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IMPACTS OF THE REPUBLIC OF KOREA'S AMENDMENT  
OF FOREIGN WORKERS EMPLOYMENT ACT (2009) ON THAI LABORS

Miss Nataphan Wongprommoon

A Thesis Submitted in Partial Fulfillment of the Requirements  
for the Degree of Master of Arts Program in Korean Studies  
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ณัฐพรรณ วงศ์พร้อมมูล : ผลกระทบจากการแก้ไขกฎหมายการจ้างงานใหม่ที่มี  
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ON THAI LABORS)

อ. ที่ปรึกษาวิทยานิพนธ์หลัก : รศ. วันชัย มีชาติ, 79 หน้า.

วิทยานิพนธ์ฉบับนี้มีวัตถุประสงค์เพื่อศึกษาสาระสำคัญของกฎหมายการจ้างงานซึ่งผ่านความเห็นชอบจากรัฐสภาสาธารณรัฐเกาหลี เมื่อวันที่ 16 กันยายน พ.ศ. 2552 ที่มีต่อประเทศไทยและเพื่อวิเคราะห์ถึงผลกระทบที่เกิดขึ้นกับประเทศไทยและแรงงานไทยด้วย โดยใช้ทั้งข้อมูลทุติยภูมิที่รวบรวมจากเอกสารต่าง ๆ และข้อมูลปฐมภูมิที่ได้มาจากการสัมภาษณ์เชิงลึกจากหัวหน้าฝ่ายพิจารณาการไปทำงานตามระบบ Employment Permit System (EPS) สาธารณรัฐเกาหลี สำนักงานบริหารแรงงานไทยไปต่างประเทศ สังกัดกระทรวงแรงงาน รวมไปถึงการสัมภาษณ์แรงงานไทยจำนวนหนึ่งภายใต้สังกัด EPS อีกด้วย ผลการศึกษาพบว่า การแก้ไขกฎหมายการจ้างงานใหม่มีสาระสำคัญ คือ นายจ้างมีสิทธิและสามารถที่จะจ้างแรงงานต่างชาติติดต่อกันได้ถึง 5 ปี โดยที่แรงงานต่างชาติไม่จำเป็นต้องเดินทางกลับประเทศและจะมีผลบังคับใช้ในวันที่ 10 ธันวาคม พ.ศ. 2552 ยกเว้นกรณีย้ายงานและการจ้างงานต่อ และในทอระณะของหัวหน้าฝ่ายพิจารณาการไปทำงานตามระบบ EPS สาธารณรัฐเกาหลีนั้นเห็นว่าการแก้ไขกฎหมายการจ้างงานนั้นค่อนข้างไม่ได้ส่งผลกระทบทางลบกับองค์กร ทั้งนี้เป็นเพราะสาเหตุมาจาก การที่ทางหน่วย EPS และสำนักงานบริหารแรงงานไทยไปต่างประเทศได้มีการดำเนินการเพื่อพัฒนาและเตรียมความพร้อมให้กับแรงงานไทยที่จะไปทำงานที่สาธารณรัฐอยู่ก่อนแล้ว โดยมีการร่วมมือกับทางสถาบันพัฒนาฝีมือแรงงานและกรมพัฒนาฝีมือแรงงาน อีกทั้งยังมีการช่วยเหลือของทางสถาบันพัฒนาทรัพยากรมนุษย์เกาหลี ในเรื่องของการจัดสอบความสามารถภาษาเกาหลี ถ้าหากจะมีผลกระทบก็จะมีเพียงแค่ผลทางบวก ซึ่งกล่าวให้เข้าใจได้โดยง่ายว่า การเปลี่ยนแปลงระยะเวลาของสัญญาการจ้างงานในครั้งนี้ (ซึ่งเป็นผลมาจากการเปลี่ยนแปลงกฎหมาย การจ้างงานใหม่) นั้นถือว่าแรงส่งเสริมและเป็นปัจจัยที่ดีในการผลักดันให้เกิดการพัฒนาและเตรียมความพร้อมให้แรงงานไทยก่อนจะเดินทางไปทำงานได้อย่างต่อเนื่องและมีประสิทธิภาพให้มากยิ่งขึ้น ขึ้นไปเท่านั้น ในส่วนของแรงงานไทยเองก็เห็นว่า การเปลี่ยนแปลงระยะเวลาของสัญญาจ้างนั้นเป็นผลดีด้วยเช่นเดียวกัน เพราะช่วยประหยัดค่าใช้จ่ายและระยะเวลาในการเดินทางไปกลับอีกด้วย

สาขาวิชาเกาหลีศึกษา

ลายมือชื่อนิสิต .....

ปีการศึกษา 2554

ลายมือชื่อ อ.ที่ปรึกษาวิทยานิพนธ์หลัก.....

# # 5287602820 : MAJOR KOREAN STUDIES

KEYWORDS : Employment Permit System (EPS) / Thailand Overseas Employment Administration (TOEA) / Test of Proficiency in Korean (TOPIK) / Human Resources Development Korea (HRD Korea) / New Employment Law

NATAPHAN WONGPROMMOON : IMPACTS OF THE REPUBLIC OF KOREA'S AMENDMENT OF FOREIGN WORKERS EMPLOYMENT ACT (2009) ON THAI LABORS. ADVISOR : ASSOC. PROF. WANCHAI MEECHART, 79 pp.

The purpose of this study is to identify the effects of the change of Korean New Employment Law in the amendment of the Act on Employment of Foreign Workers, etc towards Thailand and Thai labor forces by using secondary data sources collected through various pieces of document and primary data sources derived from formal interviews with the officials and the head of the Department who holds responsibility for exporting Thai labor force to South Korea named Public Overseas Placement Section (EPS) under the control of the Thailand Overseas Employment Administration (TOEA), the Ministry of Labor Thailand including information derived from interviews with certain number of Thai Labors force who are under the EPS as well. Findings of this study help explaining the content resulted from the Amendment of Foreign Workers Employment Act which had clearly specified that the employers have the right to continually hiring foreign workers for 5 years without allowing them to return to their home country in order to applying for their visa extension (excepts the case of changing workplaces and re-employment) and did not caused such bad impacts upon the organizations which responsible for exporting Thai Labors to South Korea. As the EPS and the TOEA have already promoted developments and preparations for Thai Workers, co-operations with the Institute of Skills Development and the Department of Skills Development including aid from the Human Resources Development Korea (HRD Korea) in terms of the Test of Proficiency in Korean (EPS-TOPIK) are as well introduced. Thus, if there were to be any impacts at all, such should be only the positive ones. To make it more clearly understandable, it is said that the changes in terms of the extension of time employment resulted from the changes of the New Employment Law is not only very encouraging but is also considered an essential factor in accelerating developments and preparations for training Thai workers before exporting them to South Korea continuously and effectively. As the Thai workers are under the EPS also claimed that the extension of the time for employment is beneficial to themselves both because it helps save the cost and the time for doing re-entry and extending their visa as well.

Field of Study : Korean Studies ..... Student's Signature .....

Academic Year : 2011 ..... Advisor's Signature .....

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Most importantly, I would like to thank the ASEAN University Network (AUN) who gave me an opportunity and scholarship to study in M.A. Program in Korean Studies, also, my parent and all of my family members for great encouragement and support that they always have for me in any respect during the completion of the thesis. Lastly, I would like to thank my friends for measureless help and concerns that pushed me through the thesis and I would like to give the values of this thesis to all that I have mentioned.

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# CHAPTER I

## INTRODUCTION

### 1.1 Problem Statement

The Republic of Korea is located in the southern half of the Korean Peninsula. As the 38<sup>th</sup> Parallel partitioned the North and South Korean from each other, North Korea lies to the northern side and on the southeastern side - across the Korea Strait, Japan is placed.

After 1953, ROK has developed at the most rapid pace among the developing countries. With support from the United Nations (UN), Korea has received aids for investment in infrastructure, for example, elementary schools and middle schools, transportations and modern networks for communication. Subsequently, Korean Labor became a qualified and high-skilled working force while the founded infrastructures systems help accelerate the economic growth in the later years.

The increasing consumption rate of South Korean during the late 1990s deems one of the most important factors contributing to the national economic growth. Along with the pace to a greater development, by 1996, South Korea was invited to join the OECD (Organization for Economic Co-operation and Development.)

The term of NICs - abbreviation of Newly Industrialized Countries, is originally used to describe, in particular, the four Asian countries including South Korea. Nowadays, South Korea's major economic activities are the industrial based types such as electronics, textile, ship building, automotive and steel industry which play a significant role in driving the economy.

ROK has developed 2 kinds of system for hiring foreign workers:

1. Training System: Korean Government gives power to a representative organization who takes a responsibility in charge of making a foreign worker's importing agreement deal with job center. Thai work force has entered Korean Market in three parts consisting of (1) Industrial Department which is under a supervision of Korea Federation of Small and Medium Business (KFSB), (2) Construction Department which is under a supervision of The Construction Association of Korea (CAK) and (3) Agricultural Department which is under a supervision the administrative control of the National Agricultural Cooperative Federation (NACF)

2. Work Permit System: The Ministry of Labor and Employment of South Korea has selected only 15 countries which have the right to import their workers to work in Korea under the Employment Permit System (EPS). Thailand has also signed a Memorandum of Understanding (MOU) expressing their intent to cooperate on bringing Thai workers to Korea on 17 June 2004. Department of Employment, Ministry of Labor and Social Welfare of Thailand take a responsible of exporting Thai workers to Human Resources Development Service: HRD of Ministry of Labor and Employment of Korea.

However, in order to restrict employment opportunities for native Koreans. Governing bodies have enforced various methods, for instance, dissolving labor shortages in SMEs, infringes rights of the foreign workers and implementing the Employment Permit System: EPS in 2004 in hope to achieve the set goal.

In terms of security and military cooperation, Thailand and South Korea have established a long historical past, maintaining cordial relationship since 1950. It is not only connection or communication between each other, but Thailand and South Korea have also formed a good economic association. Exchanges of goods and services as well as bilateral agreements made between the governments and private sectors are commonplace, proving a strong economic tie between Thailand and Korea.

Understandably, among different determinants, labor is one of the essential factor affecting economic activities between Thailand and South Korea. Currently, the trend of exporting Thai workers to South Korea is increasing, at the same time,

problems caused by Thai workers who live in South Korea similarly increases and becoming more intense. There are drugs problems, gambling, fleeing from employers and denial of the employment contract. These problems are caused mainly by all foreign workers in South Korea (and combine with Thai workers' problems also) have led the Foreign Workforce Policy Committee in Lee Myung Buk administration to revise certain aspects of public policy which, in return, affects the Korean Employment Law.

According to the constitution of Korea, it is clearly stipulated that the National Assembly maintains an authority to use the power of legislation. The National Assembly, Foreign Labor's committee and the Ministry of Employment and Labor of South Korea cooperate to find the best way to solve problems. Finally, the new Korean Employment Law was launched affecting directly and indirectly Thailand.

This research is conducted to study the identical possible effects resulted from the change of new Employment Law of South Korea towards Thailand. The Bill for the amendment of the Act on Employment of Foreign Workers, etc was passed at the National Assembly on September 16<sup>th</sup> 2009 then promulgated on December 10<sup>th</sup> 2010. These amendments will be carefully scrutinized and taken as a case study. Rational and systematic frame work and system theories would be introduced as tools of analyzing.

In short, this research views immigrant worker-related issues which domestically occurred in Republic of Korea as a drive or input, leading to changes not only within the Ministry of Labor, but also in the government as well as in the domestic political system as a whole process. Further, this research considers the recent implementation of the new Employment Law as an output. In the end, the three stated elements (input, process and output) are used systematically as a basis for critical analysis as well as for the scope set to study the impact that reasonably occurred yet accordingly relevant in terms of causal relations. The study may yield a profound and better understanding of Employment Laws in both Thailand and South Korea.

## **1.2 Research Objectives**

- To identify the effects of the change of Korean New Employment Law in the amendment of the Act on Employment of Foreign Workers, etc towards Thailand and Thai labor forces.

## **1.3 Scope of Research Work**

- Effects resulted from revisions made in Korean New Employment Law towards Thailand as the renewed Amended Act has entered into force on April 10th up until the end of the year 2010

- Able to systematically and comprehensively analyze the results through the application of David Easton's 'System Theory' based on 4 dimensions: input, process, output and Impact.

## **1.4 Expected Outcomes and Benefits of Research**

- The result of the research may be a case for preliminary study about the changes in foreign policy of South Korea towards Thailand and Thai labor force.

- Findings help explaining circumstances and changes resulted from Thai labor force which does not only occur within the Korean Ministry of Labor and Employment but also in the political system and the government as a whole.

- Findings report the existing problems and scope of the Thai labor force, at the same time, acknowledging prospect solutions or measures which Thailand might adopt to overcome such problems resulted from changes made in Korean administration.

- Findings are beneficial to the organizations which take care of exporting Thai Labors to South Korea as well as other foreign countries. The presented data can be used in the process of recruitment and selection of the organization for the better

quality of Thai Labors before exporting them out of the country. This might improve the image of Thailand in the future as well.

## **1.5 Hypothesis**

The recently bill for the amendment of the Act on Employment of Foreign Workers, etc which was put in effect on the 16<sup>th</sup> September 2009 had immediate impacts upon the exportation of Thai labor force to Republic of South Korea. As the improvements of skills were required by the Republic of South Korea, all of Thai labors have to adjust themselves as a skilled labor. In this manner, Thai labor force inevitably needs to improve their labor skills in order meet the set standard and requirements enforced by the Korean government. Otherwise, legal immigration to Republic of Korea will be difficult to make as the Thai labor force cannot meet the set requirements.



# CHAPTER II

## LITERATURE REVIEWS

Literature Review is divided into two parts:

The first part concerns theories which relate to this research while the second part introduces related and relevant information. The first part of literature review helps establishing a conceptual framework in the next step. The second part is the related and relevant information for analysis of data under the scope of the conceptual framework.

### 2.1 Related Theories

Before introducing the system theory, we should understand the meaning of the system first. Here are several definitions of system:

#### 2.1.1 Definition of 'System'

For *Fulop and Linstead*, 1999 Systems theory is a “holistic view of the organization in which works towards harmony, stability and consensus is the prime logic of the system”.

As for *Robbins, Bergman, Stagg, and Coulter* (2006: 54) have stated that the application of systems theory leads to the formation of a 'Learning Organization' (LO). A LO is defined as an 'organization where people constantly expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured and where people are continually learning how to learn together'.

In conclusion, the system is a link of various factors which depend on relationships with one another. Yet, a combination of factors is working in a collaborative way in order to achieve a determined target successfully as well.

### 2.1.2 Kinds of System

Commonly, systems are classified into two categories including the Close System and the Open System.

#### 2.1.2.1 Closed System

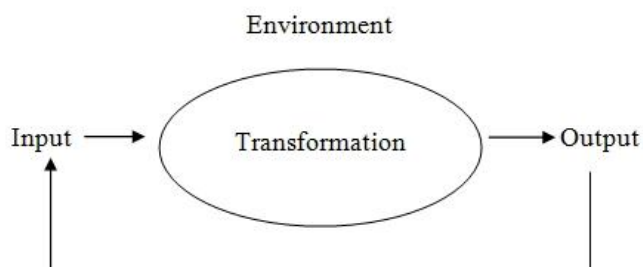
Closed System is a system which is absolutely completed in itself, avoid making interactions or creating bonds with other systems. It is also known as an isolated system which has no contact with its external environment.

