INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THE REPUBIC OF KOREA

REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE TRADE POLICIES OF KOREA

(Geneva, 8 and 10 October 2008)

EXECUTIVE SUMMARY

The Republic of Korea has ratified four of the eight core ILO labour Conventions. In view of restrictions on the trade union rights of workers, discrimination, and other legal restrictions, further measures are needed to comply with the commitments the Republic of Korea accepted at Singapore, Geneva and Doha in the WTO Ministerial Declarations over 1996-2001, and in the ILO Declaration on Fundamental Principles and Rights at Work.

Korea has ratified neither of the ILO core Conventions on trade union rights. The government's labour law do not meet international standards or Korea's own commitments to the OECD. The government continues to interfere in and in some cases to repress unions' activities. Many public workers are deprived of their right to organise. Police violence against strikers remains a problem, sometimes resulting in serious injuries. In practice migrant workers are not able to enjoy their fundamental trade union rights.

Korea has ratified both ILO core Conventions on discrimination and on equal remuneration. Discrimination in employment and occupation is prohibited by law. However in practice discrimination against women and foreign workers is both frequent and serious. The measures adopted by the government to address women disadvantaged position on the labour market have not yielded the promised results. The current employment permit system puts foreign workers in a particularly vulnerable situation, rendering them easily abused and exploited.

Korea has ratified both ILO core Conventions on child labour. Child labour is not considered to be a widespread phenomenon in Korea. Education is compulsory up to the age of 15, the minimum age to enter work. Work performed by minors younger than 18 is regulated. Official data on the prevalence of children involved in the sex industry is lacking, however.

Korea has ratified neither of the ILO Core Conventions on Forced Labour. Forced labour is prohibited by law and in practice Koreans are not subject to forced labour, but there have been reports of conditions faced by certain migrant workers that could amount to forced labour.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THE REPUBLIC OF KOREA

Introduction

This report on the respect of internationally recognised core labour standards in the Republic of Korea is one of the series the ITUC is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) in which Ministers stated: "*We renew our commitment to the observance of internationally recognised core labour standards*." The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed this commitment. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998.

The ITUC's affiliates in Korea are the Korean Confederation of Trade Unions (KCTU) and the Federation of Korean Trade Unions (FKTU).

The economy of Korea has grown enormously over the past decades. Its per capita GNP grew from about 100 US dollars in 1963 to more than 20,000 in 2007. Today the Republic of Korea is the 13th largest economy in the world. This success was achieved by a system of close government-business ties including directed credit, import restrictions and sponsorship of specific industries. The "Chaebol" conglomerates have played a major role in the economy since the 1960s.

With the Asian financial crisis of 1997-98 annual growth fell back to 3.3% in 2001 compared to 9% in 2000. Led by consumer spending and exports, growth resumed by 2002 and reached a level of 4 to 5% yearly between 2003 and 2007. Moderate inflation, low unemployment, and an export surplus characterise the economy. A key feature of recent years however is the rise in precarious employment relationships, with an ever increasing part of the work force in so-called "non-regular" jobs.

In 2007 agriculture accounted for 3% of GDP, industry for 40% and services for the remaining 57%. Exports amounted to 371.5 billion US dollars, while imports were at about 356.8 billion f.o.b. The main exported commodities are semiconductors, telecommunications equipment, motor vehicles, computers, ships and petrochemicals. Korea's major export markets are China (25%), the US (12%) and Japan (7%). Major imported commodities are oil, organic chemicals, transport equipment, plastics, machinery, electronics, electronic equipment and steel. The most important import partner countries are China (17%), Japan (16%), the US (10.5) and Saudi Arabia (6%).

Over the past years, the government of Korea has undertaken several trade agreements. Free Trade Agreements (FTAs) were concluded with Chile in 1999, EFTA (European Free Trade Association) in 2005 and ASEAN in 2006. Several FTA negotiations are currently taking place including with the US, Canada and the EU.

I. Freedom of Association and the Right to Collective Bargaining

The Republic of Korea has not ratified ILO Convention No. 87 on the Freedom of Association and Protection of the Right to Organise, nor Convention No. 98 on the Right to Organise and Collective Bargaining.

The Right to form and join a trade union

The law provides workers with the right to organise. However there are many restrictions and limitations to that right.

