

Worker Surveillance  
and Response to it  
in the Republic of Korea

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노동자감시 대응 지침서

# 노동자는 감시를 거부할 권리가 있다



노동자감시근절을위한연대모임  
<http://gamsi.net>

Workers have the right  
to refuse surveillance

- Guidebook published in 2004

- ✓ Monitor cell phone usage in your organization
- ✓ Monitor computers usage in workplace
- ✓ Backup & monitor phone data & usage
- ✓ Track your workforce
- ✓ Have evidence for customer relationship and legal issue

Source : <https://spyera.com/monitor-your-employees/>



Source : <https://www.manageengine.com/kr/desktop-central/mobile-device-management-mdm.html>

All-In-One Monitoring >

Comprehensive Functionality >

Citrix Ready & Unique Database >

Total Stealthy Mode >

Real-Time Remote Monitoring >

One Purchase, Lifetime License >

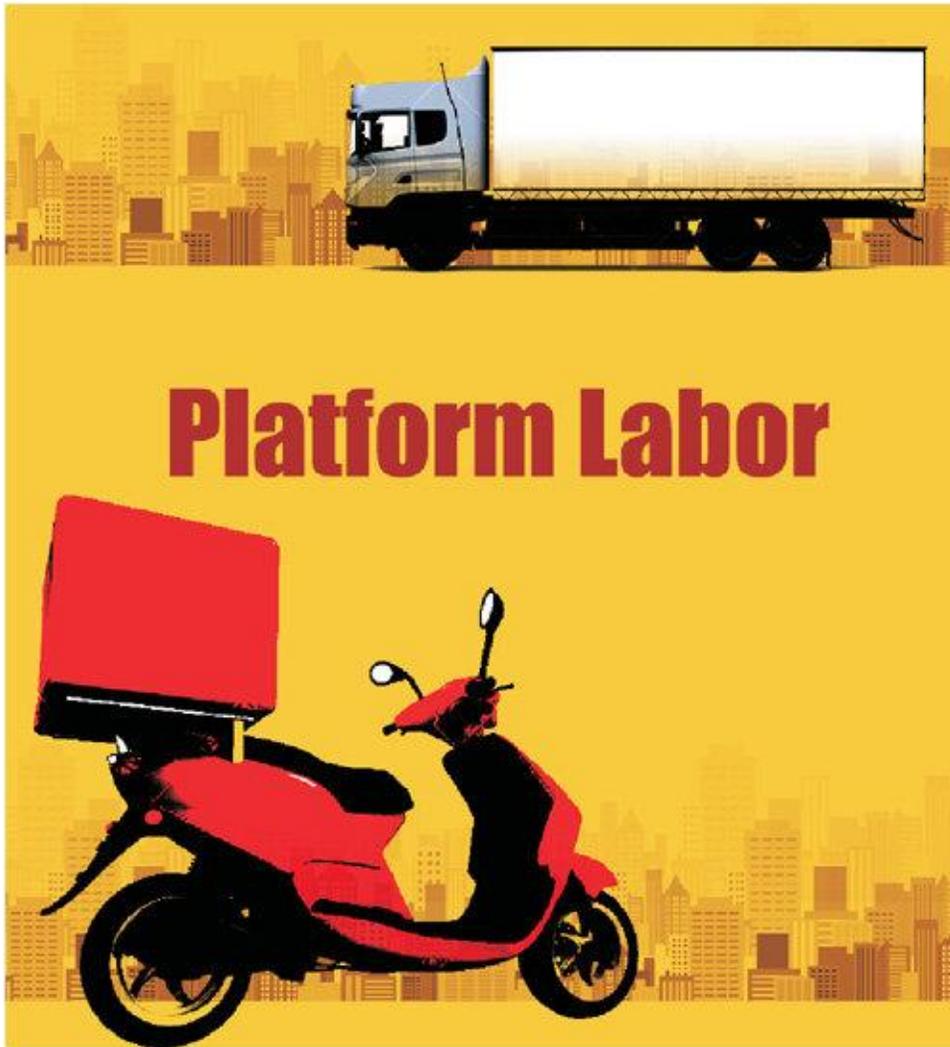
## All-In-One Employee Computer Monitoring Software

Unlike other providers of employee monitoring solutions, we focus on developing a product that all functionality are integrated in one.

