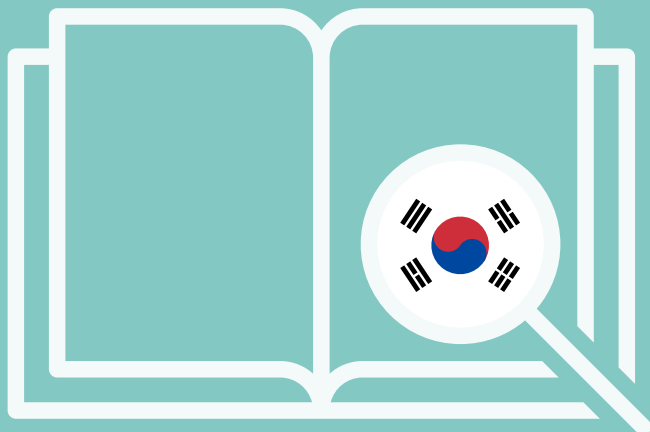


Myung-Joon Park
June 2026

Negotiating Digitalised Workplaces

Rights and Obligations, South Korea



Imprint

Publisher

Friedrich-Ebert-Stiftung e.V.
Godesberger Allee 149
53175 Bonn
Germany
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Division for International Cooperation |
Global and European Policy

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June 2026

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978-3-98628-903-4

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Foreword

Across the world, management in both the public and private sectors is deploying digital technologies with the aim of improving productivity and efficiency. Such technologies have a direct impact on working conditions and workers' rights. Jobs are being (semi-)automated, new competencies are required and work and workers are becoming quantified as their actions and non-actions are turned into data points and analysed through algorithmic systems. The negative impact of these systems on workers is well documented.

Yet anecdotal evidence from multiple countries suggests that shop stewards and Occupational Health and Safety representatives to a large degree are not discussing the use of digital technologies with management. The representatives mention that they feel they lack knowledge about the particularities of digital technologies and why they should pay careful attention to them. Many report that management never raises the issues of digitalisation with them, nor do they feel they have a sound overview of how to apply existing laws and agreements to spur these discussions.

Although some unions are successfully negotiating contract language about the digitalisation of work as evidenced by PSI's Digital Bargaining Hub, the vast majority are still not. To support unions in their negotiations with management, this series of reports brings to light what rights workers have when digital systems are deployed at work and what obligations management have in relation to the workers. The reports provide ready-to-use checklists of questions, and collective bargaining suggestions to bridge legal gaps.

The Friedrich-Ebert-Stiftung realises that technology deployment without workers involvement not only subjects workers to control but also changes the balance of power at the workplace in favour of employers. Workers may feel increasingly alienated and objectified. We have understood that an unprotected and disempowered workforce is not only less productive but tends to lose trust in the promises and institutions that are supposed to guarantee decent

work and a decent live. Therefore, contributing to workers' capacity to claim their rights and negotiate working conditions in a digitalised workplace is a service to democracy and justice. This is what this project aims to achieve – by making transparent what institutional power, i.e. rights, laws and labour market agreements workers have at their disposal. We hope that the case studies presented will lead to a more thorough and strategic response by workers and organised labour in the countries studied and to more countries embarking on the path towards negotiated introduction and use of digital technologies.

We owe Christina J. Colclough, Director of The Why Not Lab, Denmark, our gratitude for providing the initial spark for this project and for being an enthusiastic and competent mentor to the case study authors. Her relentless dedication to challenge, motivate and capacity build the labour movement to build power in the digital economy is unparalleled and has been the inspiration behind many collaborative undertakings of the FES Global and national Trade Union Projects.

We thank the authors of the country studies for their professionalism and enthusiasm to explore uncharted territory, for the discoveries of potential leverage points and for their “thinking forward” to take the next steps in building workers' power.

Finally, Blanka Balfer, FES, deserves praise for being the silent backbone of this project (and so many others) that allow FES to use its global network for the benefit of the global labour movement.

May this series of reports serve as a stepping stone for deeper engagement, collective bargaining and policy-making and policy-enforcing success in the digital economy of today and tomorrow!

Mirko Herberg

*Director, Global Trade Union Project
Friedrich-Ebert-Stiftung*

1.

Introduction – Technology at Work Is a Labour Issue

You may already be working with digital technologies without having been asked about them. An app to clock in. Software that scores your calls. Dashboards measuring performance. GPS tracking in vehicles. AI screening job applications. Cameras in new places.

These systems are often presented as technical tools to improve efficiency or service quality. But for workers, they change how work is organised, monitored, evaluated, and controlled.

This report is designed to help workers and unions understand which laws already apply, which questions they have a right to ask based on those laws, and how to use those rights when digital technologies are introduced or used at work. It also shows how collective bargaining can be used to address gaps that existing law does not fully regulate.

Digital technologies are no longer peripheral tools in the workplace. Across the world, they increasingly sit at the centre of managerial power, shaping how work is organised, paced, evaluated and controlled. Biometric attendance systems, GPS tracking, algorithmic task allocation, AI-based recruitment tools, performance dashboards and automated decision-making systems are being rolled out across sectors with little warning and, too often, without meaningful consultation with workers or their trade unions.

For workers and union officials, this transformation raises a fundamental question: who controls technology at work, and in whose interests is it deployed? While employers routinely present digitalisation as neutral, inevitable or purely technical, workers experience it as a restructuring of power relations. Digital systems extend managerial oversight into new areas of workers' lives, intensify work, fragment tasks, obscure decision-making and deepen information asymmetries between employers and workers.

Digitalisation is also frequently used to bypass established industrial-relations practices. New technologies are introduced as matters of managerial prerogative; data are collected without transparency; and algorithmic decisions are presented as objective or unchallengeable.

This report starts from a different premise. Digitalisation does not suspend labour law, weaken fundamental rights or displace collective bargaining. On the contrary, it makes union organisation, legal knowledge and collective action more necessary than ever. Existing labour law, data-protec-

tion law, equality law and occupational safety and health frameworks continue to apply in digitalised workplaces, even if they must now be asserted and enforced under new conditions.

For unions, legal clarity is therefore not an abstract concern. It is a source of bargaining power. Knowing which rights already exist – and where they fall short – enables unions to challenge unilateral technological change, demand information and consultation, and negotiate binding protections that keep workers in control of how technology reshapes their jobs.

How to use this country report

This report is written for South Korean workers and trade unions facing advanced deployment of AI, algorithmic management, and digital monitoring in sectors such as call centres, logistics, public services, and creative industries. In South Korea, technological sophistication often outpaces regulatory and collective oversight.

The report supports unions in connecting labour law, occupational safety obligations, and emerging AI regulation to concrete workplace struggles. It emphasises that even highly technical systems remain subject to collective bargaining and worker participation.

The report includes a checklist of key questions based on legal rights that workers and unions can use *before* a new technology is introduced and periodically while it is being used. These questions are intended to structure negotiations, demand information, and prevent technologies from being imposed unilaterally or expanded without consent.

The purpose of the report is practical and strategic: it aims to support workers and unions in understanding what digitalisation means for their rights, to strengthen their position in discussions with management, and to help turn abstract legal protections into concrete, enforceable workplace standards.

No legal ecosystem fully addresses the risks to workers' rights, dignity and decent work. To bridge the gaps, the report also includes a list of potential collective bargaining topics and issues for inspiration in the negotiations with management.

Digital technologies are often introduced by management as technical upgrades, efficiency tools, or unavoidable innovations. In practice, however, they frequently reshape working conditions, intensify monitoring, redistribute power, and create new risks for workers' dignity, autonomy, health, and job security. Digitalisation is not just a technical matter though. It is a labour issue and therefore a legitimate subject for negotiation, consultation, and collective bargaining.

What this report can do for you

This report is designed to help you:

- **Identify digital technologies** being used or proposed in your workplace, even when they are presented in vague or technical language;
- **Understand your existing rights** under labour law, data-protection rules, occupational safety and health frameworks, anti-discrimination law, and collective agreements;
- **Hold management accountable** to its legal obligations when introducing, using, or expanding digital systems;
- **Prepare for negotiations** by showing how other unions and workers have addressed similar challenges;
- **Bridge gaps in the law through** collective bargaining where legal protections are weak, unclear, or poorly enforced.

Rather than assuming that digitalisation is inevitable or uncontested, the report treats it as a process that can—and must—be shaped through collective action.

How to Use This Report in Practice

Each section of this report serves a specific purpose and can be used independently, depending on your immediate needs.

Section 2: Examples of digital technologies used in workplaces

This section provides examples of digital technologies used in South Korea. Maybe your workplace uses a similar technology, although it might be called something different? If you are in doubt about what digital technologies are used, do a virtual walk-through of a typical working day. From the moment you enter the workplace – how do you get in? Do you use an electronic keycard? Or does a technology register your fingerprint or face? Do you then need to log on to a computer technology, use a handheld device, a mobile phone, a GPS tracker, or anything else? All of these technologies are digital, and all of them create data.