The law on the Establishment and Operation of Public Officials' Trade Unions that went into effect in January 2006 gives civil servants the right to organise within administrative units predefined by the law. However, there are numerous categories of public officials who are still denied their trade union rights, including managers, human resources personnel, personnel dealing with trade unions or industrial relations, and special public servants such as military, police, fire-fighters, politically-appointed officials, and high level public officials. In its June 2007 report, the ILO Committee on Freedom of Association asked the government to ensure that all public servants who are entitled, based on international standards, to form their own associations to defend their interests, should be granted that right. Up to this date the government has failed to act.

In addition when public sector trade unions are allowed, they are not permitted to get involved in any sort of political activities. The law also prohibits public sector unionists from engaging in "*acts in contravention of their duties prescribed in other laws and regulations when doing union activities*". This very broadly worded provision leaves the door open for abuses.

In the private sector, the 1997 Trade Union and Labour Relations Adjustment Act (TULRAA) allows for immediate trade union pluralism at industrial and national level. However since 1997 implementation of this provision at the company level has been repeatedly delayed. Originally, the formation of competing unions at the workplace was to be allowed by 2002, but then the ban was extended until the end of 2006. In 2006, it was again decided to push back the implementation of this provision until 2009. In its June 2007 recommendations, the ILO Committee on Freedom of Association asked the government to take rapid steps for the legalisation of trade union pluralism at the enterprise or establishment level. Local and international trade union organisations have also criticised the government's continued ban on union pluralism. Indeed in a context where pluralism at the plant level is prohibited by law, many employers have resorted to creating management-controlled unions, known as "paper unions". As those unions are impossible to democratise from within, owing to management's hostility, and since it is legally forbidden to organise alternative unions, such workers are left with few, if any, rights and cannot engage in genuine collective bargaining.

The TULRAA initially prohibited employers from remunerating union leaders from January 2002 onwards. Unionists strongly protested against this restriction, stating that this

matter should be left to the discretion of negotiations between the employer and union, and succeeded in delaying implementation of this provision until 2006. Then through a tripartite agreement signed in September 2007, implementation of this provision was deferred until 2009 but the law was not changed. The ILO Committee on Freedom of Association noted in its 309th report that "*the prohibition of the payment of full-time union officials by employers is a matter which should not be subject to legislative interference*" and called upon the government to repeal this particular section of the TULRAA.

The law bans dismissed workers from remaining members of a union, and states that non-union members are not eligible for trade union office. However under ILO standards, such matters should be left to the discretion of the trade unions' statutes. In June 2007 the ILO Committee on Freedom of Association asked the government to repeal the provisions of the law that allow this interference. As of this date the government has not responded.

The Right to Organise and Bargain Collectively

The law provides for workers' right to collective bargaining and collective action. However there are important restrictions.

In practice, the right to organise is limited by the abusive use of Article 314 of the Korean Criminal Code on "Obstruction of Business". Employers often rely on this article to harass and seek the incarceration of union leaders. Indeed the charge of "Obstruction of Business" can lead to heavy penalties under the law including imprisonment up to five years and exorbitant fines. Examining a complaint of the Korean Federation of Construction and Industry Trade Union (KFCITU), affiliated to the Building and Wood Workers International (BWI), the ILO Committee on Freedom of Association in March 2006 expressed its concern that the KFCITU's legitimate trade union activities in the defence of construction site workers, including through collective bargaining, had been perceived as a criminal activity warranting arrest and imprisonment.

Despite the fact that the many industrial actions conclude with agreements between unions and employers, the government as well as employers are continuing to sue union members for damages as a result of their actions. Some of these trials are still in progress as in the case of 13 union leaders of a branch of the Construction Plant Workers Union from whom damages of over US $400,000 are being sought for actions they conducted in 2005. In the case of the Pohang Construction Plant Workers Union, POSCO is seeking damages of over US $1,000,000 for actions they conducted to support a strike in 2006. In the case of a strike led by a branch of the Incheon Electricians Local Union, the government is seeking damages of over US $10,000.

In the public sector, civil servants have the right to collective bargaining, but the subjects of negotiation are limited to matters concerning trade unions, members' pay and welfare and other working conditions. Trade unions cannot address other economic and social issues.

Strikes are illegal if they are not specifically about labour conditions, such as wages, welfare and working hours. This is contrary to ILO standards.

In addition given the complicated legal procedures for organising a strike, collective actions on labour conditions often become "illegal" for breach of procedure. Unionists striking “illegally” often receive a one year prison sentence or heavy fines.

