

Background and the overview of the newly adopted Government's measures on the protection of migrant workers in Korean-flagged distant water fishing vessels

Landscape of Korean DWF industry

- 80% of the workers are migrant in Korean-flagged DWF vessels
 - Discriminatory wages, excessive working hours, isolation, recruitment procedure uncontrolled by the Government
- > vulnerable to forced labor and human trafficking

Background of new Government measures

Measures to improve working conditions of migrant fishers working in distant water fishing vessels by Ministry of Oceans and Fisheries in 2021

- Mandatory use of the model contract form
- Deduction of recruitment fees/ deposit fees prohibited
- Minimum wages according to the ITF standard
- Rest hours guaranteed 10 hours/day can be divided into six and four hour breaks with flexibility to adjust the schedule every month
- Sailing hour limit up to 15 months for tuna longliners
- Equal distribution of bottled water among Korean and non-Korean crews

Background of new Government measures

Monitoring by CSOs (EJF/APIIL interviewed 74 migrant fishers worked on Korean DWF between 2021 and 2022)

- 60% of the interviewees worked more than 14 hours/day
- 40% of the interviewees stayed at sea for more than a year (longliners)
- 59% of the interviewees paid below the minimum wage
- 51% had to pay recruitment fees; 47% were subjected to deductions; 39% were subjected to wage withholding
- 100% of passport confiscation
- 83% verbal abuse; 24% physical abuse but no one reported; 92% were not aware of the official grievance system

Background of new Government measures

International pressures

- 2022 Trafficking in Persons report by US Department of State

“Despite reports of the prevalence of labor trafficking among migrant workers in Korea, especially in Korea’s fishing fleet, the government did not report identifying any foreign forced labor victims. Officials did not consistently utilize victim identification guidelines, and courts sentenced the majority of criminals convicted for trafficking-related crimes to less than one year’s imprisonment, fines, or suspended sentences. Therefore South Korea was downgraded to Tier 2.”

- 2023 Communication from the UN Special Rapporteurs

“[W]e are deeply concerned about the ongoing human rights situation affecting migrant crew members on Korean-owned and Korean-flagged vessels...abuse of a position of vulnerability, deception, restriction of movement, physical violence, intimidation and threats, retention of identity documents and withholding of wages – which have allegedly been recorded in the present case – have been identified as indicators of forced labour by ILO. The presence of a single indicator in a given situation may in some cases imply the existence of forced labour. The working conditions reported may also amount to contemporary forms of slavery.”

2024 Government measures

Improvement on labor conditions

- Wages - prohibition on withholding/ illegal deduction of the wages for the purpose of savings or transfer fee; manning agency must cancel the contract with the recruitment agency in case of non-compliance
- Wage scheme discussed to reflect the previous works/ bonus
- Sailing period - mandatory port call for tuna longliners (once a year); companies will get disadvantages in distribution of catch quota on non-compliance
- Rest hours - minimum 6 consecutive hours/ 10 hours a day; conditions will be noted in the model contract; government plans to monitor the implementation by survey

2024 Government measures

Changes in management practices

- Passport - will be stored in the transparent box installed in a public space; keys are carried by individuals



- Strict monitoring over the recruitment agencies - recruitment fees and deposit money imposed by any agencies either in Korea and in sending countries will be strictly prohibited; cancellation of the contract and disadvantages on catch quota for non-compliance

2024 Government measures

Government-led victim identification and monitoring system

- Online platform - complaint mechanism funded by the industry; anonymous online platform
- Monitoring of SNS - online survey and monitoring SNS of crews; labor inspectors will take measures for potential cases
- Stronger monitoring - if a vessel is repeatedly reported to be problematic, the vessel will be designated as a 'managed vessel' and spot check and further interview will be conducted
- Wifi - mandatory 'wifi hour' will be designated; communication networks will be upgraded gradually

2024 Government measures

Ensuring enforcement mechanism and stronger monitoring on implementation

- Consequences on the non-compliance of the measures
 - Fishing companies can be subject to the deduction of the catch quota when they fail to comply with the : (1) mandatory port call; (2) revocation of the contract with the manning agencies with the human rights issue; (3) human rights violation found during the monitoring (3 times)
- Cooperation with CSOs - public-private consultative group to monitor the implementation of the measures will be launched
- Cooperation with sending countries - excessive recruitment fees and illegal wage deduction will be discussed with the sending countries

Implication of 2024 measures

Positive points

- Actively invited CSOs during the policy formation
- Broaden the scope of 'human rights abuse' to 'forced labor' and 'human trafficking' under the international conventions
- Strengthened the role of CSOs for the monitoring
- Commitment on expand budget for the labor inspectors
- Joint investigation with CSOs promised to monitor 'managed vessels'

Implication of 2024 measures

Limitations

- Discriminatory wages - minimum wages discrimination/ no overtime pay
- No improvement on limitation on work hours
- Failure to address systematic limitation on recruitment and payment procedures
- Not legally binding measures
- Monitoring will be crucial