be helpful for the government and B county to provide housing in a few locations in the area.
- Would like to see a public SWP that allows them to use only the number of workers they need, when they need them, to ease the burden of labor costs, but thinks they should be able to use the workers they are assigned first, based on skill level, on a continuous basis.

#3. Farm3 in B county: Farmer who hires workers jointly with the farmer in Farm 3

- Ginseng cultivation, paddy farming, etc. / Employing 3 Vietnamese workers

► **Providing accommodation**

- They are building a new house and have not been able to sell their old house, so they are renting it to seasonal workers, so they have a single room with air conditioning and good facilities.
- They provide rice and give them a ride to the local grocery store.
- The company deducts 200,000 won for accommodation, utilities, etc. and pays 10,000 won per hour for overtime, but during busy periods, the company agrees with the workers not to pay for accommodation in exchange for working overtime.
- If they look at nearby farms that hire workers through the employment permit system (E-9), they often use buildings such as containers for housing, but the requirement to provide housing for seasonal workers is excessive and puts a huge burden on farmers.

► **Upon entry and Length of labor contract**

- This year, the workers arrived on March 9, but they should have arrived a few days earlier to coincide with the ginseng farming season.
- Last year, they entered the country on April 25 because of delays, but they came in after all the hard work was done, and it was difficult to find laborers at that time.
- It is okay to leave the country in the middle and continue working without re-entering, but ginseng farming is like the current practice of working for 5 months or 3 months.

- However, the airfare back and forth was a burden for the workers, so last year farm owner supported them to purchase a one-way ticket.

► **Challenges of hiring seasonal workers**

- Ginseng farming does not always have enough work to require workers to arrive and leave at a certain time every day, and some seasons require more workers.
- It is difficult to manage the work while staying with the workers for a certain period of time because farm owner cannot tease them and pay them wages, so farm owner have to send them to and from work every day, take care of their morning and afternoon snacks, and give them lunch, and stay with them all the time, so farm owners use workers with other farmers and rotate them to work on their own farms, and they also farm paddy fields beyond the railway line(near by DMZ).
- He also hires additional workers during times of high demand.
- A seasonal worker hired last year, left the farm at 2:00 a.m. A black van arrived at the farm owner's house and transported the worker away. Despite reporting the incident to immigration, they did not pay any attention to the complaint.
- Nevertheless, the farm owner is satisfied that farm owner is able to hire workers reliably and that they work hard.

► **Recruitment of workers other than seasonal workers**

- Before hiring seasonal workers, they hired undocumented workers, Korean-Chinese or Mongolians.
- When they contacted the manpower supply office, they would pick up 10, 5, or 3 workers whenever they needed them and pick them up at the end of the day, but during the COVID-19 pandemic, it became difficult to find workers, so they requested seasonal workers from the county government.
- If a farmer hire workers through the manpower supply office, it used to be 90,000 won per day, but now it has gone up to 130,000 won (it goes up by 10,000 won every year), but the farmer can use many workers when the farmer need them and not hire them if the farmer

don't need them, but it is a burden because the farmer have to pay seasonal workers a salary.

- When it is challenging to find workers, there was a project in B county that connected people in Seoul who were interested in buying their own homes. Korean workers were hired, but farmers mentioned that they refrain from hiring because workers from Seoul don't perform adequately and tend to voice complaints instead of focusing on their work.

▶ **Comments on the Public Institution Initiative SWP**

- Positive about public seasonal workers, saying that if they could hire only the number of workers they need, when they need them, like hiring workers through a manpower supply agency, it would reduce worker costs and ease the burden on management.

2. Interview with county B seasonal worker official

▶ **Interview Overview**

- Date : June 19, 2023 (Mon.) 15:00~17:00
- Location: B county in Gyeonggi-province, Agricultural Technology Center
- Subject : 1 official in charge of seasonal workers in B county
- Content : Hearing about the process of introducing and promoting the SWP, difficulties, etc.

▶ **Interview results**

- Status of seasonal workers: By signing a business agreement with Dong Thap Province, Vietnam, a total of 158 people were introduced in the first and second half of 2022, and 153 people were introduced in 2023 → Doubled compared to the previous year, and the hire of seasonal workers will expand to a certain level.
- MOU signed with local governments of sending countries: Introduced at the request of farm owners, there were many difficulties starting from the selection of countries. Through the introduction of Cheolwon county, we were connected to Vietnam's Dong Thap Province and signed an MOU by mail and email → Difficulties in selecting sending countries and signing MOUs led by local governments were confirmed,

and the process of selecting workers in sending country local governments was unclear and intervention was limited (corruption may occur in the selection process)

- Seasonal workers invited by marriage immigrants: The advantage is that no one become undocumented, but timely placement is difficult due to many complaints and delays in visa issuance, and there is a lot of administrative hassle due to different entry times → They are sensitive to complaints, and the form requires information about the period of marriage and whether or not there are children. Prejudice was discovered, and female workers showed elements of gender discrimination not only in farm work, but also in food preparation, etc.
- Problem with undocumented stayer: 14 people left their workplace without permission in 2022. In order to reduce the number of undocumented stayer, Dong Thap Province checks whether any family members have experience staying undocumented and selects family members or relatives of government officials. They directly visit county B to educate seasonal workers, monitor their families, and even contact county B if there is concern about their departure. Passports are kept and returned at the recommendation of Dong Thap Province → Recommend county B to store passports and monitor the workers' families. Vietnam's Dong Thap Province appears to be more active in preventing defections, including Ali. In particular, the possibility of corruption appears to be high due to the structure making it difficult to complain even though relatives of government officials are included in the selection process.
- Difficulties in managing seasonal workers after entering the country: The Ministry of Justice only gave guidelines, but there was no prior consultation with relevant organizations for health checkups, drug tests, and industrial accident insurance subscriptions, so they had to deal with each agency and face a difficult process. The guidelines are not realistic and are passive in requesting support.
- The guidelines say to sign up for industrial accident insurance before working, but to do this, you must have an foreign registration card, and to register as a foreign, he/she must undergo a health checkup

and drug test. As a result, it takes more than 4 weeks to sign up for industrial accident insurance. Moreover, starting this year, foreign registration is being done as a group. Since it is not accepted, a visit reservation must be made for each individual farm → Local government officials are aware that the Ministry of Justice is only exercising authority and leaving implementation to local governments while avoiding responsibility, and local government officials are responsible for the seasonal worker application process and administrative support procedures after entry. I could understand their difficulties.

- Management such as grievance counseling: In 2022, there were many difficulties in visiting farms and conducting monthly inspections when complaints occurred. In 2023, in case of civil complaints, they will be asked to come to the county office and inspected every other month. The farm owner was dissatisfied with the workers' work attitude, and the workers complained about non-payment of wages, verbal abuse, and hardships in life → In a closed structure, there is a possibility that complaints will be handled internally at the local government level in the future. This is because the central government places excessive responsibility on local governments.
- Experience of industrial accidents and diseases: In 2022, 1 industrial accident (request for medical treatment), 2 personal diseases occurred. The burden of hospital expenses is very high due to lack of health insurance, but insurance purchased before entering the country is only a formality and is not covered. → Seasonal workers need to be covered by health insurance from the time they enter the country.
- Extension of period of stay for seasonal workers: The first demand survey targeting farm owners is being conducted. Most farm owners hope to extend the period of stay of seasonal workers, and some workers are expected to leave the country.
- Opinion on improving the **SWP**: The Ministry of Justice should have sufficient consultation with related organizations regarding tasks such as alien registration and industrial accident insurance subscription that local governments must perform → It is pointed out that the Ministry of Justice should properly play a role as the responsible ministry.

- Efforts to improve B county's SWP: visiting sending countries to collaborate with nearby local governments (agreed on implementation of civil servant exchanges with Dong Thap Province, Vietnam), encouraging farm owners' sense of responsibility through education and events when seasonal workers enter the country, participating seasonal workers in local events and tourism programs Efforts to exchange with local residents, such as operations → The exchange of civil servants with Vietnam's Dong Thap Province appears to be an effort to prevent being undocumented, and there appears to be limitations in the ability of county B officials to supervise the process of selecting and sending workers from local governments in sending countries. It is questionable whether this should be seen as an effort. , → It can be positive in terms of cooperation between local governments, but ultimately it means that the role of metropolitan local governments is necessary. → Efforts to exchange with local residents are impressive, and must go beyond the events of individual local governments.

► **Seasonal worker division and the status of seasonal workers**

- B county agricultural policy department and agricultural policy team are located in the B county agricultural technology center; in other municipalities, agricultural departments have been transferred to the agricultural technology center, but B county has not yet done so, and the office is located in the agricultural technology center for accessibility to the public.
- The current seasonal worker coordinator was hired as a contractor when B county decided to introduce seasonal workers and is now working full-time * Vietnamese seasonal workers were hired to translate for the Multicultural Family Center on a temporary basis (living wage, 10-month contract).
- County B signed a business agreement with Dong Thap Province, Vietnam, and introduced 158 workers (cumulative, 114 Dong Thap workers and 44 invited married immigrants' family) in the first and second halves of 2022, and 153 workers (89 Dong Thap workers and 60 invited married immigrants' family) are currently working in 2023.

