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*Platform work and Institutional Protection with a Specific focus on South Korea and the EU*

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Platform work and Institutional Protection with a Specific focus on South Korea and the EU

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1. Introduction

The rise of platform work has brought significant changes to the 21st-century labor market. Platform work refers to a type of non-standard employment that involves digital platforms connecting workers with clients or customers for short-term or project-based work. While offering flexibility and autonomy for workers, platform work has also raised concerns regarding social protection, labor rights, and job security.

This report aims to investigate the current state of platform work and institutional protections in the European Union (EU) and South Korea, with a particular focus on how these issues may be affected by the EU-Korea Free Trade Agreement (FTA). The EU-Korea FTA is a comprehensive trade agreement between the EU and South Korea, covering a wide range of economic issues, including trade in goods, services, and investment. The Trade and Sustainable Development chapter of the agreement is dedicated to ensuring that economic growth and environmental protection go hand in hand while promoting the respect of labor rights and social standards. The objectives of this desk study are to map and provide an overview of the definition of platform work in the EU and South Korea, and to examine how it is treated in terms of employment laws and social protection for workers. We will also investigate the use of platform work in both regions and explore the current key issues related to institutional reform for platform workers.

In terms of the definition of platform work, we will review the definitions provided by the EU and South Korea, as well as definitions by selected international organizations. We will also examine how non-standard forms of work and platform work are mapped in the EU and South Korea. Furthermore, we will closely scrutinize the treatment of platform work in terms of employment laws and social protection for workers. This will include an analysis of the rules used to determine the employment status of workers on digital labor platforms in both regions. We will also provide an overview of labor law, trade union law, and social protection in the EU and South Korea, with comparisons to the legislative approach in other OECD countries and compliance with international instruments on trade unions, social rights, and occupational safety and health.

Additionally, we will investigate the use of platform work in the EU and South Korea, with a
particular focus on the sectors in which platform work is prevalent. We will also provide empirical data on the size and sectors of platform workers in both regions, including ride-hail drivers, food deliverers, and other gig workers.

Lastly, we will compare the definitions, use, and institutional protection of platform workers. The report will also discuss the current key issues related to institutional reform for platform workers in the EU and South Korea, and provide policy recommendations based on our findings. The implications of the EU-Korea Free Trade Agreement will also be examined in this context, particularly with regard to the Trade and Sustainable Development chapter.

Overall, this desk study seeks to provide a comprehensive overview of platform work and institutional protection in the EU and South Korea. By analyzing the similarities and differences between the two regions, we hope to provide insights and policy recommendations for policymakers, labor organizations, and other stakeholders to ensure that platform work is fair, sustainable, and inclusive.

2. Definitions of Platform Work

1) Definitions in the EU

   (1) Non-standard forms of work

Non-standard employment (NSE) is an umbrella term for various employment arrangements that deviate from standard employment relationships, considered permanent and full-time dependent employment (Eurofound, 2020b). Similarly, non-standard forms of work (NSFW) are defined as work that deviates from standard employment relations (SER), such as atypical or non-standard work. Early studies of NSE, until the mid-2000s, mainly focused on wage employment and identifying the types of contracts for them (Kalleberg, 2000, 2009; Kroon & Paauwe, 2013; Standing, 2011; Wayne & Green, 1993). However, with the rise of platform work since the mid-2000s, dependent self-employment has become the primary subject of research for NSFW (Eurofound, 2017). Accordingly, NSFW includes
temporary employment, part-time and on-call work, temporary agency work, and other multi-party employment relationships, as well as disguised employment and dependent self-employment (Eurofound, 2020a). In short, this common definition of NSFW encompasses all employment statuses beyond the dependent and independent binary. Moreover, the most likely future developments of NSFW, including platform work, whatever their contractual form, are discussed in relation to digitalization (Eurofound, 2021). Therefore, we will examine how existing types of NSFW are defined and discussed at the EU level to analyze their relationship with the growing differentiation of subcategories in NSE, especially in platform work.

NSFW with dependent employment includes fixed-term (or temporary) employment, part-time and on-call work, and temporary agency work and other multi-party employment relationships. The legal definition of fixed-term employment, or full-time temporary workers, is "a person having an employment contract or relationship entered into directly between an employer and a worker where the end of the employment contract or relationship is determined by objective conditions such as reaching a specific date, completing a specific task, or the occurrence of a specific event (such as the return of another employee who has been temporarily replaced)" (European Council, 1999). This form of employment includes seasonal, casual or daily work, as well as project- or task-based contracts (ILO, 2016, 2021; Lee, 2021).

Part-time employment is defined as "employment in which normal hours of work are less than those of a comparable full-time employment" in the Part-Time Work Directive of the EU (European Council, 1997). While the specific legal and statistical definitions of part-time work vary across countries, most are defined as working less than 35 or 30 hours per week, similar to Article 175 of the ILO's (1994) Convention on Part-Time Work (ILO, 1994).

When signing a part-time work contract, the employer is not obligated to specify the fixed working hours in the contract. This is called on-call work, which is typically based on a zero-hour contract. A zero-hour contract is an employment contract without setting the minimum working hours and conditions, and additional employment and dismissal are possible at any time. Therefore, there is a high risk of low income due to short working hours. It is difficult to maintain work-life balance because of uncertain and fluctuating work orders (ILO, 2016; Keller et al., 2012: 30; Lee, 2021).
Multi-party employment is characterized by an indirect but dependent relationship with the final user. One example is temporary agency work, which is defined as a form of employment in which a worker conducts a dependent employment contract with an employment agency or subcontractor and provides labor under the supervision of a third-party employer or business after being hired (ILO, 2016).

Temporary agency work is characterized by a triangular employment relationship between workers, employment agencies, and employers. The user (employer) pays the agency, and the agency pays the worker's wages and social insurance premiums. In general, there is no direct employment relationship between dispatched workers and employers. Another example of a multi-party employment relationship is subcontracting, which implies a form of employment in which the employer directly manages workers hired by the employment agency to perform specific tasks, which is different from temporary agency work.

Finally, self-employment is defined as "one who works for oneself or is the owner of a business" in general (Anttila et al., 2020). Along with the traditional forms of NSFW, such as fixed-term, part-time, and temporary agency work, self-employment includes a diverse variety of workers, such as entrepreneurs, liberal professions, freelancers, and/or family helpers (Eurofound, 2017: 37, 2020b). Despite the various definitions across and within countries, the three defining criteria of self-employment that are commonly discussed are own-account activity, risk assumption, and profit purpose (Spasova et al., 2017; Williams & Horodnic, 2019: 6). The recent increase in solo self-employed people (or own-account workers) in the EU has received attention due to the enlarging heterogeneity of self-employment concerning entrepreneurial purposes and employment statuses, in relation to new forms of work such as platform work (Eurofound, 2017; Spasova et al., 2017). This is particularly relevant in the context of the growing importance of platform work, which represents a distinct category of non-standard employment.

(2) Disguised employment and Dependent self-employment

In discussions about the grey zone of employment relationships, two broad purposes can be identified (Eurofound, 2017; Hatfield, 2014; Williams & Horodnic, 2019). The first is to recognize forms of work that cannot be categorized as either dependent employment or "genuine" self-employment. The second
is to address misclassification of employment status, such as workers who are formally registered as self-employed but are practically engaged in work as employees. While the former aims to ensure appropriate protection for hybrid categories between dependent and independent work, such as dependent self-employment, the latter aims to tackle disguised employment. However, as Williams and Horodnic (2019) have noted, the populations targeted by reclassification of employment status and protection for intermediary categories are not mutually exclusive but rather overlap as an integrated group. Therefore, we will examine and compare the definitions and characteristics of dependent self-employment and disguised employment in the EU to better understand the employment status of platform workers.

Dependent self-employment is defined as "workers who report themselves as self-employed without employees and meet two or more of the following characteristics: those who do not have more than one client, the authority to hire staff, and/or the authority to make important decisions about how to run the business" (Eurofound, 2016). In addition, Wilkens et al. (2021) discuss that organizational dependency (referring to the self-employed having little discretion over how to run the business) and economic dependency (referring to the self-employed's earnings being derived from one or a limited number of sources) are the main criteria that distinguish vulnerable self-employment from genuine self-employment, which has "a high degree of economic and organizational autonomy" (Wilkens et al., 2021).