If your walk-through reveals the use of digital technologies at work, this report will be highly useful for you.

Section 3: What are your rights – and what are management's obligations?

This section provides an overview of the legal and collective frameworks that already apply to digitalised workplaces. It explains what employers are required to do—such as consult workers, assess risks, limit surveillance, or ensure fairness—and how unions can invoke these obligations in discussions, negotiations, or disputes.

Section 4: The checklists of questions you have a right to ask!

Cut out this section and carry it with you when you prepare for discussions with management around the implementation and use of digital technologies in your workplace.

The questions help ensure that your rights are respected and that employers meet their obligations.

Section 5: Filling the gaps - bargaining topic suggestions

Even when management follows the law, the law is often not enough to address how digital systems affect every day working conditions. Many of the issues raised by AI, monitoring tools, performance dashboards, and data-driven management are only partially regulated or not regulated at all by existing legislation. This is where collective bargaining becomes important. This section provides examples of bargaining themes that unions may consider when seeking to address the gaps that current law leaves open.

For further inspiration on concrete contract language unions have successfully negotiated, see Public Services International's open database that includes almost 600 clauses related to the digitalisation of work. Find it here: <https://publicservices.international/digital-bargaining-hub>

When can you use the report?

You can use this report at different moments:

- **Before a technology is introduced**, to demand information, consultation, and justification;
- **After a system is in place**, to assess whether management is complying with its obligations;
- **During collective bargaining**, to propose concrete clauses that regulate digitalisation;
- **For education and organising**, to build shared understanding and collective confidence among workers.

Digital technologies do not manage themselves. Employers make choices about how they are deployed, and those choices can be questioned, negotiated, and reshaped. This report is intended to support you in doing exactly that.

2.

Examples of Digital Technologies Used in South Korean Workplaces

In recent years, South Korean public and private organisations have accelerated the adoption of artificial intelligence (AI) and data-driven systems under the banners of “efficiency,” “innovation,” and “service upgrading.” AI tools are reshaping labour processes, task structures, and the distribution of power in the workplace. Although these technologies are expected to raise productivity, empirical evidence demonstrates that such gains are limited and often confined to specific micro-tasks. By contrast, the broader effects are more consistently associated with intensified monitoring, the erosion of skill, and a restructuring of labour relations.

A prominent example is the rapid expansion of AI Contact-Centre Systems (AICC) across finance and insurance call centres. Major South Korean telecommunications and IT companies—including KT, LG CNS, and SK Telecom — provide AI-enabled contact-centre solutions using technologies such as STT (speech-to-text), chatbots, automated response support, and quality management. These domestic systems coexist with global solutions such as Genesys Cloud CX from the United States and NICE CXone, a U.S.–Israel-based provider. While marketed as tools that streamline service operations, these systems primarily increase managerial visibility into frontline work, standardise conversational scripts, and intensify real-time emotional labour demands. Rather than clearly improving productivity, AICC technologies tend to strengthen algorithmic oversight and behavioural conformity, thereby shifting control from human supervisors to automated performance metrics.

A similar pattern emerges with the diffusion of smart attendance and performance-tracking applications across service industries and public institutions. South Korean platforms—including Albam (South Korea) and Shiftee (South Korea)—provide digital attendance and workforce-management functions, including location-based attendance management and automated clock-in/out functions. Global platforms such as Deputy (Australia) provide comparable workforce-management tools. Although employers frame these systems as improving accountability, workers largely experience them as forms of mobile surveillance, heightening time pressure and expanding managerial control into the ordinary rhythms of daily work. Rather than fostering workplace autonomy, these systems institutionalize continuous behavioural tracking.

Equally significant is the rapid growth of AI-based recruitment and HR evaluation systems in large corporations and government agencies. In South Korea, HR-tech companies such as Midas IT (South Korea) and Genesis Lab (South Korea) have developed AI-assisted assessment and interview technologies, while major recruitment platforms such as JobKorea (South Korea) and Saramin (South Korea) increasingly incorporate AI-based functions into recruitment services. At the same time, global vendors—including HireVue and Workday (both United States)—also provide AI-enabled recruitment and HR-management technologies. While these tools promise efficiency and standardization in candidate selection, robust evidence of improved hiring outcomes remains scarce. Instead, concerns over algorithmic bias, opacity, and new forms of discrimination have become increasingly salient. In effect, AI recruitment systems may streamline administrative tasks while simultaneously undermining fairness and accountability in labour-market entry.

In the webtoon and creative industries, AI drawing and background-generation tools are reshaping the nature of artistic labour itself. In South Korea, generative-AI technologies are increasingly being discussed and adopted in the webtoon and creative industries, alongside global tools such as OpenAI’s DALL-E (United States), Stable Diffusion by Stability AI (United Kingdom), Midjourney (United States), and Adobe Firefly (United States). These tools raise unresolved controversies regarding the use of artists’ works as training data without consent, copyright infringement risks, and the displacement of assistants and background artists. Far from merely speeding up production, AI generation technologies may contribute to the contraction of some segments of creative labour markets, the redefinition of artistic skill, and the erosion of established occupational ladders within the creative economy.

Taken together, the introduction of AI technologies in South Korea reflects more than the implementation of new digital tools. It signifies a comprehensive reorganization of labour norms, power relations, and workplace rhythms. Despite persistent promises of efficiency, AI systems more commonly function as mechanisms of intensified surveillance, task fragmentation, and value extraction from labour. These developments indicate that AI’s impact is fundamentally social and political, not merely technical, and that workplace transformations must be understood within the broader dynamics of digital capitalism.

3.

What Are Your Rights – And What Are Management’s Obligations?



Relevant Laws

- Artificial Intelligence Basic Act (AI Basic Act, enacted 2025; entered into force January 2026)
- Personal Information Protection Act (PIPA, enacted 2011; major amendments 2014, 2020, 2023)
- Labour Standards Act (LSA, enacted 1953; continuously amended, including in 2023–2024)
- Occupational Safety and Health Act (OSHA, enacted 1981; major revisions 2018, 2021)
- Copyright Act (originally enacted 1957; digital-era amendments 2009, 2011, 2023)

- Gender Equality in Employment Act (enacted 1987; amended 2018, 2022) & Anti-Discrimination Act proposals (first proposed in 2007; subsequently reintroduced)
- Official Information Disclosure Act (enacted 1996; amended multiple times through 2023)

Collective Agreements and Social Dialogues

- Economic, Social and Labour Council (ESLC) Committee on Digital Transformation and the Future of Work (2018–2019)
- National Assembly Social Dialogue Initiative on Advanced Industries and AI (2025–2026)

Relevant Laws And Agreements in Short

Artificial Intelligence Basic Act (AI Basic Act, enacted 2025; entered into force January 2026)

South Korea’s first comprehensive legal framework governing the development, deployment, and oversight of artificial intelligence systems. The Act establishes national principles for “trustworthy AI,” mandates a multi-layer governance structure—including the ‘Presidential National AI Committee’, an ‘AI Policy Centre’, and an ‘AI Safety Research Institute’—and requires the government to prepare periodic national AI strategies. It introduces obligations for AI developers and deployers concerning transparency, risk assessment, safety documentation, and accountability, with stricter obligations applied to “high impact” AI systems, as defined in the Act. The Act also establishes transparency requirements concerning certain AI-generated content and lays the foundation for future regulation of AI use in employment, public services, and other sensitive domains.

Personal Information Protection Act (PIPA, enacted 2011; major amendments 2014, 2020, 2023)

South Korea’s central data-protection law regulating the collection, use, and processing of personal information. It requires purpose specification, user consent, and safeguards against misuse, and introduces data-protection im-

pact assessments (DPIAs) for public institutions where statutory requirements are met. Article 37-2 provides data subjects with rights concerning automated decisions, including, under specified conditions, the right to refuse such decisions and to request an explanation.

Labour Standards Act (LSA, enacted 1953; continuously amended, including in 2023–2024)

Provides the foundational rules governing working hours, rest time, wages, and working conditions. It includes special exemptions for “monitoring or intermittent workers” under Article 63 of the Labour Standards Act, although recent policy and judicial trends emphasize narrow interpretation of these exemptions, prevention of misuse, and strengthened protection for affected workers.

Occupational Safety and Health Act (OSHA, enacted 1981; major revisions 2018, 2021)

Regulates workplace safety and requires employers to assess risks when introducing new machinery or technologies. Guarantees worker participation in safety management and establishes mechanisms for consultation and opinion expression.

Copyright Act (originally enacted 1957; digital-era amendments 2009, 2011, 2023)

Provides protection for copyrighted works and databases, with emerging relevance for AI training data and the legality of dataset scraping. South Korea is considering how to clarify the application of copyright rules to AI training and the protection of creators' rights.