#### 2.1.2.2 Open System

- *French and Bell (1990: 53-54) Robbins et al. (2006: 55) Kinichi and Kreitner (2003: 307)*

Open System is a system that requires an interaction with people, with organization or with others by using a term of beneficial exchanges. And outcome of benefits are balanced. Moreover, changes in circumstances also influence or affect to the organization's work process as well.

- Open System Theory in 1978 by *Katz & Kahn*



**Figure 1: Open System Theory**

Daniel Katz and Robert L. Kahn developed a framework for open, that is, the systems theory which encompasses: (1) energetic inputs into the organizations; (2) the transformation of those inputs within the system;

(3) energetic outputs; and (4) recycling. Energetic inputs or external influences including familiar resources such as employees, raw materials and capital. However, they also include intangible external influences such as status, recognition, satisfaction or other personal rewards.

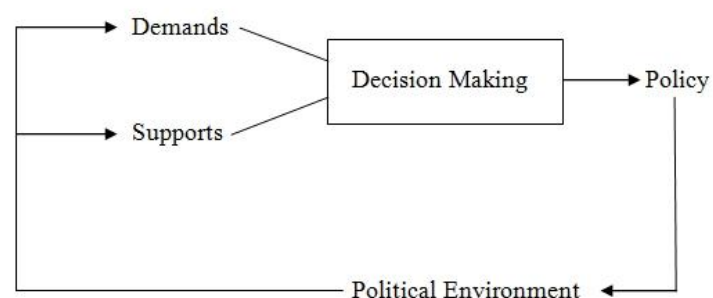
Katz and Kahn also characterized open system as equifinality, that is, the organization which is able to reach the same final state by numbers of different path. In fact, such paths are not fixed and might be developed organically as both internal and external influences intervene.

### 2.1.3 System's Factors

A performance system of an organization consists of 3 significant parts: input, process and output. Each part relates one another, yet unifies as one in order to achieve the goal of the organization.

### 2.1.4 System Theory

#### 2.1.4.1 The General Systems Theory by *David Easton*



**Figure 2: Concept from David Easton, the Political System**

*David Easton* has been one of the early scientists who have introduced the systematic approach to political analysis. He selects the political system as a basic unit of analysis and concentrates on the infra-system behavior of various systems.

He defines political system as “those interactions through which values are authoritatively allocated and implemented for a society” (*A Framework of Political Analysis*). A preview of some of the characteristic features of Easton’s Political System is as follows:

a) The political system implies a set of interactions through which values are authoritatively allocated. This means, decisions of those who are in power are binding.

b) Political system is a system of regularized persistent patterns of relationship among the people and institutions within it.

c) Political system is similar to any other natural systems in that such has in itself a regulating system which enables the system to change, to correct and to adjust the processes and structures.

d) Political system is dynamic in a sense that it can maintain itself through feedback mechanism. The feedback mechanism helps the system to remain persistent, though everything associated with it may change radically.

e) Inputs are further classified as demands and supports put the political system at work while outputs through policies and decisions throw back what is not accepted as feedback.

For Easton his political system is organic consisting of various functional parts; i.e. system, input, output, demand, support and feedback. Hence his next step is to investigate the

“life processes of political systems”, those fundamental functions without which no system could endure together with the typical modes of response through which systems manage to sustain it. Easton saw his political system in a state of a constant flux but still persisting in its existence even under the pressure of constant crisis. The first part of his political system was the input concept which refers to everything in the environment of a political system that is relevant to political stress. Input summarizes all of the activities and events that either contribute to the persistence of modes of allocating values for a society or to threaten the persistence of such processes. Inputs may be further classified into Demands and Supports.

Demands are claimed to societal values and status and are the components of political processes that provide the process with its justification. If individuals and groups did not seek to have the society fulfilled their demands, there would be no need for a system that authoritatively allocated values for that society. However, demands also constitute a source of stress for the system. If demands cannot be fulfilled then the support for the system could likewise decline. Thus, in order for the system to be persistent, it must fulfill the demands made, but it might not be able to process all the demands at all times as there might be too many of them for the system to process or the demands might be incompatible with other demands that are being processed. Now if the system is persistent then it has to also develop Cultural Norms which place limits on the content and amount of the demands being made so that the system is able to process it with normality. Thus, the first reason political system persists through change is

because cultural norms limit stress by controlling the flow of demand.

Support was the second type of input. Supports indicate trust, confidence and affection towards the political system. Support is directed to what Easton calls “the basic political objectives”.

Support may be categorized into two types:

1) Specific Support which is given in return for the fulfillment of demand. It resembles the nature of the barter system.

2) Diffused support for the system is expressed as a belief in legitimacy to personnel and rules. It is quite similar to the expression of patriotism.

The second reason why political system persists through change is because of the diffused support the system holds. Now the other half of the analysis of the political system starts with the Output process. Outputs are authoritative allocations of values or decisions of the authorities on the goals to which the human and material resources of the society will be committed to. In general, they response to demands and represent efforts to meet or to suppress them.

When the specific demands of the masses have been met or effectively suppressed and or when people themselves believe that their demands are unattainable, specific support for the political system is then generated which in turn allows the state to persist.

In elaborate detail, Easton states that in order to perform their functions effectively the authorities must gain information about the state and regarding the consequences of

their outputs. The system must have a Feedback to supply this information. This feedback provides the means through which the political system is enabled to cope with stress. Underlying the cultural norms that control the flow of demands, the diffused support for the political objectives and the actual fulfillment of demands is the flow of from the political masses to the authorities and vice-versa. Authorities can communicate to people to authorities through arresting them and the people through rioting.

With all these concepts, Easton attains the high level of analysis of the political system.

#### 2.1.4.2 System Model

The system model was based on a traditional theory of David Easton. Thomas R. Dye and Ira Sharkansky are one of the scholars who used this theory as a guideline for further studies.

A system model theory suggested that public policies are the result of the political system which has an interaction with the environment. If considering the environment, there are inputs which consist of demands and supports. Demands are the need of a public policy from an individual or the group of people. They consider public policy as the best solution in solving the problems which occurred in the environment. As for the meaning of the supports, it is a will to follow or to comply with public policy of people. Both demands and supports interact with the politics. And the political system also has an institution and process where values are authoritatively allocated for a society. In the political system, there are numbers of compromises in order to change the inputs or information into outputs in a form of public policy.

## 2.2 Related and relevant information

### 2.2.1 Amendment of Foreign Workers Employment Act in October 2009

- Bill for the amendment of the Act on Employment of Foreign Workers, etc was passed at the National Assembly on September 16<sup>th</sup> 2009 and was promulgated on October 9<sup>th</sup> 2009.

- The Amended Act to entered into force on April 10<sup>th</sup>, 2010, six months after the date of promulgation. However, provisions on the reemployment (Article 18-2) and the changing of workplace (Article 25) entered into force on Dec. 10<sup>th</sup>, 2009.

- Foreign Workforce Policy Division, Ministry of Labor, Enforcement Date of the Amended Act, Addenda

- *Article 1 (Enforcement Date)*

This Act shall enter into force six months after its promulgation. However, revised provisions of Article 18-2 and Article 25 shall enter into force two months after the promulgation.

- *Article 3 (Application of Special Cases for the Restriction on Employment Period)*

The revised provision of Article 18-2 shall apply from when the employer applies for the reemployment of the foreign worker who has been employed under the previous provision of Article 18 (1) at the time of entry into force of this Act and his/her expiration of three year employment period draws after the entry of force of this Act.



- *Article 5 (Transitional Measure for Labor Contract Period)*

In case of the employer had signed a labor contract pursuant to the previous Article 9 (3) at the time of entry into force of this Act signs or renews the contract pursuant to the revised Article 9 (3) after the entry into force of this Act, he/she can sign or renew a contract for a period in when the total labor contract term pursuant to the previous Article 9 (3) is subtracted from three years.

- *Article 6 (Transitional Measure for Fine and Fine for Negligence)*

The previous provisions for fines and fines for negligence shall apply to actions subjected to fines and fines for negligence that took place before the entry into force of this Act.

- Enforcement Date of the Amended Act

- Amended Act is to enter into force from April 10<sup>th</sup> 2010 (six months after the promulgation).

- However, provisions on the reemployment (Article 18-2) and the changing of workplace (Article 25) are to enter into force from Dec. 10<sup>th</sup>, 2009 (two months after the promulgation).

- Application of the provision on the reemployment

The provision on the reemployment to be applied for foreign workers who are being legally employed as of Dec. 10<sup>th</sup>, 2009 and whose expiration of three-year employment period draws after Dec. 10<sup>th</sup> given that his/her employer submitted a reemployment application.

- The provision is to be applied to reemployment applications filed after Dec. 10<sup>th</sup>, 2009 by the employer.

- Labor contract period

- The provision on the restriction on employment period is to be applied to labor contracts to be signed or renewed after April 10<sup>th</sup>, 2010.
- Example) In case an employer signed a labor contract with a worker who entered Korea on May 1<sup>st</sup>, 2009 for a year from May 1<sup>st</sup>, 2009 to April 30<sup>th</sup>, 2010, the employer can renew the labor contract within two year period from May 1<sup>st</sup>, 2010.

### **2.2.2 Employment and Labor Policy in Korea 2010**

*Successful implementation of the Employment Permit System for foreign workers*

- *Introduction*

In order to protect employment opportunities for native Koreans, to resolve labor shortages in SMEs and prevent infringements upon the human rights of foreign workers, the ‘Employment Permit System (EPS)’ was introduced in 2004 and strengthened to achieve its goals.

As of the end of July 2010, there were 15 countries where foreign workers are from and concluded MOU on labor migration including Vietnam, the Philippines, Thailand, Indonesia, Sri Lanka, Mongolia, Uzbekistan, Bangladesh, Cambodia, Pakistan, Kyrgyzstan, China, Nepal, Myanmar and East Timor. Under the ‘EPS’, as of the end of July 2010, a total number of foreign workers who are currently working legally in Korea is 579,223.

The number of foreign workers to be invited to work in Korea, the kinds of jobs permitted to foreign workers and the countries from which they are sent from are determined by the 'Foreign Workforce Policy Committee' in consideration of the labor supply and demand trends of each year.

- *Employment management of foreign workers*

First, in order to establish effective ways to manage foreign workers through 'Job Centers', an employer is required to conclude an employment contract with a foreign worker using the standard labor contract form and take out an insurance policy to cover a foreign worker's guarantee insurance. The foreign worker is also required to subscribe to an insurance policy to cover the costs of returning home and accident insurance.

Second, in consideration of foreign workers' right, the Ministry of Employment and Labor now permits change of workplace, that is, a foreign worker are allowed to move to another workplace up to three times within a period of three years. However, when a foreign worker has moved to another workplace for a reason not attributable to the worker such as temporary business suspension or business closing, such cases are not taken into the limit number. As for a foreign worker has signed a contract of employment with the employer and arrived in Korea but has to change his/her workplace for a reason attributable to the employer before he/she is placed at the first workplace or business, he/she will be allowed to make one additional workplace change.

Third, foreign workers employed under EPS, this is the case with Korean workers, they are covered by labor laws and their basic rights such as industrial accident compensation and health insurance and minimum wage are guaranteed. In other words, although it is possible to treat foreign workers differently according to different

productivity and job experiences, they should not be discriminated against simply due to the fact that they are foreign workers.

It can be said that foreign workers might experience difficulties in adapting to life in Korea due to cultural differences and the language barrier. Given this situation, the fourth step which the government is taking to manage foreign workers is the operation of eight Support Centers for Foreign Workers, four in the capital area (Seoul, Ansan, Uijeongbu and Incheon) and four centers in local areas (Gimhae, Masan, Daegu and Cheonan), with an aim to ensure overall support for foreign workers. These Centers provide foreign workers with such as services as grievance handling, education on the Korean language, laws and culture.

### **2.2.3 Korean Labor Laws 2010 (See in Appendix)**

ACT ON FOREIGN WORKERS' EMPLOYMENT, ETC.

Act No. 6967, Aug. 16, 2003

Newly Established by Act No.6967, Aug. 16, 2003

Amended by Act No. 9798, Oct. 9, 2009

### **2.3.4 Foreign Labor in South Korea: Situations and Problems**

#### **2.3.4.1 Situations and Problems**

*Re-employment rate: the significant tool for the success of the labor and exporting system*

According to data from the Ministry of Employment and Labor (MOEL) of South Korea, by using analytic information collected from 2004 to March 2009, it was reported that Thai workforce claimed to rank the 11<sup>th</sup> from the 13 countries which can apply for a re-employment after working for 3 years. The re-employment rate is a significant indicator for the success of the labor and exporting system.

Thai labor force gained 66.5% for popularity and re-employment from the employers. Thailand was ranked 11<sup>th</sup> place, after Uzbekistan which gained popularity and re-employment from the employers 5.9 points more than Thailand.

Though ranking almost at the last place in terms of popularity, Thai workers did received favor from employers. The obvious strength of Thai workers is patience, hardworking and good skills. Moreover, it is undeniable that the excellent interpersonal skill which had become identity of Thailand is the most outstanding advantage in terms of making friends and dealing with other colleagues. However, Thai workers failed to keep themselves and their place clean; thus, this is a weakness of Thai labor which had been complained by the employers until the present day. Thailand and Bangladesh are the only two countries which have such a weakness. Furthermore, Thai labor force has lots of problems ranging from the physical fitness which is not strong enough to endure hard work, to failure to comply with given rules and regulations at workplaces and the most importantly - the ability to speak or communicate in Korean language is highly limited.

By comparing the number of labor who had worked for 3 years to the number of those who are qualified for signing the 4<sup>th</sup> year re-employment contract, the following is 13 countries which tend to have a good rate for the 4<sup>th</sup> year re-employment contract. (Information taken from Ministry of Labor and Employment of Korea, Survey during 2004 – March 2009)

1. Pakistan      94.3%
2. Bangladesh   92.2%
3. Nepal         90.7 %
4. Burma         87.0%

5. Vietnam	83.1%
6. Sri Lanka	81.8%
7. Philippines	80.0%
8. Kyrgyzstan	76.9%
9. Cambodia	75.3 %
10. Uzbekistan	72.4%
11. Thailand	66.5%
12. Indonesia	63.9%
13. Mongolia	44.1%

In fact, a lack of communication is a weakness which of all the 13 countries appeared to have, except Bangladesh. It is, therefore, suggested indirectly that, even though both of Thailand and Bangladesh shared similarity in terms of problem, there is one big difference. While the number one major problem of Thai workers is the lack of communication skills in Korean Language, Bangladesh workers seem to develop Korean language proficiency more than other countries. As only Bangladesh developed strength in this aspect, implying the reason why the Bangladesh's rate of the re-employment is ranked the 2<sup>nd</sup> (92.2%), yet less than Pakistan only 2.1 points. However, Thailand is left far behind at 9<sup>th</sup> place.