The 1997 Trade Union and Labour Relations Adjustment Act (TULRAA) and public service legislation ban strikes by people working for the central government or local governments, and by those involved in the production of military goods. According to the 1999 law on the establishment and operation of trade unions for teachers, members of this profession do not have the right to strike.

In addition there is a long list of "essential services" - including railways, utilities, public health, the Bank of Korea, and telecommunications- for which the right to strike can be heavily restricted by the imposition of mandatory mediation and arbitration procedures. In its June 2007 report, the ILO Committee on Freedom of Association asked the government to limit the restrictions on the right to strike to those services that are strictly essential. The government did not react.

At the end of 2006, there was an amendment to the Trade Union and Labor Relations Adjustment Act (TULRAA). Major revisions were made regarding limitations on collective action at essential public enterprises. The government advertised the abolition of compulsory arbitration, which had been recommended by the ILO, as a significant achievement of the revision. However, the amended bill actually expanded the scope of essential public enterprises, introduced essentially maintained services and allowed replacement workers, which in effect annulled the effect that abolishing compulsory arbitration could have by excessively limiting the right to strike. It has, through these multi-level mechanisms and institutions, potentially rendered collective action powerless.

Moreover, emergency arbitration remains in place, which can outlaw collective action in public services and large workplaces. Such emergency arbitration goes far beyond the ILO’s definition of services that are truly essential, as covered in the ILO’s definition, by applying multiple restrictions on the right to strike and excessively limiting workers’ rights to collective action. Fully allowing replacement workers is also a serious deviation from the ILO's principle that they should be allowed only as an exception during disputes in essential services and when the situation is deemed a national emergency.

In practice prosecutors are quick to issue arrest warrants as soon as workers go on strike, or sometimes when one simply is announced. Police or security agencies mount surveillance operations in order to capture strike leaders. Unions' offices and telecommunications are routinely monitored.

Unions insist police action is often unnecessarily provocative and disproportionately brutal. This was the case in 2006 when the South Korean supermarket chain E.Land had dismissed 1,000 part-time and contract workers, just before the introduction of new laws that would have helped them become full-time employees. The workers went on strike. Later the Labour Relations Commission ruled that the dismissals were unfair, but the strike was harshly repressed with women employees beaten and ejected from the company’s premises in Seoul. Union leaders were arrested and charged with obstructing business.

The right to demonstrate is also seriously limited. For example the negotiations for a free trade agreement between South Korea and the United States led to a strike in June 2007, organised by the Korean Metal Workers' Union. Public authorities demonstrated intolerance of this peaceful form of expression: 27 arrest warrants were issued against KMWU leaders and 67 of the union's members were summonsed by the police intelligence unit on charges of criminal "obstruction of business".

New laws eroding protection

According to the Government, contract and other "non-regular" workers account for approximately 35.5% of the workforce. These non-regular workers performed work similar to regular workers but receive approximately 60% of the wages and are ineligible for national health and unemployment insurance and other benefits.

In 2006 a new law was introduced which allows companies with more than 300 workers to expand the length of temporary contracts for up to two years. Trade unions argue that this law might be used as a way of evading employers' obligation to grant permanent contract to their workers. This is why they fear that it may have the effect of multiplying the number temporary contracts, hence undermining already declining job security. In addition, in most cases unionised workers do not have their contract renewed when they expired.

In 2007, the Korean Metalworkers' Federation (KMWF), the KCTU and the International Metalworkers' Federation (IMF) lodged a complaint with the ILO Committee on Freedom of Association. The complaint concerned anti-union practices including physical violence and imprisonment against workers unfairly employed on a sub-contracting basis between 2004 and 2006 in Hyundai Motors' Corporation (HMC) Ulsan, Asan and Jeonju plants, Hynix/Magnachip, Kiryung Electronics and KM&I. All these companies illegally used "dispatch" workers disguised as subcontractors to hide their real employment relationship.

Export processing zones

The law on Special Economic Zones (SEZs) of July 2003 contains preferential provisions in relation to foreign companies investing in the SEZs. It exempts them from many national regulations on the protection of the environment and labour standards. For example, foreign-invested enterprises located in free economic zones are exempt from otherwise mandatory monthly leave, paid holidays, or menstruation leave for women. They are also exempt from recruiting persons with disabilities for at least 2 percent of their workforce, an obligation which applies to Korean companies with more than 300 workers.