Gender Equality in Employment Act (enacted 1987; amended 2018, 2022) & Anti-Discrimination Act proposals (first proposed in 2007; subsequently reintroduced)

Prohibits gender discrimination in recruitment and hiring, a framework that may also apply to algorithmic hiring tools. While South Korea does not yet have an enacted Anti-Discrimination Act, legislative debates and draft proposals have increasingly raised concerns that biased or opaque AI-based recruitment and screening systems may produce discriminatory outcomes. In this context, legislative discussions have also addressed the use of AI in recruitment and the need to prevent discrimination arising from algorithmic bias.

Official Information Disclosure Act (enacted 1996; amended multiple times through 2023)

Ensures public access to information held by public institutions and supports transparency in public administration. While not directly regulating algorithms, it may provide a legal basis for requesting information about public-sector AI use, subject to statutory exemptions. National AI ethics standards and public-sector AI guidelines further complement this framework by promoting responsible and transparent AI use.

Collective Agreements & Social Dialogues

Economic, Social and Labour Council (ESLC) Committee on Digital Transformation and the Future of Work (2018–2019)

Established in 2018 under the Economic, Social and Labour Council, this tripartite thematic committee examined the labour-market implications of digital transformation and sought to develop shared policy orientations through structured social dialogue. Comprising representatives from government, employer associations, trade unions, and academic experts, the committee operated from July 2018 to July 2019 as South Korea's first formal dialogue body dedicated to issues of automation, AI, and platform-mediated work.

The committee framed digital transformation as a structural shift affecting employment quantity and quality, skills requirements, and employment security, and identified key policy challenges including re-skilling and up-skilling, protection of non-standard and platform workers, labour-

management consultation in technology adoption, and fairness and transparency in algorithmic management.

Although it did not produce a legally binding agreement or institutionalized workplace-level mechanisms, the committee issued a joint statement—the *Tripartite Basic Understanding and Policy Directions on Digital Transformation* (2019). Its significance lay primarily in agenda-setting and discursive effects rather than direct implementation, providing an early reference point for subsequent policy debates on platform work, employment-insurance expansion, just-transition, and emerging discussions on AI and algorithmic governance in the workplace.

National Assembly Social Dialogue Initiative on Advanced Industries and AI (2025–2026)

The South Korean National Assembly launched a new social-dialogue initiative—operating through issue-specific consultative bodies under the theme of “enhancing competitiveness in advanced industries”—to address the labour, regulatory, and societal impacts of artificial intelligence and other emerging technologies. Unlike traditional tripartite dialogue under the Economic, Social and Labour Council (ESLC), this initiative was led directly by the legislative branch and brought together lawmakers, employer organisations, trade unions, experts, and civil-society groups to deliberate on the governance challenges posed by AI-driven industrial transformation.

The consultative bodies focused on the implications of AI adoption for employment structures, job quality, worker protection, and national industrial strategy. Their agenda included algorithmic management, skill transitions in semiconductor and digital-platform sectors, AI safety and accountability frameworks, and the redistribution of productivity gains arising from automation. By embedding these discussions within the legislature, the National Assembly sought to accelerate policy coordination across ministries and create a more anticipatory governance mechanism that complemented, rather than replaced, ESLC-based social dialogue.

This development reflects a broader institutional shift: South Korea is experimenting with multi-site social dialogue, in which statutory social-dialogue institutions (such as the ESLC) coexist with new parliamentary dialogue platforms designed to address high-technology and AI issues with greater speed, political authority, and cross-sector integration. The initiative signals the emergence of a hybrid governance model in which the National Assembly increasingly acts as a convener of social dialogue on technology-driven economic transformation.

An example of a bargaining proposal by a union (for Call-Centre workers)

The following provisions come from a bargaining proposal drafted by a South Korean call-centre labour union in

preparation for negotiations with the parent company. The proposal was obtained during interviews conducted for this study. It was formulated in anticipation of the 2026 implementation of the AI Basic Act and the recent amendments to the Labour Union Act, which establish the bargaining obligations of parent firms toward subcontracted workers' unions. As this is a union proposal rather than an agreed collective contract, it does not yet hold contractual force. Nevertheless, similar bargaining demands are emerging across comparable sectors in South Korea, drawing attention to whether such clauses will eventually be formalized in collective agreements.

1. **Advance Notice:** The company shall notify the labour union at least six months in advance of any major institutional or system changes—including AI introduction or restructuring of consultation systems—that may affect workers represented by the union.
2. **Employer Responsibility for AI- and System-Related Training:** When introducing AI or other new technologies, all related training must be conducted during paid working hours, and all associated costs—including training fees, instructor fees, and materials—shall be borne entirely by the employer.
3. **Establishment of a Joint AI Inspection Body with Union Participation:** In the event that problems arise during the operation of an AI system, an “AI Joint Inspection Body” shall be established with the participation of the labour union, the parent company, the subcontractor, and relevant technical experts. This body shall be led by the parent company and shall conduct regular reviews and compliance inspections covering the entire process of AI introduction and operation.

Key Contents of Relevant Laws

a) Artificial Intelligence Basic Act

South Korea's Artificial Intelligence Basic Act, enacted in 2025 and in effect since January 2026, is the country's first comprehensive legal framework designed to govern the development, deployment, and societal oversight of AI systems. Anchored in Article 1 (Purpose) and Article 3 (Basic Principles), the Act emphasizes human dignity, protection of rights, transparency, explainability, fairness, non-discrimination, accountability, and safety—principles intended to shape both national governance and the behaviour of AI developers and deployers. Rather than targeting only narrow technological categories, the Act builds a broad institutional and normative foundation for steering AI's societal impacts.

At the centre of this framework is a multi-layer national governance structure. Article 7 establishes the ‘Presidential National AI Committee’, responsible for setting national AI strategy and coordinating cross-ministerial policy. Articles 11 and 12 further create the AI Policy Centre and the AI Safety Research Institute, tasked with long-term planning, safety evaluations, technical assessments, and incident analysis. These institutions are likely to influence workplace standards as AI tools increasingly shape hiring, evaluation, scheduling, and managerial control.

A critical question is whether AI systems used for hiring, promotion, performance evaluation, or dismissal are classified as high-impact AI under South Korea's AI Basic Act, as comparable systems are classified as high-risk AI under the EU AI Act. South Korea's AI Basic Act expressly includes AI used in recruitment and other decisions or assessments that significantly affect individual rights and obligations under Article 2(4). Recruitment AI is therefore explicitly covered, although its classification as high-impact AI depends on its potential impact or risks to fundamental rights. The Ministry of Science and ICT's Guidelines for Determining High-Impact AI provide further criteria and examples concerning recruitment AI. AI used for promotion, performance evaluation, or dismissal is not separately listed but may fall within the broader category of decisions substantially affecting individual rights and obligations. Providers—and employers qualifying as AI business operators—may therefore be subject to heightened obligations, depending on the system's functions and effects.

These obligations, contained primarily in Articles 31 through 35, form the core of the Act's regulatory mechanism and have direct implications for workers. Article 31 requires providers of high-impact or generative AI to inform users in advance when AI is used and to clearly label AI-generated outputs such as text, images, audio, or video. This creates a statutory basis for workers to demand transparency about whether personnel management or workplace monitoring relies on AI systems.

Before operating a high-impact AI system, developers and deployers are required to conduct a preliminary classification review under Article 33, determining whether the system qualifies as high-impact. Because employment-related AI systems may significantly affect rights and livelihoods, workers and unions can legitimately inquire whether such a review has been conducted.

Once an AI system is designated—or functionally treated—as high-impact, Article 34 imposes substantive duties on operators. These include establishing a risk-management plan, providing explanations of AI-generated decisions within technical limits, implementing user-protection measures, ensuring human oversight in consequential decisions, and maintaining documentation demonstrating safety and reliability. For workers, these requirements are particularly consequential: they support demands that no

hiring, evaluation, scheduling, or disciplinary decisions be made solely by AI; that workers receive meaningful explanations of algorithmic decisions; and that employers maintain auditable records about how workplace AI systems function.

Additionally, Article 35 encourages operators to conduct impact assessments for high-impact AI systems and allows the government to prioritize AI products that have undergone such evaluations in public procurement. Even though the requirement is formally framed as encouragement rather than mandate, this provision provides a basis for workers and unions to advocate for AI impact assessments—similar in function to a DPIA—when employers seek to introduce systems that may affect rights, fairness, or safety, such as AICC systems, algorithmic productivity scoring tools, or AI-based recruitment platforms.

Taken together, the Artificial Intelligence Basic Act provides South Korea with a foundational legal framework that workers and unions can strategically mobilize. Although the Act does not automatically treat employment-related AI as high-impact, its definition of high-impact AI may cover certain AI systems used in personnel management, monitoring, and discipline. Through Articles 31, 33, 34, and 35, workers gain leverage to demand transparency, explanations, human involvement, risk analyses, and documentation whenever AI shapes decisions that affect their working lives.