Comparing the strengths and weakness of the labors from 13 countries, it is possible to conclude that, despite the appropriate qualities which is required by the work, ability to communicate by Korean Language is far more important.

#### **2.3.4.2 Situations and Problems: Thailand's case**

Recently, Republic of Korea has officially requested cooperation from 15 countries in solving the problem of illegal foreign workers, workers escaping from employers and illegal employments as these are the main problems which Korean Government needs to solve. If such problems can be solved, then an expanded quota of employment in the future is likely to be made.

Here is a list of problems which directly impact Thai labor force while affecting a consideration for quota and re-employment:

- Thai workforce claimed to rank first of the 15 countries which refuses employment contract. The Ministry of Employment and Labor (MOEL) of Korea has received complaints from employers who have strictly followed the foreign worker's selection process in every step. However, they revealed, foreign workers refused the employment contract or cancel a flight to Korea and indeed, Thai workers have shown up in the first place. This result might cause a bad image of Thai workers, yet making it difficult to publicize Thai workers for the employers as well.
- Thai workforce continues to escape from the employers at the second-highest rank, yet less than Mongolia. Some of Thai workers escaped on the first day arrived at Incheon International Airport of Korea. While others ran away from the employers shortly after arriving at the working site
- Thai Workers cannot meet the Korean language proficiency requirements. Only a small number of them are able to pass the Korean languages proficiency standard; meanwhile; the employers tend to select workers from the countries which have a lot of work permit lists.

- Thai workers cannot communicate with the employers. This indeed deems an obstacle for both employees and employers.
- Thai workers cannot adapt themselves to the work environment and cannot withstand 3D works. (3D: Dangerous, Dirty and Difficult)
- Thai worker tends to engage in fight, alcohol, gambling and drugs comparing to other foreign workers.

#### **2.3.4.3 Problems and Solutions: Thailand's case**

1. Contract of employment under the Employment Permit System (EPS) is not clear enough and contains a lot of uncertainties especially regarding a job description and kinds of job. Thai labor office in Seoul revealed that more than 50% of complaints received from workers showed that the employer has assigned unspecified jobs which did not contain a job contract or the employer has forced them to work overtime. Thus, the department which takes a responsibility of taking care of Thai workers should make a new management by identifying kinds of job, specifying job descriptions and clarifying the basic and need-to-know information for workers before exporting them out of the country.

2. The problem of lacking effective communications between employer and employee remains as Thai workers have a low level of Korean language proficiency. Unsurprisingly, they are not able to even understand a very short phrase or word even though they have been taking Korean language classes before coming to Korea. Studying an additional Korean language class on weekend or after working time, Thai workers has found that it is too hard and tried to do because they are already exhausted from working for a whole week, thus wanted to rest when weekend comes.

3. Most of the employers who want to hire foreign workers under Employment Permit System (EPS) are doing a small business



and unable to access financial capital. Therefore, their business might not be stable enough, possibly causing a delay wage problem, welfare problem and closing down of their business. The Ministry of Employment and Labor (MOEL) should then negotiate with HRD for checking and selecting the employers before considering quota.

4. The work is more difficult than the workers has expected, for instance, working outdoors in a harsh cold weather indeed exhausts the workers, the workers then want to change their jobs. If they cannot change their jobs, they will finally run away and escape from the employers.

5. The workers claimed that as the delivery of Employment Permit System (EPS) is a governmental service, having to pay the less cost. Thus, workers lack patience and commitment for working. When they face the problems relating employment and working conditions, they were disheartened, leaving jobs, asking to change a job position or to return Thailand. As the result of these problems, the department who is in charge of exporting workers should remind workers of the future difficulties in working and should emphasize that the task of changing a job is quite complicated because the workers must firstly receive consent from the ex-employers.

6. Stress from the employment, both from working and weather conditions affect on the workers' health, both mentally and physically. Royal Embassy in Seoul has pointed out that there should be a mobile unit for greeting and creating some events for workers in order to relieve their stress appropriately.

# CHAPTER III

## RESEARCH METHODOLOGY

### 3.1 Conceptual Framework

The objective of this research is to identify the effects of the change of Korean New Employment Law in the amendment of the Act on Employment of Foreign Workers, etc towards Thailand and Thai labor forces.

The research also aims to gain an in-depth understanding of a dynamic process of systematical change in the new Employment Law and its impacts. The research will use the 'System Theory' (Davis Easton) as a basis of conceptual framework in 4 aspects as follow below:

#### **Input**

Input in this research consists of an immigrant worker-related issue; problems occurred domestically in ROK and the situations and problems in the case of Thailand and the demands from Korean Employers as well.

#### **Process**

The administrative process, management and changes in certain parts of the policy consist of an Amendment of Employment Act: the proposed policy, the procedure and the legislative process of ROK.

## **Output**

This research considers the recent changes in the policy's implementation and the results of the amendment of the Act on Employment of Foreign Workers, etc which was passed at the National Assembly on September 16<sup>th</sup> 2009 as an output

## **Impact**

Impacts which might affect the target groups both in short term and long term. The target groups are Thai labor forces and the Thai Labor's System which are The Ministry of Labor of Thailand, Department of Employment and EPS Thailand

## **3.2 Data Collection**

### 3.2.1 Data Source

Sources of data used in this research are qualitatively determined by considering occurred phenomena relating to the research as a determinant as such phenomena could, perhaps, reflect importance to the research. For instance, current situations, problems and roles of research source in different aspects. Data are mainly derived from these three sources including the Public Overseas Placement Section (EPS) under the control of the Thailand Overseas Employment Administration (TOEA), the Ministry of Labor Thailand, Labor Division of Thai Royal Embassy in Seoul and the MOEL.

The data sources for this research were categorized into two types:

- Primary Data Source: Sources of data derived from the Thai labor forces and individuals who were affected from the changes in the new Employment Law both directly and indirectly. Most of the data obtained from interviews, observations and discussions.

- Secondary Data Source: This source of information refers to the source of data which is previously collected. The researcher will collect this data once again before using them in the research. This kind of secondary data sources are the record or memorandum of stories from informants who the researcher cannot collect information directly by themselves. The secondary data source also includes annual reports, reports, documents, articles, findings or etc.

### 3.3.2 Research Tools

Data Collection Methods for this research consists of:

- Interview: Interview refers to an objective type of conversation in order to obtain specific information. Thus, the interviews with Thai workers who decide to go to work in South Korea under the EPS, with the person or the department who take a responsibility for exporting Thai labor force to South Korea both directly and indirectly are conducted in order to gain the data.

Target group consists of Mr. Thanabhume Chairerk - the head of the Public Overseas Placement Section (EPS) under the control of TOEA, the Ministry of Labor Thailand and the 30 selected sample of Thai Labor who are under the EPS.

The interview was divided into two types:

- *Informal Interview* is an interview conducted between the interviewer (or researcher) and the interviewees. Basically, they will carry a normal conversation regardless of the specific time and place. The interview begins with the general questions, then trying to ask about the issues where the interviewers didn't notice at all.
- *Formal Interview* is a formal discussion which has a very clear process and purpose. To make it clearly understandable, the

formal interview is an interview which the interviewer and the interviewee have an appointment in advance. The interviewer will prepare set of issues and questions for the interviewees in advance then the interview will be conducted following outline step by step and clear.

- Documentation As this research is a study of the impacts of the changes in The Employment Law which was passed at the National Assembly on September 16<sup>th</sup> 2009 then promulgated on April 10<sup>th</sup> 2010 up until now. The important ways of the data collection is not only through interviews, but documentation also plays a very important role in this research. Documentation consists of minutes, the report of the implementation, the report of assessment and monitoring, documents, media, and the presentation of information through various media forms and so on.

### 3.3 Summary of the Framework in Each Dimension of System Model

**Table 1: Input**

Data Source	Data Collection Methods	Way of Analysis
1. Various documents and books	1. Collect data from documents and books	1. Analyze the documents and books

**Table 2: Process**

Data Source	Data Collection Methods	Way of Analysis
1. The legislation process of South Korea	1. Collect data from the gathered documents	1. Analyze the collected documents

**Table 3: Output**

Data Source	Data Collection Methods	Way of Analysis
1. An Amendment of the Employment Act  2. Documents relating to the amendment of Employment Act	1. collect data from the documents	1. Analyze the collected documents

**Table 4: Impact**

Data Source	Data Collection Methods	Way of Analysis
1. Various documents and books  2. Thai labor forces who have been to South Korea before  3. Thai labors who are going to South Korea to work under EPS  4. The government sector who is responsible for exporting Thai labor force to ROK	1. Collect the data from documents  2. Intense interview with Thai labor forces  3. Interview officials who are responsible for exporting Thai labor forces to ROK regarding the number of workers who can meet a required level of the proficiency in Korean Language	1. Qualitatively analyze the interview, the needs and expectations of the Thai workers  2. Qualitatively analyze the interview, the needs and expectations of the EPS Thailand

# CHAPTER IV

## DATA ANALYSIS AND INTERPRETATION

In this chapter, impacts or effects resulted from the change of Korean New Employment Law in the amendment of the Act on Employment of Foreign Workers, etc towards Thailand and Thai labor forces will be reviewed in 4 dimensions based on the System Model (David Easton) including:

1. Input
2. Process
3. Output
4. Impact

### **1. Input**

The origin of changes in the new labor law or factors leading to partial change in Foreign Labor law include demands from Korean employer, current situations of foreign workers occurred in Republic of Korea and cases of Thai workforces.

Based on information derived from the MOEL, there were 15 countries where foreign workers can be dispatched under the EPS. Those countries are Vietnam, the Philippines, Thailand, Indonesia, Sri Lanka, Mongolia, Uzbekistan, Bangladesh, Cambodia, Pakistan, Kyrgyzstan, China, Nepal, Myanmar and East Timor. All of the workforce's related data is collected properly. Here, raw data will be presented in order to make it more clear and understandable.

**Table 5: Number of foreign workers dispatched to ROK by country**

Country / Year	2004	2005	2006	2007	2008	2009	Jan.-July 2010	Total
<b>Vietnam</b>	704	8,619	5,712	11,507	19,707	13,497	3,013	62,759
<b>Philippines</b>	832	5,308	8,434	5,928	6,289	9,282	1,407	37,480
<b>Thailand</b>	558	5,964	6,746	5,798	9,287	9,957	1,572	39,882
<b>Mongolia</b>	500	4,433	4,703	2,642	4,775	4,032	1,172	22,257
<b>Indonesia</b>	359	4,361	1,215	4,343	12,304	4,981	2,475	30,038
<b>Sri Lanka</b>	214	2,974	2,166	2,194	7,163	4,244	2,103	21,058
<b>China</b>	-	-	-	403	1,833	4,281	555	7,072
<b>Uzbekistan</b>	-	-	-	275	4,492	2,779	2,071	9,617
<b>Pakistan</b>	-	-	-	365	2,355	1,628	737	5,085
<b>Cambodia</b>	-	-	-	198	2,793	2,524	733	6,248
<b>Nepal</b>	-	-	-	34	2,014	2,445	1,799	6,292
<b>Myanmar</b>	-	-	-	-	67	2,037	187	2,291
<b>Kyrgyzstan</b>	-	-	-	-	451	181	141	773
<b>Bangladesh</b>	-	-	-	-	1,494	1361	1,669	4,524
<b>East Timor</b>	-	-	-	-	-	94	173	267
<b>Total Labor</b>	3,167	31,659	28,976	33,687	75,024	63,323	19,807	255,643

*(Referred from 2010 Employment and Labor Policy in Korea, the Ministry of Employment and Labor, Republic of Korea)*

**\*\*Note:** At the end of 2010, the total number of foreign worker is 40,457. As for 2011, the most recent data representing the number of foreign workers that entered ROK from January to June showed that there is 32,256 foreign workers in Korea.

In addition, detailed information derived from a formal interview with Mr. Thanabhume Chairerk made it clear of conditions that MOEL used as a criteria in selecting countries that can export workers to South Korea under the EPS as follows:

1. Demands of employers.
2. Ratio of industrial trainees in each country who broke the contract before the assigned time.
3. Transparency of the selection process.
4. Assurance of each country that workers will go back to their countries once the contract is completed.

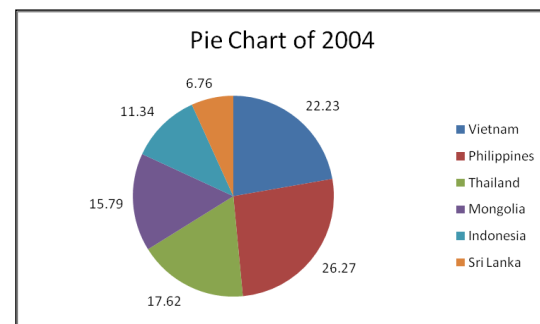


This research relies on data from the table above and also uses Microsoft Excel as a tool to analyze the demand of employers by comparing the proportion of each country's quota in each year from 2004 to June 2010 as follows:

**Table 6: Analysis of the demands of employers by comparing the proportion of each country's quota from 2004 to June 2010**

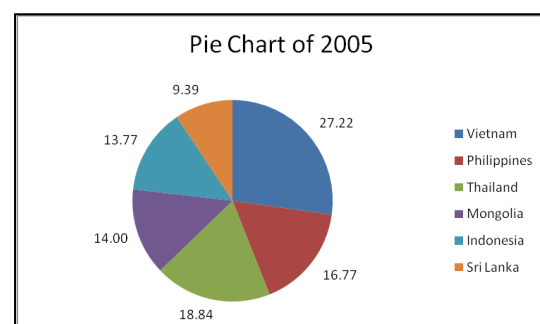
**Table 6.1: Analysis of the demands of employers by comparing the proportion of each country's quota in 2004**

Country	2004		
	Labor	%	Rank
Vietnam	704	22.23	2
Philippines	832	26.27	1
Thailand	558	17.62	3
Mongolia	500	15.79	4
Indonesia	359	11.34	5
Sri Lanka	214	6.76	6
China	-	-	-
Uzbekistan	-	-	-
Pakistan	-	-	-
Cambodia	-	-	-
Nepal	-	-	-
Myanmar	-	-	-
Kyrgyzstan	-	-	-
Bangladesh	-	-	-
East Timor	-	-	-
<b>Total</b>	<b>3,167</b>	<b>100</b>	



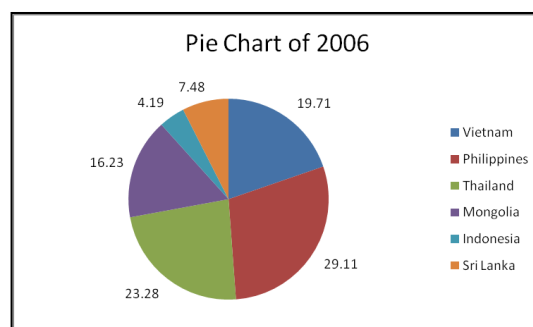
**Table 6.2: Analysis of the demands of employers by comparing the proportion of each country's quota in 2005**