► **Background on Seasonal Workers and the MOU signing process**

- There are several farmers' organizations in B county, and a few years ago they created the B county farmers' organization, which has been requesting the county government to introduce seasonal workers.
- When B county decided to implement the **SWP**, farmers' organization was very unsure at first and were fortunate to have the help of the county government's international exchange team. County B had twinned and exchanged with a municipality in the Philippines, and the municipality wanted to do the same, but the team leader said that there was a negative perception of Filipino workers(laziness) and farmers preferred Cambodian, Thai, and Vietnamese workers, and 90% of the marriage migrants in the county were Vietnamese migrants.
- However, at a meeting with the Ministry of Justice, the farmers' organization met the head of the agricultural policy team in Cheolwon County, which was already implementing the **SWP**, and received advice, and was invited to participate in a video conference with Dong Thap Province in Vietnam, which had signed an MOU, and the conversation went well, so the farmers' organization signed an MOU with B County to introduce seasonal workers *Cheolwon County had an undocumented rate of more than 10% in 2021 and stopped in 2022, and the sending local government said that it is trying to sign MOUs with various local governments in Korea because the sending local government may stop sending due to over_stayer problems.
- At the time of signing the MOU with Dong Thap Province in Vietnam, the COVID-19 situation prevented them from visiting in person, so they consulted via video conference and email, and exchanged agreements by mail.

► **Seasonal workers through married immigrant invitation**

- Workers who are invited by marriage immigrants have many complaints, and when they complain, the marriage immigrants and their spouses' families often file complaints together.
- However, last year, 14 Dong Thap Province workers by local government's MOU left their workplace arbitrarily, while none of the marriage immigrant

invited workers become undocumented, so this year, we decided to introduce a ratio of 5:5.

- Seasonal workers who enter the country through MOUs with local governments enter as a group, so it is easy to arrange workplaces, register foreigners, open passbooks, and undergo medical examinations, whereas seasonal workers who are invited by marriage immigrants are sometimes rejected or asked to make corrections during the immigration process and enter the country at different times, making it difficult to manage.
- For application forms for seasonal workers invited by marriage immigrants, kindly consult the forms provided by various local governments.
- Nationality is limited in the application form for seasonal workers invited by marriage migrants: We tried to limit it to Vietnam and the Philippines due to interpretation problems, but in the end, we were accepted regardless of nationality.
- Other than Vietnam and the Philippines, family members may be able to assist with civil affairs.
- Marriage duration, number of family members, and whether or not in-laws live in the application form: The recognition that people with longer marriages and children will not be undocumented.
- Promotion of seasonal workers is done through family centers, but promotion of marriage migrants who do not use family centers is limited to social media and word of mouth.

► **Undocumented Seasonal Workers**

- In 2022, 14 people became undocumented. There were a lot of undocumented people at the beginning of their arrival.
- In 2022, there were cases where people were quarantined at the training center due to the corona pandemic, but on the day the quarantine ended, someone came and took them away, and the other case, the day after they received their first paycheck, they disappeared.
- Because of this undocumented problem, Dong Thap Province selects the families of government employees and investigates whether any of their family members have previously gone abroad and become undocumented.

- They also monitor the families of workers who come to Korea as seasonal workers. When they get divorced or settle their affairs, they are told that there is a high probability that they are undocumented, and they give the information to B county. In fact, such information was provided and undocumented workers were found.
- A group chat room is used to manage seasonal workers and is moderated by an interpreter, who also uses the chat room to tell the interpreter to be on the lookout for someone who might leave.
- Last year, the Vietnamese local government told them that they should keep their passports to prevent undocumented workers. He did so, but the Ministry of Justice told him to return it, so he did so while working on a farm.
- Last year, when there were undocumented workers, three officials from Dong Thap province in Vietnam came to train seasonal workers and farmers, and since then, they have held video conferences every two weeks.
- He heard that Dong Thap province sends workers to Japan and other countries besides Korea, so there are many people waiting to go to migrant worker. It is such an important business that if it goes well, the person in charge is promoted. Therefore, they actively prevent undocumented workers.

► **Challenges with seasonal workers and subsequent administrative support**

- There are a lot of documents and photos that need to be submitted when applying for a seasonal worker, and they have to compress them and upload them to the visa portal, which is difficult due to the limited capacity. The government said that they could not increase the capacity due to lack of budget, but when local governments protested, they increased it slightly, but many local governments still have difficulty uploading.
- The Ministry of Justice guidelines say that local governments should use their own discretion to avoid liability. Age is also in the guidelines, but they don't care if local governments apply it differently.
- Regarding worker, there is a basic requirement to give a few holidays,

and the important part is to sign an MOU regarding the occurrence of undocumented people, and how to prevent brokers from intervening by making the selection process transparent.

- The Ministry of Justice had only set up guidelines and had not thought about collaborating with other agencies. As a result, there were many difficulties with workers' compensation insurance, medical examinations, etc.
- For example, the guidelines required that workers' compensation insurance should be enrolled as soon as they enter the country and only those who are enrolled should be allowed to work, but when I tried to enroll in workers' compensation insurance at the Labor and Welfare Agency, I was told that only those who were registered as foreigners could enroll. However, to register as a foreigner, he/she had to undergo a medical examination and a drug test, and the results took two weeks.
- This year, I was told that the farmer's safety insurance was cheaper, so I signed up for it, but I was told that the worker had to be registered as a foreigner to sign up, and that the worker could not sign up for less than three months. In the end, I tried to enroll for 5 months in the first half and 3 months in the second half, but I was unable to enroll in the end.
- To open a bank account, the worker had to be registered as a foreigner, and the process was not easy, and I was told to go to the B county health center for a medical examination and drug test, but the closest one was the health center in C county. The B county health center said that it was not their business, so I had to find and present the relevant laws and regulations to get a medical examination.
- It took four weeks to undergo a difficult medical examination and drug test and register as a foreigner, and then there was no cooperation in opening a bank account and enrolling in worker's compensation insurance.
- The Labor Welfare Corporation was not coordinated with the Ministry of Justice, and when I tried to sign up for worker's compensation insurance, it was not easy to sign up because agricultural businesses with less than 5 employees are excluded. However, after my experience last year, I was able to enroll after sending documents by fax.

- Last year, the immigration office accepted foreigner registration as a group, so we signed up for worker's compensation insurance as a group, but this year, the immigration office requires individual farmers to apply for foreigner registration instead of a group. Therefore, there are some workers who have not registered as foreigners yet and do not have worker's compensation insurance.
- I asked for help from those in charge of the Ministry of Justice the seasonal worker for various problems, but they only said they sent a letter and did not solve it. There used to be a community for information sharing between the Ministry of Justice and local government seasonal worker responsible, and a Q&A board, but it was difficult to answer many questions, and the more it operated, the more the Ministry of Justice's negligence was revealed, so it was eventually closed. Now they ask me to call or email them, but they don't respond well. Also, the person in charge changed frequently, so there were cases where they didn't know the front_line work.

► **Seasonal worker and farmer grievances and oversight**

- In 2022, the Ministry of Justice's guidelines required local governments to mediate and manage, so if anything happened, we visited the farm to provide support and checked the farm every month as instructed. Now, we have set up an annual inspection plan and are making regular visits every other month, and have them come to the office when any complaints arise.
- When a civil complaint arises in 2022 and a farm is visited, the farm owners yell and swear rudely because both the person in charge and the interpreter are women, but now that they are asked to come to the office, it is said that it is resolved calmly.
- Many of the complaints from farm owners were that the workers were slow and that they were not good at their jobs, but when we checked with the workers, they complained that they were working hard, but the farm owner did not look good and compared them to other workers.
- Workers' complaints included non-payment of wages, verbal abuse by the farm owner, and poor quality food ingredients received in lieu of

overtime pay. Non-payment of wages or verbal abuse can be corrected by the farm owner, but it is often difficult to resolve complaints related to daily life, such as the lack of food ingredients provided.

- To prevent problems such as sexual harassment from occurring, male farm owners were restricted from hiring only one female worker. It is said that there were cases where the farm owner touched a female worker's shoulder and then told the interpreter where he touched her, but she actually asked her not to tell the farm owner. I asked her to talk about it again, but she said she didn't say anything after that.
- Gender ratio: 80% are men. Couples often come, but some farm owners prefer this. When two people work together, they work harder considering each other, and the wife takes care of the food. Even if they are not a married couple, there are cases where women are hired as the sole cook among several people.
- She said it was difficult to visit the farm. Unless it's a rainy day, there are almost no days off, and sometimes she have to go after work to meet them, and sometimes their farm within the civilian control line(ner by DMZ) so it's difficult to get to them.