While further detailed regulation and enforcement mechanisms will likely evolve, the Act positions South Korea as an early mover in establishing a holistic AI governance structure—one that balances innovation with safety, accountability, and rights protection, and that equips workers with emerging statutory tools to scrutinize, negotiate, and contest AI systems in the workplace.

Key Articles

Articles	Content	Union Relevance
Art. 1, Art. 3	<i>Purpose and basic principles of the Act: protection of rights and human dignity, safety and trustworthiness, and meaningful explanation of the main criteria and principles underlying AI outcomes</i>	<i>Provides a normative basis to frame AI introduction as a rights and safety issue, not merely a managerial choice</i>
Art. 7	<i>Establishes the Presidential National AI Strategy Committee responsible for major national AI policies and policy coordination</i>	<i>Enables unions to link workplace AI issues to national-level governance and policy debates</i>
Arts. 11–12	<i>Establish the AI Policy Centre and AI Safety Research Institute (policy development, impact analysis, and AI safety)</i>	<i>Basis for demanding public evaluation, safety review, or investigation when AI-related risks arise</i>

Articles	Content	Union Relevance
Art. 2	<i>Defines “high-impact AI” as systems significantly affecting rights, duties, safety, or livelihood</i>	<i>Grounds the claim that AI used in hiring, evaluation, monitoring, or discipline may qualify as high-impact AI</i>
Art. 31	<i>Requires prior notice when high-impact or generative AI is used; mandates labelling of AI-generated outputs</i>	<i>Supports union demands for transparency about whether AI is used in HR or monitoring</i>
Art. 33	<i>Requires a classification review to determine whether an AI system is high impact</i>	<i>Basis for inquiring whether a classification review has been conducted</i>
Art. 34	<i>Requires risk-management measures, explanations (within technical limits), human oversight, and documentation</i>	<i>Supports demands for human-in-the-loop decision-making, explanations, and auditability</i>
Art. 35	<i>Encourages impact assessments for high-impact AI; links assessments to public procurement incentives</i>	<i>Non-binding but provides a basis for advocating for AI impact assessments similar to a DPIA</i>

b) Personal Information Protection Act (PIPA)

South Korea’s Personal Information Protection Act (PIPA), enacted in September 2011 and subsequently amended in 2014, 2020, and 2023, functions as the country’s overarching data-protection regime. The Act applies to all public institutions and private-sector entities, thereby covering the processing of personal data concerning all categories of workers, including standard and non-standard employees, dispatched and outsourced workers, freelancers, and platform workers. Platform companies that collect or utilise data from workers, creators, or content providers are likewise directly bound by PIPA’s requirements.

PIPA establishes a set of core obligations designed to ensure the lawfulness, transparency, and proportionality of data processing. Under Articles 15 to 17, employers must clearly specify the purpose of collection, the categories of personal data, and the retention and use period when processing workers’ personal information and must obtain valid consent or rely on another statutory legal basis. Article 18 places strict limits on secondary use and third-party provision, preventing personal data from being used beyond its original purpose without an independent lawful ground. Article 16, which codifies the principle of data minimisation, plays a central role in assessing the legality of workplace monitoring technologies, algorithmic management systems, and AI-driven performance-evaluation tools, requiring that only data strictly necessary for legitimate purposes be processed.

With respect to automated decision-making, the relevant legal basis under PIPA is Article 37-2, which specifically addresses automated decisions that may significantly affect

the rights or obligations of data subjects. This provision grants individuals the right to request explanations of automated decisions and to object to or demand reconsideration where such decisions produce legally or materially adverse effects. The scope and operational standards of this right are further clarified in the *Guidelines on Measures for Personal Information Controllers Regarding Automated Decision-Making* issued by the Personal Information Protection Commission (PIPC). In the context of work and employment, Article 37-2 is particularly relevant for AI-based recruitment screening, automated performance evaluation, algorithmic scoring, and similar profiling-like practices, as it provides a procedural safeguard against opaque or unfair automated assessments.

The Act also provides conceptual space—particularly relevant for Section 3 of this report—to analyse how PIPA applies across diverse employment relationships, including platform work; how it governs worker monitoring, automated evaluations, and algorithmic management systems such as AICC tools; and how questions of legality, consent, and regulatory review arise when creators’ works or labour-generated data are repurposed as training data for AI systems.

With respect to impact assessments, Article 33 of PIPA provides for a Personal Information Impact Assessment (PIA) in specified circumstances, a mechanism broadly comparable in function to the DPIA under GDPR Article 35. In practice, South Korea’s statutory PIA obligation remains relatively narrow in scope, applying primarily to public institutions that process personal information files meeting prescribed criteria. It does not explicitly designate employment-related AI systems or automated evaluation tools as per se requiring an impact assessment. Nevertheless, AI-driven evaluation systems—including AI-based assessment models, AICC technologies, and large-scale behavioural monitoring tools—may raise heightened data-protection concerns depending on the nature, scale, and sensitivity of the personal information processed. This suggests that impact assessment mechanisms may assume greater importance in future regulatory developments, particularly as workplace AI governance gains prominence under the AI Basic Act and related data-protection and labour-rights frameworks.

PIPA contains no provision equivalent to GDPR Article 80, which grants representative organisations the right to lodge complaints or initiate representative actions on behalf of data subjects. While trade unions and civil-society organisations may assist individuals in submitting complaints to the PIPC under Articles 39 to 43, they do not possess independent representative standing comparable to that provided under the GDPR. Nor does PIPA include an employment-specific chapter equivalent to GDPR Article 88. Even so, employment-related data processing in South Korea is interpreted through strengthened worker-protection principles grounded in Article 3 (fundamental principles), Articles 15 and 16 (lawful collection and data

minimisation), and Article 37-2 (automated decision-making safeguards). As a result, automated monitoring, algorithmic management, and AI-based evaluations in the workplace are permissible only under narrowly justified conditions and must comply with the principles of fairness, proportionality, transparency, and necessity—normative standards that have become increasingly salient in the era of algorithmic management and AI-mediated work.

Key Articles

Articles	Content	Union Relevance
Arts. 15-17	Purpose specification, identification of data categories and retention periods, consent or other lawful basis	Grounds demands to limit vague or blanket consent and clarify purposes
Art. 16	Data minimisation principle	Legal basis to challenge excessive monitoring or evaluation data collection
Art. 18	Restriction on secondary use and third-party provision	Prevents data collected for attendance or quality control from being repurposed for evaluation or discipline
Art. 37-2	Rights to explanation, objection, and reconsideration for automated decisions with significant effects	Core basis for contesting AI-generated scores, rankings, or decisions
Art. 33	Personal Information Impact Assessment (PIA), applicable in specified circumstances, primarily to public institutions	Supports demands for prior risk assessment where processing may significantly affect data protection and privacy
Art. 21	Limits on retention and mandatory destruction of personal data	Basis to demand deletion of accumulated or profiling data

c) Labour Standards Act (LSA)

South Korea’s Labour Standards Act (LSA), originally enacted in 1953 and amended numerous times, is the foundational statute governing working conditions and baseline protections that apply across industries and employment types. Its protections remain relevant as digitalisation and AI-based management reshape how work is organised, monitored, evaluated, and performed. Articles 50 through 55 regulate working hours, overtime, night and holiday work, and rest. These provisions can provide important safeguards where digital technologies contribute to work intensification, extended availability, or increasingly blurred boundaries between working and non-working time. The use of digital tools does not in itself alter employers’ obligations to comply with statutory working-time protections.

The LSA is also relevant where AI or algorithmic systems are used in employment decisions. Under Article 23, an em-

ployer may not dismiss, suspend, transfer, reduce wages, or take other disciplinary action against a worker without just cause. Where algorithmic evaluations are used as a basis for such decisions, meaningful human review and assessment are therefore important; automated outputs alone should not be treated as sufficient grounds for dismissal or disciplinary action.

Article 63 provides limited exemptions from certain working-time and rest provisions, including for workers engaged in monitoring-type or intermittent work with approval from the competent authority. These exemptions are based on the actual nature and intensity of the work rather than job titles alone. Digitalisation may therefore provide grounds for unions and workers to challenge an exemption where new technologies substantially increase continuous attention, immediate response requirements, or other active duties inconsistent with the original basis for the exemption.

Overall, the LSA does not specifically regulate AI or algorithmic management. Nevertheless, its established protections concerning working time, rest, and just cause for disciplinary action provide an important legal framework through which workers and trade unions can address some of the employment consequences of digitalisation and AI-based management.

