

Better opportunity or extended sweatshop?

-Labor law and policy in the age of Digitalization in Korea-

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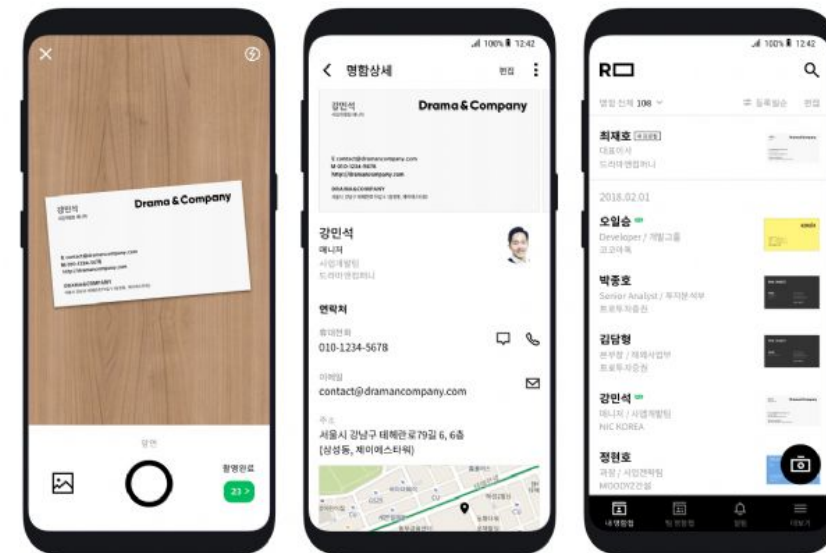
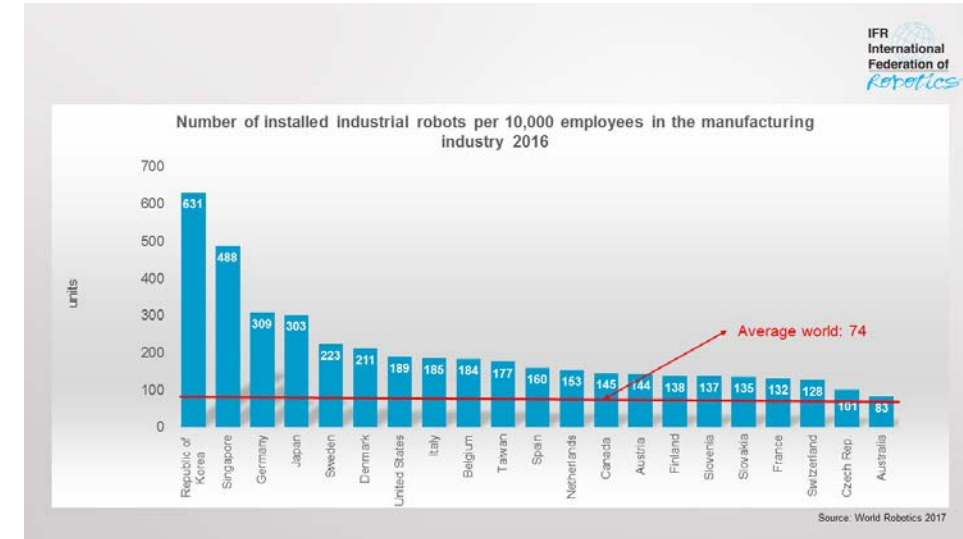
1 Recent situation

Recent Situations in Korea

◎ Digitalization in Korean labor relations

- ▶ Dynamic Development
- ▶ High share of self employed
- ▶ Changes in the notion of "WORK"

- ▶ Is it really a fundamental change?
or just another type of sweat shop??