► Seasonal Worker Occupational Injuries and Illnesses

- Last year, there was a worker who got seriously injured while scything. The worker underwent medical treatment for about a month, and the employer paid all wages during that period.(The employer later received suspension benefits based on the worker's industrial accident application and approval for medical treatment).
- Last year, there was a worker who had appendicitis. He had a younger sister in Korea, so his family took him there for surgery. After the surgery, the worker returned to work, worked for the remainder of the year, and then left the country. However, the hospital bill was a lot, and when he returned home, he filed a claim with travel insurance that he was required to sign up for before entering the country, but he was told that he did not receive compensation. It is said that it was a formal insurance policy with little actual coverage.
- There was a worker who suffered from an obstetrics and gynecology

disease, and the hospital bill was high, so the doctor reportedly gave her a large discount.

- Since seasonal workers are not covered by health insurance, there is concern if they get sick.

► **Extending the stay of seasonal workers**

- The first demand survey was conducted on farm owners, and there were some workers who left the country without receiving an extension of their stay due to a decrease in farm work in the second half of the year.
- In the second half of the year, there are new farmers who applied, so only local government MOU workers are scheduled to be newly introduced (the document application process is complicated and visa issuance takes time when inviting marriage immigrants)
- Workers are wondering whether they will leave the country without receiving an extension of their period of stay.
- Even if the seasonal worker leaves the country, if the worker re-enters the country as a faithful worker, the document procedures are simpler than when applying for a new job, and local costs are reduced accordingly, so there is less concern about leaving the country.
- When a seasonal worker re-enters the country as a sincere/experienced worker, the document procedures are simpler than when applying for a new job, and local costs are reduced accordingly, so there is less concern about becoming undocumented.

► **Suggestions for improving the SWP**

- The Ministry of Justice must have sufficient consultation with each relevant organization regarding the tasks that local governments must perform (health checkups, foreigner registration, industrial accident insurance, bank account planning, etc.)
- In particular, it is necessary to allow groups to apply for foreigner registration. If it is left to individual farms, it can take 2 months, which also leads to a delay in signing up for industrial accident insurance. * Farm owners are not good at things such as gathering documents and making reservations for visits online.

* Last year it is said that in County B, they requested the Korea Workers' Compensation and Welfare Service to sign up for industrial accident insurance with their passports. However, it is said that because it varies from branch to branch, other local governments often do not provide it.

<Farmers' demands>

- According to the Ministry of Justice guidelines, employers who hire seasonal workers must provide housing as a dormitory, so they go there in person to check and take photos even if they do not have to check the building register. Consequently, there are instances where applicants are disqualified from the application process due to failure to meet accommodation standards. From the perspective of farm owners, the cost and responsibility associated with providing dormitories are exceedingly high.
- Farm owners believe that applying the minimum wage to seasonal workers is excessive.
- In rural areas, there has long been a custom of helping each other when work is busy, but there are complaints about being restricted to working only in designated workplace.
- Workers lack understanding of the agricultural working environment: Workers think that working hours include travel time. Working hours and break times vary depending on the weather, but they want to work 8 hours a day like in a factory

► **B county's efforts to improve seasonal labor laws**

- The Ministry of Justice only gave guidelines and entrusted the work to individual local governments, but it was very difficult to carry out the work over the past year. This year, Pocheon, B, and C local governments visited Vietnam, Laos, and Cambodia together to collaborate. And as I know that Gyeonggi Province is considering signing and introducing an MOU to serve as a control tower to supply workers to local governments.
- The B county decided to exchange civil servants while visiting Dong

Thap Province in Vietnam this year. In county B, a civil servant will be dispatched to check the selection and entry preparation process, and in Dong Thap province, an official will be dispatched to county B for one year to manage seasonal workers.

- The B county is considering introducing public seasonal workers, but Nonghyup(agricultural cooperative) is not going to do it.
- Other local governments often send workers who enter the country directly to farm owners, but since last year, County B has been providing training for farm owners and seasonal workers and holding large-scale meet-and-greet events. Through these events, county B wanted to give farm owners a sense of responsibility.

<Exchanges between seasonal workers and local residents>

- Last year, we considered having a Korean language teacher from the Multicultural Family Center visit seasonal workers' accommodations to teach Korean language classes, but it was put on hold because there were concerns about a female teacher visiting after work and many workers said they wanted to rest.
- Last year, county B held a Vietnamese Workers' Day event at the agricultural specialty products festival hosted by the Agricultural Policy Department, where county B made Vietnamese food, performed singing and talent shows, and gave gifts. Also, winter clothes, etc. were provided as part of the charity event.
- County B also took a tour of within the region of county B once, and on the day of departure, we went to see tourist attractions in County B and Cheonggyecheon¹³⁾ in Seoul before going to the airport (however, only toured Seoul in the car instead of walking along Cheonggyecheon out of fear of missing people).

3. Interviewing employers who hire seasonal workers in City C

▶ Interview overview

- Date and time: July 20, 2023 15:30~17:00

13) It is a small river that flows through the central part of Seoul

- Location: C-city, Gyeonggi-do
- Target: 1 Farm owner hiring seasonal workers
- Contents: Gathering opinions on grievances related to hiring seasonal workers and the current system

► **Interview results**

- Farm C was also having difficulties in supplying manpower, and it was impossible to hire Employment Permit System workers because it was difficult to meet the dormitory standards.
- City C was able to introduce a large number of seasonal workers this year because it was possible to provide farm huts, rather than houses, as dormitories.
- Claimed that they had applied for seasonal workers according to the farming schedule, but suffered damage caused by delayed entry into the country as the local government accepted inappropriate additional applications (claimed that additional applications were received concerning many interests in local government)
- They are satisfied with the stable supply of manpower through the employment of seasonal workers, but businesses that employed Employment Permit System workers say they need to improve their skills through continued employment. ⇒ Farm owners in City C are satisfied with the stable supply of manpower through the employment of seasonal workers, especially farm huts. Farm owners are very positive about being able to provide (temporary construction) as accommodation.
- * It was confirmed through City C that existing farm huts can be provided as dormitories if certain requirements are met even if they are not houses (relevant Ministry of Justice guidelines are attached separately) ⇒ As claimed by one farm owner, basic local governments are implementing it, and group heads, public officials in charge, etc. are local. So the plan may change depending on their various relationships and interests.

※ Interview content by farm

#1. Farm 1 in City C

- Growing crops in greenhouses (e.g. vegetables, pumpkins, cucumbers, etc.)
/ Laos 6 people

▶ Manpower supply

- The farm owner, as the village head, expressed his dissatisfaction, saying that he had requested the union leader and the city to implement the SWP last year and the year before, but only now has it been implemented.
- E-9(Employment Permit System) has strict requirements, including having to provide housing. So we requested seasonal workers with less stringent housing requirements.
- There was no need to hire a large number of people on a regular basis, so in the past, part-time workers or people from the neighborhood were used as needed. Also, migrant workers working at nearby factories were brought in on weekends and used as part-time workers.
- Although the farm owner has personal connections and can hire workers when needed, he has had a hard time due to manpower issues, and other farmers are said to be in a very difficult situation.

▶ Providing accommodation

- A temporary building made of sandwich panels within the greenhouse is provided as accommodation.
- Although it is not a house, it has a toilet and bathroom inside as required by the guidelines, so it is being used as accommodation with permission from City C.
- It is said that accommodation construction was carried out this year to hire seasonal workers.

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▶ Upon entry and Length of labor contract

- Two people entered the country in February, April, and June.
- Some workers signed a 5-month employment contract, and according to

the Ministry of Justice's extension of stay period, some workers have already extended it, and others are planning to extend it in the future.

- They are positive about extending the period of stay, and if it extends further, they will consider growing winter crops

- **Satisfaction and difficulties with hiring seasonal workers**

- Continuing to hire seasonal workers for the duration of the contract period is a burden on labor costs, but considering that they have to hire workers every time and pick them up again, it is said to be stable and convenient.
- In order to be paid wages during the period of employment, farming must continue without a break without any land being left unused.
- Communication is easily conveyed through hand gestures, so there is no major difficulty.
- It is said that he takes great care in things such as ordering company dinners and going on vacation together.
- However, the problem is that they should have been able to enter the country at the required time, but they were not able to do so. They should have entered the country according to their application, but they were not able to do so. The reason for this is that even though the application period had closed, additional applications were made to public officials in charge, claiming to be people they knew, and additional applications were made, and the number of applicants was lost. Due to this change, entry into the country was delayed. Because of this, there was a lot of damage and we are trying to protest to the city or city council.

- ▶ **If the central government or regional governments carry out manpower introduction, such as signing an MOU...**

- They said they were against it, they said it would make things more difficult if the central government or metropolitan governments got involved, they just said it would be better for basic local governments to take the lead like they do now.

▶ Improvement requests

- Workers must be able to enter the country on the date the farm applies according to the schedule planned by the local government and be put to work on the farm in a timely manner.