In discussions on misclassification of employment status, disguised employment refers to "when the employer treats an individual as other than an employee in a manner that hides his or her true legal status as an employee" (De Stefano et al., 2021: 7; ILO, 2006). Disguised employment is also referred to by various terms, such as false, bogus, fake, or concealed self-employment (Williams & Horodnic, 2019). False self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship, in order to avoid certain legal or fiscal obligations.
(3) Platform Work

According to Eurofound (2018; 2020a), platform work is defined as a form of employment that utilizes an online platform to allow organizations or individuals to access others for solving problems or providing services in exchange for payment, with a significant reliance on algorithms. The primary characteristics of platform work include work organization based on an online platform or app, a third-party system connecting the online platform, worker, and client, task-oriented work, outsourcing or subcontracting, and on-demand services (Eurofound, 2018, 2020a).

Platform work in the EU spans various sectors, such as personalized digital services, transportation and delivery, accommodation, housekeeping, design, marketing, and professional services. However, coordinating platform workers is challenging due to the heterogeneous nature of tasks, types of activities, skill requirements, matching and/or selection processes, and service provision formats (on-location and/or online) (Eurofound, 2018). The form of service provision, whether on-location or online, is a crucial factor that necessitates different regulatory approaches (ILO, 2021).

The nature of platform work in terms of employment status is diverse. On one hand, it can be regarded as a form of temporary work similar to casual work, zero-hour contracts, or triangular or multiple-party employment relationships. On the other hand, platform work can be considered a type of independent business or freelancing that operates in the grey area between dependent employment and self-employment. This ambiguity creates challenges in determining the employment status of platform workers and protecting them from low income, long working hours, and health and safety risks (Eurofound, 2018; Gerald Friedman, 2016; Katz & Krueger, 2016; Muntaner, 2018).

The uncertainty in employment status results in platform workers being classified as independent contractors while functioning as dependent employees, which excludes them from employment protection and social security systems (Garben, 2017; Harris & Krueger, 2015; Lenaerts et al., 2017). Consequently, platform workers must invest in their own equipment and skills, assume risks and responsibilities in their work, and forgo social security protection, much like independent contractors (Kim, 2019; Lee, 2021; Schmidt, 2017).

In 14 EU member states, an estimated 1.1-2.0% of the working-age population engage in platform
work as their primary job (Pesole et al., 2018; Piasna et al., 2022; Urzi Brancati et al., 2020). Piasna et al. (2022) report that self-employed individuals are more likely to participate in platform work, with those without employees being more likely to do so than those in standard employment. This trend suggests that the self-employed use platform work as an extension of their main activity, and platform workers are more inclined to identify themselves as self-employed (Piasna et al., 2022). The European Commission (2021) estimates that up to 5.5 million people are at risk of employment status misclassification among the 28 million individuals working through platforms (European Commission, 2021b).

In summary, non-standard form of work (NSFW) refers to a range of employment arrangements that deviate from standard employment relationships. These include fixed-term, part-time, on-call, temporary agency work, multi-party employment relationships, and self-employment. Fixed-term employment is defined as an employment relationship in which the end is determined by objective conditions such as reaching a specific date, completing a task, or the occurrence of a specific event (European Council, 1999:70). Part-time employment refers to an employment relationship in which normal work hours are fewer than those of a comparable full-time position (European Council, 1998:81). Multi-party employment involves an employment relationship with an employment agency or subcontractor, where the worker performs tasks under the supervision of a third-party employer after being hired (ILO, 2016). While there is no common legal definition of self-employment at the EU or national level, a self-employed person is generally defined as someone who works for themselves or owns a business.

Dependent self-employment and disguised employment are distinct but related terms that indicate different aspects of an employment relationship. Dependent self-employment describes self-employed workers who lack multiple clients, the authority to hire staff, or the authority to make significant business decisions. In contrast, disguised employment refers to the misclassification of employment status, wherein an employer treats an individual as self-employed to avoid legal or fiscal obligations.

Platform work is a form of work that uses an online platform to facilitate the exchange of services for payment. Its characteristics include work organization based on an online platform, task-oriented work, and outsourcing or subcontracting. Platform workers may be classified as either dependent...
employees or independent contractors. However, the ambiguity in employment status can leave them without access to employment protection and social security systems.

In conclusion, dependent self-employment and disguised employment represent different aspects of the employment relationship. Dependent self-employment refers to self-employed workers with limited clients, authority to hire staff, or decision-making power, while disguised employment involves misclassification of employment status. Platform work, as a form of employment facilitated by online platforms, can lead to classification challenges for workers, potentially leaving them without employment protection and social security systems due to unclear employment status.

2) Definitions in Korea

(1) Non-standard Forms of Work

According to Statistics Korea (2020), the status of wage and salary workers in Korea is classified into regular, temporary, and daily workers based on their employment contract period. In this context, temporary employees and daily workers with less than one year of employment are primarily considered non-regular workers (as shown in Table 1).

Korean waged workers can be categorized into regular and non-regular workers. Non-regular workers are statistically defined as "non-permanent workers, part-time workers, or non-typical workers" (Statistics Korea, 2023). Non-permanent workers can be further divided into fixed-term workers who can continue working through repetitive contract renewals and those who cannot expect continued employment due to reasons beyond their control.

Part-time workers are defined as individuals whose prescribed working hours at the workplace are at least one hour shorter than those of workers performing the same type of work at the same workplace, with working conditions set for less than 36 hours per week. Among part-time workers, there are "very short-hour part-time workers," whose average contractual work hours per week, over four weeks (or less if their working periods are shorter), are less than 15 hours (as stipulated in Article 18(3) of the Labor Standards Act). These workers are excluded from the legal application of paid holidays and
annual paid leave, but their periodic status has not been identified due to the lack of a statistical classification (Jo, 2016; Y.-S. Kim, 2020; Moon & Kim, 2017).

Non-typical workers, categorized based on labor provision, consist of workers in special employment types, domestic workers, temporary agency workers, contract workers, and daily workers. This group is largely excluded from the Korean social security system due to their low wage levels, employment instability, and irregularity in income activities, which make it difficult for them to make regular contributions to social insurance (Baek et al., 2021).

Workers in special employment types are identified by a concept centered around economic dependence, which is used to recognize dependent self-employed workers in Korea (Baek et al., 2021; Jung, Lee, Cho, et al., 2019; Seong, 2020).

Table 1. Statistical definition of employee by employment types

<table>
<thead>
<tr>
<th>Employment type</th>
<th>Statistical definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular worker</td>
<td>Workers who do not fall into the non-regular workers category</td>
</tr>
<tr>
<td>Non-regular workers</td>
<td>Employees whose types of work are temporary workers, part-time workers, or atypical workers</td>
</tr>
</tbody>
</table>
| Non-permanent workers |Fixed-term workers\(^1\)  
Workers who provide work under a fixed period of work contract (including verbal or implied promises or contracts), regardless of the length and length of the contract period, whether the contract is renewed repeatedly, or name (contract worker, part-time worker, temporary worker, seasonal worker, contract employee, etc.) |
| Non-fixed term workers| Workers who do not have a set duration of the labor contract but can continue to work due to repeated renewal of the contract, and workers who cannot expect to continue working due to involuntary reasons. |
| Part-time workers\(^2\)| Workers whose prescribed working hours set to work at the workplace (work) are even one hour shorter than the prescribed working hours of workers who perform the same type of work at the same workplace. This applies to cases where it is decided to work less than 36 hours per week. |

\(^1\) Legal definition of fixed-term worker is “an employee who has signed an employment contract whose period is fixed (subparagraph 1 of Article 2 of the Act on the Protection, etc. of Fixed-term and Part-time Employees).”