Country	2005		
	Labor	%	Rank
Vietnam	8,619	27.22	1
Philippines	5,308	16.77	3
Thailand	5,964	18.84	2
Mongolia	4,433	14.00	4
Indonesia	4,361	13.77	5
Sri Lanka	2,974	9.39	6
China	-	-	-
Uzbekistan	-	-	-
Pakistan	-	-	-
Cambodia	-	-	-
Nepal	-	-	-
Myanmar	-	-	-
Kyrgyzstan	-	-	-
Bangladesh	-	-	-
East Timor	-	-	-
<b>Total</b>	<b>31,659</b>	<b>100</b>	



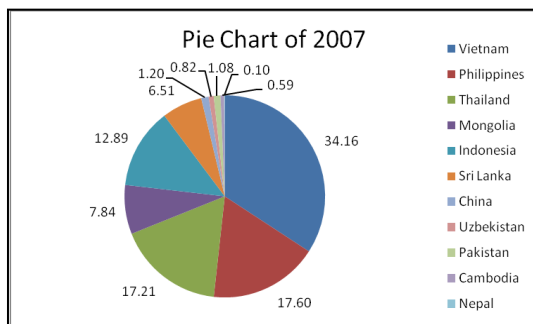
**Table 6.3: Analysis of the demands of employers by comparing the proportion of each country's quota in 2006**

Country	2006		
	Labor	100%	Rank
Vietnam	5,712	19.71	3
Philippines	8,434	29.11	1
Thailand	6,746	23.28	2
Mongolia	4,703	16.23	4
Indonesia	1,215	4.19	6
Sri Lanka	2,166	7.48	5
China	-	-	-
Uzbekistan	-	-	-
Pakistan	-	-	-
Cambodia	-	-	-
Nepal	-	-	-
Myanmar	-	-	-
Kyrgyzstan	-	-	-
Bangladesh	-	-	-
East Timor	-	-	-
<b>Total</b>	<b>28,976</b>	<b>100</b>	



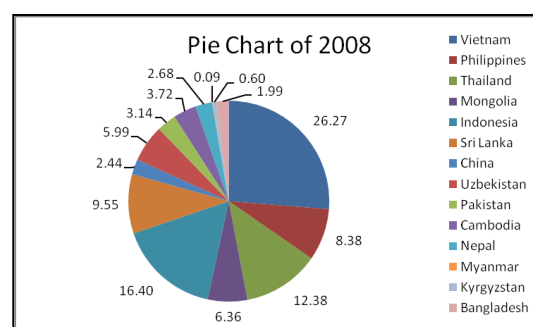
**Table 6.4: Analysis of the demands of employers by comparing the proportion of each country's quota in 2007**

Country	2007		
	Labor	%	Rank
Vietnam	11,507	34.16	1
Philippines	5,928	17.60	2
Thailand	5,798	17.21	3
Mongolia	2,642	7.84	5
Indonesia	4,343	12.89	4
Sri Lanka	2,194	6.51	6
China	403	1.20	7
Uzbekistan	275	0.82	9
Pakistan	365	1.08	8
Cambodia	198	0.59	10
Nepal	34	0.10	11
Myanmar	-	-	-
Kyrgyzstan	-	-	-
Bangladesh	-	-	-
East Timor	-	-	-
<b>Total</b>	<b>33,687</b>	<b>100</b>	



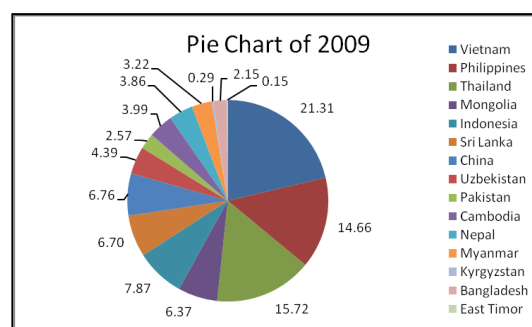
**Table 6.5: Analysis of the demands of employers by comparing the proportion of each country's quota in 2008**

Country	2008		
	Labor	%	Rank
<b>Vietnam</b>	19,707	26.27	1
<b>Philippines</b>	6,289	8.38	5
<b>Thailand</b>	9,287	12.38	3
<b>Mongolia</b>	4,775	6.36	6
<b>Indonesia</b>	12,304	16.40	2
<b>Sri Lanka</b>	7,163	9.55	4
<b>China</b>	1,833	2.44	11
<b>Uzbekistan</b>	4,492	5.99	7
<b>Pakistan</b>	2,355	3.14	9
<b>Cambodia</b>	2,793	3.72	8
<b>Nepal</b>	2,014	2.68	10
<b>Myanmar</b>	67	0.09	14
<b>Kyrgyzstan</b>	451	0.60	13
<b>Bangladesh</b>	1,494	1.99	12
<b>East Timor</b>	-	-	-
<b>Total</b>	75,024	100	



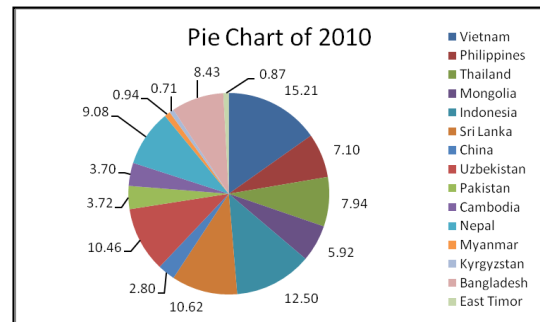
**Table 6.6: Analysis of the demands of employers by comparing the proportion of each country's quota in 2009**

Country	2009		
	Labor	%	Rank
<b>Vietnam</b>	13,497	21.31	1
<b>Philippines</b>	9,282	14.66	3
<b>Thailand</b>	9,957	15.72	2
<b>Mongolia</b>	4,032	6.37	7
<b>Indonesia</b>	4,981	7.87	4
<b>Sri Lanka</b>	4,244	6.70	6
<b>China</b>	4,281	6.76	5
<b>Uzbekistan</b>	2,779	4.39	8
<b>Pakistan</b>	1,628	2.57	12
<b>Cambodia</b>	2,524	3.99	9
<b>Nepal</b>	2,445	3.86	10
<b>Myanmar</b>	2,037	3.22	11
<b>Kyrgyzstan</b>	181	0.29	14
<b>Bangladesh</b>	1361	2.15	13
<b>East Timor</b>	94	0.15	15
<b>Total</b>	63,323	100	

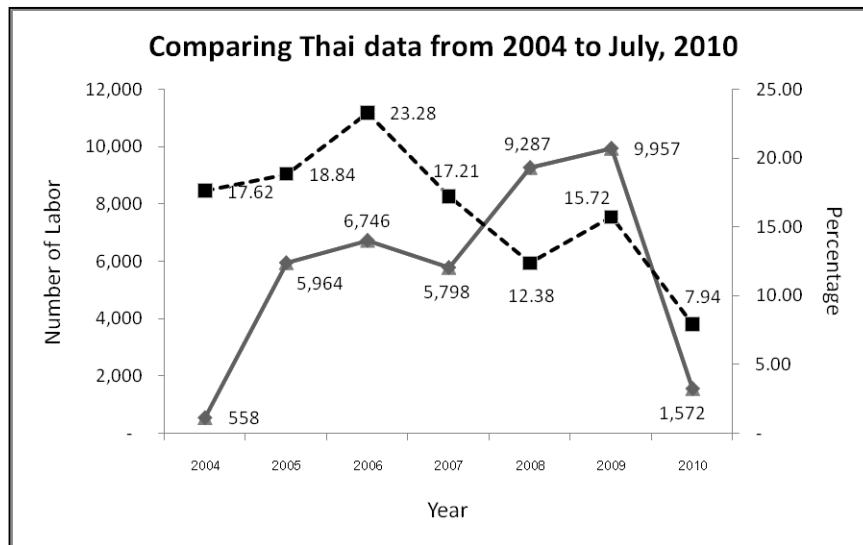


**Table 6.7: Analysis of the demands of employers by comparing the proportion of each country's quota from January to July in 2010**

Country	2010		
	Labor	%	Rank
Vietnam	3,013	15.21	1
Philippines	1,407	7.10	8
Thailand	1,572	7.94	7
Mongolia	1,172	5.92	9
Indonesia	2,475	12.50	2
Sri Lanka	2,103	10.62	3
China	555	2.80	12
Uzbekistan	2,071	10.46	4
Pakistan	737	3.72	10
Cambodia	733	3.70	11
Nepal	1,799	9.08	5
Myanmar	187	0.94	13
Kyrgyzstan	141	0.71	15
Bangladesh	1,669	8.43	6
East Timor	173	0.87	14
<b>Total</b>	<b>19,807</b>	<b>100</b>	



In conclusion, from all tables and pie charts, it is clearly to see that Thailand is a country which Republic of Korea demands to hire foreign workers as the top ranking. Thailand is ranked as 1st-3rd consistently since the EPS has established by the MOEL (except for a case of year 2010 because the information was only available until July. Hence, the numbers could not be used to analyze correctly like other years.) Moreover, according to information from the MOEL, it is claimed that Korean employers are satisfied with Vietnam labors more than other countries because Vietnamese are disciplined and a high tolerant. Most Vietnamese workers are still at a young age, so they can learn both work field and Korean language quickly. Plus, the Vietnamese preparation system for workers who decided to work in ROK has a very high cost (about 3000 us dollars per one). Therefore, Vietnamese workers who apply to work under this system are diligent, highly tolerant and received high scored from EPS-TOPIK. This may be the result of an in advance investment of workers themselves.



**Figure 3: Comparing Thai's data from 2004 to the end of July, 2010**

- The dotted line is a ratio of the number of Thai people compared to the number of foreigners that MOEL employed in that given year.
- The solid line is the number of Thai workers each year that the MOEL has employed.

In conclusion, a trend of the ratio of employment for Thai workers during the first three years had increased significantly because the number of countries which South Korea employed still had a small number at that time. After 2007, it is obvious that the graph has declined rapidly. Since the Republic of Korea has employed more various countries, an employment quota from Thailand has been shared to other countries. For 2010, it still could not be predicted how the trend is going to be as the available data is only seven months.

Due to the fact that the number of the foreign worker who live and work in South Korea are likely to increase, this ascending number of foreign workers who move to South Korea implies more problems occurred as a consequence such as the problem of illegal foreign workers refusing employment contract, workers escaping from employers, fighting, gambling, drugs etc. The main cause of such problems is the fact that foreign workers find it difficult to adapt themselves to Korean society and

to environment. In a more severe case, the workers cannot understand Korean culture, unable to communicate in Korean with the employer as their level of Korean language proficiency is low. This indeed is an obstacle for both employees and employers

According to the recent information from the Ministry of Employment and Labor of South Korea, Bangladeshi workers are able to efficiently develop Korean language proficiency comparing to other 14 countries. As only Bangladeshi people developed strength in this aspect, implying the reason why the Bangladesh's rate of the re-employment is ranked the 2<sup>nd</sup> (92.2%), yet 2.1 points less than Pakistan. However, Thailand is left far behind at 9<sup>th</sup> place.

By comparing and analyzing strengths and weakness of labors from 15 countries, it is possible to conclude that despite the appropriate or qualities which are required by the work, the ability to communicate by Korean Language is the most important and preferred by the employers.

It is clear that the most demanding quality required by the employers is the skilled labor who can work efficiently both in respect to quality and quantity since the goal or target has been set ahead. Unfortunately, foreign workers who work under the EPS cannot meet the employer as they placed high expectation while causing problems and difficulties for the employers to solve.

As the foreign worker develop a low level of Korean language proficiency (and it is challenging for them to meet the set standard) while the problem of lacking effective means of communications between the employers and employee remains. Thus, it is difficult for the employers to make decisions when later hiring new foreign workers. Moreover, some of the employers are specifically looking for the skilled labor as their target rather than hiring the un-skilled labor because the foreign labor cost less and able to work effectively.

Nevertheless, Republic of Korea has officially requested cooperation from 15 countries in solving the problem of illegal foreign workers, illegal employments and workers escaping from employers as these are the main problems which Korean government needs to solve. If such problems remain unsolved, then an expanded quota of employment in the future is less likely to be made.

Here are the current situations and problems of Thai workforce in South Korea. There are problems with employers: when injured or sick, workers often fail to receive proper medical or health care. They also cannot withstand working outdoors in a harsh cold weather. Certain numbers of Thai workers have to overwork, often exceed their capacities that cause health risks and illness, employer delays payments or forces workers to overwork without receiving overtime payment. And in case of female workers, they were abused, sometimes sexually by employers.

Moreover, Thai workforce claimed to rank first of the 15 countries whose workers refuse employment contract. The Ministry of Employment and Labor (MOEL) of Korea has ceaselessly received complaints from employers who have strictly followed the foreign worker's selection process in every step. However, they revealed, foreign workers refused the employment contract or cancel a flight to Korea. Notwithstanding, these Thai workers have shown up in the first place. This result might cause a bad image of Thai workers, yet making it difficult to publicize Thai workers for the employers as well. Nevertheless, Thai work force continues to escape from the employers at the second-highest rank (less than that of Mongolia). Some of Thai workers escaped on the first day arrived at Incheon International Airport of Korea while other workers ran away from the employers shortly after arriving at the working location.

As Thai workers do not like to join activities that held for foreign workers by government or privates such as sporting, language and cultural events whose purpose were to inform news or useful information. Consequently, they neither understand nor aware of such information. This lack of access later causes problems between the worker and the assisting organizations in that when the worker face problems, they do not have enough confidence or courage to ask for help from privates or government agencies. This is one of the issues that can incur suffering upon Thai workers. It also deems a reason which might pressurize Thai workers to escape from the employers, soon becoming illegal workers.

Thai workers cannot communicate with the employers. This indeed deems an obstacle for both employees and employers. Nonetheless, when gather together, Thai workers tend to engage in fight, alcohol, gambling and drugs comparing to other

foreign workers. Thus, this kind of problem might irritate their employers. Also, Thai workers cannot adapt themselves to the work environment and cannot withstand the 3D works. (3D: Dangerous, Dirty and Difficult) as well as Thai workers encounter the problem of disguising their identity as tourist in order to work illegally. This problem directly impacts the consideration of Thai workers quota for exporting to ROK. It likewise affects the image of Thailand. Finally, the problem which TOEA has received from MOEL was about changing employers without any reason. The Korean government regarded it as unfair to those employers who want to hire workers under EPS system.

These abovementioned problems are significant mechanism which caused the employers, the MOEL and the Korean government to make a consensus that it was a crucial problem and it should be managed and enhanced as a policy.

On 16th of September 2009, Bill for the amendment of the Act on Employment of Foreign Workers, etc was passed at the National Assembly. This renewed Employment Law had clearly specified that the employers have the right to continually hiring foreign workers for 5 years without allowing them to return to their home countries in order to applying for their visa extension.

Basing on the System theory, inputs may be further classified into Demands and Supports.

- Demand: the need holds social values and position which are regarded as components of political process, at the same time, providing justification in that once individual no longer thrives for the society to satisfy their demands, then the application of a system which authoritatively distribute values to the society is futile.

In this research, demands are roughly divided into two types:

(1) Demand arises from requests of the employer who wants to provide a stable employment in order to reduce costs on both employers and employees



And (2) demand which the Korean Government considers a necessary issue and brings it into the State Council by introducing it in the form of policy, then transforming into new employment law.