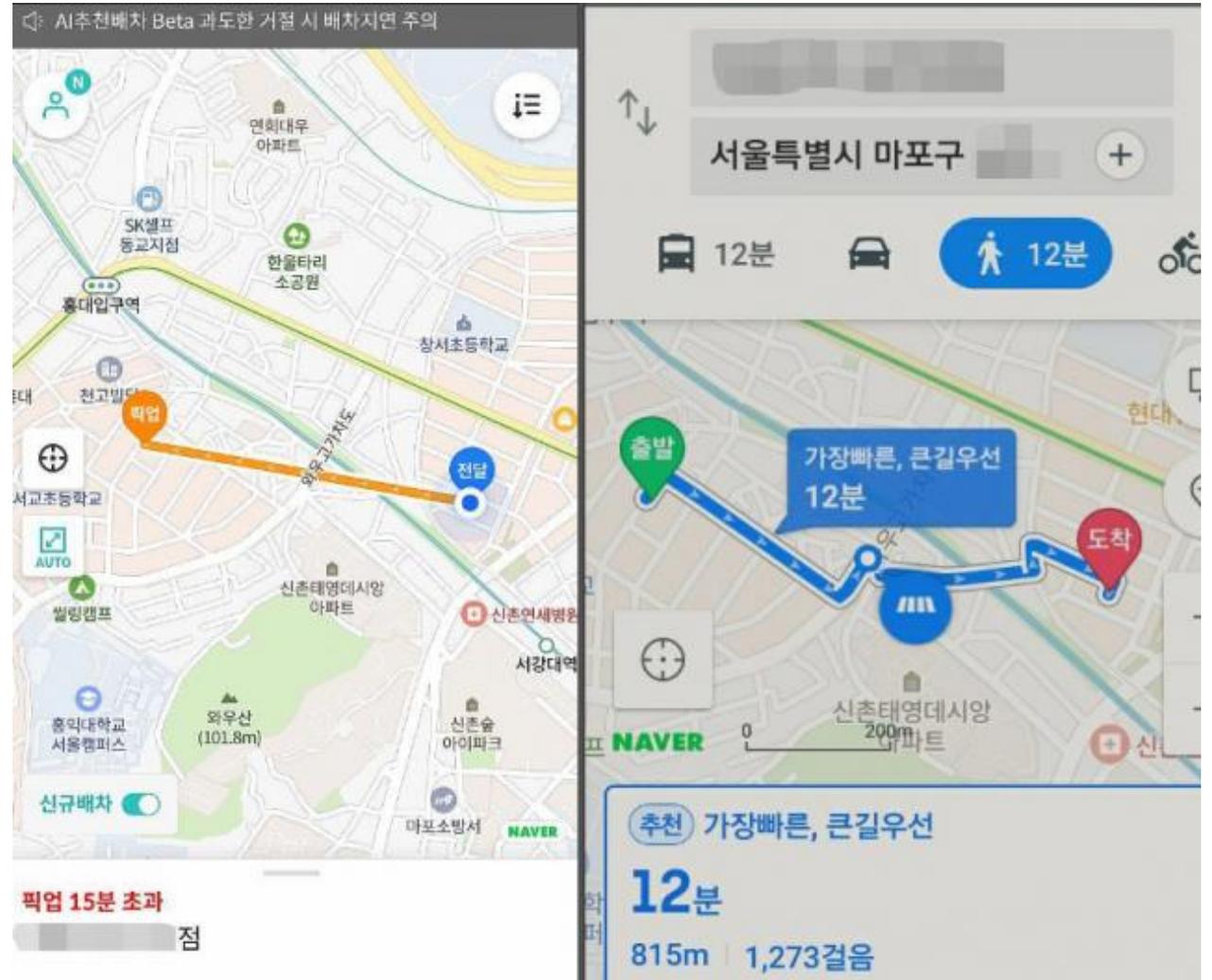
Just buy only one software and then you can use it with all-round functionality, which saves you plenty of money to buy more products for extra requirement and brings you convenience for use.