Key Articles

Articles	Content	Union Relevance
Arts. 50–55	<i>Limits on working hours, overtime, night and holiday work; mandatory rest</i>	<i>Basis to challenge AI-driven work intensification and de facto extension of working time</i>
Art. 23	<i>Prohibition of dismissal or disciplinary action without just cause</i>	<i>Supports meaningful human review where AI-generated evaluations inform dismissal or discipline</i>
Art. 63	<i>Exemption for monitoring/intermittent work</i>	<i>Basis to challenge exemptions where digitalisation substantially increases work intensity or response requirements</i>

d) Occupational Safety and Health Act (OSHA)

South Korea’s Occupational Safety and Health Act (OSHA), first enacted in 1981 and amended repeatedly—most notably in 1990, 1999, 2018, and 2021—constitutes the core statutory framework for workplace safety and health regulation. The Act focuses primarily on the prevention of industrial accidents and occupational diseases by imposing duties on employers with respect to hazardous work processes, machinery, equipment, and working environments. Its scope of application is broad and includes protections applicable to subcontracted, dispatched, and temporary workers insofar as relevant statutory requirements are met.

At the centre of OSHA is the principle that employers bear primary responsibility for ensuring workplace safety and health. This responsibility includes obligations to identify and manage risks arising from work activities and work environments. However, the Act is structured mainly around traditional occupational hazards, such as mechanical, chemical, and physical risks, and its core regulatory logic remains that of preventive industrial safety rather than comprehensive governance of managerial or organizational decision-making.

The Act requires employers to conduct risk assessments under Article 36, and related subordinate regulations and administrative guidelines specify how such assessments are to be carried out. Employers must identify hazardous factors, evaluate their severity and likelihood, and implement appropriate preventive or corrective measures. Importantly, the statute and its enforcement rules require that the results of risk assessments be recorded and that workers be informed of key risk factors and preventive measures. This obligation takes the form of notification or explanation rather than full disclosure of technical assessment documents.

OSHA and its implementing framework also emphasize worker participation, but in a limited and procedural sense. Employers are required to consult workers or their representatives during the risk-assessment process, and in workplaces where an Industrial Safety and Health Committee is established, assessment results and improvement measures are to be reported to and discussed within that body. These provisions are intended to reflect the practical insight of workers into workplace hazards, rather than to establish joint decision-making authority over safety measures.

Crucially, OSHA does not impose an obligation on employers to obtain workers’ consent or to reach agreement with them on the content of risk assessments or remedial actions. The legal structure is one of consultation without co-decision: workers have the right to be informed and to express opinions, but the employer retains both decision-making authority and legal liability for safety outcomes. This design reflects the Act’s emphasis on clear allocation of responsibility, rather than shared governance.

The major amendments adopted in 2018 and 2021 strengthened this framework by increasing penalties, expanding employer liability, and clarifying responsibility in multi-layered subcontracting arrangements. These reforms also broadened the understanding of occupational health to include certain psychosocial and ergonomic risks, such as overwork and emotional labour. Nevertheless, OSHA does not explicitly regulate algorithmic management, automated decision-making, or AI-based control systems as such. Any relevance of the Act to these technologies arises indirectly, to the extent that they generate identifiable safety or health risks that can be framed within existing categories of hazard.

Accordingly, while OSHA may be invoked in cases where automation, digital monitoring, or algorithmically intensified work processes lead to excessive workload, ergonomic strain, or increased accident risk, its role should be understood as reactive and hazard-specific rather than anticipatory or governance-oriented. The Act provides tools for addressing concrete safety and health harms, but it does not establish a comprehensive regulatory framework for AI or algorithmic management in the workplace.

In sum, OSHA remains fundamentally an industrial safety statute with limited but adaptable reach. Its risk-assessment obligations, notification requirements, and consultation mechanisms offer a partial legal basis for addressing some technology-related workplace risks, but they do not amount to a robust or systematic framework for AI governance. Any attempt to regulate algorithmic management or automated decision-making in employment through OSHA alone would therefore face clear structural and doctrinal limitations.

Key Articles

Articles	Content	Union Relevance
Art. 36	<i>Obligation to conduct risk assessments when introducing or modifying technology; worker consultation</i>	<i>Basis to demand risk assessment and worker participation for AI and digital systems</i>
Subordinate regulations	<i>Documentation, record-keeping, and notification of results</i>	<i>Enables unions to raise cognitive load, emotional labour, and work-intensity risks</i>
General structure	<i>Employer responsibility; consultation without co-decision</i>	<i>Highlights need to combine OSHA procedures with collective bargaining</i>

e) Copyright Act (with Arts. 91–98)

South Korea’s Copyright Act, originally enacted in 1957 and repeatedly amended to address digital-era challenges, provides a comprehensive framework for the protection of copyrighted works, neighbouring rights, and database-maker rights. Of relevance to discussions on AI development are Articles 91 through 98, which establish rights for database producers and, in particular, grant them the right to reproduce, distribute, broadcast, or transmit all or substantial parts of a protected database. These provisions were originally designed to safeguard the economic investment of database-makers and were not enacted with AI training in mind.

Nonetheless, as large-scale data collection and corpus construction have become increasingly important for machine-learning and generative AI systems, these database provisions have acquired renewed interpretive relevance. Under Article 93, unauthorised reproduction or other cov-

ered uses may constitute infringement where the material constitutes all or a “substantial part” of a protected database. Even the use of individual items or less than a substantial part may be treated as use of a substantial part where it occurs repeatedly or systematically for a specific purpose in a manner that conflicts with the normal exploitation of the database or unreasonably prejudices the interests of the database producer. In this sense, database-maker rights may indirectly constrain certain forms of large-scale data harvesting used in AI training, depending on the factual circumstances. At the same time, Article 94 provides limitations on database-producer rights, including certain uses for non-commercial educational, academic, or research purposes, and applies several of the Copyright Act’s general limitations to database use.

At the same time, it should be noted that South Korean copyright law does not currently establish a clear or comprehensive legal regime governing the use of copyrighted works for AI training. The applicability of database rights to AI-related data collection remains context-dependent and has not yet been fully clarified through legislation or settled case law. As a result, existing provisions function less as a direct regulatory framework for AI training than as general background constraints that may become relevant in specific disputes involving systematic data collection and use.

Recognizing the growing tension between AI innovation and the protection of creators’ rights, the South Korean government has begun policy discussions on whether and how to clarify the legal basis for the use of copyrighted works in AI training. These discussions have addressed issues such as transparency, licensing, and mechanisms allowing right holders to express their preferences regarding the use of their works, reflecting broader international debates on balancing technological development with the interests of authors, performers, and other right holders.

In the absence of explicit statutory rules specifically governing AI training data, the Copyright Act’s existing database provisions and general copyright protections should therefore be understood as providing a partial and indirect legal context, rather than a decisive regulatory solution. As legislative and policy discussions progress, Articles 91 to 98 are likely to remain relevant reference points in debates over the permissible scope of data collection and dataset construction for AI systems, but their precise role will depend on future statutory clarification and judicial interpretation.

Key Articles

Articles	Content	Union Relevance
Arts. 91–98	<i>Database-producer rights: protection against unauthorised reproduction or other covered uses of all or substantial parts of a database, including certain repeated or systematic uses</i>	<i>Basis to contest certain forms of large-scale use of databases containing workers’ or creators’ outputs for AI training</i>
Inter-pretive scope	<i>No comprehensive AI-training regime; indirect, case-specific application</i>	<i>Reinforces the case for addressing consent, transparency, and compensation through collective bargaining</i>

f) Gender Equality in Employment Act & Anti-Discrimination Act Proposals

The Gender Equality in Employment Act constitutes South Korea’s primary statutory framework for preventing gender-based discrimination in employment. Article 7 prohibits gender-based discrimination in recruitment and hiring. As employers increasingly rely on AI-based hiring tools, automated resume screening, and algorithmic candidate-ranking systems, this provision is directly relevant to risks arising from biased or opaque algorithmic decision-making. Where an AI recruitment system produces discriminatory outcomes by gender—or relies on variables that operate as proxies for gender—its use may raise concerns under Article 7, particularly where the resulting recruitment or hiring practices cannot be justified on objective and job-related grounds..

Article 30 expressly places the burden of proof on the employer in disputes arising under the Act. This rule is particularly salient in AI-mediated recruitment and evaluation processes, where employers may exercise substantial control over algorithmic design, training data, and decision criteria, and where workers face pronounced informational asymmetries. Moreover, the Act’s definition of discrimination under Article 2 encompasses certain forms of indirect discrimination, including apparently neutral conditions that result in a significantly disadvantageous effect on one gender where the conditions cannot be justified. In this sense, the Gender Equality in Employment Act provides an important legal basis for addressing discriminatory outcomes in algorithmic employment decisions and reinforces the case for transparency, explainability, and auditability of such systems.