Migrant workers

Although the right to belong to a legally recognised trade union is protected under the Korean constitution(with some restrictions placed on public sector workers), the government

continues to refuse to register the Migrant Trade Union (MTU), founded in April 2005, and a member of the KCTU, on the basis that it was founded by undocumented migrant workers. As such, the government does not recognise the MTU's right to engage in trade union representation or bargaining. Yet in February 2007 the Seoul High Court ruled that all migrant workers have the right to form and join unions, no matter what their residence status in Korea is. The Ministry of Labour appealed this decision to the Supreme Court and their ruling is still pending.

At the present time therefore, the right to form and join trade unions of an estimated 224,000 undocumented foreign workers is not being respected. While the roughly 465,000 foreign workers with legal working status (figures from the Ministry of Migrant Workers) are allowed by law to join trade unions, their highly unequal relationship with their employers, a result of the Employment Permit System which gives overwhelming authority to employers with regards to contract renewal and dismissal, means that the exercise of that right is nearly impossible.

Conclusions

The government's labour law do not meet international standards or Korea's own commitments to the OECD. The government continues to interfere in and in some cases to repress unions' activities. Many public workers are deprived from their right to organise. Police violence against strikers remains a problem, sometimes resulting in serious injuries. In practice migrant workers are not able to enjoy their fundamental rights, including trade union rights.

II Discrimination and Equal Remuneration

The republic of Korea ratified Convention No. 100 on Equal Remuneration in 1997 and Convention No. 111 on Discrimination (Employment and Occupation) in 1998.

By law discrimination is prohibited on the basis of gender, religion, disability, age, social status, regional origin, national origin, ethnic origin, physical condition or appearance, marital status, pregnancy and child delivery, family status, race, skin colour, thought or political opinion, record of any crime for which the sentence has been completed, sexual orientation or medical history. The practice varies however, as documented below.

Discrimination against women

The Equal Employment Act penalizes companies found to discriminate against women in hiring and promotion. A company found guilty of practicing sexual discrimination could be fined up to approximately 5,300 US dollars and have its name published in the newspaper. The law also provides for a public fund to support victims in seeking legal redress.

Although the principle of equal pay for work of equal value is enshrined in the Equal Employment Act, this principle is applied at the workplace level only. Yet the Convention extends the application of this principle beyond cases where work is performed in the same establishment or business, and makes it possible to address discriminatory effects of horizontal occupational segregation based on sex. This has led the ILO Committee of Experts on the Application of Conventions and Recommendations (CEARC) to ask the government to take measures to promote and ensure the application of this principle as widely as allowed by the level at which wage policies, systems and structures are coordinated.

Recently in order to extend the application of the principle of equal pay for work of equal value, the Government has started different activities ranging from offering consulting services to awareness-raising actions in human resource management. However as pointed out by Korean trade unions, workers' representatives are not allowed to participate in the elaboration of objective job evaluation systems on which the remuneration system relies.

In March 2006 amendments to the Equal Opportunities Act entered into force. They aimed at extending the scope of affirmative action programme to both the public and private sectors. However only workplaces with more than 500 employees are covered.

Despite these governmental initiatives, discrimination against women persists in practice. Women continue to experience serious discrimination in both pay and access to employment. Indeed the current rate of women's labour force participation (about 50%) remains low compared to men's (74%). Likewise women remain significantly under-represented in senior and top management positions. Although the proportion of women in the occupational group of legislators, senior officials and managers grew from 5% in 2005 to 8% in 2006, overall only 0.4% of working women in 2006 held positions in this category compared to some 4% among men.

The gender pay gap remains very wide (at about 34% for work of equal value). It is a matter of concern that requires the Government's urgent attention and action. There is also an urgent need to examine wage disparities affecting workers according to their employment status, particularly their regular or non-regular status.

Under section 12 of the Equal Employment Act, employers, senior workers or workers shall not engage in sexual harassment at work. Employers have an obligation to conduct educational programmes on sexual harassment and to take disciplinary or other measures against sexual harassers. However in practice sexual harassment remains a problem.

Discrimination against foreign workers

Trade unions have expressed serious concerns about the inflexible nature of the Employment Permit System (EPS), established under the Act on Foreign Workers' Employment. Indeed the Employment Permit System renders foreign workers excessively dependent on their employers, hence vulnerable to exploitation and abuse. It also inhibits their access to higher-paying jobs.