Recent Situations in Korea

◎ Increase in the platform economy

- Expanding mainly with low-skilled, low-wage jobs (substitute driver, food delivery service)
 - Decent works supplying more WLB?
 - Competition among the workers
 - More segmented jobs than before
- 👉 **enhanced instability of work**

Recent Situations in Korea

► New kinds of Class division (R.Reich)

The Remote

The Essentials

The Unpaid

The Forgotten

Similar situation in Korea

👉 Two extremes in labor market

👉 Snowballing of inequality



The screenshot shows the top portion of a Guardian article. At the top, there are navigation links for 'Search jobs', 'Sign in', and 'Search'. The Guardian logo is prominently displayed in the center, with 'International edition' to its right. Below the logo, the article is categorized as 'Opinion Coronavirus outbreak'. The main headline reads 'Covid-19 pandemic shines a light on a new kind of class divide and its inequalities', followed by the author's name, 'Robert Reich'. A small portrait of Robert Reich is visible on the right side of the article. Below the headline, a sub-headline states: 'A disproportionate number of Americans fall into the three groups who aren't getting what they need to survive this crisis'. The date and time are listed as 'Sun 26 Apr 2020 06:00 BST'. There are social media sharing icons for Facebook, Twitter, and Email, along with a share count of '9,441'. A photograph shows a man in a blue shirt walking a dog past a homeless man sitting on the steps of a building. Below the photo, a caption reads: '▲ A man wearing a mask walks his dog past a homeless man along Hollywood Boulevard in Los Angeles. Photograph: Richard Vogel/Associated Press'. The article text continues: 'The Covid-19 pandemic is putting the deepening class divide in America into stark relief. Four new classes are emerging. **The Remotes:** These are professional, managerial, and technical workers - an estimated 35% of the workforce - who are putting in long hours at their laptops, Zooming into conferences, scanning electronic documents, and collecting about the same pay as before the crisis. Many are bored or anxious, but they're well off compared to the three other

2 Case of platform work

Platform Workers

◎ Platform Workers – employee or not?

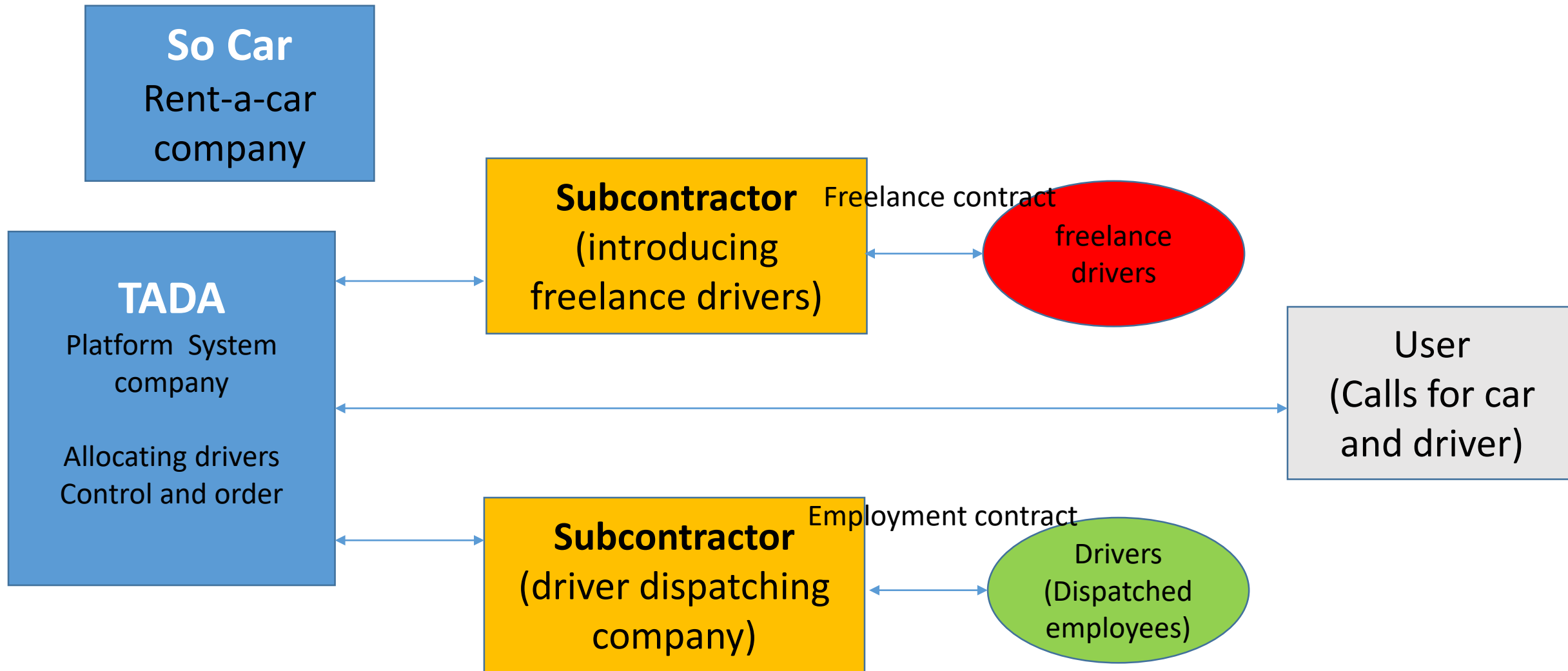
▶ TADA : car sharing service with drivers