#2. C City Farm 2

- Growing crops in greenhouses (cherry tomatoes, cucumbers, pumpkins, etc.)
/ Laos 4 people

▶ Manpower supply

- Employed E-9(EPS) workers until early this year. However, due to the dormitory standards, they could no longer be hired, so they asked relatives and acquaintances to help them work, but in the end, they were not able to properly work in the first half of the year.
- An application for the employment of seasonal workers was submitted in City C. Having previously applied without success, I harbored no particular expectations. However, upon reapplication, seasonal workers successfully entered the country as scheduled and were duly assigned to their workplaces

▶ Providing Accommodation

- This year, seasonal workers in City C can apply even if they do not have housing, and accommodations previously used by E-9 workers are provided.

▶ Upon entry and Length of labor contract

- I applied late and the seasonal workers were entered the country not long ago, and since I wasn't able to work properly in the first half of the year, I don't have much work at the moment. It's just the beginning.
- The extension of the employment contract due to the extension of stay period requires more consideration.

▶ Satisfaction and difficulties with hiring seasonal workers

- The existing E-9 workers were highly skilled after working for a long

period of 4 to 8 years, which was a great help. It is unfortunate that this is not the case for seasonal workers, but I think it is fortunate that we were able to secure labor.

- However, if E-9 workers do not perform well even after employment, the employment contract can be easily terminated through agreement between the parties, but this is not possible under the **SWP**. Although it is not a long period of time, the responsibility for it is a major difficulty
 - * Seasonal workers can also be fired for violating regulations, etc., but it is burdensome to fire seasonal workers because they think it will be a big loss if they return home after spending a lot of money to work for several months. E-9 workers do not have to worry about such burdens because they can get a job at another workplace instead of leaving the country.

► **Improvement requests**

- Based on the experience of hiring E-9 workers, there was an advantage in that the hired workers were stable and their skills increased in that they could continue to use them as needed while paying wages even if there was not much work during the off-season. I wish we could hire seasonal workers on a stable basis like that.
- While full-time employment might not be feasible, it would be beneficial to sustain the employment relationship by taking vacations to the home country during the off-season. This allows individuals to continue honing skills specific to their relevant workplace. Given that the work methods vary slightly across farms, even with prior experience, collaboration during the initial phase might be necessary and could pose a potential challenge.

■ **Interview with civil servant in charge of seasonal workers in City C**

► **Interview Overview**

- Date and time: July 20, 2023 (Thursday) 14:00~15:00
- Location: C City in Gyeonggi-province. Agricultural Technology Center
- Target: 3 civil servants in charge of seasonal workers in City C, Laos interpreter

- Contents: SWP introduction and implementation process, listening to difficulties, etc.

► **Interview Summary**

- Status of seasonal workers: MOUs signed with Cambodia and Laos, currently 198 people entering the country
 - 183 people entered Laos, and 15 people recently entered Cambodia due to delays in the introduction process.
 - Divided entrance start in February to meet the needs of farmers (5th entrance at the time of interview)
 - Seasonal workers recommended for marriage immigrants are not hired.
- Seasonal worker introduction process: Although there were many approaches from brokers, an MOU was signed with Cambodia by visiting the embassy directly, and with Laos, an MOU was signed through a dispatch company introduced by Gimcheon City (in Cambodia and Laos, the central government controls the dispatch of seasonal workers, especially Laos appoints a private company to carry out the transmission work)
- Selection of seasonal workers (Laos): The central government recruits and selects people from all over the country and the sending company acts on their behalf. In city C, only local residents of Ra Sai Thong who have signed an MOU are selected and sent. Group training for 3 days and 2 nights is provided before entry.
- It is said that there were no special difficulties in administrative support after introduction.
- Industrial accident and disease case: 1 patient had an appendectomy, the surgery fee was paid by the individual (the sending company lent the insufficient amount), it seems possible to receive some amount through travel insurance signed up before entering the country, 1 patient with high blood pressure was confirmed during health checkup. made to leave the country
- Over-stayer issue: This is the first year of introduction, and currently there is only 1 person.
- Accommodation provided: 90-95% is prefabricated panel accommodation

- on farmland (possible in accordance with Ministry of Justice guidelines)
- grievance mechanism: Misunderstandings arise due to farming methods, cultural differences, and communication limitations; usually resolved through mediation; if not, relocation of the farm.
- What needs to be improved on the **SWP**: It is realistically difficult for the central government to provide the necessary manpower and housing as accommodation to local governments after signing an MOU.
- ※ City C is unusual in that it appears that a Korean is working as an interpreter in Laos, playing a role in worker management and influencing public officials

■ Detailed interview content

- ▶ **Introduction to the division in charge and status of seasonal workers**
- In City C, seasonal workers are handled by the Agricultural Technology Center's Agricultural Policy Department.
- It is said that the current public officials in charge of seasonal workers are hired as contract public officials, and interpreters are also hired on a fixed-term(Indentured) basis. * City C says they were hired on a temporary basis, but in reality, they were interpreters hired by a private agency in charge of transmission work in Laos, and the Ministry of Justice requested correction. Accordingly, City C was planning to hire him on a fixed-term basis soon.
- City C signed an MOU with Cambodia and Laos (La Sai Thong), and currently 198 people have entered the country and are working there (36 people from Laos entered the country in the first round on February 28, with additional 2nd to 4th rounds arriving in April and June). A total of 183 people per year, 15 people enter Cambodia in 5 batches) * The required number of people enter each month to meet the needs of farmers.
- City C does not hire seasonal workers invited by marriage immigrants.
- After signing the MOU, about 200 workers from Cambodia and 290 from Laos were requested this year, and while Laos is entering the country as requested, Cambodia did not send workers despite making various requests through official letters, but recently 15 people entered the country.

- * While Laos was controlled by the government and progressed quickly, Cambodia was managed by an EPS sending agency, and in addition to the EPS, it also sent manpower to countries such as Japan and Singapore, so it was relatively delayed.

▶ **Background and process of introducing the SWP**

- Background of introduction: At the beginning of the implementation of the SWP, demand was low because undocumented workers could be hired at low wages, but due to COVID-19, wages for undocumented workers increased and hiring was not easy, so the introduction of seasonal workers was actively promoted.
 - Trial and error: An MOU was signed with Mongolia in 2019, but it could not be implemented due to African swine fever. After that, it was suspended due to COVID-19, and an MOU was signed with a local government in Nepal in 2022. However, as the mayor of Nepal changed, the MOU was requested again, so it was delayed and could not be implemented.
 - Broker approach: Numerous seasonal worker brokers have come to visit us. Some brokers even claimed that other local governments, including Yanggu, have also introduced seasonal workers through their companies. Some law firms have also come to us.
 - Cambodia MOU signed: City C said that at the time, it visited the embassies of Vietnam, Cambodia, Laos, and Nepal recommended by the Ministry of Justice, and also visited the embassy of Bangladesh. At that time, the Cambodian labor affairs officer was active, so the process went well and an MOU was signed. At the time, the head of Cambodia's national human resources supply and demand department came to C.
- * It is said that Cambodia also controls and manages the sending of seasonal workers by the government.
 - Laos MOU signed: I got to know the department in charge of seasonal workers in Gimcheon City, and City C introduced Cambodia, and Gimcheon City introduced me to the person in charge of the Laos sending agency. The Laos sending agency came to City C, but there

was no agreement due to interpretation issues, and I received help here and there. While looking for a company, he was introduced to another company in Laos and ended up signing an MOU. The MOU with Laos was signed with the central government, and with Nasai Tong, the MOU was attached separately to the attached documents.

- He said he visited Cambodia and Laos to confirm after signing the MOU.

► **Seasonal worker selection and dispatch process, farm placement**

- Selection requirements: Follow the Ministry of Justice guidelines, have more than 1 year of farming experience, etc.
- In Laos, the Ministry of Labor and Social Welfare oversees seasonal worker affairs and designates a (private) sending agency to recruit and select applicants from all over Laos.
- Among the selected workers, only those from Nasaitong, a local government designated by City C, are selected, and at this time, they must provide proof of residence as Nasaitong (8 to 10 years of residence).
- * The Ministry of Justice's guidelines are a system in which local government workers are introduced through the signing of an MOU between local governments, so Nasai Tong also visited.
- Pre-entry training at the recruitment agency: It is said that there will be group training for 3 days before departure. I also visited the educational institution and it was a facility that could accommodate about 600 people and was equipped with bunk beds and a bathroom. I am not sure about the training content.
- City C is not involved in the worker selection process and only requests the necessary number of people.
- * Gimcheon City introduced 50 people through the public system and the rest through MOUs, and it is said that they went directly to the sending country and conducted interviews (but it is said that there was a person who become undocumented after two days of education)
- Upon entering the country, they are picked up at the airport, given a drug test, and placed in a farmhouse after about 50 minutes of training.

* Training contents include crime prevention and prevention of over-stayer

▶ **Administrative support grievances after entering the country for seasonal workers**

- Since we discussed it well at the beginning, it was easy afterwards (introduced over 5 rounds)

* Related organizations, such as the Korea Workers' Compensation and Welfare Service, have experience with B County last year, so it appears that the negotiations proceeded smoothly.

- It is said that industrial accident insurance is provided directly by employees from the Korea Workers' Compensation and Welfare Service, and bank account arrangements are also easily carried out through Nonghyup (agricultural cooperative).