Recording every employee computer activities, **include keystrokes, clipboard activities, screenshots, file documents(copy, move, paste, delete, rename, create), print jobs, E-mail, webmail(GMail, Yahoo mail, Hotmail and all other popular webmail), online storage usage, FTP file transfer, websites, searches, file downloads, program usage and time, Skype, QQ, ICQ, AIM, Google talk chat, Facebook, Twitter activities, removable storage usage, application network traffic, system events and so on.**

Source : <https://www.imonitorsoft.com/>



source :  
<https://www.donga.com/news/Inter/article/all/20191218/98849512/1>

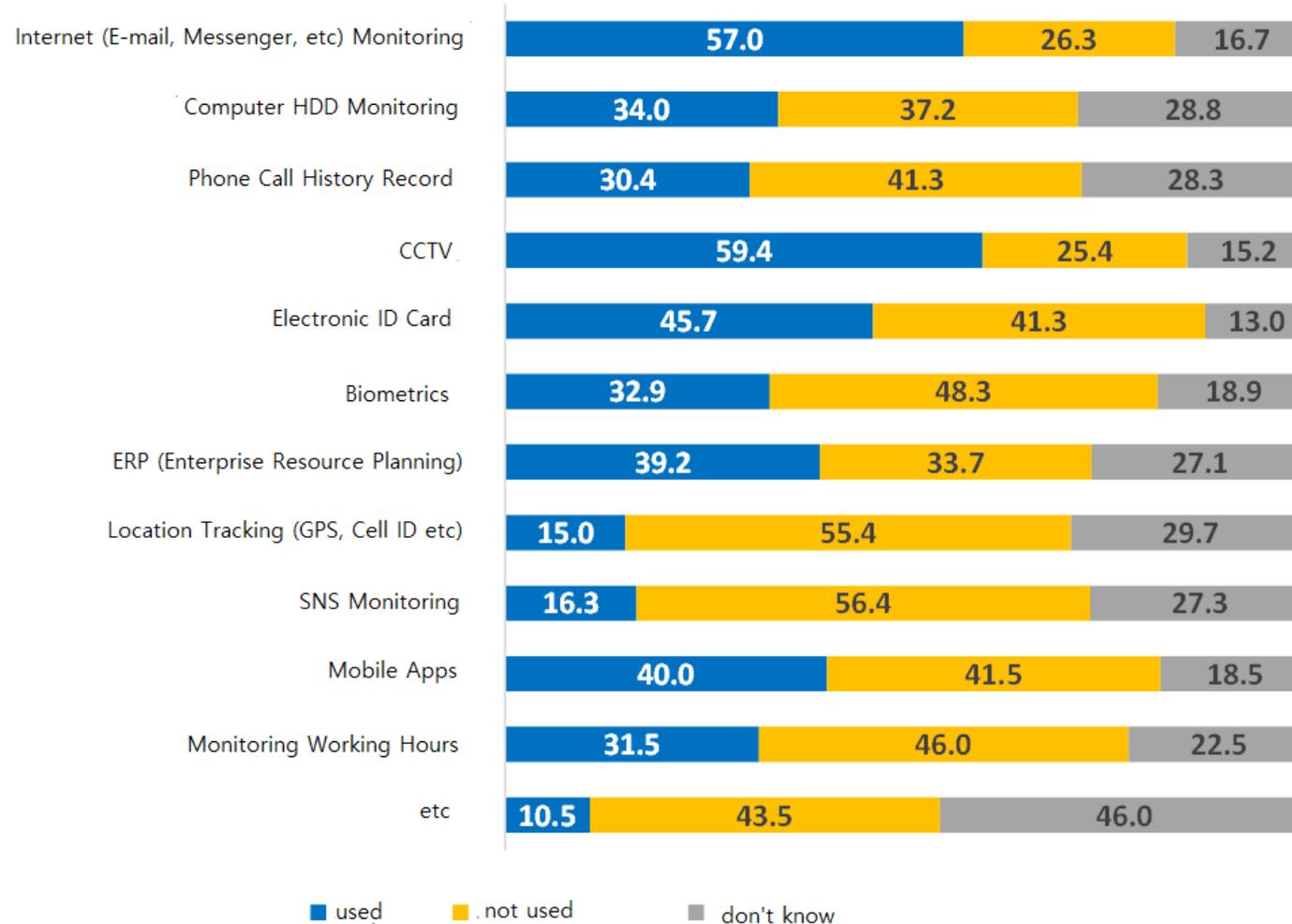


source :<https://www.pressian.com/pages/articles/2021060815482742028#0DKU>

# Survey

- Title : An analysis of the impact of digital labor monitoring on workers.
- Requesting Organization : Public Workers Solidarity Foundation, Korean Progressive Network Jinbonet
- Executing Organization : ST-Research
- Survey Period : 12 - 27, May, 2021. (for 16 days)
- Survey Method : Online Survey
- Data Collection Tool : Structured Questionnaire
- Number of Respondents : 1177
- Confidence Level : Sample error is  $\pm 3\%$  at 95% confidence level