Are the drivers who work for rent a car based car sharing services employees or freelancers?

▶ subsidiary company, outsourcing, subcontracting, dispatching... : Complicated structure - an attempt at misclassification?



Platform Workers



Platform Workers

© Platform Workers – any protection?

▶ Is this just the déjà vu of the old question?

Not an employee (by traditional standard)
Designated time and place, direct order and obligation...

▶ Possibility of being covered by social security

Revision in Industrial Accident Compensation insurance Act(Art. 125.)

(...persons who are not subject to the Labor Standards Act, etc., even though they offer labor service similar to that of employees regardless of the type of contract, and therefore need protection from occupational accidents...)

Cases about platform delivery service (Supreme court, NLRC)

3 Case of multi job workers

Multijob Workers

Persons who work for more than one employer

**How to regulate persons
who have more than one job?**



Multijob Workers

▶ Increase of employees working for multiple employers

→ Different types of workers and various reasons

→ Technology Development : ubiquitous working environment

→ "Do not need a car", "whenever you want to work"

→ Again, the employee test

쿠팡이츠 배달 파트너 모집

최대 시간당 수입 **20,000원**

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자동차, 오토바이, 자전거, 심지어 도보까지

세상 쉬운 풀 알바
만 19세 이상이면 배달경험 없어도 누구든지 OK!

자유로운 업무시간
원하는 시간에만 일하세요 당신의 시간은 소중하니깐요

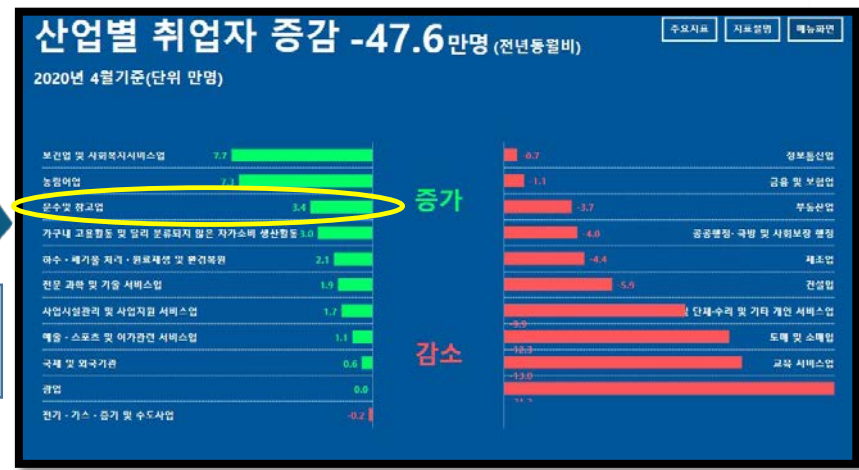
배달되지 않던 맛집이 찾아온다!

요기요 플러스+ 라이더 모집

월 300~600만원 받아감!
하이크/주유비 무상지원!

비이커 할 수 있음?
스마트폰 있음?