▶ **Cases of industrial accidents and diseases among seasonal workers**

- It is said that there was a worker who had an appendectomy. The cost of the surgery was about 5.7 million won.

- Seasonal workers sign up for travel insurance when entering the country. First, they pay their own hospital expenses (the insufficient amount is said to be lent by a Laos sending agency), and they are said to receive travel insurance benefits afterward. Nevertheless, they must have medical insurance in Korea as well. I think I do it

* A Laotian interpreter actively defended the Laos government's decision to entrust the transmission work to a private company while explaining the content: If it were left to the local government, it would not work properly due to public officials being insincere. In other words, this travel insurance is because private companies are in charge of the transmission work. It seems like things are running well.

- Some local governments have set aside 30 million won for emergency medical expenses, but it is claimed that this could be misused. People who hide their chronic illnesses and come to Korea for treatment...

- There was a case where there was a patient with high blood pressure during a health check-up after entering the country, and they were unable to work due to anxiety and were then forced to leave the country.

► **Problems with undocumented stayer**

- So far, there has been 1 undocumented person.
- However, since it started this year, it seems like it will take more time for the policy to become stabled.

► **Providing Accommodation**

- Currently, 90-95% of accommodations are built with prefabricated panels.
- All greenhouses covered with black colored cloth are accommodations. Although this is a problem under the Farmland Act and Building Act, in reality, it is difficult for C to provide houses as accommodations.
- However, it is equipped with air conditioning and heating facilities, and has a toilet and bathroom inside.
- Ministry of Justice guidelines: Accommodation that has been converted from a greenhouse, container, or warehouse is prohibited from being provided as unsuitable accommodation. However, although it looks like a container, it is a prefabricated structure with the exterior and interior remodeled like a regular house and equipped with essential facilities and goods, recognized by the local government. Can be used as accommodation

► **Action taken when complaints arise**

- If things don't go well even after giving instructions to seasonal workers several times, there are cases where they say they can't hire them.
- Misunderstandings and conflicts arise due to farming methods, cultural differences, and communication limitations, and problems also arise between workers of different nationalities.
- * In Laos, three times crops are possible, only the seeds grow well. It is different from Korea, but they do not understand this and insist on their own way. They ask for additional money if they are asked to do something other than the work they are asked to do. They do not take their abilities into consideration and compare their wages with others. asking for
- If the local government mediates through an interpreter, they say they will understand and the problem is resolved. If it doesn't fit at all, the

local government will relocate it to another farm.

- * It is said that Lao people do not like conflict, so they often just say they will understand even if they do not understand.

► **Improvements to the SWP**

- Farmers are satisfied as the length of stay has been increased from 5 months to 8 months.
- Signing an MOU: It is difficult for each local government to sign an MOU with the local government of the sending country. It would be better to sign an MOU at the central government level and provide the necessary manpower to each local government.
- Accommodation problem: It is difficult to provide accommodation through housing for tenant farmers, and it is realistically difficult even for non-rental farmers. Previously, there was a support of 15 million won to improve accommodations for agricultural workers under the Employment Permit System, but in reality, the cost was much more, and even if the cost was spent, the various licensing processes were problematic, so it was all returned.

■ Chapter V

Synthesis and Recommendations

While conducting a survey on the current status of seasonal workers by JCMK, researchers were surprised by the great demand and interest in the SWP despite the lack of relevant laws, a small budget, and no investment in manpower. In addition, this will dispel doubts about whether the state or local governments have no national or regional vision for sustainable industries for rural areas and have fallen into the omnipotism of migrant workers, believing that hiring cheap migrant workers can solve all problems in rural areas.

■ The need to establish a legal basis

Unlike the Foreign Employment Permit System(EPS), the 'Seasonal Worker Program(SWP)', which has been implemented in earnest since 2017 after a pilot project in 2015 and 2016, is operated according to the guidelines of the Ministry of Justice without any legal basis.

Regarding the operation of the SWP, the 'Special Act on Support for Employment in Agriculture and Fisheries,' enacted in early 2023, articulates the rationale for 'supporting the stable use of foreign employment in agriculture and fisheries required by agricultural and fishery management entities.' However, the 'Act on Employment of Foreign Workers, etc.,' which forms the foundation of the foreign manpower system, delineates foreign workers excluded from the application of the law in Article 2, Paragraph 1 of the Enforcement Decree, with 'persons who meet the status of residence for seasonal workers (E-8)' being explicitly enshrined in the name.

However, Article 10, Paragraph ② of the 'Special Act on Support for Employment in Agriculture and Fisheries' [Enforced on February 15, 2024] is misleading as follows, as if the SWP is subject to the Foreign Employment Act.

“② When the government decides to introduce foreign agricultural and fishery workers in accordance with the Act on Employment of Foreign Workers and the Immigration Control Act, it takes into account the special characteristics of the demand for agricultural and fishery workers, such as the decrease in the rural population, seasonal characteristics, and different employment types by product. “The scale and timing of allocation to the agriculture and fisheries sector must be determined.””

It is a dereliction of duty on the part of the National Assembly and the government that they did not even understand the basic fact that the **SWP** was excluded while creating the Agricultural and Fishery Employment and Manpower Act, a special law that requires special requirements and expert knowledge in the field. Eight years have passed since the system was implemented. This is proof that there was no concern about creating relevant laws properly. Statistical data proves that the Ministry of Justice has allocated excessive quotas even though the operational capabilities of the applicant organizations were not guaranteed. Above all, the case of the Ministry of Justice drastically increasing quotas this year as if ad hoc based on guidelines without social consensus or public discussion speaks to the extent of the government's complacency in dealing with the system.

The **SWP** can never be successful if it is complacent as it is now, trying to solve the structural problems of agriculture and fisheries by introducing low-wage migrant workers. Success can only be achieved if a huge amount of budget and manpower is invested in agricultural and fisheries policies, a national vision to develop the industry into a sustainable one must be established, and the will of local governments is combined. In that respect, it is unfair to hold only basic local governments responsible for operating the **SWP**, which requires a total recall due to gross negligence.

According to Article 10 (3) of the Agricultural and Fishery Employment Act, the government “may support the following tasks performed by local governments in order to utilize foreign agricultural and fishery employees

in the agriculture and fisheries sector.”

1. *Signing of a memorandum of understanding (MOU) with foreign local governments regarding the introduction of foreign agricultural and fishery workers*
2. *Affairs related to selection, training, stay and departure management, etc. of foreign agricultural and fishery employees in the agricultural and fishing industry*
3. *Other work deemed necessary to support the use of foreign agricultural and fishery workers in the agriculture and fisheries fields.*

Next, Paragraph ④ stipulates that “Matters necessary for the content and method of support under Paragraph ③ shall be determined by Presidential Decree.”

The tasks required by Article 10 (3) of the Agriculture, Fisheries, and Employment Act are the areas that the foreign trade union cooperative seasonal worker survey team felt keenly while conducting the survey.

■ Local government limitations and support measures

In order to correct the reality that there is no capacity for international cooperation and only quotas are allocated without support for the project, sending brokers to intervene, and oppressive MOUs and labor contracts are written against local governments of sending countries and seasonal migrant workers, at least agriculture and fisheries. The government must follow the recommendations set forth in the Employment and Manpower Act. By considering this as a rural support project, labor costs for support personnel, support for interpretation, and support for management personnel for fact-finding surveys are needed.

The SWP referred to by the Ministry of Justice is a project between local governments in Korea and local governments in sending countries that have signed an MOU related to seasonal work. However, there were

countries that distributed business rights so that only a few transmission companies designated by the central government of the sending country could sign an MOU with Korean local governments. This means that the SWP has already been commercialized between local governments and the country, and it also means that it can be converted into a business between metropolitan local governments and the country or between the country and the country.

Some support organizations were requiring local governments in the sending country to dispatch management personnel, but asking the sending country, rather than the hiring entity, to manage human resources is a repeat of the unfair operation method of the industrial training system in the past. When allocating quotas, the Ministry of Justice should break down management and supervision guidelines and impose responsibilities and obligations on local governments, but should not overlook the fact that imposing them on sending countries is unfair and may lead to human rights violations.

Currently, each local government is showing differences in restrictions on accommodation and movement to workplaces depending on its management capabilities. In the case of Yeoncheon, work outside the designated workplace, that is, dispatch in the form of hired workers, is prohibited, while Hwacheon allows it, reflecting reality. In the case of Hwacheon, even if it is an individual who runs an agricultural business rather than an agricultural cooperative or cooperative, the method taken by the public type is flexibly applied.

The advantage of the public type of SWP is that it is managed by public organizations such as Nonghyup(National Agricultural Cooperative Federation) on behalf of employers who do not have the capacity to manage labor, such as working hours and payment of overtime pay, and can be dispatched on a daily wage basis. In addition, public accommodation alleviates the loneliness of migrant workers and has advantages in manpower management. However, there is a problem in

that if wages below the basic wage must be paid due to preferences due to climatic conditions, skill level, labor force differences, etc., the management agency must bear the difference and bear the burden of paying for the four major insurances. It is appropriate for the state to secure a budget based on the rural support policy, and necessary matters such as the content and method of support should be determined by presidential decree.