# What monitoring technology is being used in workplace

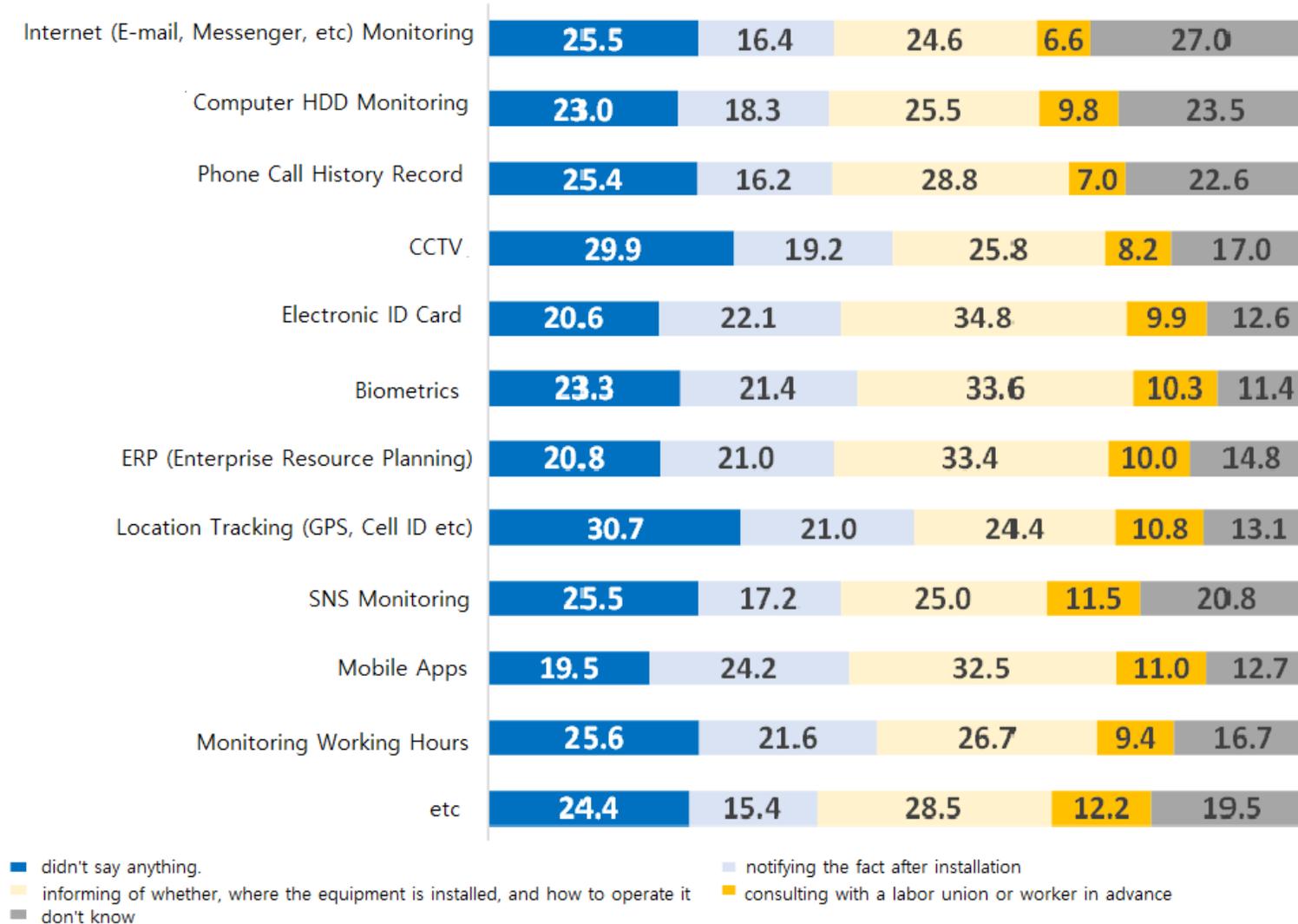


# 2013 vs 2021

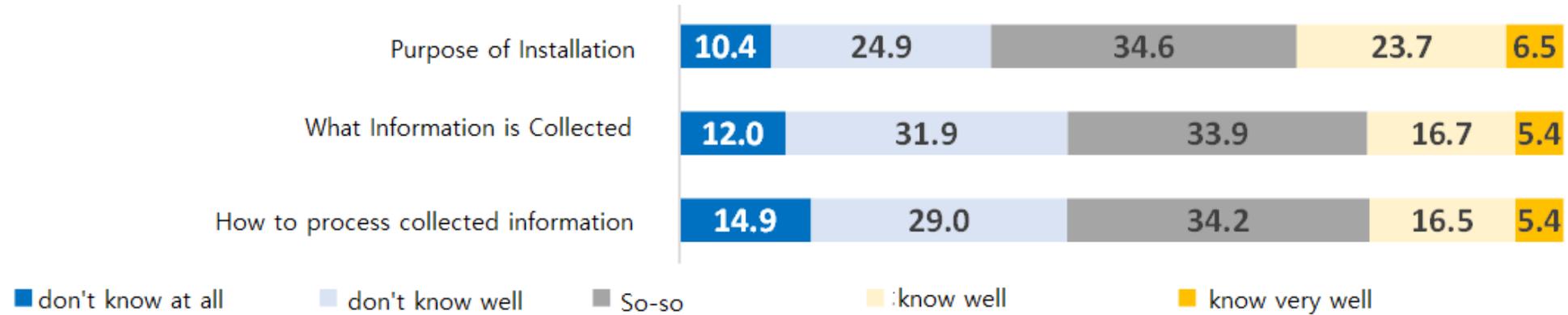
- The adoption of surveillance technology shows a trend of increasing

	2013	2021	
	Used	Used	don't know
Internet Monitoring	46.9%	57%	16.7%
HDD Monitoring	33.0%	34.0%	28.8%
Phone Call History Record	21.3%	30.4%	28.3%
CCTV	62.7%	59.4%	15.2%
Electronic ID Card	39.1%	45.7%	13.0%
Biometrics	24.7%	32.9%	18.9%
ERP	49.4%	39.2%	27.1%
Location Tracking	14.7%	15%	29.7%
SNS Monitoring	-	16.3%	27.3%
Mobile Apps	-	40.0%	18.5%
Monitoring Working Hours	-	31.5%	22.5%
etc	10.4%	10.5%	46.0%