In parallel, South Korea’s long-debated Anti-Discrimination Act—initially proposed in 2007 and reintroduced in multiple versions in subsequent National Assemblies, including a new bill introduced in the 22nd National Assembly in February 2026—has sought to establish a comprehensive and cross-cutting anti-discrimination framework. These legislative proposals have included a broad list of protected char-

acteristics and prohibited discriminatory practices across multiple areas of social life, including employment. Such a comprehensive framework is potentially relevant to growing concerns that AI-driven evaluation, profiling, and ranking systems may reproduce or amplify structural inequalities that are difficult for individuals to detect or prove. Although the proposed legislation does not itself provide a comprehensive regulatory framework for automated decision-making, its broader anti-discrimination principles may provide a normative basis for addressing discriminatory outcomes arising from the use of AI systems. In this sense, the proposals complement emerging legal and policy debates on transparency, accountability, and effective remedies in algorithmic decision-making.

However, all such draft Anti-Discrimination bills lapsed with the expiration of the 21st National Assembly, while a new Anti-Discrimination bill was formally introduced in the 22nd National Assembly in February 2026. Nevertheless, comprehensive anti-discrimination legislation has not yet been enacted. As a result, the relevance of these provisions remains normative and prospective, rather than constituting binding positive law within the current South Korean legal system.

Taken together, the Gender Equality in Employment Act and previous Anti-Discrimination Act proposals illustrate both the existing legal capacity and the current regulatory gap in addressing algorithmic discrimination in South Korea. While the former provides enforceable protections—particularly through the statutory allocation of the burden of proof to employers under Article 30—the latter reflects legislative efforts to generalize anti-discrimination principles beyond gender discrimination and to address emerging forms of discrimination more broadly. . As AI increasingly shapes recruitment, evaluation, and promotion decisions, these frameworks are best understood as interacting with the Personal Information Protection Act (PIPA) and the AI Basic Act in an uneven and incomplete legal architecture, in which algorithmic fairness and employer accountability are only partially institutionalized.

Key Articles

Articles	Content	Union Relevance
GEEA Art. 7	<i>Prohibits gender-based discrimination in recruitment and hiring</i>	<i>Basis to challenge gender-biased outcomes in AI-based recruitment and hiring</i>
GEEA Art. 30	<i>Places the burden of proof on employers in disputes arising under the Act</i>	<i>Enables unions and workers to require employers to substantiate the non-discriminatory basis of employment decisions</i>
Anti-Discrimination Act proposals	<i>Sought to extend anti-discrimination protections beyond gender discrimination</i>	<i>Provides a normative and policy reference, not binding law</i>

g) Official Information Disclosure Act

South Korea’s Official Information Disclosure Act, originally enacted in 1996 and repeatedly amended through 2023, establishes the public’s right to access information held by government agencies and sets forth transparency requirements for administrative decision-making. The Act embodies the principle that public-sector information is, in principle, accessible unless specific grounds for nondisclosure apply. Its core functions include enhancing democratic accountability, enabling public oversight of state actions, and supporting informed participation in governance.

However, the Act does not directly regulate algorithmic transparency, nor does it contain provisions tailored to the disclosure of information about AI systems, automated decision-making tools, or data-driven administrative processes. As South Korean public institutions increasingly adopt AI—whether for document processing, risk scoring, resource allocation, or internal administrative decision support—the traditional information-disclosure framework has proven insufficient for addressing the opacity inherent in algorithmic systems. Questions such as what components of an algorithm must be disclosed, how trade-secret claims should be handled, or how affected individuals can access explanations of automated decisions remain largely unaddressed by the statute.

To partially fill this gap, the government introduced the 2020 national AI Ethics Standards, which articulate normative expectations for principles including transparency, fairness, accountability, and human-centred AI development and use. Although these standards are nonbinding and are not specifically designed as a supplement to the Official Information Disclosure Act, they provide general ethical guidance applicable to government and public institutions as well as private actors. Subsequent public-sector AI guidelines have further addressed the responsible introduction and use of AI systems in public administration. In practice, these ethical standards and guidelines can be understood as “soft law” instruments that complement existing legal frameworks and help address some of the new governance challenges created by the growing use of AI in the public sector.

Taken together, the Official Information Disclosure Act and AI ethics standards and public-sector AI guidelines reflect South Korea’s evolving approach to public-sector transparency in the age of AI—anchored in existing administrative law but increasingly supplemented by ethics-based guidance as the state adopts automated systems that were not anticipated when the Act was first enacted.

Key Articles		
Articles	Content	Union Relevance
Official Information Disclosure Act	Right of access to information held by public institutions	Basis to request relevant information concerning AI systems used by public institutions
AI ethics standards and public-sector AI guideline	General principles for responsible, transparent, and human-centred AI use (soft law)	Supports ethical, accountability, and transparency demands concerning AI use in public institutions

4.

The Checklists of Questions You Have a Right to Ask!

You are not expected to be a technology expert in order to protect your rights at work. What matters is knowing which questions you are entitled to ask **before** a digital system is introduced and **while** it is in use.

The following checklists translate existing legal rights into practical questions that workers and union representatives

can use in discussions with management. Print these questions and keep them with you when preparing for, and meeting with, management about digital technologies. Their purpose is to help ensure that existing laws and rights are properly respected in the introduction and use of digital systems at work.

Pre-implementation checklist

Checklist 1

Before an employer introduces AI or data-driven systems (e.g., AICC, smart attendance apps, AI hiring systems, monitoring tools, or generative-AI applications), workers and unions should verify the following points to ensure compliance with South Korean law and to prevent rights violations.

Question	Legal Basis (Corrected & Clarified)
Did the employer conduct a Data Protection Impact Assessment (DPIA) prior to introducing the technology, where required by law?	→ PIPA Art. 33 (Personal Information Impact Assessment; mandatory for public institutions where statutory requirements are met)
If applicable, did the employer assess and address potential risks of bias or discrimination arising from the use of the technology?	→ Gender Equality in Employment Act Art. 7 (prohibition of gender discrimination)
<i>(Normative / non-binding reference)</i> Did the employer consider risks of unfair automated decision-making?	→ Anti-Discrimination Act proposals (normative / non-binding reference)
Did the union or worker representatives participate in the risk-assessment process before the system was adopted, insofar as safety or health risks were involved?	→ Occupational Safety and Health Act (OSHA) Art. 36 (risk assessment)
Are the categories of personal data to be collected strictly limited to what is necessary for performing the job?	→ PIPA Art. 16 (data minimisation principle)
Could the AI system be used for performance evaluation, monitoring, or disciplinary decisions, even if not explicitly stated?	→ Labour Standards Act Art. 23 (just cause requirement for dismissal, disciplinary action, or other disadvantageous measures); → PIPA Art. 37-2 (rights concerning automated decisions, where applicable)
Are workers informed and able to request explanation or reconsideration where automated decisions significantly affect them?	→ PIPA Art. 37-2 (rights concerning automated decisions, where applicable) + PIPC guidance on automated decisions
Could workers' creative works, voice, image, or other expressive data be used as AI training data without explicit consent?	→ Copyright Act Arts. 91-98 (where database-producer rights are relevant); → PIPA (where voice, image, or other data constitutes personal information)

Operational Checklist

Once an AI or data-driven system is deployed in the workplace, workers and unions must continuously monitor how the technology actually operates in practice. This checklist identifies key questions to determine whether the system remains within its lawful scope, respects workers' rights, and complies with South Korea's labour, safety, and data-protection laws.

Question	Legal Basis (Corrected & Final)
Has the actual use of the AI system remained within the purposes stated at the time of introduction, without unauthorised expansion of purpose?	→ Personal Information Protection Act (PIPA) Art. 18 (restriction on secondary use and third-party provision)
Are AI-generated scores, indicators, or automated judgments being used—directly or indirectly—for performance evaluation, monitoring, or disciplinary decisions?	→ Labour Standards Act Art. 23 (requirement of just cause for disciplinary action); → PIPA Art. 37-2 (procedural safeguards for automated decision-making)
Are the categories of personal data collected and processed strictly limited to what is necessary for performing the job?	→ PIPA Art. 16 (data minimisation principle)
Is there a functioning process for reporting, reviewing, and correcting errors, bias, or discriminatory outcomes produced by the AI system?	→ Gender Equality in Employment Act Art. 7 (prohibition of gender discrimination in recruitment and hiring); → Anti-Discrimination Act proposals (normative / non-binding reference)
Has the employer updated the risk assessment when the system is modified or expanded, and were union or worker representatives consulted insofar as safety or health risks were involved?	→ Occupational Safety and Health Act (OSHA) Art. 36 (risk assessment and worker participation)
Has the system increased workload, emotional pressure, or long working hours for workers?	→ Labour Standards Act Arts. 50–55 (working-time and rest-time rules); → OSHA (general duty to protect safety and health, including psychosocial risks)
Are retention periods, storage practices, and deletion protocols properly followed so that unnecessary personal data are removed?	→ PIPA Art. 21 (limits on retention and mandatory destruction)
Does the system deploy excessive monitoring tools—such as continuous recording, screen capture, or location tracking—that may be disproportionate to the work performed?	→ PIPA Arts. 3, 15, and 16 (fairness, proportionality, purpose specification, and minimisation); → OSHA (indirect relevance where monitoring creates health risks)
Whenever the AI system is updated or new features are added, are workers informed in advance of material changes affecting data processing or working conditions?	→ PIPA Arts. 15, 18, and 20 (notice of processing purposes and changes); → AI Basic Act (principles of transparency and trustworthiness)
Are workers' creative works, voice, image, or other expressive outputs protected against unauthorised extraction or reuse as AI training data?	→ Copyright Act (including Arts. 91–98 where database-producer rights are relevant); → PIPA (where voice, image, or other data constitutes personal information)

5.