\(^2\) The legal definition of part-time worker is “an employee whose contractual work hours per week are shorter than those of a full-time employee engaged in the same kind of work at the workplace concerned (Article 2 (1) 9 of the Labor Standards Act).”
<table>
<thead>
<tr>
<th>Non-typical workers</th>
<th>Temporary agency workers(^3)</th>
<th>A person who is employed by the dispatching business owner but is dispatched to the employer's business to work. Employment relations based on wages and status are managed by the dispatching business owner, but commands and orders are received from the employer.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Contract workers</td>
<td>A person who is hired by a service company and works for another business owner's business. All the wages, employment relations in terms of status, and command and orders for work are under the command and supervision of the service company.</td>
</tr>
<tr>
<td></td>
<td>Workers in Special Employment types(^4)</td>
<td>Workers who perform work in a non-independent form without having an independent office, store, or workplace, by finding or welcoming customers on their own, providing goods and services, and earning income (commissions, allowances, etc.), and who decide their own labor provision time, etc.</td>
</tr>
<tr>
<td></td>
<td>Domestic workers</td>
<td>A worker who works from home is a worker spatially separated from the employer and receives a fixed salary depending on the performance of the work, and a home-based worker is a person who provides hand-made services such as processing goods as a side business, regardless of employment, and receives compensation.</td>
</tr>
<tr>
<td></td>
<td>Daily workers</td>
<td>A person who works without continuity or regularity, or who temporarily works for a short period of time when a job is created by a call from a company, association, or employment agency regardless of employment or work type</td>
</tr>
</tbody>
</table>

Source: Statistics Korea (2020).

(2) Disguised Self-Employed Workers

Recently, a group of workers in Korea that has gained attention consists of disguised self-employed workers, also known as freelancers, dependent self-employed individuals, and others who fall under ambiguous employment relationships. These workers occupy a gray area between employees and self-employed individuals in the informal sector (Jang, 2020; Lee, Baek, & Kim, 2020; Nam, 2021). They lack formal employment contracts and are not covered by the social security system due to various

\(^3\) The legal definition of temporary agency worker is “a person employed by a temporary work agency (a person engaged in temporary work agency business) to be assigned to work for a user company (a person for whom a temporary agency worker works under a contract on temporary placement of workers) (subparagraphs 3, 4 and 5 of Article 2 of the Act on the Protection, etc. of Temporary Agency Workers).”

\(^4\) Official legal term is “Special Case concerning Persons in Special Types of Employment”: The legal definition of workers in workers in Special Employment types is “persons who engage in jobs prescribed by Presidential Decree, among the 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, and who also meet all the following requirements (hereafter in this Article referred to as ‘persons in special types of employment’); 1. They mainly provide one line of business with labor service necessary for the operation thereof on a routine basis, and receive payment for such service and live on such pay; 2. They do not use other persons to provide such labor service. (Article 125 (1) of the Industrial Accident Compensation Insurance Act).”
contractual relationships that preclude employers from contributing to social insurance (Lee, Baek, & Kim, 2020). Among the types of contracts that create ambiguous employment relationships, triangular employment contracts are primarily used to evade labor law and social protection obligations through civil or commercial contracts. Representative contract types that constitute dependent self-employed workers include dispatched work and contracted work. These contract methods and multi-party employment relationships are further accelerating through platform labor.

Workers in special employment types are Korea's primary dependent self-employed workers. However, the validity of this concept has been questioned due to its limitations (Jung & Jang, 2018; Jung, Lee, & Cho, 2019; Seong, 2020). Legal definitions have a narrower scope than statistical definitions and limit economic dependence and occupation (Seong, 2020). As of 2023, a total of 15 types of workers in "special employment types" are covered by industrial accident insurance (Article 125 (1) of the Industrial Accident Compensation Insurance Act, Article 122 (1) 2 of the Enforcement Decree of the Industrial Accident Compensation).

Furthermore, some workers fall into special employment types among own-account workers who are not self-employed but work independently. Compared to workers in special employment types, they exhibit weaker economic dependence and a more robust self-employed character, yet they are not fully self-employed. For instance, cargo truckers are representative special employment type workers or disguised self-employed workers. The collective transport strike issue of the Cargo Truckers Solidarity Division (TruckSol) in June and November 2022 in Korea serves as a prime example of the challenges related to special employment type workers in the country.
The Korean Public Service and Transport Workers' Union Cargo Truckers' Solidarity division (KPTU- TruckSol) went on an indefinite strike on June 7, 2022, demanding an extension of the Safe Trucking Freight Rates System (Yonhap News, 2022c). After a week-long strike, the strike was called off following the fifth working-level dialogue with the Ministry of Land, Infrastructure, and Transport (MOLIT) on June 14, after agreeing to extend the Safe Trucking Freight Rates System (The JoongAng Daily, 2022). However, KPTU-TruckSol called for the abolition of a three-year sunset provision and the expansion of freight types on November 24, 2022, as the government and the ruling party did not advance the discussion on the extension of the Safe Trucking Freight Rates System (Yonhap News, 2022b). As the compromise with the government continued to deteriorate, the MOLIT issued the first-ever "back-to-work order" for freight for truckers in the cement industry who refused to transport cargo (Yonhap News, 2022a).

The KPTU-TruckSol strike became an international issue, with the Korean Confederation of Trade Unions (KCTU) and the representative of the government strongly criticizing each other's positions at the 17th ILO Asia and the Pacific Regional Meeting in Singapore on December 7, 2022 (Hankyoreh, 2022b). Before the government's "back-to-work order," three labor unions (KCTU, KPTU, and International Transport Workers' Federation (ITF)) sent a letter to the ILO, and the ILO launched an "immediate intervention" on December 2. However, the Korean government downplayed the significance of the ILO's intervention as "a simple request for an opinion made on a customary basis" (Hankyoreh, 2022a).

The government and the ruling People Power Party (PPP) agreed to introduce a new Standard Trucking Freight Rates System, similar in form to the Safety Trucking Freight Rates System previously demanded by TruckSol but lacking a clause on punishment for shippers (Chosun Daily, 2023). Meanwhile, the Fair Trade Commission (FTC) designated TruckSol as a "business association" and defined a general strike as a violation of the "business association prohibition," filing a complaint with the prosecution for hampering the investigation (Newsis, 2023).

The conflict can be summarized in two ways. The first concerns the truck drivers' "worker nature." The crux of the conflict between the government and TruckSol is whether cargo truck drivers are 'workers' engaging in special employment type work or self-employed individuals who own trucks. The government and the business community regard cargo drivers as individual business operators because they have not established an employment relationship under the Labor Standards Act. Consequently, the two general strikes are viewed as a 'rejection of collective transportation,' not an act of a labor union dispute. However, TruckSol argues that they should be recognized as 'workers' because they provide labor to carriers in a de facto subordinate relationship. The FTC's position is quite different from its 2019 press release (Fair Trade Commission, 2019), which aimed to protect workers in special employment types in the blind spot of protection. The court has been judging that workers in special employment types, such as delivery drivers and home-visit tutors, should be guaranteed the three labor rights, including the establishment of labor unions, even if they are not workers under the Labor Standards Act.
Major Western countries tend to guarantee three labor rights for solo self-employed individuals. Last September, the European Union (EU) issued guidelines that included the statement, "The Commission will not enforce EU competition rules against collective agreements made by solo self-employed people who are in a weak negotiating position" (European Commission, 2022b). In a 2006 Recommendation on Employment Relations, the International Labor Organization (ILO) also expressed the same position, stating that "We need protection for those in an 'ambiguous employment relationship' where typical factors that specify employment relationships are not clearly revealed" (ILO, 2006). The ILO Fundamental Conventions (CO87, CO98), which South Korea ratified in 2022, recognize a wide range of collective action rights for workers in special employment types, regardless of employment relations (ILO, 1948, 1949). Additionally, since 2008, Ireland has been discussing revising the Competition Act to guarantee collective bargaining rights for special employment workers. In 2017, the Irish parliament amended the Competition Act 2002 to extend collective bargaining rights to disguised self-employed and fully dependent self-employed workers (OECD, 2019). Considering these domestic and international trends, the recent response by the South Korean government seems to interpret the meaning of "work" narrowly.