Under the Employment Permit System, low-skilled foreign workers can work in certain sectors of the economy under renewable one-year contracts for a period no longer than three years. As a general rule, foreign workers may not change their employers during the three-year period. On an exceptional basis, a worker may apply for a transfer to another business or workplace if the employment permit is cancelled by the authorities because the employer has violated the provisions concerning working conditions as stipulated in the labour contract or labour laws. Following the three-year period, foreign workers must leave the country for at least six months. This period can be reduced to one month if the employer makes a request for re-employment. Employers often abuse this power to renew workers' visas through re-employment by promising re-employment only if workers will give up wages or severance pay or endure other poor working conditions.

Section 22 of the Act on Foreign Workers' Employment provides that an employer *"shall not give unfair and discriminatory treatment to foreign workers on grounds of their status*". Foreign workers are also covered by the labour legislation, including the Labour Standards Act, the Minimum Wage Act and the Industrial Safety and Health Act. However, it is worth noting that domestic workers, who are predominantly women, remain outside the scope of the labour legislation and the Equal Employment Act. This raises serious doubts as to how foreign domestic workers are protected from discrimination and abuse.

A third of all migrant workers in Korea are women. According to Amnesty International women migrant workers face discrimination in levels of pay compared to men migrant workers and they face enhanced risk of sexual harassment at the workplace compared to Korean women.

Under the current system, to be granted permission to change his/her workplace, the migrant worker suffering abuses needs to bring a complaint to establish that the employer has violated the contract or legislation. However in practice migrants refrain from bringing complaints out of fear of retaliation by the employer.

Despite the labour inspections carried out in industries with a high concentration of foreign workers and the existence of migrants' help centers, foreign workers' rights are frequently violated. Testimonies gathered from migrant workers show that they continue to have their wages withheld and to have to work excessively long hours for lower wages than Korean workers in similar jobs. They also experience high levels of verbal and physical abuse in the workplace. Their work is often dangerous and there are many reports of serious industrial accidents where injured migrant workers have received inadequate treatment and little or no compensation.

Migrant workers face targeted arrest, detention and deportation for trying to organise to improve their working conditions, as illustrated by the detention and expulsion of three MTU senior officials in 2007 and two in 2008. All five trade union officers were involved in campaigns to stop proposed changes in the immigration laws and other repression against migrant workers. While authorise gave their illegal residence status as reason for their arrest, it is clear from the pre-planned and targeted nature of the arrests that these were tactics to stop the officers' organising efforts.

In 2007 the Committee on the Elimination of Racial Discrimination expressed serious concerns over the persistence of widespread societal discrimination against foreigners, including migrant workers, in all areas of life, including employment. Likewise in its 2008 observation the ILO CEARC stated that efforts are necessary to address discrimination against foreign workers and to ensure full compliance with both the national legislation and the Conventions.

Conclusions

Discrimination in employment and occupation is prohibited by law. However in practice discrimination against women and foreign workers is both frequent and serious. Measures adopted by the government to address women's disadvantaged position on the labour market have not yielded expected results. The current employment permit system puts foreign workers in a particularly vulnerable situation, rendering them easily abused and exploited.

III. Child Labour

The Republic of Korea ratified Convention No. 138 the Minimum Age Convention in 1999, and Convention No. 182, the Worst Forms of Child Labour Convention, in 2001.

Education is compulsory from age 6 to 14. Primary school begins at age 6 and lasts 6 years. Virtually all students who enroll in primary school reach the last grade. Secondary education begins at age 12 and lasts 6 years.

Work by minors is regulated. Children under age 18 may not work more than 7 hours per day and 42 hours per week. Children are prohibited from engaging in work that is detrimental to their morality or health. Night work is also prohibited. Employers can require minors to work only a limited number of overtime hours.

Employment of children under the age 15 is prohibited without a special employment certificate from the Ministry of Labour. In practice very few certificates are issued. Children aged 16 and 17 must have written approval from parents or guardians to be able to work. However parents or guardians may not enter into a labour contract on behalf of a minor but they may terminate a contract if it is disadvantageous to the child.

In practice child labour is not considered to be a widespread phenomenon is Korea, since the government effectively enforces the laws protecting children from exploitation at the workplace through regular inspections. However in its Concluding Observations, in 2003, the Committee on the Rights of the Child expressed some concerns about the limited amount of data available on the prevalence of child sexual exploitation.