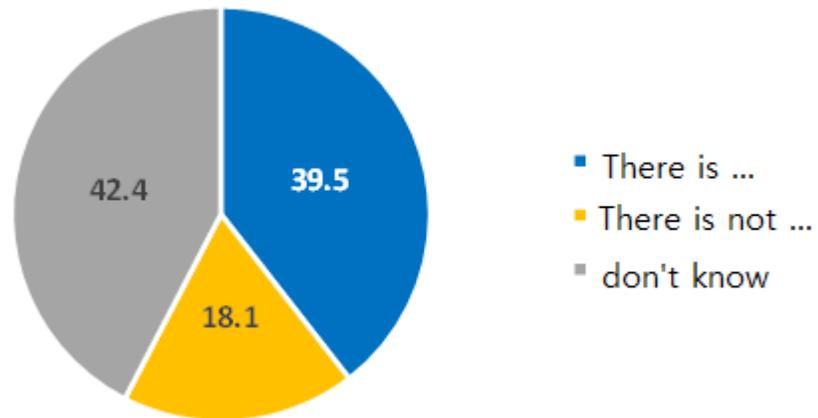
# Lack of Transparency



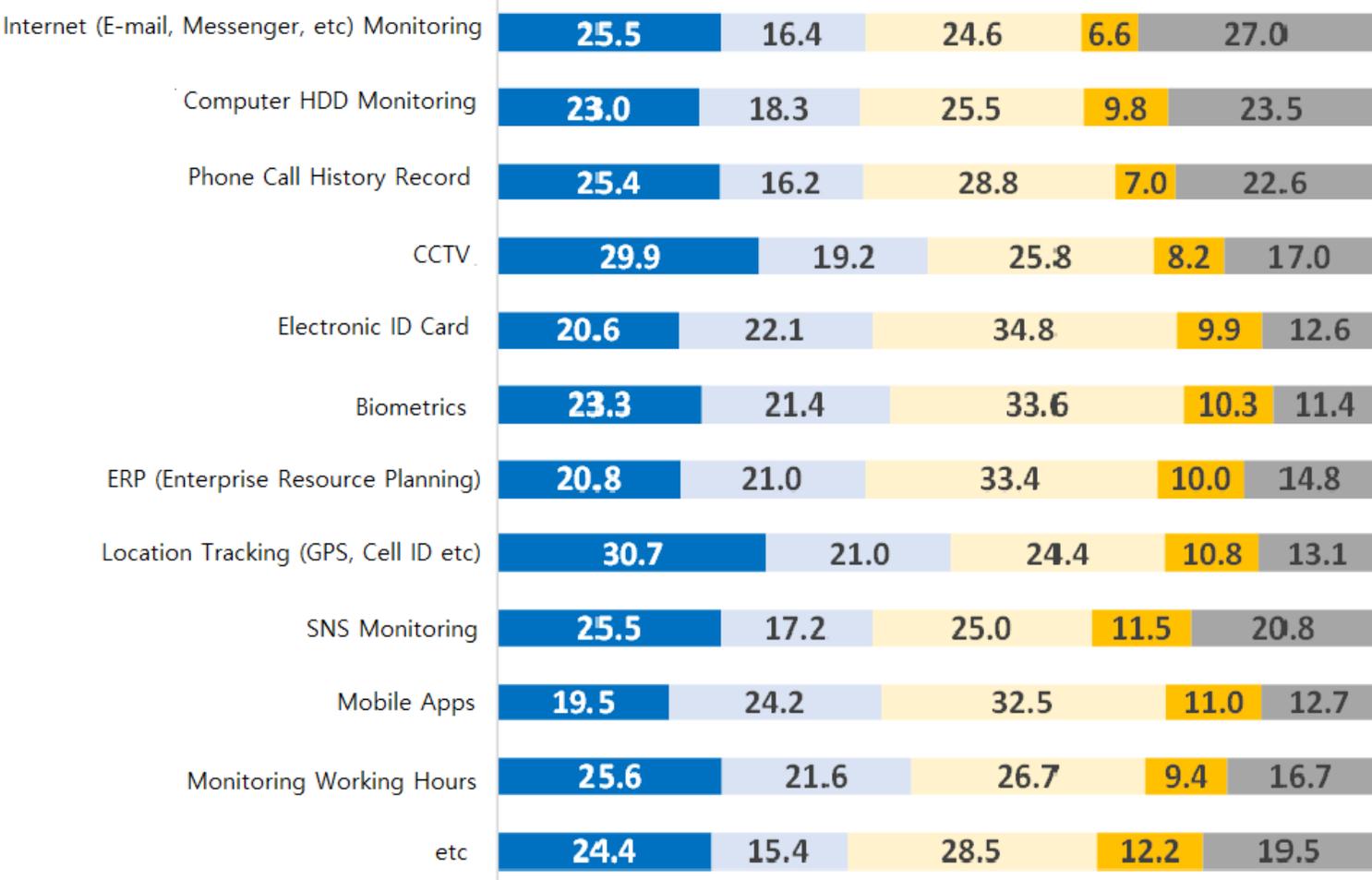
- 3-40% : “don’t know” the purpose of installation, what information is collected and how to process those information