The second issue is the multi-level subcontracting structure faced by these special types of workers. The need for the Safe Trucking Freight Rates System, the core agenda of the strike, was raised due to the triangular employment relationship or the multi-level subcontracting structure faced by the aforementioned disguised self-employed. There are many brokerage companies between the import and export conglomerates, the owners of the cargo, from the first to fifth groups, so there are many commissions that each company subcontracts. The problem is that there is no upper limit. The Safe Trucking Freight Rates System naturally reduces the subcontracting stage because the minimum fare and fees companies can collect are also disclosed. The recent situation is related to the lack of a system to address subcontracting problems experienced by workers in special employment types and disguised self-employed people.

On the other hand, freelancers are representative types of workers between employees and self-employed workers. Since there is no official statistical definition in Korea, freelancers have been defined using various concepts such as independent workers, one-person creative companies, workers
in "special employment types," and own-account workers in previous discussions (Lee et al., 2013). Accordingly, Lee et al. (2019) compared the main definitions and characteristics of freelance workers and those in special employment types, which have been discussed as similar types of employment (Lee et al., 2019). As a result of the comparison according to the wage calculation method, workers in special employment types can sign a contract with a company as an independent business operator (self-employed), just as freelancers can. However, they differ from freelancers in that they sign a contract with a single company and conduct business activities for a set period, as opposed to freelancers who work simultaneously with various companies, focusing on work.

(3) Platform Workers

Platform labor generally refers to jobs where individuals or unspecified organizations provide services and earn income through online platforms. In Korea, the definition of platform workers varies, and estimates of their numbers range from 0.9% to 2.0% of the total employed. Lee et al. (2020) distinguish platform labor from traditional labor by emphasizing its features, such as the use of digital platforms to call, extract, and coordinate workers for tasks and projects (Lee, Baek, & Nam, 2020). Platform labor in Korea can be classified into web-based cloud work and region-based gig work, taking into account the workplace, service provision, and platform usage. The emergence and expansion of platform companies are closely related to ICT development.

However, the diversity of platform companies and labor types creates varying employment relationships and worker dependencies. For instance, online-based crowd work and local-based gig work have different criteria for determining worker dependence. Depending on the number and type of platforms used, workers may have different levels of an employment relationship, exclusivity, and dependence. Nonetheless, all platform workers typically have weakened employment relations, performing tasks and projects through ambiguous contractual relationships instead of working traditional hours.

According to Jae-Wook Nam (2021), platform labor is characterized by "labor mediated through a digital platform," encompassing various types of labor with only "task" and "intermediary through the digital platform" in common (Nam, 2021). The Korean Jobs Committee (2020) proposes four conditions
for platform labor in Korea: service provision through a digital platform, seeking temporary jobs, digital platform-mediated payment, and open access to the majority (The Korean Jobs Committee, 2020).

As of 2022, the number of platform workers in Korea is estimated to be around 800,000 people or 0.92% of the total employed (Ministry of Employment and Labor, 2022). The survey differentiates between "platform worker(s) in a narrow sense" and "platform worker(s) in a broad sense," with the former being defined as someone who provides labor through platforms that affect the allocation of work and remuneration, and the latter being a person who provides labor through any platform. The number of platform workers has increased due to the spread of the digital economy after COVID-19, particularly in fields such as housework, cleaning, care, art, and professional services. However, despite the increase, 63.4% of the respondents did not sign contracts or were unsure of their terms.

In Korea, the survey of the Jobs Committee (2020) defines digital platforms as structured spaces where labor is exchanged and platform labor as a service traded through a digital platform. However, Jang (2020) questions the adequacy of classifying all labor providers using online job matching as platform workers, particularly those matched for short-term, part-time work, and argues that the platform should have a coordinating role in the process (Jang, 2020). Furthermore, the case of e-commerce or leasing business is excluded from the definition of platform labor, as workers who earn income by selling goods or leasing assets through the platform are considered part of the broader platform economy.

In summary, in Korea, various non-standard forms of work exist, such as regular, temporary, and daily workers. Non-regular workers can be categorized as non-permanent, part-time, or non-typical workers. Special employment types consist of workers who are excluded from the social security system due to factors like low wage levels, employment instability, and irregular income activities. Disguised self-employed workers represent a group of individuals that include freelancers, dependent self-employed people, and those with ambiguous employment relationships. These workers occupy a gray area between employees and self-employed individuals in the informal sector.

Platform labor in Korea refers to jobs where individuals or unspecified organizations provide services and earn income through online platforms. Platform workers generally experience weakened employment relations as they perform tasks and projects through ambiguous contractual relationships,
rather than adhering to traditional working hours. This form of labor highlights the complexity and diversity of work arrangements in the modern digital economy, which often leads to challenges in defining and regulating employment relationships and worker rights.

3. An Empirical landscape of the Platform Work in the EU and Korea

1) EU

(1) Dependent self-employed workers

From 2007 to 2021, the percentage of self-employed workers without employees, or own-account workers, among all self-employed individuals in the EU 27 countries remained relatively stable at 68-70%. This trend persisted until 2019, but in 2020, the percentage of own-account workers experienced a slight increase across all genders and age groups, except for those aged 15-24.

As of 2021, 73.6% of all female self-employed workers were own-account workers, while 65.9% of all male self-employed workers were own-account workers. This indicates that both men and women have more self-employed workers without employees than with employees, and among them, women represent the majority.

In the 15-24 age group, the vast majority of self-employed workers are own-account workers, with almost nine out of ten falling under this category. Interestingly, the proportion of own-account workers among all self-employed workers decreases in the working age group but increases again in the retirement age group throughout this time period. This data highlights the prevalence of own-account workers in the EU labor market and the differing trends across age groups and genders.
Table 2. Percentage of own-account workers in all self-employed workers in the EU 27, by gender and age group (%)

<table>
<thead>
<tr>
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<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
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<td>68.5</td>
<td>68.8</td>
<td>69.4</td>
<td>70.1</td>
<td>69.9</td>
<td>70.1</td>
<td>69.9</td>
<td>69.8</td>
<td>69.6</td>
<td>69.6</td>
<td>69.6</td>
<td>70.5</td>
<td>68.4</td>
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<td></td>
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<td></td>
</tr>
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<td>67.5</td>
<td>67.6</td>
<td>67.5</td>
<td>67.4</td>
<td>67.1</td>
<td>67.0</td>
<td>67.1</td>
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<td>75.0</td>
<td>75.4</td>
<td>75.7</td>
<td>75.5</td>
<td>75.6</td>
<td>75.3</td>
<td>75.7</td>
<td>75.2</td>
<td>74.7</td>
<td>74.8</td>
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<td>74.9</td>
<td>75.9</td>
<td>73.6</td>
</tr>
<tr>
<td><strong>Age group</strong></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15–24</td>
<td>86.2</td>
<td>85.6</td>
<td>87.8</td>
<td>86.9</td>
<td>87.3</td>
<td>86.5</td>
<td>87.8</td>
<td>87.5</td>
<td>87.7</td>
<td>88.4</td>
<td>88.5</td>
<td>87.7</td>
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<tr>
<td>25–49</td>
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<td>68.9</td>
<td>69.3</td>
<td>70.0</td>
<td>69.7</td>
<td>70.4</td>
<td>70.5</td>
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<td>66.4</td>
<td>66.9</td>
<td>67.2</td>
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<td>67.9</td>
<td>67.9</td>
<td>67.6</td>
<td>67.0</td>
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<td>79.0</td>
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<td>76.7</td>
<td>76.0</td>
<td>74.5</td>
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<td>74.0</td>
<td>72.7</td>
<td>72.8</td>
<td>69.3</td>
</tr>
</tbody>
</table>

Note: Ratio of own-account workers = (number of own-account workers ÷ number of all self-employed) × 100.

Limited data is available to accurately determine the number of dependent self-employed workers in EU countries. Two sources of data that can be used for this purpose are the 'LFS's 2017 ad-hoc module' and the 'European Working Conditions Survey (EWCS) data'. The former covers only a single year, making it difficult to track changes over time. The latter is conducted every five years and has been used in previous studies, such as William & Horodnic's (2018) research, to estimate the size and characteristics of dependent self-employed workers. The EWCS data is particularly useful because it can be linked with the Korean Working Conditions Survey (KWCS), which was designed based on EWCS questionnaires and conducted by the Occupational Safety and Health Research Institute (OSHRI).