Transportation/warehousing



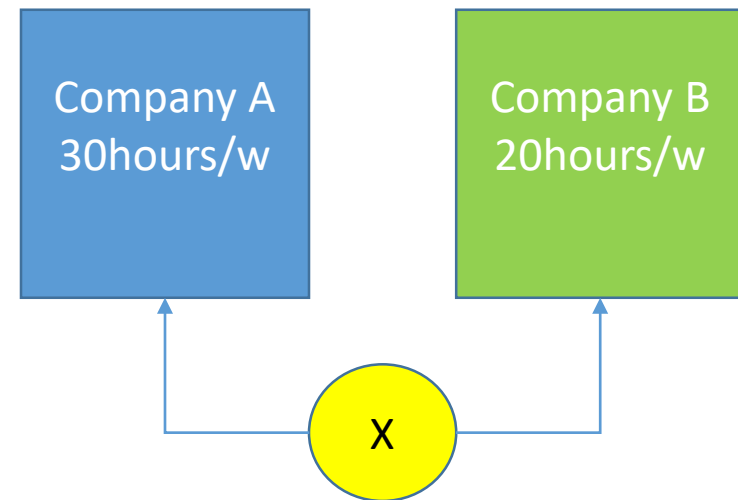
Multijob Workers

Multi job workers' industrial accident?

Legislation

IACIA Art.36 (5), presidential decree 24 (1) 2

- ✓ **sum up incomes from multi job calculating insurance benefits**
- ✓ **more than one part time jobs**



When X meets industrial accident, the amount of the insurance benefit is based on incomes from BOTH A and B

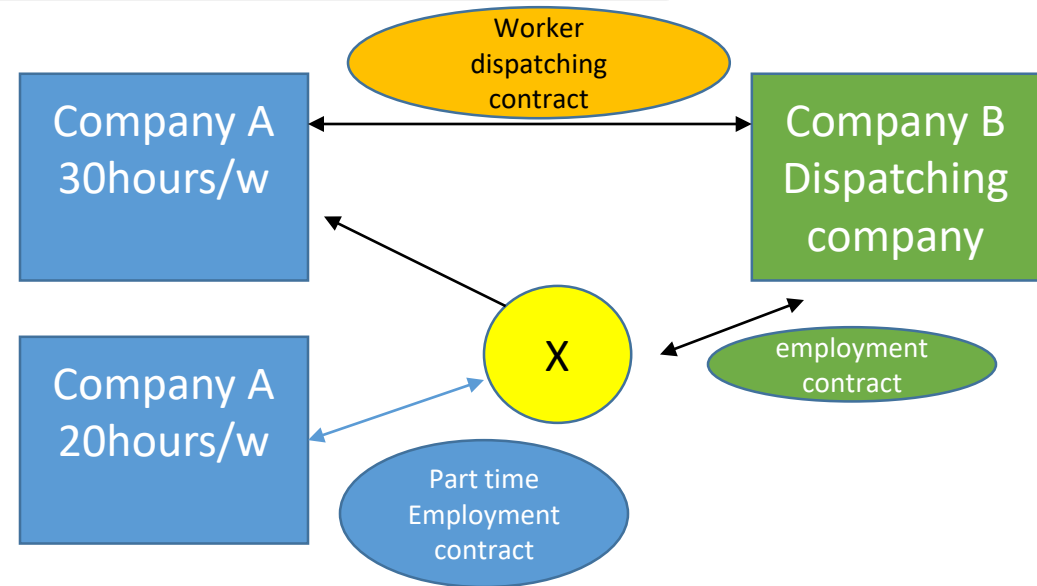
Multijob Workers

Multi job workers' industrial accident?

Cases

Seoul High Court 2018. 11. 21. 2017NU69306

- ✓ **One company, one employee with two contracts**
- ✓ **sum up all the time worked**
 - : at various workplace
 - : by multiple contracts



When X meets industrial accident, the amount of the time when the court consider whether it is industrial accident (overwork) or not is based on total time of 50 hours

Multijob Workers

More Issues surrounding multijob workers?