- Support: the second type of input was support. Support implies certain meanings to the political system that is affection, confidence and trust. Once the demand is satisfied, specific support is presented in return.

In this research, support refers to cooperation from employers who seek to employ foreign worker. It is suggested that those employer should first make an attempt to fill in their vacancy with local Korean worker. However, if the attempt failed, the employer should contact the competent Job Center under the Ministry of Employment and Labor to issue an employment permit. Through the online network ([www.eps.go.kr](http://www.eps.go.kr)), the Center then directly recommends foreign job seekers to the employers and the employers select the qualified foreign worker from the recommended candidates.

In conclusion, the reasons why South Korea decided to change certain parts of the Employment Law, then passed the bill for the amendment of the Act on Employment of Foreign Workers, etc are: (1) the results of demands and requirements from the employers who prefer to continuously hiring foreign workers in order to reduce the cost and the expense on both employers and employees themselves (2) reflecting the genuine needs and expectations of the employers that is the employers are likely to hire the qualified and skilled labors in order to prevent the problem of refusing employment contract, workers escaping from employers, fighting, gambling, drugs and the lack of the ability to communicate in Korean language.

All legal workers from 15 countries who were exported to South Korea (doubtless, Thailand is included as well) have to learn to adapt themselves to the new Employment Law. As for Thai labor force, not only that they have to adapt ourselves in order to get used to the new Employment Law, but they also have to improve themselves in order to develop more useful abilities or meet the standard level. Moreover, it is important to remind the significance of the Korean culture and Korean language as these are the key to success for working there. As a result, Thai workers

will gain more knowledge and efficiency. To the least extent, the Thai workforce should improve their labor skills in order meet the set standard and requirements enforced by the EPS under Korean government, so that they can be proud in promoting the Thai labor force as a high quality skilled labors who are preferred by the employers in the labor market.

## **2. Process**

Before explaining the process of the Korean proposed policy and legislation, politics and government of ROK are introduced here in order to aid understanding and visualizing the overall concept briefly.

ROK's governing system is a Liberal Democracy Republic including the President as the head of state. ROK maintain the Constitution as basic law and it was firstly promulgated on July 17, 1948. The Constitution has been amended nine times and the last constitutional amendment was in 1987. ROK's Liberal Democracy Republic consists of court, executive and legislative branches

In this first section of process part, scope and responsibility of each unit is briefly introduced.

**Legislature (National Assembly)** As the constitution allows the National Assembly to use the legislative power, South Korea's National Assembly is a single council consisting of 299 members who 2 out of 3 came from direct selection while the other members came from appointment from the allocated proportion of the party that was elected by people. The National Assembly has a term of 4 years. They will select 2 the Speaker and the Vice-Speaker later.

According to the constitution, the National Assembly can impeach the Prime Minister and the President if 1/3 of the members of the National Assembly proposed and the members of majority approved the proposal. In case of the President impeachment, the majority has to propose the

impeachment and 2/3 of the members of the National Assembly have to agree and approve.

In the second section, diagram which illustrates steps in order to propose policies and legislation in South Korea is presented.

The administrative process, management and changes in certain parts of the policy consist of an Amendment of Employment Act: the proposed policy, the procedure and the legislative process of South Korea.

**President** President is the Chief of Executive who was elected directly by people in the state. With 5 years term to administer, the President can not apply for a candidate again at the second run.

The power and duty of the President are the following:

1. The president is the leader (head) of the state and representative of the country for both state and International relations. The President takes a responsible in welcoming the state's guest or diplomats, envoys, appointing insignia and the Medal of Honor as well as leading worship and pardon. The important part of the President's duty is to protect national sovereignty, independence, dignity and the state's territory. Using peaceful means to unite with North Korea in order to create peace on the Korean peninsula is also one of the significant roles of the President as well.

2. As the chief of executive, the President takes a responsible in promulgating for laws which were previously passed at the National Assembly; meanwhile; launching the Act and other requirements in order to make a legal action. The President also retains supreme power to lead the State Council while monitoring the consultant organizations, high-level agencies or departments. Moreover, the President has the right to appoint the Prime Minister, the head of the Bureaucracy and High-level political organizations.

3. The President is the military's commander-in-chief. By holding this position, the President has the authority to formulate or assign the military's policies including the power to declare war as well.

4. Under the Presidential system of South Korea nowadays, the President is the leader of his or her political party where he also has the right to appoint members of the party, assigning significant roles in the party. Nevertheless, the President takes a responsible in consultation or discussions with the party about the selection and appointment for individual who suits the position of senior executive.

5. President is the leader in policymaking process and sets him/herself as the leader for drafting laws, then he/she explains the proposed legislation to the National Assembly (or the written document accepted). According to the constitution, the President has no right to dissolve the National Assembly as the National Assembly can impeach and remove the President.

6. The President retains complete authority to deal with internal crisis such as turmoil and riots as well as foreign threats, natural disasters, severe economic problem and financial crisis. The President can issue the Decree or declare state emergency in order to resolve the problems.

7. The President can declare state emergency in case of war, battle or any crisis. The declaration of state emergency must be approved by the National Assembly along with the President's consent the representative of state as well.

The current President of South Korea is Mr. Lee Myung-bak who was appointed on February, 25th 2008 up to the present.

**The State Council** In terms of national decision making and problem solving, such are made under the power of the State Council who is in charge of consultation and the national policy formulation and activities' consensus. The State Council is similar to the Cabinet of Thailand in that they consist of ministers around 15-30 positions, the President is the executive (or leader) and the Prime Minister is the Vice-President. When the Council of State has reached all approvals, the President will be the person who finalize and approve the decision, then declare the announcement to public.

Nowadays, the State Council consists of the President, Prime Minister and 17 ministers. The total of the set is 19 people.

The convention on the main national policies of the State Council will be carefully proposed, then they will present them to the President for final decision before declaring to public. In other words, it is probable to view the State Council as an advisor to the President because of the obligation under the constitution that the State Council is not an organization, hence, unable to make any decisions. As section 89 of the constitution specified the State Council's duties only to advise the President in these following subjects:

- Making amendments to the constitution, proposals on national affairs, draft of the treaty, draft of the laws and draft of the decree.
- Developing national plans and policies of the department, affair and ministry.
- Formulating policy and ask cooperation from each ministry.
- Evaluating and analyzing the progress of important policies of the state.
- Making general plan for the allocation of executive power.
- Restructuring management and administration of each ministry.
- Drafting national budget (an annual government statement of expenditure) close budget, cancel properties of the state and make financial commitments or plans of the State.
- Appointing Attorney General, Chancellor of University, Ambassador, the Commander of the Army and Officials including the Director of the enterprises who are under the law.
- Declaring war, signing peace treaty and negotiating International affairs.

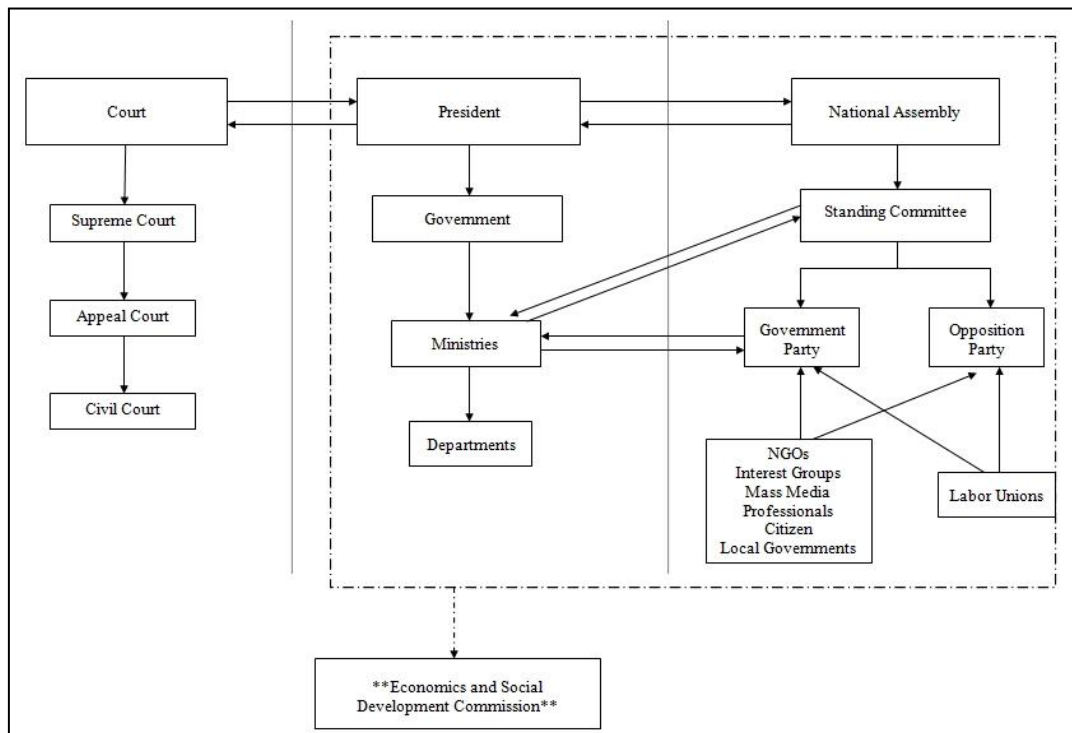
- Assisting the President's command in crisis or in terms of fiscal crisis and economy of the state including the announcement or termination of the emergency.
- Requesting for extra convention on the National Assembly
- Considering petition and submitting the petition to the administration in terms of government's policies.
- Dissolving political parties.
- Pardoning, grace or prerogative of mercy.
- Assisting the military's important or exclusive acts.
- Awarding the Medal of Honor.
- Any other business that the President, the Prime Minister and members of the State Council proposed to consider.

**The Ministry of Labor and Employment** By 1963, the Labor Administration (the precursor to the Minister of Labor (MOL) was launched as part of the Republic of Korea's first 5 year economic development plan whose aims were to accelerate social and economic developments.

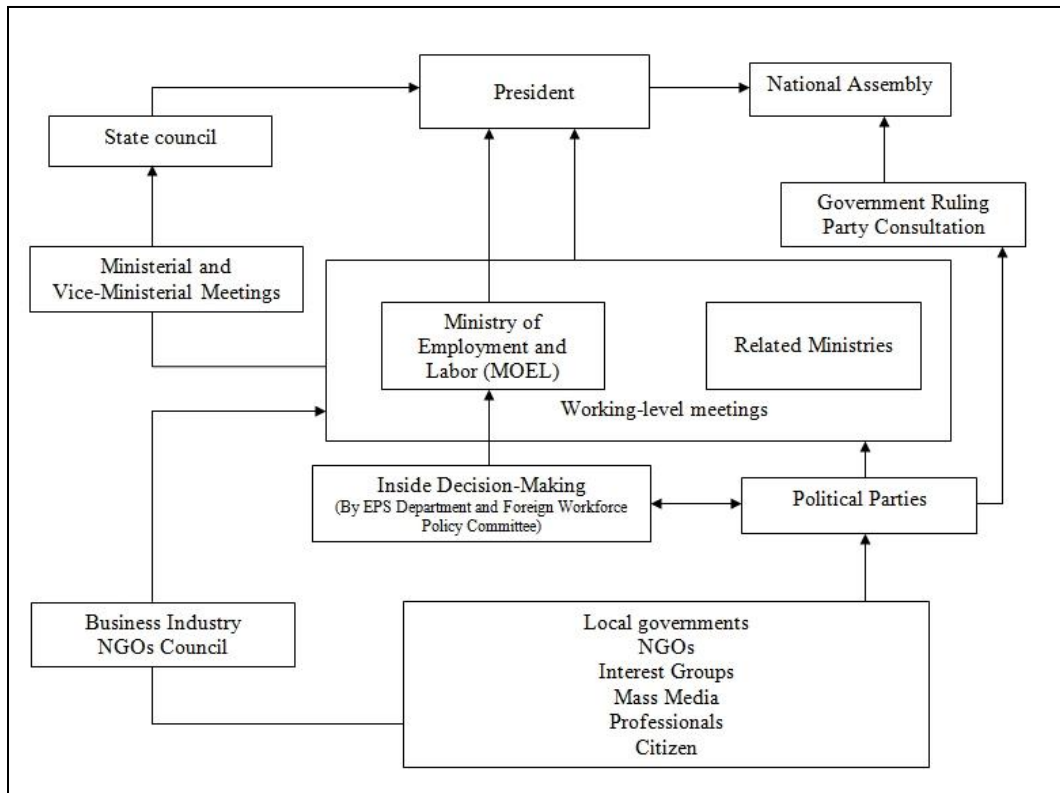
However, by 1981, the Labor Administration was improved to be the Ministry of Labor whose responsibilities were to handle tasks concerning employment and labor including labor standards, job security, vocational training, unemployment measures, employment insurance, industrial accident compensation insurance, employee welfare and benefits, industrial relations, etc. By July 2010, the Ministry of Labor was officially renamed as the Ministry of Employment and Labor (MOEL).

**EPS Department** In 2004, the Employment Permit System (EPS) was recommended in hope to ensure the local Korean workforce of employment opportunities while seeking to solve the problem of labor shortages and human rights infringement on the foreign workforce in SMEs.

**Foreign Workforce Policy Committee** This committee is in charge of setting limit and determining number of the future foreign workers who are likely to come and work in Korea. However, the number is estimated according to the annual demand and supply trend.



**Figure 4: General scope of the process for an Amendment Act of New Employment Law.**



**Figure 5: Decision-Making Process of New Employment Law.** (Revised from Kim, B. C., and J. J. So. 2001. *Summer Conference of Korean Association for policy Studies*, 89-115. and Evan M, Berman, M. Jae Moon, and Heungsuk Choi. 2010. *Public Administration in East Asia: Mainland China, Japan, South Korea and Taiwan*, 363-364.



### **A Description of the Policy-Making Process: New Employment Law**

This part of research reports the process of making policy through the New Employment Law. The essence of this process is similar to any other policy spheres in that once employers, foreign labors and social problems are acknowledged, the government then collects relevant information and address it on the policy agenda. Basing on the amassed data, the government formulates several plans, assesses its practicality and, finally, selects the most suitable one to solve the problems.

As for the foreign labor policy process, fundamental goals of the policy, reviews and coordinates related policies are laid out by the MOEL. The regulatory standards for implementation are likewise established through legislative function.

It is advised that certain parts of policy are only being discussed within the MOEL. Notwithstanding, the ascending number of policy programs need recommendation from both the employment-labor circle and from the related government officers. The MOEL later formulates its own proposal through internal discussion, collates and evaluates the proposal to different counterproposals by negotiating with numbers of midlevel managers. Then the integrated proposal will be presented at the top managerial-level meetings. Finally, policy decisions are finalized at the State Council as a protocol, receiving approval from the President to enter into force.

However, in many cases, the final decisions are altered as number of stakeholders demand to amend policy to their interest. Opinion of the majority often affects the consultation process. As for the minority, at the National Assembly, they have opportunity to raise their arguments regarding the policy issue by engaging in legislative activities and political pressures. Other stakeholders such as labor, NGOs, local governments and employers employ lobbying technique as a means to express their formal requests to the government offices in order to modify the outcome in favor to their interest.