The ad-hoc module of LFS 2017 uses the following three conditions to identify economically dependent self-employed workers: (a) self-employed without employees, (b) contract with only one client or have one dominant client, and (c) client determines the hours of work. If all conditions (a), (b), and (c) are satisfied, it is defined as economically dependent self-employed workers. It is defined as 'Dependency not known' if conditions (a) and (b) are satisfied but the presence of (c) is unknown.

On the other hand, in the case of Williams & Horodnic (2018) using EWCS 2010 and 2015 data, dependent self-employed workers are defined in a negative way through the definition of independent self-employed workers. The conditions of independent self-employed workers without employees are as follows (a) there is more than one client, (b) it is possible to hire employees if necessary, and (c) it is possible to make critical decisions directly in the operation of the business. A case in which only one
of the above conditions is satisfied is defined as dependent self-employed workers. In summary, Williams & Horodnic (2018) defines dependent self-employed workers as 'one-person self-employed workers with only one client and no authority to hire employees'. Based on each definition, the size of dependent self-employed workers in EU countries is as follows. Estimates of LFS are low in all countries, apparently because LFS ad-hoc's dependent self-employed workers criteria are more narrowly defined than those of EWCS. However, the overall trend between countries is relatively similar

Table 3. Percentage of dependent self-employed workers in total employment and self-employed (%)

<table>
<thead>
<tr>
<th>Country</th>
<th>Percent of All employment</th>
<th>Percent of Self-employed</th>
<th>LFS ad-hoc module: economically dependent self-employed workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>3</td>
<td>5</td>
<td>47</td>
</tr>
<tr>
<td>Belgium</td>
<td>3</td>
<td>2</td>
<td>36</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>3</td>
<td>4</td>
<td>41</td>
</tr>
<tr>
<td>Croatia</td>
<td>4</td>
<td>4</td>
<td>47</td>
</tr>
<tr>
<td>Cyprus</td>
<td>6</td>
<td>5</td>
<td>52</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>6</td>
<td>5</td>
<td>52</td>
</tr>
<tr>
<td>Denmark</td>
<td>1</td>
<td>1</td>
<td>35</td>
</tr>
<tr>
<td>Estonia</td>
<td>4</td>
<td>2</td>
<td>59</td>
</tr>
<tr>
<td>Finland</td>
<td>5</td>
<td>5</td>
<td>58</td>
</tr>
<tr>
<td>France</td>
<td>4</td>
<td>2</td>
<td>46</td>
</tr>
<tr>
<td>Germany</td>
<td>3</td>
<td>2</td>
<td>52</td>
</tr>
<tr>
<td>Greece</td>
<td>12</td>
<td>8</td>
<td>45</td>
</tr>
<tr>
<td>Hungary</td>
<td>5</td>
<td>4</td>
<td>66</td>
</tr>
<tr>
<td>Iceland</td>
<td>.</td>
<td>.</td>
<td>.</td>
</tr>
<tr>
<td>Ireland</td>
<td>5</td>
<td>5</td>
<td>46</td>
</tr>
<tr>
<td>Italy</td>
<td>7</td>
<td>8</td>
<td>46</td>
</tr>
<tr>
<td>Latvia</td>
<td>3</td>
<td>4</td>
<td>61</td>
</tr>
<tr>
<td>Lithuania</td>
<td>6</td>
<td>5</td>
<td>66</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>3</td>
<td>3</td>
<td>48</td>
</tr>
<tr>
<td>Malta</td>
<td>3</td>
<td>4</td>
<td>40</td>
</tr>
<tr>
<td>Netherlands</td>
<td>5</td>
<td>3</td>
<td>46</td>
</tr>
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</table>

LFS ad-hoc defines it as EDSE (Economically Dependant Self-Employed).
<table>
<thead>
<tr>
<th></th>
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<th>.</th>
<th>.</th>
<th>.</th>
<th>0.26</th>
<th>3.90</th>
</tr>
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<tbody>
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<td>Poland</td>
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<td>42</td>
<td>61</td>
<td>0.44</td>
<td>2.54</td>
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<td>Portugal</td>
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<td>9</td>
<td>44</td>
<td>56</td>
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<td>Romania</td>
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<td>84</td>
<td>80</td>
<td>0.85</td>
<td>4.36</td>
</tr>
<tr>
<td>Slovakia</td>
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<td>6</td>
<td>42</td>
<td>67</td>
<td>1.50</td>
<td>9.90</td>
</tr>
<tr>
<td>Slovenia</td>
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<td>6</td>
<td>22</td>
<td>55</td>
<td>0.53</td>
<td>4.49</td>
</tr>
<tr>
<td>Spain</td>
<td>4</td>
<td>3</td>
<td>52</td>
<td>29</td>
<td>0.21</td>
<td>1.30</td>
</tr>
<tr>
<td>Sweden</td>
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<td>35</td>
<td>16</td>
<td>0.35</td>
<td>4.17</td>
</tr>
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<td>.</td>
<td>.</td>
<td>.</td>
<td>0.07</td>
<td>0.55</td>
</tr>
<tr>
<td>Türkiye</td>
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<td>.</td>
<td>.</td>
<td>.</td>
<td>0.28</td>
<td>1.31</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>6</td>
<td>6</td>
<td>58</td>
<td>56</td>
<td>1.00</td>
<td>6.69</td>
</tr>
</tbody>
</table>


(2) Platform workers

There is no statistically agreed definition of platform workers. As will be described later, both Europe and Korea tend to use survey data to check the size and status of platform workers. Specifically, according to Pesole et al. (2019), many of the studies estimating the number of platform workers are based on direct social survey data. In addition, methods of utilizing information directly provided by digital platform companies is discussed (Pesole et al., 2019).

In the case of surveys at the international organization level, it is worth paying attention to the online survey COLLEEM conducted by the European Commission's Joint Research Centre (JRC). The COLLEEM survey consists of surveys in 2017 and 2018 and is meaningful because it reports not only platform workers but also economic and labor conditions in European countries. COLLEEM defines platform workers by dividing them into four main categories (Urzi Brancati et al., 2020). The four main categories of platform workers defined by the COLLEEM survey are:

- **Sporadic Platform Workers**: Experience in providing labor services via platforms but less than once a month over the last year.
- **Marginal Platform Workers**: The working hours of providing labor services through the platform are less than 10 hours per week, and the income from this activity is less than 25% of personal income.
- **Secondary Platform Workers**: The working hours of providing labor services through the platform are 10 to 19 hours per week, and the income from this activity is 25 to 50% of personal income.
- **Main Platform Workers**: Labor services are provided at least once a month through the platform, and the working hours are more than 20 hours per week or the income from this activity is more than 50% of personal income.

Table 4. Defining Platform Work based on Income and Hours Worked

<table>
<thead>
<tr>
<th>Less than 25% of personal income</th>
<th>Less than 10 hours a week</th>
<th>10 to 19 hours a week</th>
<th>More than 20 hours a week</th>
<th>No Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary</td>
<td>Secondary</td>
<td>Main</td>
<td>Main</td>
<td>Main</td>
</tr>
</tbody>
</table>

Table 4. Defining Platform Work based on Income and Hours Worked

<table>
<thead>
<tr>
<th>25 ~ 50% of personal income</th>
<th>Less than 10 hours a week</th>
<th>10 to 19 hours a week</th>
<th>More than 20 hours a week</th>
<th>No Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary</td>
<td>Secondary</td>
<td>Main</td>
<td>Main</td>
<td>Main</td>
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</table>

<table>
<thead>
<tr>
<th>More than 50% of personal income</th>
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<th>10 to 19 hours a week</th>
<th>More than 20 hours a week</th>
<th>No Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary</td>
<td>Main</td>
<td>Main</td>
<td>Main</td>
<td>Main</td>
</tr>
</tbody>
</table>

| No answer                        | Marginal                 | Secondary             | Main                     | (missing) |

Source: Urzi Brancati et al. (2020: 15). Table 1.

The above definition is worth considering in that it reflects the labor market characteristics of platform workers.