At this time, there is a need to specify the government's responsibility as a concrete alternative on how to compensate for unexpected losses to farmers and fishermen, such as in Wando, where there was a mass death of abalone due to rising water temperatures this year.

■ Human trafficking and employment contracts

On June 15, the U.S. Department of State classified South Korea as a Tier II country in its '2023 Human Trafficking Report' and reported that it is not free from human trafficking crimes. In this report, the U.S. State Department stated, 'Although the Korean government's efforts have increased overall, labor exploitation and human trafficking of migrant workers are not well reported, and the minimum standards for eradicating human trafficking are not yet fully met.' revealed.

During the investigation, the JCMK fact-finding team was able to confirm the concerns raised by the U.S. State Department's human trafficking report regarding the SWP. Above all, there were local governments in isolated areas that were not managed at all even though they were using accommodations other than those stipulated in the employment contract. In the case of Yeoncheon, the public officials in charge visited the workplace accommodations directly to check whether they matched the employment contract, but in the case of the *Cheon area, all businesses falsely reported the employer's home as a seasonal worker's accommodation, and the Y* area Farm huts, which were prohibited under the Employment Permit System, were allowed as accommodations.

This problem is because the guidelines of the Ministry of Justice allow the use of farm huts, etc. ‘if the local government approves’, and each local government has a different management method for lodging. In the case of seasonal migrant workers who do not have a domestic human network, there is a risk of forced labor and human trafficking if they live in an isolated area known only to their employer, rather than in the accommodation stipulated in their employment contract.

In order for seasonal migrant workers to work without problems due to lack of information and anxiety due to isolation, it is common sense to write employment contracts in mutually understandable text. The reality is that the seasonal migrant worker system does not even adhere to this basic common sense.

■ Transmission transparency and grievance handling system

Fact-finding statistics show that it is urgent to ensure transparency in transmission, block intervention by transmission brokers for profit, and establish domestic and international systems to prevent human rights violations. The fact that 34.4% of seasonal workers experience the burden of additional costs in the form of facilitation payments or various fees in addition to the appropriate (official) costs allowed by the Employment Permit System (EPS) means that the sending process is not transparent and involves the intervention of those seeking private profit means. As the number of people wishing to be sent in the future increases, the burden of additional costs will also increase, which means that the transparency of the **SWP** must be strengthened. Transparency is the basic premise of decent work. Although seasonal workers are not part of a cross-border project, their introduction involves the signing of MOUs between local governments, requiring an assumption of public objectivity. To achieve this, guidelines for appropriate or official costs must be established and disclosed to prevent transmission corruption.

The private counseling and burden on marriage immigrants, whose relatives were working as seasonal workers, were inevitably on the rise. In

an area that should fall under the purview of public institutions, married immigrant women find themselves compelled to rectify the deficiencies of the system without compensation.

Meanwhile, private support groups have been active for a long time, focusing on the manufacturing sector and cities. Nevertheless, the reason for the low counseling rate may be because seasonal migrant workers' assertiveness for their rights is weak, but also because the lack of information and alienation of seasonal migrant workers is that serious. Ultimately, this means that the activities of counseling support groups and institutions must be strengthened to strengthen seasonal migrant workers' rights claims and access to relief. Unfortunately, contrary to this reality, the budget for all foreigner support centers has been completely cut in 2024, so there is no sign of strengthening the poor seasonal migrant worker support system.

A solution to this problem can be found in the U.S. SWP. The U.S. SWP requires seasonal migrant workers to have pamphlets on 'Seasonal Workers' Rights' in English and their native language from the time of entry and requires employers to post them at their workplaces. The purpose is to prevent damage to the human rights of seasonal migrant workers by providing guidance on support procedures for interpretation, industrial accidents, and labor management, and by securing accessibility to the grievance system from the beginning of entry into the country. In addition, in order to prevent the harmful effects of re-entry only at the convenience of the employer, there is a need to introduce some overseas cases in Korea that are expelling unscrupulous business owners through employer evaluation.

The absence of a grievance resolution system was adding to the burden on marriage immigrants, with 67% of seasonal migrant workers responding that they had no experience consulting others even when their human rights were violated. This is similar to following the example of local governments that in the past carried out rural bachelor marriage

projects, but lacked the capacity to carry out international cooperation projects and carried out the project through administrative agencies or intermediaries.

■ Things to consider

Due to the nature of the system being led by the Ministry of Justice, the biggest problem was the absence of labor supervision due to the Ministry of Employment and Labor's virtual absence. This was a serious problem in that the difficulty in redressing damage could lead seasonal migrant workers, who were isolated in relationships or geographically, to face forced labor through human trafficking. It should also be examined whether the problem of subscribing to national health insurance, which arose when the Ministry of Justice extended the employment period for seasonal workers from 5 months to 8 months, is receiving a positive response from local governments that have promoted the use of private systems such as the Jubilee Medical Insurance Association. Above all, unlike the Employment Permit System, which only provides formal domestic adaptation training, the absence of domestic adaptation training after entry into the country needs to be corrected.

It was found that each local government prefers either the SWP or the public system, which invites married immigrants, to prevent undocumented stays. Although such a format may meet employers' demands, it is questionable whether it can improve the human rights of seasonal migrant workers. It is true that marriage migrant women and their families have a low attrition rate, regardless of the irrationality of the system, in that their interests are aligned with employers in Korean rural areas who need manpower. However, the family-by-association system of preventing undocumented operates as an emotional surveillance system for married immigrant women and forces them to serve as unpaid grievance handlers, including interpreting support.

Instead of uniformly implementing the public institution initiative SWP, farmers and fishermen desire the flexibility to choose according to the

specific circumstances of their fields. Additionally, they seek a form of permanent employment that can be accessed at an appropriate time. This also means that considering the crop cultivation season, etc., it is necessary to be able to hire from the human resource pool residing in the country to meet the needs of employers. In that respect, it is worth exploring ways to allow undocumented migrant workers, who currently number 42,900, to settle in rural areas by legalizing them. Legalization of the undocumented is a way to resolve the contradictions in the wage issue, which is diversified through the Employment Permit System(EPS), seasonal workers, and employment of the undocumented, but is causing controversy over reverse discrimination against legal residents, and is being actively considered as a way to revitalize depopulated areas. This is a matter worth looking into.

■ Appendix

1. Questionnaires

Survey on seasonal migrant workers

The purpose of this fact finding survey is to examine about the methods and contents of labor contracts for seasonal migrant workers, as well as the working environment and system operation. We guarantee that your responses will only be used to gather information.

*** This survey is conducted when the interviewee agrees to the collection and use of personal information, and the interviewee has the right to refuse to provide personal information.**

Conducted By: Joint Committee with Migrants in Korea (JCMK)

Email: kovaceo@gmail.com

■ Personal Information

Nationality	
Recruitment Agency	(Name of local government)
Gender	
Year of birth	Year
Number of visits to Korea	Times

1. Entry process / How to get your visa

- ① Families of immigrants by marriage(Through a family member residing in Korea)
- ② Seasonal Worker by MOU with local governments
- ③ Others

2. What was your status(Visa-type) of residence in Korea?

- ① C-4
- ② E-8
- ③ F-1
- ④ D-2, D-4
- ⑤ Others

3. From/how did you get job information before going to Korea?

- ① Family or acquaintances
- ② Home country recruitment agency, broker, agency
- ③ Home country local government
- ④ Internet
- ⑤ Others

4. Before leaving the country, how much did you know about employment/contract conditions in Korea?

	I knew it well	I knew it little bit	I didn't know exactly (in detail)	Nothing knew.
① Working Hours				
② Wages				
③ Days Off				
④ Work details				
⑤ Lodging Environment				
⑥ Wage Payment Method				

5. Did you have your employment contract letter while you were in Korea?

- ① Yes, I have
- ② I didn't have

6. How much did you pay for your employment in Korea? _____
(local currency)

7. Are there any additional payments to private brokers/middle man, recruitment agency) or municipalities? (If so, how much is it?)

- ① Yes (amount: _____ local currency)
- ② No

8. Have you ever lost money because you were scammed while looking for a job?

- ① Yes
- ② No

9. How long did it take from applying for a seasonal worker to entering Korea? _____months

10. How did you prepare for the departure expenses for seasonal workers?

- ① Self-own
- ② Relatives/acquaintances
- ③ Loan
- ④ Authorized recruitment agency
- ⑤ Private agency or broker

11. When you received your wages after entering Korea, whose account did you contract to transfer money to?

- ① Self account
- ② Family
- ③ Home country local government
- ④ Authorized recruitment agency
- ⑤ Private agency or broker
- ⑥ Others

12. How satisfied are you with the working environment at your workplace in Korea?

	Extremely Satisfied	Somewhat Satisfied	Dissatisfied	Extremely dissatisfied
① Wages				
② Accommodation				
③ Employment period				
④ Workload				

13. Have you ever changed your workplace?

- ① Yes ② No

13-1. If there was, why?