▶ **Issues about protection of workers**

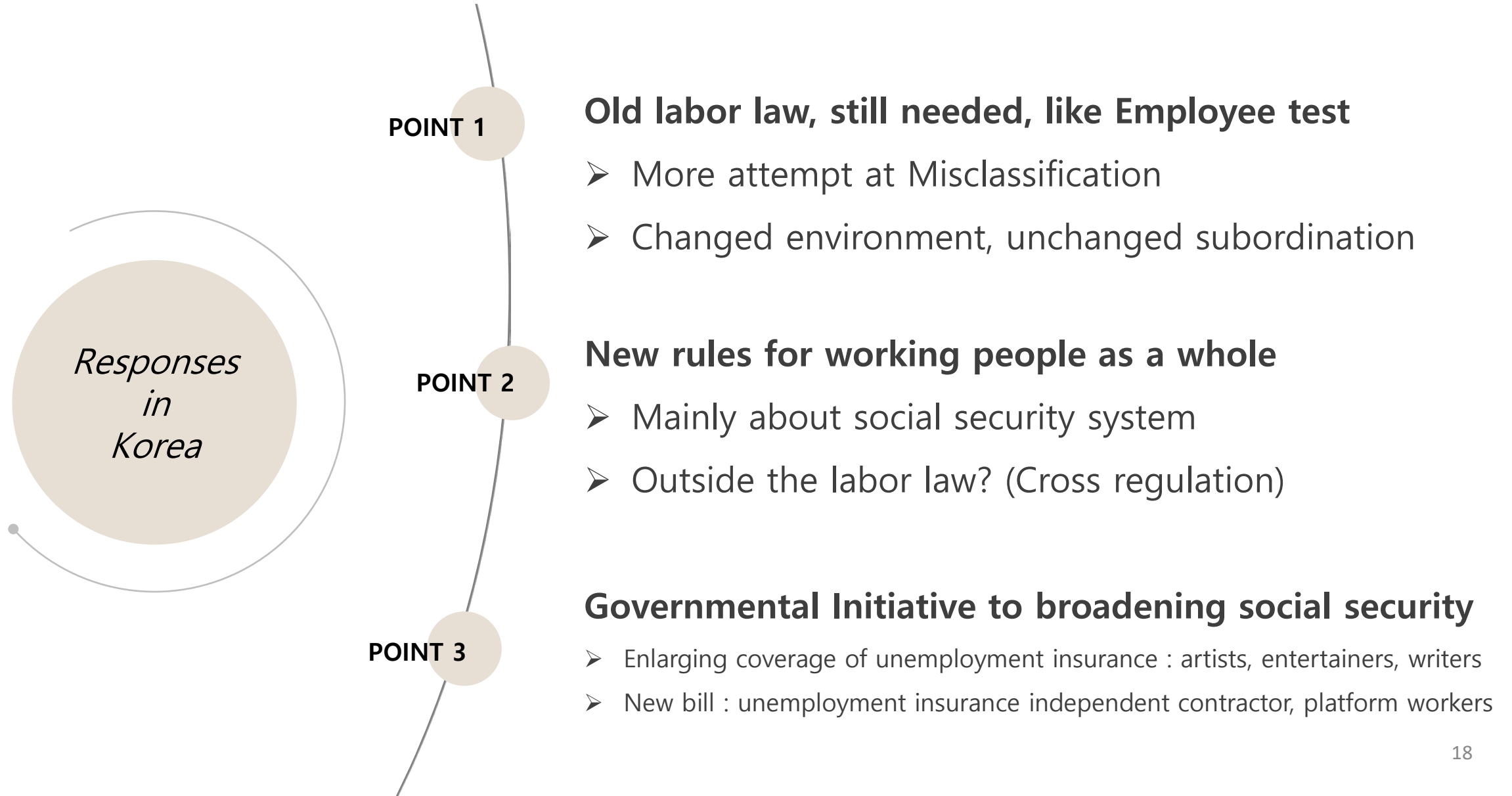
- ▷ Maximum working hours, Occupational Safety and Health / Social insurance
- ▷ who's in charge of responsibilities?

▶ **Issues concerned with contractual relations**

- ▷ duty of loyalty / covenant not to compete / discipline
- ▷ the range of employment contract? Border line between work and privacy

4 Conclusion

Digitalization in Korea and labor law's responses



More to contemplate



New Problems, esp. rising from contract?

- Working time, covenant not to compete...
- Can technology handle these issues?

Self determination vs. Social Protection

- Can Technologies make clear boundary?
- Intervention or Protection?(by the State)

New era for union, representative,

- Another perspective and way of solidarity
- Social Dialogue and agreement in platform industry

END