Figure 1. Percentage of platform workers in working age population (%)
Looking at the proportion of platform workers in each country according to the type, it was found that secondary platform workers accounted for the largest proportion in most countries as of 2018. Considering all types, Spain was the highest country with 18.1%, while the Netherlands and Portugal were 14.0% and 13.3%, respectively. In most countries, the smallest type is Main platform workers, whose main job is platform labor. Spain has the highest percentage of Main platform workers at 2.8% of all working-age adults, while Finland has the lowest at 0.6%. Even when including secondary platform workers, Spain still has the highest rate at 9.3%.

Figure 2 presents the average composition ratio according to age and gender. According to Urzi Brancati et al. (2020), platform workers have a significantly higher proportion of men under the age of 35 compared to offline workers. For those aged 35 and older, the percentage of female offline workers (16.4%) is lower than that of online workers (22.8-24.1%). However, for those under 35, the share of female offline workers (32.0%) is higher than the share of female online workers (11.0-12.4%). As of 2018, the difference in the proportion of online/offline workers by age is more substantial for females than for males.

Figure 2. Composition of the offline(not a platform work) and digital labor platform workforce by age and gender combined, in 2017 and 2018

Source: Urzi Brancati et al. (2020: 22), Figure 5.
In general, there is usually a slight correlation between age and education level. However, for platform workers, this correlation is not evident. When comparing age groups over 26, there are no consistent patterns, such as higher or lower education levels as age increases. Meanwhile, the average educational background of platform workers is reported to be higher than that of the entire labor market population (Pesole et al., 2018). This can be attributed to the characteristics of the platform labor market, which often requires the use of internet or digital platforms (Urzi Brancati et al., 2020).

Figure 3. Percentage of type of work takes most of time among platform workers (%)

Based on data from COLLEEM 1 - 2017, Pesole et al. (2018) report that 'online clerical and data entry tasks' account for the largest proportion (43%) of all platform workers, followed by professional and creative tasks at 30%. Considering that the average education level of all platform workers tends to be higher than that of the population as a whole, it is characteristic that they are concentrated in 'non-
professional' tasks that require moderate skills and education (Pesole et al., 2018).

2) South Korea

Statistics Korea categorizes the working population into wage workers and non-wage workers, so the dependent self-employed are not counted separately in the Economically Active Population Survey. The closest equivalent to the status of "dependent self-employed" in Korea is "workers in special employment type" as explained above. Workers in special employment type are classified as a subtype of non-regular workers in the Economically Active Population Survey every year. However, the subtype of 'non-wage workers' is only divided into self-employed without employees, self-employed with employees, and unpaid family workers, rather than the actual number of dependent self-employed in the labor market. As a result, it is limited to identify the exact size and characteristics of dependent self-employed or platform workers through official Statistics Korea data.

In this section, we will utilize data from Statistics Korea's Economically Active Population Survey to provide an overview of the working population in South Korea. It is generally accepted that Korea has a high rate of self-employed workers. We then use the KWCS, which is based on a questionnaire from the EWCS, to examine the trend in the size of dependent self-employment as defined by Williams & Horodnic (2018). We then present the results of the platform worker surveys from the Korea Labor Institute (KLI), Korea's Ministry of Employment and Labor, and Korea Labor and Society Institute (KLSI).

(1) Overview: wage worker and non-wage worker

Figure 1 shows the total number of employed people by year in Korea classified by employment status. In Figure 1, the left side corresponds to the wage worker and the right side corresponds to the non-wage worker. The classification method of wage worker follows the definition of Table 1 in Chapter 2. Non-wage workers in Korea are broadly categorized into self-employed and unpaid family workers. The self-employed are further divided into self-employed without employees (own-account workers) and self-employed with employees (employers).
Figure 4. Total number of employed people by employment status and year (million)

Source: Statistics Korea, Economically Active Population Survey. 2023.01.11. own calculation.
Figure 4 shows the total number of employed people, calculated based on the Economically Active Population Survey conducted by Statistics Korea, divided by employment type, with wage workers on the left side of the figure and non-wage workers on the right. The growth in the total employed population from 2003 to 2022 is mostly explained by the increase in wage workers, while the number of non-wage workers decreased over the same period. During this period, regular workers increased from 9.57 million to 13.57 million, making up the largest share of the total employed population. Non-regular workers increased from 4.62 million to 8.16 million. The number of regular workers increased by 4.0 million, while the number of non-regular workers increased by 3.54 million. However, in terms of relative size, non-regular workers grew 196% from 2003 to 2022, faster than regular workers, who grew 141% over the same period.

Meanwhile, the number of non-wage workers is expected to decline over the same period. The number of own-account workers in South Korea decreased by 0.22 million from 2003 to 2022, while the number of employers decreased by 0.33 million. Considering that the number of wage workers is increasing, it is reasonable to assume that the share of self-employed workers in the total labor market is decreasing at a greater rate. The combined share of employers and own-account workers as a percentage of the total employed population is shown to decline from 28.1% in 2003 to 20.0% in 2022.

The increasing share of own-account workers within the non-wage workers also deserves special mention. Table 5 shows the share of own-account workers as a percentage of total non-wage workers by gender and age. We see that the share of own-account workers in total non-wage workers is increasing from 60.2% in 2008 to 64.9% in 2022. By gender, own-account workers are more likely to be male. In 2022, 73.1% of male non-wage workers are own-account workers and 51.4% of female non-wage workers are own-account workers. In addition, nearly 70% of non-wage workers aged 60 or older are own-account workers.
Table 5. Percentage of own-account workers in total non-wage workers, by gender and age group in Korea (%)

<table>
<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
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<td>59.6</td>
<td>59.6</td>
<td>59.9</td>
<td>59.7</td>
<td>60.1</td>
<td>59.2</td>
<td>58.8</td>
<td>59.3</td>
<td>60.2</td>
<td>58.7</td>
<td>60.7</td>
<td>63.2</td>
<td>64.4</td>
<td>64.9</td>
</tr>
<tr>
<td>Male</td>
<td>69.8</td>
<td>68.5</td>
<td>68.2</td>
<td>68.2</td>
<td>69.1</td>
<td>.</td>
<td>67.1</td>
<td>.</td>
<td>68.7</td>
<td>67.2</td>
<td>69.0</td>
<td>71.6</td>
<td>73.0</td>
<td>73.1</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>46.6</td>
<td>46.4</td>
<td>46.3</td>
<td>47.1</td>
<td>46.2</td>
<td>.</td>
<td>45.8</td>
<td>.</td>
<td>46.7</td>
<td>45.3</td>
<td>47.6</td>
<td>49.5</td>
<td>49.5</td>
<td>51.4</td>
<td></td>
</tr>
<tr>
<td>Age group</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15–29</td>
<td>60.1</td>
<td>56.2</td>
<td>54.7</td>
<td>51.2</td>
<td>55.0</td>
<td>51.9</td>
<td>.</td>
<td>49.0</td>
<td>.</td>
<td>52.1</td>
<td>56.1</td>
<td>56.8</td>
<td>61.4</td>
<td>55.6</td>
<td>66.5</td>
</tr>
<tr>
<td>30–39</td>
<td>55.1</td>
<td>54.8</td>
<td>52.2</td>
<td>51.3</td>
<td>52.4</td>
<td>53.5</td>
<td>.</td>
<td>53.9</td>
<td>.</td>
<td>56.6</td>
<td>52.8</td>
<td>56.8</td>
<td>61.0</td>
<td>60.7</td>
<td>61.2</td>
</tr>
<tr>
<td>40–49</td>
<td>54.5</td>
<td>52.0</td>
<td>53.0</td>
<td>53.9</td>
<td>52.7</td>
<td>52.2</td>
<td>.</td>
<td>52.2</td>
<td>.</td>
<td>55.1</td>
<td>54.0</td>
<td>56.7</td>
<td>58.8</td>
<td>62.3</td>
<td>61.2</td>
</tr>
<tr>
<td>50–59</td>
<td>60.3</td>
<td>61.0</td>
<td>60.0</td>
<td>60.5</td>
<td>60.9</td>
<td>60.4</td>
<td>.</td>
<td>57.5</td>
<td>.</td>
<td>58.0</td>
<td>56.7</td>
<td>58.4</td>
<td>59.6</td>
<td>60.8</td>
<td>61.5</td>
</tr>
<tr>
<td>60–</td>
<td>71.9</td>
<td>72.1</td>
<td>72.9</td>
<td>72.3</td>
<td>70.8</td>
<td>72.3</td>
<td>.</td>
<td>70.5</td>
<td>.</td>
<td>69.5</td>
<td>67.1</td>
<td>67.5</td>
<td>69.7</td>
<td>70.1</td>
<td>70.1</td>
</tr>
</tbody>
</table>

Source: Statistics Korea, Economically Active Population Survey. 2022.11.01. own calculation.
Note: Ratio of own-account workers = (number of own-account workers ÷ number of total non-wage workers) × 100; "." is missing.