- Data Policy for worker

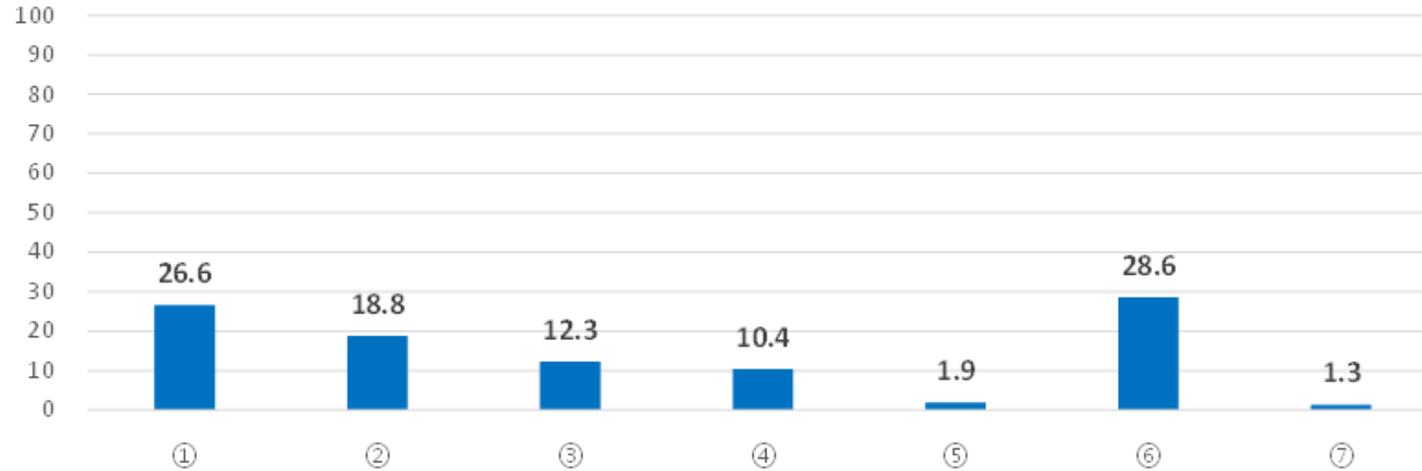


# Lack of Consultation with Labor Union



■ didn't say anything.
 ■ notifying the fact after installation
 ■ informing of whether, where the equipment is installed, and how to operate it
 ■ consulting with a labor union or worker in advance
 ■ don't know

# How to resolve dispute



	sample	%
Company accept the complaint of employee	41	26.6
Labor union or labor-management council consulted with employer	29	18.8
reported to personal information supervisory body	19	12.3
reported to the Ministry of Employment and Labor	16	10.4
asked for help to civil society organizations	3	1.9
made no effort	44	28.6
etc	2	1.3
<b>전체</b>	<b>154</b>	<b>100.0</b>

[Base: 전체, Unit: 명, %]

# Lack of supervision

- Personal Information Protection Commission
  - Personal Information Protection Act
  - focus on personal information of consumer
  - Lack of interest and expertise in labor-management relations.
- Ministry of Employment and Labor
  - turn a blind eye to labor monitoring issues
  - Labor Standards Act, which doesn't have provision on labor monitoring

# Legislative system

- Personal Information Protection Act
  - doesn't consider unequal power relationships between labor and management
- Employee's Participation Act
  - not effective because there is no penalty provision
- Labor Standards Act
  - doesn't have provision on labor monitoring

# proposed amendment

- Establishment of monitoring equipment and processing of personal information are specified as working conditions
- Installation and operation of monitoring equipment are prohibited in principle
- Company may install and operate monitoring equipment to the minimum extent necessary for the purpose of legitimate business performance, but shall be limited to cases where the legitimate interests of the company take precedence over the rights of workers
- when installing monitoring equipment, the company should agree with the labor union or worker's representative
- Where possible, alternative means should be provided to workers who want it
- the equipment should not be used to monitor trade union

# Regulation of platform and AI

- PIPA, provisions on the automated individual decision making that have a significant impact on data subjects
- transparency for the platform's and artificial intelligence algorithms
- AI act, regulation of high-risk AI

**Thank you**