Regardless of the fact that the MOEL is in charge of the overall decision-making process as well as the final outcome, the process is described with conflicts, negotiation, bargaining, and consensus forming among the policy stakeholders.

### **3. Output**

The recent changes in the policy's implementation and results of the amendment of the Act on Employment of Foreign Workers, etc which was passed at the National Assembly is taken as an output for this research.

#### **3.1 Amendment of Foreign Workers Employment Act in October 2009**

- Bill for the amendment of the Act on Employment of Foreign Workers, etc was passed at the National Assembly on September 16<sup>th</sup> 2009 and was promulgated on October 9<sup>th</sup> 2009.

- The Amended Act is to enter into force on April 10<sup>th</sup>, 2010, six months after the date of promulgation. However, provisions on the reemployment (Article 18-2) and the changing of workplace (Article 25) shall enter into force on Dec. 10<sup>th</sup>, 2009.

- Foreign Workforce Policy Division, Ministry of Labor, Enforcement Date of the Amended Act, Addenda

>> *Article 1 (Enforcement Date)*

This Act shall enter into force six months after its promulgation. However, revised provisions of Article 18-2 and Article 25 shall enter into force two months after the promulgation.

>> *Article 3 (Application of Special Cases for the Restriction on Employment Period)*

The revised provision of Article 18-2 shall apply from when the employer applies for the reemployment of the foreign worker who has been employed under the previous provision of Article 18 (1) at the time of entry into force of this Act and his/her expiration of three year employment period draws after the entry of force of this Act.

>> *Article 5 (Transitional Measure for Labor Contract Period)*

In case the employer who had signed a labor contract pursuant to the previous Article 9 (3) at the time of entry into force of this Act signs or renews the contract pursuant to the revised Article 9 (3) after the entry into force of this Act, he/she can sign or renew a contract for a period in which the total labor contract term pursuant to the previous Article 9 (3) is subtracted from three years.

>> *Article 6 (Transitional Measure for Fine and Fine for Negligence)*

The previous provisions for fines and fines for negligence shall apply to actions subject to fines and fines for negligence that took place before the entry into force of this Act.

- Enforcement Date of the Amended Act

>> Amended Act is to enter into force from April 10<sup>th</sup> 2010 (six months after the promulgation).

>> However, provisions on the reemployment (Article 18-2) and the changing of workplace (Article 25) are to enter into force from Dec. 10<sup>th</sup>, 2009 (two months after the promulgation).

- Application of the provision on the reemployment

>> The provision on the reemployment to be applied for foreign workers who are being legally employed as of Dec. 10<sup>th</sup>, 2009 and whose expiration of three-year employment period draws after Dec. 10<sup>th</sup> given that his/her employer submitted a reemployment application.

>> The provision is to be applied to reemployment applications filed after Dec. 10<sup>th</sup>, 2009 by the employer.

- Labor contract period

>> The provision on the restriction on employment period is to be applied to labor contracts to be signed or renewed after April 10<sup>th</sup>, 2010.

**Tables 7: Comparison of the before employment law to the revised one.**

**Table 7.1: Reemployment (Effective from December 10<sup>th</sup>, 2009)**

Before	Revised
<p>Article 18-2 (Special cases for the Restriction on Employment Period)</p> <p>(1) If an employer makes a request before the foreign worker, who has been employed in the Republic of Korea pursuant to this Act and whose employment period of three years has expired, leaves the Republic of Korea, the period stipulated by Article 18 (2) may be reduced as prescribed by the Presidential Decree for the relevant foreign worker.</p>	<p>Article 18-2 (Special cases for the Restriction on Employment Period)</p> <p>(1) Notwithstanding Article 18 (1), the foreign worker pursuant to the following subparagraph <u>shall be granted extension of employment period within two years for one time only.</u></p> <p><u>1.The foreign worker who is employed by the employer who was issued the employment permit pursuant to Article 8 (4) and for whom the employer applied for reemployment to the Minister of Labor before he leaves upon the expiration of three year employment period pursuant to Article 18.</u></p> <p><u>2.The foreign worker who is employed by the employer who was issued the special employment permit pursuant to Article 12 (3) and for whom the employer applied for</u></p> <p><u>reemployment to the Minister of Labor before he leaves upon the expiration of three year</u></p> <p><u>employment period pursuant to Article 18</u></p>

<p>(2) Article 7(2) and Article 11 shall not be applied to the foreign worker who reenters the Republic of Korea and is employed pursuant to paragraph (1).</p> <p>(3) Other necessary matters such as employer's request procedure, etc. in relation to paragraph (1) may be prescribed by the Ordinance of the Ministry of Labor.</p>	<p>&lt;Deleted&gt;</p> <p>&lt;Deleted&gt;</p> <p>(2) Necessary matters concerning the procedure for the reemployment request by the employer pursuant to paragraph (1) shall be prescribed by the Ordinance of the Ministry of Labor</p>
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**Summary:** Foreign workers' employment contract period is now extended and special employment permit is now granted to the employed foreign workers.

**Table 7.2: Changing Of Workplace (Effective from December 10<sup>th</sup>, 2009)**

<b>Before</b>	<b>Revised</b>
<p data-bbox="284 427 831 517">Article 25 (Permission for Change of Business or Workplace)</p> <p data-bbox="284 562 831 1093">(1) In case a foreign worker is difficult to continue his/her normal employment relationship in a business or workplace due to situations falling under any of the following subparagraphs, the foreign worker may apply to an Employment Security Office for a transfer to other businesses or workplaces under the conditions prescribed by the Ordinance of the Ministry of Labor:</p> <p data-bbox="284 1447 384 1480">1. ~ 3. ~</p> <p data-bbox="284 1529 432 1563">&lt;Created &gt;</p> <p data-bbox="284 1612 312 1646">4.</p>	<p data-bbox="853 427 1401 517">Article 25 (Permission for Change of Business or Workplace)</p> <p data-bbox="853 562 1406 1317">(1) The foreign worker who is employed by the employer who obtained an employment permit pursuant to Article 8 (4) and the foreign worker who is employed by said employer and whose employment period is extended pursuant to Article 18 (2) may apply to the head of the Employment Center for transfer to another business or workplace in accordance with the conditions prescribed by the Ordinance of the Ministry of Labor if employment relations cannot be maintained due to reasons falling under the following subparagraph:</p> <p data-bbox="853 1447 1134 1480">1. ~ 3. (Not changed)</p> <p data-bbox="853 1612 1078 1646">5. (Not changed)</p> <p data-bbox="853 1771 1090 1805">(2) (Not changed)</p>

<p>(2) ~</p> <p>(3) In case a foreign worker has failed either to obtain permission to change his/her workplace pursuant to Article 21 of the Immigration Control Act <u>within two months</u> of applying for a change of business or workplace pursuant to paragraph (1), or to apply for a change of business or workplace within one month of the termination of his/her labor contract with the employer, the foreign worker shall depart from Korea.</p> <p>&lt;Created and added&gt;</p> <p>(4) A foreign worker shall not transfer to other businesses or workplaces as prescribed in paragraph (1), in principle, more than three times during the period of sojourn prescribed in Article 18 (1);</p> <p>&lt;Created and added&gt; ~</p>	<p>(3) In case the foreign worker failed either to obtain permission to change his/her workplace pursuant to Article 21 of the Immigration Control Act <u>within three months from the date of applying for a change of business or workplace</u> pursuant to paragraph (1), or to apply for a change of business or workplace within one month from the date of termination of his/her labor contract with the employer, he/she shall depart from Korea. <u>However, if he/she cannot obtain permission to change workplace or apply for a change of workplace due to reasons such as industrial accidents, illness, pregnancy, or childbirth, the three months or one month time period will be counted from the day the reason disappears.</u></p>
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<p>provided, that this shall not apply in case there are inevitable reasons prescribed by the Presidential Decree.</p>	<p>(4) The foreign worker's change of business or workplace pursuant to paragraph (1) shall not exceed three times during the period prescribed in Article 18 (1) and <u>two times during the extended period prescribed in Article 18 (2)-1 (the change of business or workplace due to the reasons prescribed in Article 25 (1)-2 shall not be counted).</u></p> <p>However, this provision shall not apply in case where there are inevitable reasons prescribed by the Presidential Decree.</p>
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**Summary:** The Ministry of Labor is now in charge of worker transfer, the permission period is now extended to 3 months time, excluding inevitable causes such as accident, pregnancy and childbirth and foreign worker is now prohibited from changing workplace more than 2 times during the extended period, except for inevitable reasons.

**Table 7.3: Signing Of Labor Contract (Effective from April 10th, 2010)**

<b>Before</b>	<b>Revised</b>
<p>Article 9 (Labor Contract)</p> <p>(1) ~</p> <p>(2) An employer who intends to sign a labor contract pursuant to paragraph (1) may have a proxy determined by the Presidential Decree conduct the process.</p> <p>(3) The term of the labor contract shall not exceed one year: provided, that the labor contract may be renewed for a period not exceeding that prescribed in Article 18 (1), and in this case, the term of each renewed contract shall not exceed one year.</p> <p>&lt;Created&gt;</p>	<p>Article 9 (Labor Contract)</p> <p>(1) ~</p> <p>(2) The employer who intends to sign a labor contract pursuant to paragraph (1) may entrust the signing of the contract to the Human Resources Development Service of Korea Pursuant to the Human Resources Development Service of Korea Act</p> <p>(3) The employer who obtained employment permit pursuant to Article 8 and the foreign worker may <u>conclude or renew a labor contract for a period decided by mutual agreement within the period pursuant to Article 18 (1).</u></p> <p>(4) <u>The foreign worker whose employment Period is extended pursuant to Article 18 (2) and the employer may sign a labor contract within the extended employment period</u></p> <p>(5) ~</p>

**Summary:** Employer is now required to receive the signing of contract from the Human Resources Development Service of Korea before hiring foreign workers. And the working period of a renewed labor contract is now based on mutual agreement between the employer and the worker.

**Table 7.4: Cancellation of Employment Permit & Restriction on Employment (Effective from April 10th, 2010)**

Before	Revised
<p>Article 19. (Cancellation of Foreign Worker Employment Permit)</p> <p>(1) In case an employer falls under any of the following subparagraphs, the Minister of Labor <u>may issue an order to cancel the foreign worker employment permit prescribed in Article 8</u> under the conditions prescribed by the Presidential Decree.</p> <p>3. In case <u>an employment permit</u> is obtained in false or other fraudulent ways;</p> <p>1. In case an employer has violated wages and other labor conditions promised in a contract made before entry;</p> <p>2. In case maintaining a labor contract is considered difficult due to overdue wages and the employer's violation of other labor-related laws.</p>	<p>Article 19. (Cancellation of Employment Permit or <u>Special Employment Permit of Foreign Workers</u>)</p> <p>(1) <u>The head of the Employment Center may cancel the employment permit pursuant to Article 8 (4) or special employment permit pursuant to Article 12 (3)</u> in accordance with the conditions prescribed by the Presidential Decree for the employer who falls under the following subparagraph:</p> <p>1. In case the employer obtained the employment permit or <u>special employment permit</u> in false or other fraudulent ways;</p> <p>2. In case the employer violated the terms of the labor contract including wage and other labor conditions signed before the entry of the worker; or</p> <p>3. In case maintaining the labor contract is deemed difficult due to overdue wages and other violations of labor-related laws by the employer.</p>

<p>Article 20 (Restriction on Employment of Foreign Workers)</p> <p>(1) <u>The Minister of Labor</u> may restrict employers who fall under any of the following subparagraphs from employing foreign workers for three years from the date of the incident:</p> <p>1. Those who employ foreign workers <u>without obtaining an employment permit pursuant to Article 8 (4);</u></p> <p>2. Those whose <u>employment permit has been cancelled pursuant to Article 19 (1);</u></p> <p>3.- 4. ~</p>	<p>Article 20 (Restriction on Employment of Foreign Workers)</p> <p>(1) <u>The head of the Employment Center</u> may restrict an employer who falls under the following subparagraph from employing foreign workers for three years from the date of its occurrence:</p> <p>1. <u>The employer who hired a foreign worker without obtaining the employment permit pursuant to Article 8 (4) or the special employment permit pursuant to Article 12 (6);</u></p> <p>2. <u>The employer whose employment permit or special employment permit has been canceled pursuant to Article 19 (1);</u></p> <p>3.- 4. ~</p>
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**Summary:** The head of the Employment Center is now in charge of dismissing the employment permit according to certain violations such as overdue wages or other illegal acts. And the head of the Employment Center is now in charge of overseeing the employer's conduct and dismiss them under circumstances such as illegal employment.

***Others (Effective from April 10th, 2010)***

- In the revised Act, provision is created for assessing skills of the foreign workers which will be used as selection criteria along with the Korean language proficiency test. (HRD Korea will be in charge of the skill test)
- In case ethnic Koreans with foreign nationality (H-2 visa holders) express the intention to work in Korea, the Minister of Labor can provide employment information before they enter Korea.
- Provision is created for establishing a Consultative Body for Protection of Foreign Workers' Rights.

***\*Note: All of these data were adjusted and revised Amendment of the Act on Employment of Foreign Workers, etc October 2009, Foreign Workforce Policy Division, Ministry of Labor, Republic of Philippines***

In conclusion, the Bill for the amendment of the Act on Employment of Foreign Workers, etc was passed at the National Assembly on 16th of September 2009 and entered into force on April 10<sup>th</sup>, 2010 (except the case of changing work places and re-employment). This renewed Employment Law had clearly specified that the employers have the right to continually hiring foreign workers up to 5 years without allowing them to return to their home country in order to apply for their visa extension. This New Amendment Employment Law was put into effect on the 10<sup>th</sup> December 2009.

## **4. Impact**

Impacts which are affected the target groups. The target group consists of the Thai labors system and Thai labor forces. The Public Overseas Placement Section (EPS) under the control of TOEA, the Ministry of Labor Thailand represents the Thai labors system (or government sector).

The analysis of results are divided into 2 parts: (1) qualitative analysis of the interview the government sector, (2) qualitative analysis of the interview with Thai labor forces: (2.1) Thai workers who previously went to work in ROK under the EPS and (2.2) Thai workers who never been to ROK before and decide to work under the EPS and (2.3) qualitative analysis of Thai workers who are not going to ROK.

