

# Australia: Government and unions complicit in death of undocumented Korean worker

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The Australian media reported late last month that Myung Yeol Hwang, a 51-year-old undocumented Korean construction worker, died in tragic circumstances in Sydney in late August.

Hwang, a tiler, had been ill with a severe respiratory illness, most likely caused by the nature of his job. Categorized as “unlawful” under Australia’s immigration laws, he had no access to public health care or health insurance and had no ready funds because of the growing difficulty in gaining employment. He relied on other Korean workers, some of them also undocumented, to provide him with temporary accommodation. He slept on sofas or in a corner of their shared homes.

His body had remained in Sydney’s Glebe morgue for three weeks. He would have been subjected to the final indignity of a pauper’s funeral except that ordinary people, deeply moved when they read, donated to ensure a proper cremation and service.

Hwang fled to Australia on a tourist visa 12 years ago to escape the consequences of the Asian financial crisis that erupted in July 1997. By January 1998, eight of the top thirty South Korean corporations had gone into bankruptcy. With interest rates at around 30 percent, many small firms collapsed. In one week, 500 companies were declared insolvent in the capital Seoul alone. Unemployment doubled to 8.7 percent. With only very limited government unemployment aid, at least 1.4 million workers and their families were left destitute.

Upon arriving in Australia, Hwang found work as a tiler in the building boom ahead of the Sydney Olympic Games in 2000. There was a shortage of labour as the government and unions strove to complete the Olympic sites on schedule. The unions struck a deal with the New South Wales Labor state government to suppress

industrial disputation in order to deliver Games “projects within the specified time and cost parameters”.

Nevertheless, throughout his 12-year stay, Hwang lived a precarious existence, being forced to move from job to job and being paid cash in hand. Eventually he could not find work and became destitute. When he fell ill, Hwang did not have enough money to seek private medical treatment and feared that he would be reported as an “illegal” if he attended a public hospital.

Whatever the immediate medical causes, Hwang’s death was the outcome of the reactionary immigration policies enacted by both Labor and Liberal governments. These policies brand workers escaping from hardship and poverty as “unlawful non-citizens” subject to detention and deportation. There is no doubt that living as a fugitive under appalling conditions contributed to Hwang’s poor health.

Hwang was the victim of the relentless witch-hunt against “illegal workers” conducted by the trade unions, whose officials finger foreign workers to immigration authorities and collaborate in organising departmental and police raids to round up undocumented workers on construction sites and in other workplaces.

Under Australia’s mandatory detention laws, workers caught in these raids are locked up in immigration detention centres, where they are held indefinitely, without trial, until they leave the country or are forcibly deported.

After Hwang’s health deteriorated to the point where he could no longer wash or eat, friends turned to seek the assistance from the Construction, Forestry, Mining and Energy Union (CFMEU). The union officials responded true to form. Rather than seeking immediate medical help, they reported Hwang to the immigration

authorities, claiming this was necessary to arrange a temporary visa and medical help. Hwang died before these steps could be implemented.

In an interview on Hwang's death with Australian Broadcasting Corporation, CFMEU NSW state secretary Andrew Ferguson declared: "There is in fact more than 60,000 workers that have come here as tourists that have overstayed, that are working in construction, hospitality and in factories across Sydney and in fact across the country, being used as illegal workers, as cheap labour, undermining labour standards but also those workers being exploited and abused in many instances."

Ferguson confirmed that the union regularly reports what he termed "unlawful" workers to the authorities, and complained that tougher measures have not been adopted. "Well, whenever we highlight the case of an unlawful worker we have a minister or a government spokesperson say that the government is re-looking at the laws to punish employers that use unlawful workers and in fact nothing happens," he said.

Undoubtedly, many employers do exploit undocumented workers, not hesitating to take advantage of the fact that their immigration status prevents them from reporting maltreatment, including under-payment, or even non-payment, of wages, as well as breaches of safety and other basic conditions.

However, this is not the real concern of Ferguson or any of his union counterparts. The unions do not campaign to defend undocumented workers against exploitation, nor have they ever demanded they be given full employment, social welfare and citizenship rights.

The CFMEU demands increased penalties against employers hiring undocumented workers not to protect the victims of employer abuse but to cut off any opportunity for them to find work, thereby effectively driving them out of the industry and creating the conditions for them to be deported.

Ferguson's attack on undocumented workers for "undermining labour standards" is a divisive slander that harks back to the days of the "White Australia" policy when the same argument was advanced by union leaders to prevent the entry of non-white labour into Australia.

Foreign-born workers are not to blame for the elimination of conditions in the construction industry or

any place else. The destruction of real wage levels, basic conditions and safety across construction is the outcome a decades-long offensive by the employers carried out with the direct assistance of the unions.

The Labor governments of 1983 to 1996, through a series of accords with the Australian Council of Trade Unions (ACTU), imposed a pro-market agenda that included the tearing up of longstanding working conditions and protective practices. All resistance was systematically suppressed, including through de-registration of the Builders Labourers Federation.

The unions, including the CFMEU, have now pledged their support for the new Gillard Labor government, which has made clear that it will continue to back the employers in further attacking workers' rights and conditions. Labor has maintained all the anti-strike provisions of the previous Howard Liberal government and preserved all the draconian powers of the Australian Building and Construction Commission to persecute building workers.

The vilification of "unlawful workers" is designed to deflect attention from the responsibility of the unions and governments for the destruction of jobs, working conditions and basic rights. It is not foreign workers who are the cause of unemployment and the lack of services but the profit system which the Labor government and the unions defend.

The death of Hwang is just one of the tragic consequences.



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