Filling the Gaps – Bargaining Topic Suggestions

Existing law does not fully address many of the practical problems created by AI, monitoring technologies, and data-driven management at work. Collective bargaining is therefore an important way for unions to address these gaps. This section provides examples of negotiating themes that unions may draw on when developing their own demands to regulate how digital systems affect working conditions.

1. Limits on Data Use (Data Minimisation & Purpose Limitation)

Unions can pursue contractual restrictions to ensure that worker data are collected and used only for legitimate, negotiated purposes.

Key bargaining items include:

a. Ban on data collection outside working hours

- Prohibition of GPS/Wi-Fi/Bluetooth tracking during non-working time
- Ban on behavioural tracking through employer mobile apps
- Ban on call-centre “away-from-seat detection systems” after or beyond scheduled shifts

b. Ban on mandatory use of personal devices (BYOD ban)

- Employer must provide all work devices
- Absolute prohibition on installing monitoring software on personal devices

c. Purpose limitation clause

- CCTV installed for security cannot be used for evaluation or disciplinary purposes
- Any change of purpose requires prior consultation and renegotiation with the union

d. Clear retention periods

- Short default retention windows (e.g., 3–6 months)
- Documented and auditable deletion procedures

2. Algorithmic Evaluation Transparency & Fairness

AI-based assessments must not be opaque or unchallengeable. Workers and unions should have visibility into how systems score, rank, or classify them.

Union demands may include:

- Disclosure of the model’s evaluation logic, scoring criteria, and performance indicators
- Disclosure of dataset sources, including whether training data include workers’ outputs
- Regular third-party algorithm audits (bias tests, error rates, false-positive analysis)
- **Right to challenge AI-generated evaluations**, including:
 - Access to underlying data
 - Explanation of decisions
 - A ban on AI-only disciplinary actions (mandatory human-in-the-loop review)

3. Joint Digital Technology Committee

A joint governance structure ensures that labour has a formal role in the oversight of new technologies.

Recommended structure:

- Union representatives (≥3), management representatives (HR, IT, safety), and external experts if needed

Mandate:

- Mandatory review before any new AI or digital tool is introduced
- Review of DPIAs and risk assessments
- Joint risk-assessment visits to worksites
- Joint audit team during the first 3–6 months after deployment

4. Right to Disconnect

Digitalisation and mobile work easily erode boundaries between work and private life. A negotiated right to disconnect can include:

- Automatic blocking of work notifications after working hours
- Clear definition of “working time” in remote/mobile work environments
- Limits and compensation rules for emergency contact outside working hours

5. Data Access & Contesting Rights

Workers must be able to see, correct, and contest the data used to evaluate or discipline them.

Core elements:

- Full access to original data used in evaluation or disciplinary procedures
- Immediate correction of inaccurate or harmful data
- A transparent, time-bound appeal procedure for AI-generated evaluations
- A ban on relying solely on AI-generated data for disciplinary action

6. Joint AI Ethics & Safety Guidelines

To address emerging forms of algorithmic risk, unions may propose:

- Ban on emotion-recognition tools and “emotional standardization” technologies in evaluation
- Mandatory human oversight for all personnel decisions
- A moratorium on layoffs directly tied to automation without negotiation and transition plans
- Integration of psychosocial and cognitive-load risks into OSHA-based risk assessments

7. Protection of Creative Workers (Webtoon, Design, Content)

Generative AI has direct implications for creative labour markets, skill hierarchies, and copyright.

Bargaining issues include:

- Opt-in consent for any AI training using workers’ or freelance creators’ works
- Clear “AI-use labels” on generated or AI-assisted content
- Retraining and transition support for assistants and junior artists displaced by AI tools
- Clarity on ownership and exploitation rights for AI-generated or AI-assisted works

8. Reskilling, Job Security, and Transition Governance

As AI reshapes skill structures, bargaining should address employment stability and long-term workforce development.

Possible demands:

- Paid retraining programs for workers affected by automation
- Consulted procedures for job reassignment and redeployment
- Employment-stability periods (e.g., no layoffs for 1–2 years after introducing new technologies)
- A prohibition on using automation as a pretext for downsizing without negotiation

6.

Summary Reflections

If you remember only one thing from this report, remember this: digital systems do not remove your rights - they give you new reasons to use them!

This report has examined how digital technologies, particularly AI and data-driven systems, are reshaping work in South Korea, and how existing legal frameworks and evolving forms of social dialogue intersect with these transformations. Across the empirical cases analysed, including call centres, smart attendance systems, AI-based recruitment, and the webtoon and creative industries, a consistent pattern emerges. Despite being promoted in the language of efficiency, innovation, and service improvement, AI systems are most associated with intensified monitoring, task fragmentation, and the reconfiguration of labour relations, rather than with clear or broadly shared productivity gains. In practice, these technologies tend to function less as neutral tools and more as infrastructures that reorganize control, visibility, and accountability in the workplace.

From a legal perspective, South Korea is not operating in a regulatory vacuum. The Artificial Intelligence Basic Act establishes a national governance framework oriented toward “trustworthy AI” and signals an intention to address automated decision-making in sensitive domains, including employment. The Personal Information Protection Act provides a relatively robust set of principles, including purpose limitation, data minimisation, and safeguards concerning automated decisions, that can constrain certain forms of workplace surveillance and algorithmic management. Core labour statutes such as the Labour Standards Act and the Occupational Safety and Health Act continue to regulate working time, safety, and health, and remain directly implicated when digital systems intensify workloads or exacerbate physical, cognitive, or psychosocial risks. Copyright law, meanwhile, has acquired renewed relevance as generative AI systems draw on large-scale datasets derived from creative labour. Anti-discrimination norms, particularly under the Gender Equality in Employment Act, further provide a legal basis for contesting gender-discriminatory outcomes arising from the use of algorithmic systems.

At the same time, the analysis demonstrates that this legal architecture is fragmented, indirect, and largely reactive from the standpoint of workers. Most of the applicable rules do not impose explicit ex ante obligations tailored to workplace AI, nor do they establish comprehensive rights to participation, co-decision, or algorithmic transparency. Statutory data-protection impact assessments are primarily

applicable to public institutions and are not systematically triggered by employment-related AI. Occupational safety law continues to prioritize traditional hazards, with AI-related cognitive and emotional burdens only marginally recognized in practice. Labour law protections can be weakened through organizational strategies and contested classifications, while copyright rules offer only partial constraints on the extraction of creative work for AI training. Even where anti-discrimination principles apply, control over algorithmic design and data remains overwhelmingly concentrated in the hands of employers and technology providers.

In this context, the significance of social dialogue and collective bargaining lies not in replacing legal regulation, but in compensating for its limits. The ESLC’s Committee on Digital Transformation and the Future of Work marked a preliminary agenda-setting moment by framing digitalisation as a structural transformation requiring reskilling, expanded protection, and worker involvement. More recent initiatives within the National Assembly suggest that social dialogue itself is being reorganised across multiple institutional sites, reflecting the political salience of AI-driven industrial change. However, these forums have so far generated principles and discussions rather than binding workplace-level mechanisms.

Against this backdrop, the checklists and bargaining examples presented in this report should be understood as pragmatic instruments rather than guarantees of protection. The pre-implementation and operational checklists translate dispersed legal obligations into concrete questions that workers and unions can raise, but they do not eliminate underlying power asymmetries or legal gaps. Similarly, the proposed bargaining demands on data use, algorithmic evaluation, workload, health and safety, and creative labour protection represent strategies for shaping technology through negotiation, not rights that are automatically secured by law.

The broader implication of the analysis is that AI’s impact on work in South Korea is fundamentally social and political, not merely technical or legal. AI systems redistribute power by determining who is monitored, how performance is measured, whose data are extracted, and who can meaningfully contest decisions. Existing law offers points of friction and leverage, but not a coherent or self-sufficient governance regime capable of ensuring fairness, transparency, or worker participation on its own.

The central arena of contestation therefore remains the workplace itself. Whether AI contributes to socially sustainable innovation will depend less on the formal existence of legal principles than on how workers, unions, employers, and public institutions mobilize, interpret, and supplement them through collective action and negotiated governance. In this sense, democratic control over AI at work is not a settled legal outcome but an ongoing process that must be built incrementally through law, social dialogue, and, crucially, the organized agency of workers confronting digital transformation in their everyday working lives.