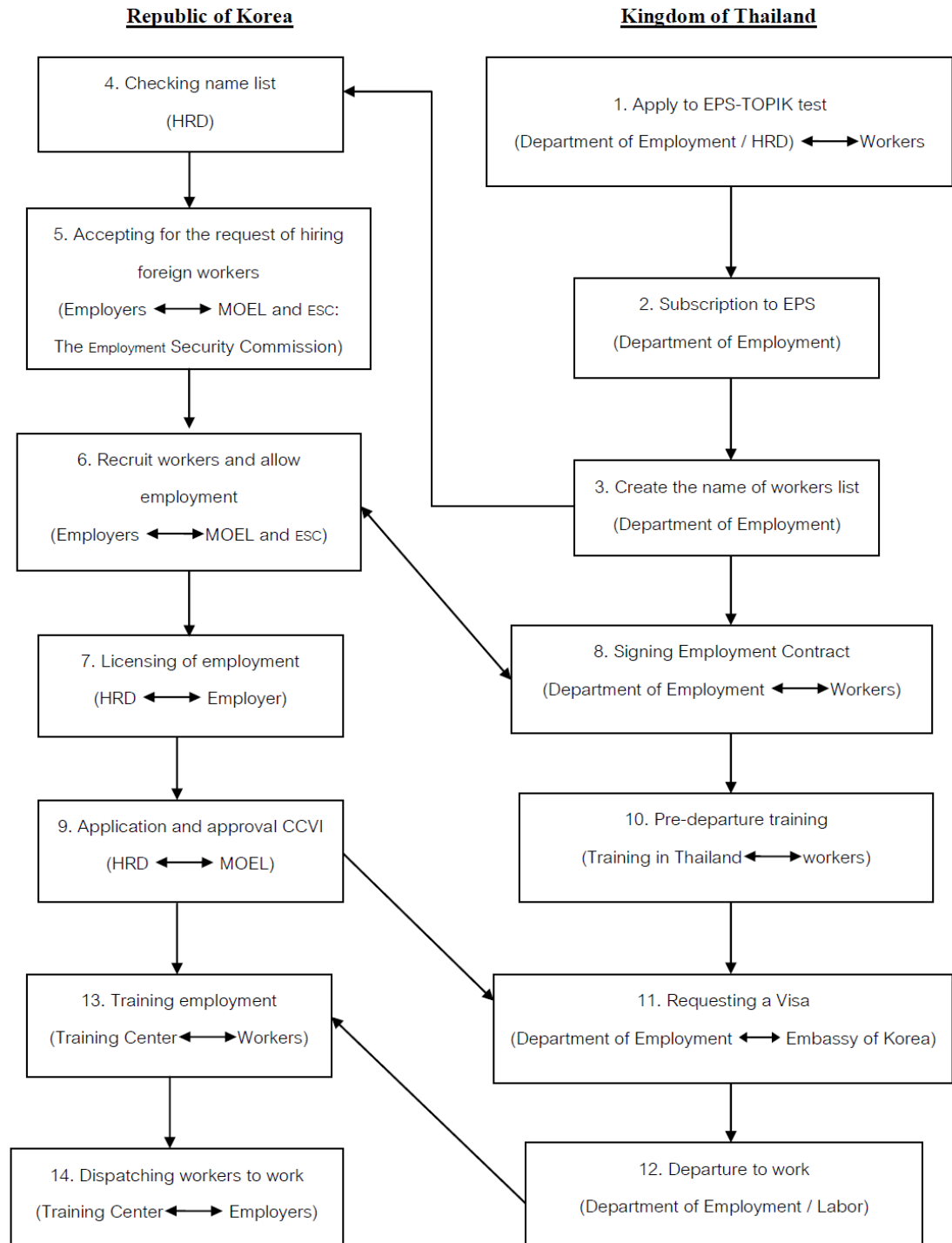
### **Part 1: Qualitatively analyze the interview with Government sector**

For this section , the presented analysis is concluded based on formal interviews with Mr . Thanabhume Chairerk – the EPS’s official who is in charge of Thai Labour exportation to Republic to Korea . He is the head of the Public Overseas Placement Section (EPS) under the control of TOEA.

Working in the Republic of Korea under the EPS system is exportation between state to state. Sector which is accountable for labor dispatch is the Department of Employment and Ministry of Labor, and the sector which approves those labors is the HRD Korea.

This process, dispatching Thai workers to work in Korea under the EPS system will presented as a diagram in order to see an overall perspective and make it easy to understand, as follows:

**Figure 6: The Process of Dispatching Thai Labors**



As for the EPS-Tests of Korean language (EPS-TPOIK) to apply for working abroad in the Republic of Korea under the EPS that come from a memorandum of understanding (MOU) between Ministry of Labor of Thailand and the MOEL, it is said that any workers who will be selected from employers to sign an employment contract under EPS must pass EPS-TOPIK.

In the early stage, year 2005 – 2007, the MOEL gave out an authority to the International Korean Language Foundation (IKLF) to take responsibility in organizing an EPS-TOPIK in Thailand and each worker has to pay fees for 30 US dollars (1,000 Baht) to apply for a test. From 2008 onwards, the MOEL took the responsible in organizing an EPS-TOPIK back, then gave the responsibility to the Human Resources Development (HRD Korea) instead and the HRD Korea is the organization who is responsible for an EPS-TOPIK in Thailand up until now. In the year 2011, the test fee has become lower to only 24 US dollars (750 Baht). In addition, the Department of Employment also supports examination arrangement which HRD Korea has been organizing as well.

**Summary of the procedure and process of the EPS-TOPIK:**

1. To be consistent with the ability to maintain the demands of employers and to accommodate quotas which Thailand has received from the MOEL, HRD Korea in Thailand and TOEA discuss a plan of how an EPS-TOPIK should be annually organized. (In order to make the MOEL dispatch the information of qualified examinees to Korean employers who want to hire foreign workers, take a selection and sign a contract.)
2. HRD Korea specifies detail and announces EPS-TOPIK.
3. Department of Employment announces recruitment for examinee who decides to take an EPS-TOPIK mentioned above.
4. Department of Employment takes responsibility in co operations and arrangements in providing places and staffs to organize the EPS-TOPIK with HRD Korea.



5. HRD Korea is responsible for organizing an EPS-TOPIK and announcing the test's result.

EPS-TOPIK is a standardized test which is managed, created and published by HRD Korea. Each test has 50 items consist of listening test, 25 items (30 minutes) and reading test, 25 items (40 minutes). The qualified examinee must score no less than 40 percent. To make it more understandable, candidate who receives more than or equal to 80 points from the score of 200 points is qualified. (In other words, the person who has the right answer is more than or equal to 20 questions from 50.)

**Table 8: A table indicates the test's result of Korean language (EPS-TOPIK) for working at the Republic of Korea and the chosen contract according to the employment of foreign workers that occurred in Thailand for 10 times (from 2004 to 2010)**

order	Date/Month/Year	Candidate (person)	Examinee (person)	Pass (person)	Pass Rate (%)	Apply to work (person)	Chosen contract (person)	Chosen Contract Rate (%)
1	11 September 2005	34,382	23,309	14,379	61.69	11,936	6,967	58.37
2	26 November 2006	22,811	21,850	9,970	45.63	9,090	6,193	68.13
3	3 June 2007	2,386	2,277	1,850	81.25	1,850	1,303	70.43
4	4 November 2007	8,741	8,391	6,862	81.78	6,594	3,459	52.46
5	9 November 2008	29,892	24,823	3,268	13.17	2,792	2,519	90.22
6	6 September 2009	7,412	6,228	1,253	20.12	1,151	963	83.67
7	9 May 2010	7,918	6,135	1,869	30.46	1,772	1,495	84.37
8	10 October 2010	1,612	1,324	486	36.71	449	438	97.55
9	28 November 2010	8,750	7,415	3,167	42.71	2,917	2,222	76.17
10	22 May 2011	8,130	6,580	3,297	50.11	3,138	110	3.51
total	10 times	132,034	108,332	46,401	42.83	41,743	25,669	61.49

**\*\*Note:** - From the first to the fourth were organized by IKLF

- From the fifth to the tenth were organized by HRD Korea

**\*\*Modified, revised and update the analysis section from the raw data of TOEA Office, Ministry of Labor Thailand.**

From the table above, it can be seen that the number of candidates and the examinees actually have quite difference. These resulted from (1) Candidates did not come to take an examination on the arranged date (2) Candidates are not punctual to come for taking an examination on time (3) Candidates went to wrong places (4) Candidates have no right to take an examination: ages limitation or have been stigmatized that he/she has cheated in the previous examination. Obviously, that in the 5<sup>th</sup> examination, the rate of qualified examinees was surprisingly down lower to 13.17% if comparing to the previous year. It is because of the change in the organization that takes responsibility for organizing EPS-TOPIK (from IKLF to HRD Korea).

Up to now, the organized EPS-TOPIK statistics has total of 10 times. In the early stage, an EPS-TOPIK which was arranged by IKLF led to a large number of qualified examinees/labors because the test is not reliable, not difficult and the process of managing examination was quite weak in order to recruit labors easily. After 2008, HRD Korea came to took over in arranging EPS-TOPIK which is a standardized test which is created by HRD Korea itself and the process of examination was very strict. Thus, it made the result of the passing examinee's rate become lower to 13% in the first early stage of changing an organization that is responsible for arranging EPS-TOPIK. Co-operating with the Department of Skill Development, the Department of Employment were trying to make an effort to develop workers for the preparation of the Korean Language Proficiency in many ways including promoting private sector to offer Korean Language courses and encouraging them to gain a shared value of the real responsibilities in the process of training and teaching workers to pass the examination effectively. After a while, the rate of qualified examinees rapidly grows up and for the latest examination, on 22<sup>nd</sup> of May 2011 the qualified examinee's rate was up higher to 50.11%. This clearly shows us that its works.

Moreover, the interview shows demands of Korean employers towards Thai workers. From 2010, quota which is a request from ROK towards Thai workers is rapidly increasing, meanwhile the number of the qualified for the EPS-TOPIK was less and was not enough to meet the request from ROK. So the Department of

Employment has to arrange the examinations more than one time per year. As for this year (2011), the examination will be held 3 times. However, the number of workers who passed the examination was less than the quota of the ROK which has been requested.

While demands from Korean Employer are high, the number of qualified Thai labors is low. Hence, the development of the Thai workers should be promoted in order to be more qualified. Not only the Department of Employment has to collaborate with the Department of Skill Development and private sectors in a task of a teaching Korean language, however, it is also crucial to let them promote awareness and recognition of learning Korean Language to Thai workers as well.

If Thai workers are not aware the significance of Korean Language, to work in ROK would be full of many difficulties such as unfamiliarity with Korean climate and atmosphere, lack of means to communicate with employers, colleagues and others. These also cause other problems ahead such as getting stressed out, drinking alcohols, gambling and including running away from the employers.

Nowadays, the number of Thai workers who are still working in the ROK under the legal employment contract is about 28,000 and this against Thailand revenue/income at least 5,000 million Baht per year. In addition, this still considers as a very good tool for Thailand's economy because it can reduce an unemployment rate, create jobs and opportunities for Thai workers who desire a steady income. Moreover, the EPS is also the main reason of reducing expenditures in charge of a fee by the recruitment agencies. (Fee was roughly calculated 250 million baht at least.)

In conclusion, detailed information derived from a formal interview with Mr. Thanabhume Chairerk - the head of the Public Overseas Placement Section (EPS) under the control of TOEA, made it clear of conditions that the Amendment of Korean New Employment Law did not caused such bad impacts upon the organization. It is because the Public Overseas Placement Section (EPS) under the control of TOEA was well-prepared and aware of the importance of training Korean Language for Thai worker who decided to work at ROK already. Not only TOEA has cooperated with the Institute of Skill Development and the Department of Skill Development, it also received aids from HRD Korea in a part of a well-responsible

organization for arranging EPS-TOPIK since 2008. The test fee is only 24 US dollars (750 Baht) and it is considered a cost reducing tool of the Thai government and Thai workers in a quiet satisfactory level.

Moreover, HRD Korea in Thailand and TOEA discussed a plan on how an EPS-TOPIK and Thai labor should be annually organized in order to be consistent with the ability to maintain the demands of employers and to accommodate quotas which Thailand has received from the MOEL more efficiency.

By all means, in the head of the Public Overseas Placement Section (EPS) under the control of TOEA's opinion, it is clear that the Amendment of Korean New Employment Law did not caused such bad impacts upon the organization, but only act as a strong support and a helping factor in promoting developments and preparations for Thai labors who decide to work in ROK consistently and more effectively.

## **Part 2: Qualitatively analyze the interview with Thai Labor Forces**

### **2.1 Thai workers who previously went to work in ROK under the EPS**

Formal interviews with 15 selected Thai workers who went to work in ROK under the EPS before made clear of the information on various dimensions and perspectives such as categories of works, rate of received wage, cost of the operation, duration of the work, needs and expectations of work and needs and expectations of EPS Thailand.

Here, in this part we will discuss all issues according to the above mentioned.

#### **- Category of work**

As the HRD Korea has already set out for recruiting and selecting for workers (by this means EPS-TOPIK), the categories of work consist of industrial, construction, agriculture - farming, agriculture - livestock, fishery and services. Then HRD Korea will dispatch the information of qualified examinees to Korean employers who want to hire foreign workers, take a selection and sign a contract. Dispatching labors to sign contracts directly by the Department of Employment is

beneficial to Thai workers because Thai workers do not have to pay any fee to recruitment agencies.

**- Rate of received wage**

Thai workers are also labor who live under the defined Labor laws ROK. In the latest Labor Law (2011) mentioned that minimum wage per hour is about 4,320 won. If you are working for 40 hours per month you receive 902,880 won. If you are working 44 hours per month you receive 976,320 won which is calculated into 27,000 – 29,000 Thai Baht.

**- Cost of the operation**

The fee for EPS-TOPIK is only 750 Baht and the rest are personal expenses which consist of (1) necessary expense for preparation before going to work at ROK and (2) personal expenses in the first month after entrance to ROK. Total is about 50,000 Baht.

**- Duration of the work**

For the first time, the duration of the work under contract is 12-36 months. However, if any workers can make re-employment contract, a working period will be extended but not over exceeding 4 years and 11 months.

**- Needs and expectations of work**

100% of the samples claimed that they want and expect to work in ROK again because of various reasons such as better wages, working to earn money for their family, need money to invest after making a trip back to Thailand and want exotic experiences. While others said that South Korea is considered a good choice in deciding to go to work because of cultural similarities if compared to other countries. In addition, some of the samples are already interested in different cultures and values of South Korea.

**- Needs and expectations of EPS Thailand**

100% of sample claimed that the administration and the management of the Public Overseas Placement Section (EPS) under the control of TOEA is already good

enough and they are also yearning for other agencies who take care of dispatching Thai workers to foreign countries to follow up the same standards as EPS Korea. They are reasoning that EPS Korea is a good role model, secured and less costly.

**- Additional information**

For the change of duration of employment contract which is resulted from the Amendment of New Employment Law, it is found that 85% of sample already knew about this period change. 100% of sample is satisfied with the extension of contract's period because reduces the cost of returning home for visa extension. They are also claimed that although the extension the period of employment is prolonging into 4 years and 11 months, if the employer is not good at him/her or the employer refuses to comply with the contract that specified earlier, he/she can request for change of employers at the agencies.

Some request the government or those agencies involved to improve the delay aids or help Thai workers after arriving at the working sites. (In case of illness, accident or are injured during work.)

Some request that the Public Overseas Placement Section (EPS) under the control of TOEA to help explaining to ROK that it is normal when Thai people changed his/her name because Thai people believe in superstition as the way of life. Meanwhile the ROK's officials are overly strict about these things causing the entry problems even though the workers had worked in ROK before and he/she can pass the EPS-TOPIK successfully.

**2.2 Thai workers who never been to ROK before and decide to work under the EPS**

15 selected Thai workers who never go to ROK before and decide to work in South Korea under the EPS but still have to wait for approval before visa from the embassy are the qualified worker who score no less than 40 percent. (To make it more understandable, candidate who receives more than or equal to 80 points from the score of 200 points is qualified.)