(2) Dependent self-employed workers and platform workers

Among the different types of non-regular workers surveyed by Statistics Korea, 'workers in special employment types' are the closest to the statistical concept of 'dependent self-employed workers'. From 2008 to 2022, the proportion of workers in special employment types has been around 10% of the total non-regular workers. Among female non-regular workers, 7.9% are workers in special employment types, while among male non-regular workers, 5.6% are workers in special employment types.

However, it is important to note that the share of 'workers in special employment types' published by Statistics Korea does not accurately represent the actual share of dependent self-employed workers. This is because when conducting the Economically Active Population Survey, Statistics Korea divides the total employed population into wage workers and non-wage workers, and then only surveys 'workers in special employment types' within the wage workers category. Dependent self-employed workers are in a gray area between wage workers and self-employed workers, so it is possible that the number of 'workers in special employment types' is underestimated.
Table 6. Percentage of Workers in Special Employment types in total non-regular workers, by gender(%)  

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>11.0</td>
<td>11.7</td>
<td>10.9</td>
<td>11.4</td>
<td>10.1</td>
<td>9.7</td>
<td>9.1</td>
<td>9.1</td>
<td>9.2</td>
<td>9.6</td>
<td>9.1</td>
<td>10.2</td>
<td>10.2</td>
<td>10.2</td>
<td>10.2</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>6.8</td>
<td>7.7</td>
<td>7.3</td>
<td>7.1</td>
<td>6.9</td>
<td>6.8</td>
<td>4.9</td>
<td>5.3</td>
<td>5.4</td>
<td>5.4</td>
<td>5.3</td>
<td>5.5</td>
<td>5.8</td>
<td>5.6</td>
<td>5.6</td>
</tr>
<tr>
<td>Female</td>
<td>15.1</td>
<td>14.2</td>
<td>13.2</td>
<td>13.1</td>
<td>11.4</td>
<td>11.4</td>
<td>10.4</td>
<td>10.6</td>
<td>9.8</td>
<td>9.3</td>
<td>9.5</td>
<td>8.4</td>
<td>7.7</td>
<td>7.9</td>
<td>7.9</td>
</tr>
</tbody>
</table>

Note: Ratio of workers in special employment types = (number of workers in special employment types ÷ number of non-regular workers ) × 100.

To estimate the size of the dependent self-employed, it is necessary to refer to other surveys and studies such as focusing on specific occupations where dependent self-employment contracts are common (e.g., Don-moon Cho et al. 2015), or removing "true wage workers" and "true own-account workers" within wage workers and own-account workers (e.g., Heung-Jun Jung, 2019). In this context, we present estimates from the KWCS data that allow us to apply Williams & Horodnic's (2018) definition of dependent self-employed (Table 7).

Although data is only available for 2017 and 2020, the number of dependent self-employed in South Korea is estimated to be between 4% and 5% of all employed people. This number is comparable to that of the EU 28, with the exception of Greece and Romania. On the other hand, the proportion of dependent self-employed within the total non-wage workforce is lower, ranging from 20% to 24%. This may be due to the Korean labor market context, where the share of non-wage workers is relatively high compared to European countries.

Table 7. Percentage of dependent self-employed workers in total employment and self-employed in Korea (%)  

<table>
<thead>
<tr>
<th>Year</th>
<th>Percent of All employment</th>
<th>Percent of Self-employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>2017 4 2020 5</td>
<td>2017 20 2020 24</td>
</tr>
</tbody>
</table>


Meanwhile, shifting the focus to platform workers makes the problem more complicated. This is because the number of platform workers cannot be estimated with official data that cannot distinguish dependent self-employed workers. Therefore, it is possible to consider how to utilize the results of other
studies, which are largely divided into two types: combining with other statistical items and conducting a social survey.

In the case of the first methodology, it is the work of adding new standards by reflecting the labor market characteristics that appear in dependent self-employed workers. For example, Kim Jong-jin et al. (2021) attempted to estimate the size of dependent self-employed workers (freelancer) by combining the level of work autonomy and occupation types (management or professional) with existing data from the National Statistical Office (Kim et al., 2021). In addition, it was attempted to estimate the size of dependent self-employed workers based on the size of workers in these industries by deriving industries in which dependent self-employed type of work is frequently observed. However, this type of work has limitations in that the estimate is indirect or the selection of criteria is somewhat subjective.

The second methodology is a method of calculating the size of dependent self-employed workers by designing their own social survey. For example, a study by Jung Heung-joon (2019) suggests a "new approach to estimating the size of special type workers" through additional questions such as work dependency, economic dependency, and presence of a fixed workplace, noting that the worker nature of special type workers exists between wage workers and single-person self-employed (Jung, Lee, & Cho, 2019). However, there is a limitation in that this is also not a survey that can directly identify platform workers. Therefore, this section will present the size and characteristics of platform workers in Korea based on the survey data and results designed for the purpose of 'estimating the size of platform workers'.

Among the definitions of platform workers discussed earlier, we would like to compare the current status of platform workers nationwide and in Seoul, focusing on Ji-yeon Jang (2020)'s definition of “platform workers in the narrow sense” (Table 8). According to the existing survey, the metropolitan area accounts for two-thirds of platform economy workers (people seeking work through platforms) in Korea, and we want to grasp the status of platform workers around the nation and Seoul at the regional level (Kim et al., 2021). In December 2020, platform economy workers accounted for 7.6% (1.79 million) of the total employment in Korea and 9.3% (461,000) of the total employment in Seoul. In addition, 25.7% of the Korean platform economy workers were confirmed to be in Seoul. Further, in the case of “platform workers in the narrow sense,” which is being discussed as a policy target in Korea,
they accounted for 0.92% (220,000 people) nationwide and 1.16% (58,000) in Seoul, and 26.4% of platform workers in Korea were found to be in Seoul.

Table 8. Comparison of rates and estimated size of platform workers—Nationwide and Seoul (2020)

<table>
<thead>
<tr>
<th>division</th>
<th>Rates (%)</th>
<th>Estimated size (thousands)</th>
<th>Platform economy workers (people who seek work through the platform)</th>
<th>Platform workers in the broad sense</th>
<th>Platform worker in the narrow sense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nationwide *</td>
<td>100</td>
<td>1,827</td>
<td>7.61</td>
<td>1.16</td>
<td>220</td>
</tr>
<tr>
<td></td>
<td>0.16</td>
<td></td>
<td></td>
<td>9.38</td>
<td>2020</td>
</tr>
<tr>
<td></td>
<td>6.54</td>
<td></td>
<td></td>
<td>8.05</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>0.92</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>100</td>
<td>469</td>
<td>9.38</td>
<td>1.16</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>0.17</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8.05</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.16</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seoul **</td>
<td>100</td>
<td>469</td>
<td>9.38</td>
<td>1.16</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>0.17</td>
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<td>8.05</td>
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<tr>
<td></td>
<td>1.16</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


1) Period of Surveys: Both surveys in Seoul and nationwide were conducted for two months from October to November 2020.
2) Method of Surveys: The landline and mobile telephone random digit dialing (RDD) method [sample error 2.71% ± (95% confidence level), gender, age, Seoul population proportional assignment extraction population 17,343]

Estimating the proportion of platform workers by sector (Table 9), delivery service (67.8% nationwide and 48.8% in Seoul) has a high proportion of location-based platform workers in Korea. In addition, Seoul has more than double (21.7%) the number of professional services nationwide (11.8%). In the case of web-based platform workers, the proportion of simple tasks (34.4%) is high nationwide, but Seoul has a similar distribution of IT, professional service, and creative services overall.