Conclusions

Child labour is not considered to be a widespread phenomenon in Korea. Education is compulsory up to the age of 15, the minimum age to enter work. Work performed by minors younger than 18 is regulated. Official data on the prevalence of children involved in the sex industry is lacking.

IV. Forced Labour

The Republic of Korea has not ratified Convention No. 29, the Forced Labour Convention nor Convention No. 105, the Abolition of Forced Labour Convention.

The Constitution provides that no person shall be subjected to involuntary labour, except as provided by law and through lawful procedures. The Labour Standards Act prohibits employers from forcing their employees to work against their will through the use of violence, intimidation, confinement, or by other means. Employers found to abuse workers are subject to criminal charges.

In practice Koreans are not subject to forced labour, but the case of certain migrant workers deserves careful attention. As reported in Section II of this document, there are reports of foreign workers being beaten and having their wages or passports withheld. Such treatment can amount to a situation of forced labour in the sense of the Conventions. This is particularly the case when employers have seized official documents, including passports and work permits, and preventing migrant workers from leaving the workplace.

Many migrant workers have accumulated huge debts in order to pay high recruitment fees for jobs in Korea. Once in Korea, some of them find that the jobs are very different from those they were promised and are more dangerous or more poorly paid than they had expected. With few rights to negotiate a change of job, those workers may either accept working conditions below national standards, or give up their legal employment and go on working as undocumented migrant workers with a particularly high risk of being exploited and abused. The lack of legal status makes it extremely difficult for migrants to assert their rights or to seek redress for abuses.

The law prohibits all forms of trafficking in persons. However, there are some reports that persons were trafficked to and from the country for the purpose of sexual exploitation and domestic servitude.

Conclusions

Forced labour is prohibited by law and in practice Koreans are not subject to forced labour, but there have been reports of conditions faced by certain migrant workers that could amount to forced labour. It is essential that Korea ratify ILO Convention No. 29, the Forced Labour Convention and ILO Convention No. 105, the Abolition of Forced Labour Convention.

Final Conclusions and Recommendations

1. The government of Korea must ratify ILO Conventions No 87 and 98 on trade union rights, as well as Conventions No 29 and 105 on forced labour.
2. Various legal provisions have to be brought in line with Conventions No. 87 and No. 98. In particular the government must allow all workers including those in the public sector to join and form trade unions. The government should not arbitrarily and unilaterally limit the subjects of collective bargaining.
3. The government of Korea must allow for trade union pluralism at the workplace.
4. The government should refrain from interfering in trade union activities especially with regard to the eligibility of workers to become trade union members and leaders.
5. Remuneration of union leaders should, in accordance with international labour conventions, be the outcome of negotiations between the employer and trade union. Therefore the government must repeal the section of the Trade Union and Labour Relations Adjustment Act (Article 24.2) relating to that issue.
6. Article 314 of the Criminal Code must not be abusively used to harass and seek the incarceration of trade unionists.
7. The government of Korea must put an end to brutal police actions against workers on strike.
8. The government should register the Migrants' Trade Union and let it engage in trade union representation and bargaining.
9. In the area of discrimination against women, the government of Korea must do more to address wage gaps and occupational constraints on employment for women, including greater encouragement to women to upgrade their skills and more positive action programmes, as well as a better enforcement of the laws on equal rights.
10. Migrant workers should be allowed to change business or workplace.
11. Enforcement of the legislation applicable to migrant workers has to be strengthened, with a view to eliminating and preventing discriminatory or abusive practices.
12. The government of Korea should ensure that migrant workers have access to effective complaints procedures.
13. The government should ensure that domestic workers fall within the scope of both the national labour legislation and the Equal Employment Act.
14. Policies and programmes need to be implemented so as to reduce the discrimination and abuses, including sexual abuses, faced by women migrant workers.
15. The government of Korea should collect information on the prevalence of children involved in the sex industry.

16. In line with the commitments accepted by Korea at the Singapore and Doha WTO Ministerial Conference and its obligations as a member of the ILO, the Government of Korea should provide regular reports to the WTO and the ILO on its legislative changes and implementation of all the core labour standards.

17. The WTO should draw to the attention of the authorities of Korea the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the ILO to intensify its work with the Government of Korea in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

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