**- Needs and expectations of work**

100% of the sample found that they want and expect to work in ROK because of better wages, introduced by friend or family, new experience and travel.

**- Needs and expectations of EPS Thailand**

Most sample claimed that the administration and the management of the Public Overseas Placement Section (EPS) under the control of TOEA is already good enough and they are also yearning for other agencies who take care of dispatching Thai workers to foreign countries to follow up the same standards as EPS Korea because it is well organized and cost are cheaper than working in other countries.

**- Additional information**

100% of the sample is familiar with Korean culture and values through media such as the Internet, television and publications.

86.67% (13 of 15 people) does not know if there are changes in the length of the employment contract.

However, 100% of sample know that the employment period is 4 years 11 months. (However, the first year is a year by year contract. After one year, if the employer satisfied, he/she will receive a re-employment contract as mentioned above.)

86.67% (13 of 15 people) of the sample agree and think that extension time for employment is considered as a good thing and beneficial to them because it helps reducing cost. Meanwhile the others said that they have no idea because they never worked there before, so they can not specify that the time extension for employment is good or bad.

### **2.3 Thai workers who are not going to ROK**

The extension of Employment contract's period which is resulted from the Amendment of the Act on Employment of Foreign Workers is beneficial for both employers and employees. However, it is a pity for Thai workers who are not participating as part of the EPS for dispatching themselves to South Korea because Thai workers may lose the opportunities to work abroad in the countries which they can receive stable incomes, the lower cost of procession and the dispatching process is more safe when comparing to exporting Thai labors to another countries. Thai workers have to pay such expensive expenses for working aboard (except South Korea), since those countries are not transferring labors via state to state as ROK.

At the same time, they also have personal reasons for deciding not to work in ROK as well. This may be because they are not familiar with Korean culture or language. Most of them often applied to work in Japan rather than in other countries.

#### **Summary:**

As for Impact arises from revision in Republic of Korea's the New Employment Law, the conceptual framework rooted from the System Theory (David Easton) can be applied.

- Input: Thailand's Input is the Output or the New Employment Law resulted from revision in legislation in South Korea. Simply put, the Republic of Korea's output directly affects the Thai Ministry of Labor, the Public Overseas Placement Section (EPS) under the control of TOEA and Thai labors.

- Process: Process is the Thai Ministry of Labor and the Public Overseas Placement Section (EPS) under the control of TOEA has to deal with the various input arise from the Republic of Korea such as cooperation with the HRD Korea to regulate a stricter EPS-TOPIK, to cooperate with the Korean government, to minimize the cost of commuting to work and to organize seminars to nurture skills to workers in order to learn Korean language and culture.



However, all the processes were not a result from the input (the New Employment Law) alone, but the process which government has been ceaselessly undertaking to prepare Thai workers. Nevertheless, Input is the additional drive which helps accelerate a greater harmony of the process.

- Output: Output is the qualified Thai labors who are able to meet the Korean standards.

- Impact: Impacts has two dimensions which are:

(1) Positive Impact: Thai labor is given an extended employment contract, leading to a minimized cost in transportation back to Thailand. Image of the Thai worker is also improved in the eyes of Korean employers.

(2) Negative Impact: Thai labors need to improve their abilities in order to be prepared and met condition which ROK has specified. However, Korean language remains a barrier to Thai workers.

# CHAPTER V

## CONCLUSIONS AND SUGGESTION

The three stated elements (input, process and output) are used systematically as a basis for critical analysis as well as for the scope set to study impacts that reasonably occurred yet accordingly relevant in terms of causal relations. Thus, discussion and conclusion part emphasize and rely on the Impact as a framework of the System Model only.

### **5.1 Conclusions**

*According to hypothesis:*

*“The recently bill for the amendment of the Act on Employment of Foreign Workers, etc which was put in effect on the 16<sup>th</sup> September 2009 had immediate impacts upon the exportation of Thai labor force to Republic of South Korea. As the improvements of skills were required by the Republic of South Korea, all of Thai labors have to adjust themselves as a skilled labor. In this manner, Thai labor force inevitably needs to improve their labor skills in order meet the set standard and requirements enforced by the Korean government. Otherwise, legal immigration to Republic of Korea will be difficult to make as the Thai labor force cannot meet the set requirements.”*

From a formal interview with Mr. Thanabhume Chairerk - the head of the Public Overseas Placement Section (EPS) under the control of TOEA and with the 30 selected sample of Thai Labor who are under the EPS, various attitudes and new perspectives were discovered. The needs and expectations of the official staffs that desire the number of qualified Thai labors to meet quotas which Thailand has received from the MOEL because the number of the examinees who pass the EPS-TOPIK was low and was not enough in the proportion of demand from employers.

The needs and expectations of EPS Thailand from Thai Labor under EPS are claimed that they satisfied the administration and the management of the Public Overseas Placement Section (EPS) under the control of TOEA and some of them merely required the government or those agencies involved to improve the delay aids or help after Thai workers arrive at the working sites.

From the study, it is realized that the recent bill for the amendment of the Act on Employment of Foreign Workers, etc which was put in effect on the 16<sup>th</sup> September 2009 did not caused such bad impacts upon the exportation of Thai labor forces, however, it was considered a driving tool in supporting Thai labors to gain more awareness and to encourage Thai workers to apply to work in ROK more legally. As for the training and developing Thai Labors to be skilled labors, this was taking care of by the Public Overseas Placement Section (EPS) under the control of TOEA and the Department of Skill Development. These two organizations already realized the importance of developing and enhancing the quality of Thai workers who wish to work in ROK. Thus, the amendment of the Employment Law only supports these two organizations to create and develop skills for Thai labors continuously and effectively.

Finally, it is concluded that the Amendment of Employment Law had caused good impacts to Thailand and Thai labor forces. It is because most Amendments of Law which are under the change in policy level are likely to be effective and be beneficial to the demanding groups and target groups rather than causing any difficulties and bad impacts.

## **5.2 Suggestion**

Based on information from the MOEL, it is claimed that Korean employers are satisfied with Vietnam labors more than other countries because Vietnamese are disciplined and a high tolerant. Most Vietnamese workers are still at a young age, so they can learn both work field and Korean language quickly. Thus, Vietnam labors tend to work in medium-sized enterprises, E-business, semi-skilled jobs or jobs with

less risk which is different from Thai labors. Thai labors tend to work in small establishments, risky and difficult because Thai labors have limitations of Korean language, high rate of escaping from employers before the contract ends at the second-highest rank after Mongolia. Therefore, it can be said that Thai workers have no rights to choose their workplaces at all. Hence, this kind of problems might irritate their employers then the employers are likely to hire other workers from other countries instead.

For long-term suggestions in solving this problem are: not only prepare to provide useful information, knowledge and to aid understanding about culture and tradition of Koreans and Korean language, but the Public Overseas Placement Section (EPS) under the control of TOEA and the Department of Skill Development should also make Thai labors realize working values, responsibility and awareness to maintain reputation and good image of Thailand as well. The problems of denying employment contract, canceling the employment contract and escaping from the employers severely affect the image of Thailand and Thai labors, therefore they can cause a problem of promoting Thai labors to employers in the future as well as adversely affecting the quota of foreign workers to earn in each year because one of the criteria in selecting countries that can export workers to South Korea under the EPS is satisfaction of Korean employers.

Although nowadays the trend of satisfaction and demand Thai labor of Korean employers are high, if Thai labors continue to repeat the same mistake over and over again and fail to meet qualified standards and requirements of employers, workers might be allocated as ROK divides quotas of migrant workers for Thailand to other countries instead in the future.

Nevertheless, according to the formal interview, it is claimed that demands of Korean employers towards Thai workers is rapidly increasing, meanwhile the number of the qualified for the EPS-TOPIK was less and was not enough to meet the request from ROK. So the Department of Employment has to arrange the examinations more than one time per year. As for the year 2011, the examination will be held 3 times. However, the number of workers who passed the examination was less than the quota of the ROK which has been requested. This situation indicates an effect from South

Korea towards Thailand, however, Thai EPS does not acknowledge or making an attempt to solve this issue as soon as possible.

### **5.3 Limitations and suggestions for further studies**

#### **- Limitations**

As this research is a relatively new and it is dynamic which relates socio-economic changes, thus the way of searching and accessing to all information need to be kept as up-to-date as possible making it difficult to obtain data that is recent and up to date or very close to present. Furthermore, there is a problem of language barrier, some of the information is in Korean language which is difficult to understand and to find both primary and secondary data. Another limitation is a small number of samples. When analyzing data from formal interviews, the result of analysis often lacks variety and consequently leads to the same end. Moreover, some of the selected samples do not want to reveal their real names in this research because they see it as their own privacy.

#### **- Suggestions for further studies**

Finally, the author's comments to another researcher who would like to do some researches in similar contexts or related to the topic of my research, to the best of my knowledge, the topics should relate to development of Thai labors to be qualified and skilled, affecting factors for the employment of Korean employers, factors which cause the problems to Thai workers who work in ROK and so on. These related topics will be easily to link or integrate from this research.

## REFERENCES

- Berman, M. Jae Moon, and Heungsuk Choi. 2010. Public Administration in East Asia: Mainland China, Japan, South Korea and Taiwan, 363-364.
- Celia A,Ernesto B.(2006). *Use of research results in policy decision-making, formulation, and implementation: a review of the literature*, Cad. Saúde Pública, Rio de Janeiro,7-19
- Dye, T. R. (2007). *Understanding public policy* . (12th ed.). Upper Saddle, NJ: Prentice-Hall.
- Easton, D. (1971, 1981). *The Political System: An Inquiry into the State of Political Science*, New York; 2nd ed. 1953: Alfred A. Knopf.
- Easton, D. (1990). *The analysis of political structure*. New York: Routledge.
- Linstead, S. , Fulop , L. , & Lilley, S. (2009).*Management and organization : a critical text* . (2nd ed.).London ; New York: Palgrave Macmillan.
- John T. Ishiyama et al, *21st century political science: a reference handbook*, Thousand Oaks, Calif. : SAGE Publications, 2011.
- Katz, D. , Kahn, R. L. , & Stacy Adams, J. (1982). *The study of organizations*. San Francisco: Jossey-Bass.
- Katz, D. , & Kahn, R. L. (1987). *The social psychology of organizations*. (2nd ed.). New York: Wiley.
- Kim, B. C.,and J. J. So. 2001. *Summer Conference of Korean Association for policy Studies*, 89-115. and Evan M, Berman, M. Jae Moon,and Heungsuk Choi. 2010. *Public Administration in East Asia: Mainland China, Japan, South Korea and Taiwan*, 363-364.
- McGee , M. (2011). What are newly industrialized countries? [Online]. Retrieved from<http://www.wisegeek.com/what-are-newly-industrialized-countries.htm> [2010, November]
- Ministry of Employment and Labor, Republic of Korea, (2010). *แนะนำระบบ EPS* [Online] Retrieved from <http://www.eps.go.kr/th/> [2010, September]
- Ministry of Labor, Republic of Korea, (2010).*Labor Law of Korea*

2010. Seoul: Ministry of Labor. Retrieved from  
[http://www.moel.go.kr/english/ibook\\_laws2/laws/book.html](http://www.moel.go.kr/english/ibook_laws2/laws/book.html)[20  
 10, May]

Sharkansky, I. (1987). *Public administration : policy-making in government agencies*. (4th ed.). Chicago : Rand McNally College Publishing Company.

Thanabhume Chairerk. 4<sup>th</sup> August 2011. The head of the Public Overseas Placement Section (EPS) under the control of TOEA, the Ministry of Labor Thailand.

### Interview

William, T., Englewood ,C. (1978) *Theories of the political system : classics of political thought and modern political analysis I*, N.J. : Prentice-Hall,.

กระทรวงพาณิชย์ , กรมเจรจาการค้าระหว่างประเทศ . ( 2553). *ข้อมูลประเทศ สาธารณรัฐเกาหลี* . Bangkok.

กองเอเชียตะวันออก 4, กรมเอเชียตะวันออก , Initials. (2554, มีนาคม ). สาธารณรัฐเกาหลี Republic of Korea ข้อมูลทั่วไป [Online]. Retrieved from  
<http://www.mfa.go.th/web/2386.php?id=145> [2010, August]

ติน ปรัชญพฤทธิ, (2553) *Organization Theory*, พิมพ์ครั้งที่ 5, กรุงเทพฯ : สำนักพิมพ์อินทกษา, ธรรมนูญ ชัยฤกษ์. 4 สิงหาคม 2554. หัวหน้าฝ่ายพิจารณาการไปทำงานตามระบบ Employment Permit System (EPS) สาธารณรัฐเกาหลี สำนักงานบริหารแรงงานไทยไปต่างประเทศ สังกัดกระทรวงแรงงาน. สัมภาษณ์.

นิกัญชติ , Initials. (21, มกราคม 2553). How-2-go-to-korea ไปทำงานเกาหลี  
 อย่างไรให้ถูกต้อง [Online].Retrieved from  
<http://epsinfo.blogspot.com/>[2010, May]

สถาบันการเรียนรู้และพัฒนาประชาสังคม.2546. ทฤษฎีกระบวนการระบบ (System Thinking).

สมบัติ อารงธัญวงศ์, (2553). *การเมือง: แนวความคิดและการพัฒนา*, พิมพ์ครั้งที่ 18, กรุงเทพฯ : คณะรัฐ  
 ประศาสนศาสตร์ สถาบันบัณฑิตพัฒนบริหารศาสตร์.

## **APPENDIX**



## Korean Labor Laws 2010

- (Please see the file in an attached CD-Rom)

### List of Interviewees

1. Mr. Thanabhume Chairerk
2. Mr. Surapong Sukbanteang
3. Mr. Pitchai Saeng-Arun
4. Mr. Vishnu Teedee
5. Mr. Jakkaphong SuPho
6. Mr. Sompong Moolkan
7. Mr. Jeeraphong Phuwadkeun
8. Mr. Palaphong Phongsathornvorachoti
9. Mr. Pathompong Sakulyati
10. Mr. Krittipard Namburi
11. Mr. Somchai Thanawattananon
12. Mr. Piyamit Andawaphee

**\*\*Note:** Actually, there are 31 interviewees in this research, but some of the selected samples do not want to reveal their real names in this research because they see it as their own privacy.

## **BIOGRAPHY**

Miss Nataphan Wongpoommoon was born on 27<sup>th</sup> October, 1986 in Bangkok Thailand and graduated from faculty of Political Science, Public Administration: Public Personnel Major, Bachelor of Arts, Chulalongkorn University since 2008. She has received scholarships from the ASEAN University Network (AUN), the M.A.Program in Korean Studies 2009 to study in Chulalongkorn University. Miss Nataphan also worked as a Korean interpreter for many events such as a volunteer Korean interpreter for executive delegate (the Vice Mayor) from Seoul Metropolitan Government (SMG) to “Sister Cities Week 2010”, a volunteer Korean - Thai interpreter for the youth and delegates from Seoul Metropolitan Boramae Youth Centre to “Bangkok - Seoul Youth Exchange Program 2010” for International Affairs Division, Bangkok Metropolitan Administration and a Korean - Thai interpreter for many related Korean Wave concerts as well.