- ① Employer reasons
- ② Your wish
- ③ Other

14. These are questions about the working environment after entering Korea.

14-1. Where to work	① The place where the contract was made before entering Korea ② Location outside the contract ③ Changed from time to time
14-2. Average working hours per week (excluding lunch and break times)	-----Hours
14-3. Payment for Overtime Work	① Receive. ② Don't receive ③ I don't know.
14-4. Off days per month	days
14-5. Average monthly income (Total)	① Less than 1.8 million won ② More than 1.8 million - less than 2 million won ③ More than 2 million - less than 2.2 million won ④ More than 2.2 million - less than 2.4 million won ⑤ More than 2.4 million - less than 2.6 million won ⑥ More than 2.6 million won
14-6. Whether you want to extend your employment	① I hope ② I don't want ③ Not yet decided
14-7. Bathroom in the accommodation	① Yes ② No
14-8. Shower room in the accommodation	① Yes ② No

15. Please indicate all of the following that you have experienced in Korea.(multiple responses)

- ① Sexual harassment, sexual violence
- ② verbal abuse, assault
- ③ Getting injured or getting sick while working
- ④ Restrictions on communication with the outside world (phone calls, going out, etc.)

- ⑤ Forced labor (forced to work on holidays, etc.)
- ⑥ Restrictions on hospital treatment
- ⑦ Controlling movement on holidays
- ⑧ Seizure of passport and bankbook
- ⑨ Late payment of wages
- ⑩ Racial Discrimination or Disparagement of Country of Origin

16. Were your wages paid directly by your employer?

- ① Yes
- ② No
- ③ I don't know

17. Were there any compulsory to save some of your salary?

- ① Yes
- ② No

17-1. If 'Yes' is selected in No. 17, who is requesting compulsory/duty savings?

- ① Employer
- ② The local government of the home country or an authorized recruitment agency
- ③ Private agency or broker
- ④ Not sure

18. Have you ever paid part of your wages to a private agency or broker?

- ① Yes
- ② No

19. Have you ever consulted with others about human rights violations you have suffered?(multiple responses)

- ① Religious organization or clergy
- ② Migrant worker counseling center
- ③ Employer
- ④ Site manager
- ⑤ Migrant workers from the same country
- ⑥ Fellow Korean workers
- ⑦ Labor union executive or union member
- ⑧ Migrant worker community
- ⑨ Marriage migrants from the same country

- ⑩ Embassy ⑪ Employment and Labor Administration or local government
⑫ Home Recruitment agency ⑬ Private Broker or Agency ⑭ None

20. Have you ever heard of something like a penalty for leaving the contracted farm or refusing to return home after the contract expires?

- If you heard it, from whom? What is it? (Please write in detail)

Thank you very much for responding to the end.

2. Agreement between the two municipalities

P***-County, Gangwon-Province, Republic of Korea and
B*****City, Philippines

Memorandum of Agreement for Introduction of Foreign Seasonal Workers

Article 1. Purpose

The purpose of this memorandum is strengthening mutual exchanges, cooperation, and support in each field such as culture, society, economy and investment between P*** County, ***-Province, Republic of Korea and B*****City, Philippines (hereinafter referred to as “both sides”), and to supply seasonal workers to rural areas in Korea.

The both sides agreed to conclude a memorandum of understanding on the introduction of foreign seasonal workers with the following contents.

Article 2. Describes the subject of the memorandum in detail.

1. P*** County, ***Province, Republic of Korea(hereinafter referred to as "P*** County")
 - A. In charge: ~~Agriculture Administration Division~~, P*** County ~~Agriculture Technology Center~~
 - B. Organization Address: **, ***, P***-district, P***-County, **-Province, Republic of Korea

2. B*****City (hereinafter referred to as "***")
 - A. In charge: Provincial Labor Employment and Manpower Office
 - B. Organization Address - *** Municipal, *** Province, Philippines

Article 3. Agreement

1. The two sides cooperate to implement and successfully complete this Memorandum of Understanding.
2. The two sides shall mutually contribute and participate in all stages of planning and development for the introduction of this foreign

seasonal worker.

3. Organizations conducting business, employers, and foreign seasonal workers shall implement the contents of this Memorandum of Understanding.

Article 4. Memorandum of Understanding and Principles for Implementation

1. The signing and implementation of this MOU shall comply with the laws of the Republic of Korea and the Philippines and international treaties.
2. This Memorandum of Understanding regulates the employment of Filipino workers dispatched as foreign seasonal workers as foreign seasonal workers business (abbreviated as “businesses”) conducted by the Ministry of Justice of the Republic of Korea.
3. This project is a short-term work in the agricultural area of P*** County for 90 days or 5 months.

Article 5. Rights and Obligations of the Parties Signing the Memorandum of Understanding

1. The Parties shall:

- A. Do their best to implement the contents of this MOU, and in principle, matters not included in this MOU shall be in accordance with the laws and regulations of the Republic of Korea and the Philippines.
- B. Confirm that each agreement is not different from the laws, regulations and current regulations of the Republic of Korea and the Philippines.
- C. In the event of a contract dispute, both parties agree that they have the authority to file a complaint with the competent authority in accordance with the current legal provisions.
- D. In case of violation of the laws of both countries, legal action may be taken against the institutions and individuals of both countries regarding the implementation of this Memorandum of Understanding.
- E. Cooperate with each other and do their best to solve problems that

arise during the implementation process.

F. Both sides may cancel the MOU in case of serious violations*.

- * Significant violations: ❶ Domestic or foreign local governments sign a memorandum of understanding, and delegate tasks such as recruitment, selection, and assignment of workers to individuals and organizations other than local governments, central government, or public institutions ❷ In case of tangible or intangible consideration related to the signing of a memorandum of understanding and operation of the seasonal work system ❸ In other cases where a reasonable reason to restrict selection to a local government operating a seasonal work system is recognized

2. P* County must comply with the following.**

- A. Implement the invitation-related procedures in Korea so that seasonal workers can obtain a visa at the Korean mission in the Philippines.
- B. Seasonal workers entering Korea are assigned to agricultural employers, and tasks such as guidance, education, counseling, and support are provided to foreign seasonal workers.
- C. Check the arrival and departure of seasonal workers and manage the current status.
- D. Provide interpreters for workers, education and on-site inspections to employers to prevent illegal stay.
- E. Strive to protect working conditions and human rights with the employers.
- F. In the event of human rights violations such as assault, sexual harassment, sexual violence, or harsh acts, the worker is immediately separated from the perpetrator and aid is provided for damage relief.
- G. In accordance with Article 3 of the annexed agreement, workers are guaranteed to fulfill their working conditions adequately.

3. The city of B***, Philippines must comply with the following.**

- A. Must meet the requirements presented by P*** County.
- B. All work related to seasonal workers, such as signing an MOU and recruiting, selecting, and assigning workers, should be transparent and fair, without entrusting them to private individuals or organizations rather than local governments, central governments, or public institutions.
- C. Before leaving the country, seasonal workers should be educated on how to apply for a visa, information about local governments in Korea, disadvantages in case of illegal stay, and guarantee of re-entry opportunities for conscientious workers.
- D. In consideration of the working period of Korea's agricultural industry, all necessary administrative procedures (including the Philippine government's overseas work permit, travel insurance, COVID-19 and tuberculosis test papers, etc.) will be done for sure and guarantee.
- E. Must cooperate if P*** County does not invite or cancel visa.
- F. Before leaving the home country, a certain amount of return assurance deposit is to be deposited from a worker. It would be returned when the worker returns to the home country in official way. In case of unauthorized departure or illegal stay, that will be belonged to the national treasury.
 - When announcing the recruitment of workers, the notice above should be announced together, and the deposit confirmation documents for each worker are sent to P*** County.
- G. In order to prevent unauthorized departure, we support communication with P*** County by establishing a communication channel with seasonal workers, and in case of unauthorized departure, ask family members to persuade them to return to their home country, or every effort to dispatch local government officials to support their return to their home country.
- H. In order to prevent damage to Korean farmers and fishermen due to unauthorized departure (illegal stay) by seasonal workers, we guarantee that seasonal workers will return to their home

countries immediately upon completion of their seasonal work.

- I. In case of damage to the property of the employer due to the negligence of the worker, the employee is instructed to leave the country after settlement, and compensation is provided from the collateral provided in case of non-compliance.
- J. If the worker is unable to continue working due to reasons attributable to the worker without the cause attributable to the employer, the worker is immediately repatriated to his/her home country, and the town in which the worker resides is excluded from participation in the following year.
- K. Upon receiving a re-entry recommendation letter from the employer, priority is given to the next round of selection.

Article 6. Implementation clause

1. This MOU is valid from the time the representatives of both sides and is automatically renewed every year if there is no objection from both parties after the contract period.
(However, if want to terminate, 3 months prior notice is required.)
2. If more than 10% of workers leave without permission (illegal stay), this contract will be terminated.
3. If there are difficulties during the implementation process, both sides can cooperate to adjust, change, and extend the consultations in accordance with the regulations and circumstances of the laws of the Philippines and the Republic of Korea.
4. Amendments to the Memorandum of Understanding shall be implemented in a document agreed upon by both sides and shall be subject to legal procedures and regulations between the two countries.
5. In the event of termination of the MOU, each provision of the MOU will become effective for contracts and provisions concluded within the effective consultation period.
6. This MOU will come into effect when P*** County Council gives its approval.