7.

Annex – Links to the Laws And Agreements Covered

Law / Regulation	Official Link (Korean)	Official Link (English)
Artificial Intelligence Basic Act (Full name: Basic Act on the development of artificial intelligence and the creation of trust)	https://www.law.go.kr/lsInfoP.do?lsiSeq=268543	https://elaw.klri.re.kr/kor_service/lawView.do?hseq=71019&lang=ENG
Personal Information Protection Act	https://law.go.kr/LSW/lsInfoP.do?lsiSeq=270351&ancYd=20250401&ancNo=20897&efYd=20251002&nwJoYnInfo=Y&efGubun=Y&chrClsCd=010202&ancYnChk=0#0000	https://law.go.kr/LSW/lsInfoP.do?lsiSeq=270351&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000
Labour Standards Act	https://www.law.go.kr/LSW/lsInfoP.do?lsiSeq=265959&ancYd=20241022&ancNo=20520&efYd=20251023&nwJoYnInfo=Y&efGubun=Y&chrClsCd=010202&ancYnChk=0#0000	https://law.go.kr/LSW/lsInfoP.do?lsiSeq=265959&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000
Occupational Safety and Health Act	https://www.law.go.kr/LSW/lsInfoP.do?chrClsCd=010203&lsiSeq=219125&urlMode=korLsInfoR&viewCls=korLsInfoR#0000	https://www.law.go.kr/LSW/lsInfoP.do?chrClsCd=010203&lsiSeq=219125&urlMode=engLsInfoR&viewCls=engLsInfoR
Copyright Act	https://www.law.go.kr/LSW/lsInfoP.do?lsiSeq=260839&viewCls=korLsInfoR#0000	https://www.law.go.kr/LSW/lsInfoP.do?lsiSeq=260839&viewCls=engLsInfoR#0000
Gender Equality in Employment Act (Full name: Equal Employment Opportunity and Work-Family Balance Assistance Act)	https://law.go.kr/LSW/lsInfoP.do?lsiSeq=276851&ancYd=20251001&ancNo=21065&efYd=20251001&nwJoYnInfo=Y&efGubun=Y&chrClsCd=010202&ancYnChk=0#0000	https://law.go.kr/lsInfoP.do?lsiSeq=276851&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000
Official Information Disclosure Act	https://law.go.kr/lsInfoP.do?lsiSeq=224549&urlMode=engLsInfoR&viewCls=korLsInfoR#0000	https://law.go.kr/lsInfoP.do?lsiSeq=224549&urlMode=engLsInfoR&viewCls=engLsInfoR#0000
Enforcement Decrees / Rules	https://www.law.go.kr/LSW/lsInfoP.do?lsiSeq=266775&ancYd=20241203&ancNo=35038&efYd=20241227&nwJoYnInfo=N&efGubun=Y&chrClsCd=010202&ancYnChk=0#0000	https://www.law.go.kr/lsInfoP.do?lsiSeq=266775&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000

8.

Glossary List

This glossary explains recurring terms and concepts used throughout the country chapters. It is intended to support workers and union representatives in quickly understanding technical, legal, and managerial language commonly used in discussions about digitalised workplaces.

A

Algorithmic management The use of software systems and algorithms to allocate tasks, evaluate performance, determine pay, schedule work, or discipline workers, often with limited transparency or human oversight.

Artificial intelligence (AI) Computer-based systems designed to perform tasks that typically require human judgment, such as decision-making, pattern recognition, prediction, or classification. In workplaces, AI is increasingly used in recruitment, performance management, surveillance, and automation.

AI systems (Artificial Intelligence systems) An AI system is a type of digital system that uses computational methods such as machine learning, statistical models, or rule-based algorithms to generate outputs including predictions, classifications, recommendations, or decisions based on input data. AI systems are used in some workplaces for tasks such as recruitment screening, performance scoring, task allocation, or pattern recognition. AI systems are digital systems that use algorithmic models to generate outputs from data.

Automated decision-making (ADM) Decisions affecting workers that are made wholly or primarily by digital systems, with minimal or no human intervention, for example in hiring, scheduling, performance scoring, or dismissal.

B

Biometric data / biometric systems Personal data based on physical or behavioural characteristics, such as fingerprints, facial images, iris scans, or voice patterns, used to identify or authenticate workers, often for attendance, access control, or monitoring.

C

Collective bargaining Negotiations between workers' organisations and employers to determine working conditions, rights, and obligations. In the context of digitalisation, collective bargaining is used to regulate technology use where law is absent, weak, or insufficient.

Consultation and worker participation Legal or collectively agreed processes requiring employers to inform and involve workers or their representatives before introducing technological, organisational, or operational changes that affect working conditions.

D

Data Any representation of information, facts, or concepts in a form capable of being processed by a computer system.

Data Fiduciary / Controller The entity (usually the employer) that decides how and why personal data is processed and bears the legal responsibility for its protection.

Data Minimisation The principle that only the data strictly necessary for a specific, stated purpose should be collected and used.

Data protection Rules and principles governing how information relating to an identifiable person is collected, stored, used, shared, and retained. In workplaces, this includes amongst others attendance data, location data, performance metrics, and biometric information.

Data Protection Impact Assessment (DPIA) A structured assessment required in many jurisdictions before introducing high-risk data-processing systems. It evaluates risks to workers' rights and freedoms.

Digital labour platforms / platform work Work mediated through digital applications or online platforms that allocate tasks, manage performance, and process payment, often using algorithmic systems. Examples include ride-hailing, delivery, and online outsourcing.

Digital technologies Digital technologies are electronic tools, devices, software, and data-processing applications that create, collect, store, transmit, or analyse digital data. In workplaces, this includes items such as computers, mobile devices, biometric scanners, cameras, GPS devices, software applications, platforms, and databases.

These technologies generate and process data that can be used in organising, monitoring, or managing work. Digital technologies are the individual electronic tools and applications.

Digital systems A digital system is an arrangement of multiple digital technologies that operate together to collect data, process it according to defined rules or instructions, and produce outputs.

A digital system may include hardware, software, data storage, and interfaces used by managers or workers. The system refers to the combined operation of these components rather than any single device or application. Digital systems are combinations of digital technologies working together.

Digital surveillance / worker monitoring The use of digital tools to observe, record, or analyse workers' activities, movements, communications, or performance, including CCTV, GPS tracking, keystroke logging, and screen monitoring.

E

Enforcement gaps The disconnect between formal legal rights and their real-world application, often due to weak oversight, delayed remedies, limited access to regulators, or reliance on individual complaints.

F

Function creep The gradual expansion of a technology's use beyond its original stated purpose, for example when security or attendance systems are later used for performance evaluation or discipline.

H

Human oversight The requirement that automated or AI-driven systems remain subject to meaningful human review, judgment, and accountability, particularly when decisions affect workers' rights or livelihoods.

I

Informational asymmetry A power imbalance in which employers control access to information, data, and system logic, while workers lack insight into how technologies operate or how decisions are made.

O

Occupational safety and health (OSH) Legal and organisational obligations to protect workers' physical and mental well-being at work, including risks arising from stress, work intensification, constant monitoring, or technological change.

P

Platform worker classification The legal determination of whether platform workers are treated as employees, self-employed, or a separate category, which affects access to labour rights, social protection, and collective bargaining.

Power asymmetry An imbalance of authority and control between management and workers, intensified in digitalised workplaces through surveillance, data extraction, and algorithmic control.

Purpose limitation A core data-protection principle requiring that data collected for one specific purpose (e.g. security) not be reused for incompatible purposes (e.g. discipline or productivity scoring) without justification and consultation.

R

Right to explanation / transparency The principle that workers should receive clear, accessible information about what data are collected about them, how technologies function, and how decisions affecting them are made.

Right to disconnect The right of workers to be free from work-related digital communication and monitoring outside working hours, protecting rest time and work-life boundaries.

Risk assessment An evaluation of potential harms associated with introducing new technologies, including impacts on privacy, health, equality, workload, and job security.

S

Surveillance capitalism / data extraction A model in which value is generated by collecting and analysing large amounts of behavioural data, increasingly applied within workplaces through digital management systems.

W

Worker dignity and autonomy Foundational labour principles recognising workers as rights-bearing individuals, not merely data points or inputs, requiring limits on intrusive monitoring and automated control.

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Negotiating Digitalised Workplaces – Rights and Obligations

This series of country studies – encompassing to date Albania, Brasil, India, Ireland, Kenya, South Korea, and Uruguay – highlights the institutional power resources of workers to shape the digitalisation of workplaces. By knowing rights, laws and labour market agreements, workers and trade unions can henceforth better claim their rights and negotiate working conditions when digital technologies are introduced and used.

Further information on this topic can be found here:

➤ fes.de/lnk/negotigirights