This Memorandum of Understanding shall be prepared in two identical copies in English and Korean, and one copy will be kept by each side.

November, 23, 2022

Representative of P*** County,
Republic of Korea

Provincial Governor of *Islands,
Philippines**
.

Representative of B*****City,
Philippines
.

- Attachment 1. 1 copy of the Annex Agreement.
2. Confirmation of payment of return deposit

[Attachment 1] **Annex Agreement Conditions for dispatching workers and introducing them**

1. Selection Target and Criteria

- A. Eligibility: Those who have resided in B*****City for more than 12 months from the date of legal residence recognition by the Philippine competent authority, are in a healthy state capable of working abroad, and have no restrictions on departure
- B. Age: 30 years old or older - 50 years old male or female
- C. Occupation: Agricultural worker (submit supporting documents for each worker)
- D. A person who has a family and is guaranteed by two influential people in the village (however, there is no guarantee fee), who provides a certain amount as collateral and has promised to revert to the national treasury in case of illegal stay
- E. Exclusions: Suspected COVID-19 infection, criminal history, illegal stay, unemployed, tuberculosis patients, drug users, people who gave birth within 1 year, pregnant people, and other people who are not suitable for entry into the Republic of Korea
- F. Workers must prepare the necessary documents for the business, and must purchase travel insurance during the period from departure to entry.
- G. In the Philippines, the cost of basic education (culture, law, labor safety, Korean language, etc.), criminal record proof, passport fee, visa application fee, medical checkup fee, etc. required for departure, administrative expenses and other related expenses shall be borne by the worker.
- H. Employer Selection Criteria
 - Farmers whose main business is the production of crops, agricultural association corporations, and agricultural corporations must have a COVID-19 quarantine system.
 - Must register a business entity and produce crops by self-cultivation.
 - Appropriate living and working environments shall be provided to workers.
 - When working, necessary protective equipment should be provided and safety training should be conducted in advance.

- I. Employers or employer representatives may participate in the selection process for seasonal workers.

2. Labor selection requirement

- A. Dispatch period: C-4 (90 days), E-8 (5 months)
(Adjustment of visa type and entry time according to the farmer's application)
- B. Number of dispatched persons: Approximately 30 ~ 100 persons per year (The specific number of workers is mutually discussed every year and is determined by the approval of the Ministry of Justice of the Republic of Korea)
- C. Farming: Harvesting and managing crops
- D. Place of dispatch and residence: Within P*** County

3. Working conditions

- A. Duration of work: 90 days or 5 months
- B. working hours and holidays
 - Regulated working period: 8 hours a day (224 hours a month), overtime can be worked by agreement between the worker and the employer.
 - Break time: Observe a break of at least 1 hour including lunch break.
 - Working more than 12 hours per day is prohibited.
 - Guaranteed more than 2 days off every 30 days (1 month). A separate allowance may be paid by agreement between the parties to work, and days off are determined by agreement between the employer and the employee.
 - Guaranteed minimum number of working days (75% of total working days). (C-4 - 68 days, E-8 - 113 days or more)
 - * (Ministry of Justice) self-quarantine period - Included in the visa period
- C. Wage: Wages are paid at least once a month, and the minimum wage in Korea is applied at the year.
 - ※ Minimum wage in Korea in 2023: 9,620 won per hour
 - Salary (wage) is deposited into the account in the name of the

seasonal worker, and is calculated from the start date of work after farm assignment.

- If the worker and the employer have an agreement on overtime and holiday works, the employer shall pay it more than the hourly minimum wage.

D. Accommodation and living conditions

- Workers' lodging and eating are partially paid by the worker (within 20% of the monthly salary) on the pay day.
- Employers provide suitable housing environment. (Container, plastic house, warehouse remodeled dormitory, etc. are excluded from the dormitory. Heating and cooling facilities, hot water shower facilities, internal locking devices, fire extinguishers, etc. must be equipped and inspected in advance by P*** County)
- If a worker causes damage to the employer's property (damage to buildings, furniture, home appliances, etc.) due to the worker's negligence while residing, he/she shall settle the expenses and leave the country.

E. insurance

- After entering the country, the employer must purchase industrial accident insurance at the expense of the employer.
- During the period of employment in P*** County, workers' accident insurance is purchased and paid by the worker before leaving the country, and this is in the form of international travel insurance (Insurance premiums are in accordance with relevant regulations).

F. Medical treatment

- In case of injury or accident
 - (1) Support for simple treatment at public health centers (simple treatment - prescription, emergency medicine, dressing, etc.)
 - (2) Handling of industrial accidents in case of accidents during work (According to the payment standards of the Korea Workers' Compensation and Welfare Service, leave the country after compensation)
 - (3) In case of other accidents, the travel insurance purchased by

the worker before entering Korea will be used.

- In case of disease infection
 - (1) Employers and workers pay each 50% of the costs incurred due to disease infection such as COVID-19
 - (2) However, in the case of infection with an infectious disease in the course of performing work, it may be recognized as an occupational accident, and treatment and compensation may be obtained if it is recognized as an industrial accident.
(According to Article 34 of the Enforcement Decree of the Industrial Accident Compensation Insurance Act)

 - In case of surgery and hospitalization
 - (1) The application fee and application fee are in accordance with the guidelines of the Ministry of Health and Welfare of the Republic of Korea (consultation with medical institutions is required to confirm the target of support)
 - (2) If it is possible to join and apply for the Korean medical insurance system, it is excluded from the scope of support.
 - The above medical support may vary depending on the situation in Gangwon-do and P*** County.
 - In case of violation of labor rules and laws, the insurance institution and the employer are not responsible, and the worker must bear the cost of diagnosis and treatment.
 - If all of the above are not applicable, the employer and the employee pay 50% each.
- G. When an employee dies while on duty, the return procedure and expenses, including the body, remains, and personal property of the deceased, will be resolved in consultation with the Philippine Embassy in Korea, P*** County, and ***.
- H. In the event of unfair treatment by the employer or non-payment of wages, P*** County takes corrective action and, in case of non-compliance, protects workers' human rights and working conditions through legal action.
- I. Workers can only work at the workplace of the contracted employer

from the date of application for workers' industrial compensation insurance.

J. Cancellation of contract during working period

- In the case of a disease that has serious problems with work other than those listed on the health checkup after entering the country Case and In case of negligence of work or leaving the place of work for more than 5 days without any special reason or report (having been warned 3 or more times for negligence), P*** County may forcibly deport the worker after confirming it upon receiving a report from the employer.
- During the working period of the worker, if it is not a problem for the worker, the work location will be changed when the contract is terminated (However, it will be changed after obtaining permission from the Immigration Office of the Republic of Korea.).
- Relocation is possible just once.
- If a worker terminates the contract due to his/her own problem during the working period, he/she is responsible for compensating the employer for any damage caused by the worker and bears the cost of returning home.
- In the event of contract termination due to force majeure (disaster, war, calamity, employer bankruptcy, etc.), employer and workers should discuss about who will shoulder the returning costs. P*** County and B*****consider to support workers in accordance with legal regulations of both countries.

K. If a worker commits a crime during his/her stay in Korea, the worker may be prosecuted and punished according to the relevant laws of the Republic of Korea.

L. Rights and obligations between the contracting parties not mentioned in the preparation of the labor contract and this agreement shall be interpreted and applied according to the Labor Standards Act of the Republic of Korea.

4. Entry and departure

- A. Arrivals and departures according to the dispatch of seasonal workers are group-based, and individual entry is not permitted.
 - B. Arrival and departure guidance is the joint responsibility of both sides, and professional personnel designated by P*** County can act on their behalf.
 - C. Even if P*** County invites, it may be denied during the visa issuance certificate or visa issuance review stage, and entry may be denied during the immigration process.
 - D. In the event of termination of the labor contract due to reasons attributable to the seasonal worker, the status of stay may be revoked or the departure may be taken regardless of the contract period.
- * Reasons attributable: Acts that are grounds for disciplinary action or dismissal according to labor-related laws and social norms, such as absenteeism, leave without permission, poor performance, obstruction of business, impersonation of career, and failure to comply with the employer's legitimate work instructions

[Attachment 2] Confirmation of payment of return deposit

Confirmation of Payment of Return Deposit

Name	
Date of birth	
Deposit amount	

I confirm that the above amount has been paid as a deposit for the return of the foreign seasonal worker.

※ This deposit is returned in full only when returning to Philippines from Korea normally after the end of seasonal work. If the worker is overstayed or separated illegally, the money will be deposited to B****Treasury fully.

, , 2022

Mayor of ***, Philippines.

Attachment: One copy each of financial transaction document such as a copy of the bank passbook

This survey was planned by JCMK and carried out from early March to the end of October 2023.

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