Table 9. Percentage of platform workers by platform types and industry — Nationwide and Seoul

<table>
<thead>
<tr>
<th></th>
<th>Online platform</th>
<th>Offline platform</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Industry</td>
<td>Nationwide</td>
<td>Seoul</td>
</tr>
<tr>
<td>1 IT</td>
<td>19.7%</td>
<td>23.3%</td>
<td></td>
</tr>
<tr>
<td>2 Professional service</td>
<td>15.2%</td>
<td>20.6%</td>
<td>5.0%</td>
</tr>
<tr>
<td>3 Creative/Art service</td>
<td>26.2%</td>
<td>22.9%</td>
<td>3 Professional service</td>
</tr>
<tr>
<td>4 Simple tasks</td>
<td>34.4%</td>
<td>23.6%</td>
<td>4 Made to order</td>
</tr>
<tr>
<td>5 Other</td>
<td>4.5%</td>
<td>9.8%</td>
<td>5 Other</td>
</tr>
<tr>
<td>Total</td>
<td>100.0%</td>
<td>100.0%</td>
<td>Total</td>
</tr>
</tbody>
</table>

Table 10 shows that the monthly working days, daily working hours, and income-related working conditions of platform workers in Korea differ from those in Seoul, according to primary or secondary jobs and web-based or location-based platforms (Kim et al., 2021). First, there was an average gap of about nine working days per month of platform workers, between the primary job (19.4 days nationwide and 19.3 days in Seoul) and the secondary job (10.3 days nationwide and 10.1 days in Seoul). Meanwhile, the average working hours of platform workers are 6 hours (6.5 hours nationwide and 6.3 hours in Seoul), with longer working hours of location-based platform workers (6.9 hours nationwide and 6.4 hours in Seoul). In the case of monthly income, the difference between Seoul and nationwide was greater depending on whether they were primary or secondary jobs, and the monthly income of web-based platform workers, which had a relatively high proportion of secondary jobs, was generally lower than that of location-based platform workers.

Table 10. Working Conditions of Platform workers – Nationwide and Seoul (2020)

<table>
<thead>
<tr>
<th></th>
<th>Platform types</th>
<th>Primary or secondary job</th>
<th>Total</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Online Nationwide</td>
<td>Offline Nationwide</td>
<td>Primary job Nationwide</td>
<td>Secondary job Nationwide</td>
<td>Total Nationwide</td>
<td>Seoul</td>
</tr>
<tr>
<td>Monthly working days</td>
<td></td>
<td>14.1</td>
<td>14.9</td>
<td>15.1</td>
<td>15.4</td>
<td>14.8</td>
<td>15.3</td>
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<tr>
<td>Daily working hours</td>
<td></td>
<td>5.3</td>
<td>5.6</td>
<td>6.9</td>
<td>6.4</td>
<td>6.5</td>
<td>6.3</td>
</tr>
<tr>
<td>Monthly income</td>
<td></td>
<td>116.1</td>
<td>129.3</td>
<td>154.9</td>
<td>149.3</td>
<td>145.9</td>
<td>145.3</td>
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<td>(KRW 10,000)</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proportion of Earned</td>
<td></td>
<td>56.0</td>
<td>53.0</td>
<td>60.3</td>
<td>64.9</td>
<td>56.0</td>
<td>62.5</td>
</tr>
<tr>
<td>income to total income (%)</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Source: Ji-yeon Jang. (2020); Jong-jin Kim, et al. (2021)

Finally, it is necessary to compare the survey data that estimated the size of platform workers based on the four criteria for platform workers presented by the Jobs Committee (2020). In this survey, a standard similar to that of the Jobs Committee (2020) was used, and the survey period corresponds to 2021 and 2022, respectively.

As previously explained, the Korean Jobs Committee (2020) has proposed four conditions for platform labor in Korea: 1) service provision through a digital platform, 2) the work was sought through
a digital platform, 3) digital platform-mediated payment, and 4) open access to the majority. The Ministry of Employment and Labor has defined workers who meet Standards 1) and 2) as "platform workers with a broad definition," and those who meet all Standards from 1) to 4) as "platform workers with a narrow definition." Platform workers in a broad sense refer to workers who trade "service or virtual goods" through digital platforms and seek "work" through these platforms. Platform workers in a narrow sense are defined as cases where "compensation and work provision must be mediated by a digital platform" and "when the work to be mediated is open to the majority, not the individual." These definitions are consistent with the platform workers in the broad and narrow senses as defined by Ji-yeon Jang (2020). Table 11 presents three-year time-series data that includes the results of the Ministry of Employment and Labor survey and the survey data of Ji-yeon Jang (2020).

Table 11. Estimated People and Percentage of Platform workers in total employed people

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td></td>
<td>2020</td>
<td>2021</td>
</tr>
<tr>
<td>Platform worker</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(broad sense)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N (thousand)</td>
<td>1,790</td>
<td>2,197</td>
</tr>
<tr>
<td>(%)</td>
<td>(7.46)</td>
<td>(8.5)</td>
</tr>
<tr>
<td>Platform worker</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(narrow sense)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N (thousand)</td>
<td>220</td>
<td>661</td>
</tr>
<tr>
<td>(%)</td>
<td>(0.92)</td>
<td>(2.6)</td>
</tr>
</tbody>
</table>

Source: Ji-yeon Jang (2020); Ministry of Employment and Labor (2021; 2022).
Note: Ratio of platform workers = (number of employed people ÷ number of estimated platform workers) × 100;
Each value includes all those who have worked for income in the past three months who have earned income using the online platform.

4. Institutional protection

This section will examine how platform work is addressed by employment laws and legal protections for workers. Specifically, it will consider rules for determining the employment status of people who work through digital labor platforms in Korea and the EU, as well as the legal aspects related to labor law, trade union law, and social protection. This will include a comparison with the EU's legislative approach to platform work, as well as other types of work in the OECD, with a focus on compliance with international instruments related to trade unions and social rights, such as
occupational safety and health.

1) EU

The regulation of platform work in the EU faces significant challenges, including the misclassification of employment status and the risks associated with algorithmic management (Piasna, Zwysen, & Drahokoupil, 2022: 6). The nature of platform work's flexibility increases the likelihood that workers in a de facto subordinate relationship may be misclassified as independent contractors, thereby denying them access to employment status protections (Drahokoupil & Fabo, 2016; Drahokoupil & Piasna, 2017). The use of algorithmic management by digital labor platforms presents another challenge to labor law as it increases the risk of invasive monitoring and discriminatory practices, while removing humans from decision-making and the chain of authority, making critical decisions about workers unclear and unaccountable (De Stefano & Taes, 2021).

To address these challenges, in December 2021, the European Commission proposed a directive with three core objectives. These are to establish a comprehensive framework to tackle the misclassification of employment status in platform work, ensure fairness, transparency, and accountability in algorithmic management by introducing new material rights for platform workers, and introduce reporting requirements for platform companies (Eurofound, 2022). Subsequently, in May 2022, the European Parliament published a draft amendment to the directive proposal that focused on the misclassification of employment status and strengthened protection from algorithmic management. In December 2022, the final version of the amendment was reported and was approved in plenary in February 2023.

In addition to reclassifying falsely self-employed platform workers, the European Commission (2022b) has emphasized the need to ensure the right of collective bargaining for solo self-employed workers to improve their working conditions (European Commission, 2022a). To this end, the Commission has suggested guidelines to resolve existing contradictions between the rules of collective bargaining and EU competition law. These legislative approaches are aimed at improving the working conditions of platform workers and are related to the European Pillar of Social Rights.
Furthermore, in November 2019, the Council of the European Union adopted a recommendation stressing the need to minimize the social protection gap for workers and self-employed individuals in terms of formal coverage, effective coverage, adequacy, and transparency. This recommendation underscores the importance of ensuring that all workers have access to social protection, regardless of their employment status (European Council, 2019).

Table 12. Legislative approaches to each Institutional protection in EU

<table>
<thead>
<tr>
<th>Institutions of EU</th>
<th>Legislative actions</th>
<th>Labor law</th>
<th>Trade union</th>
<th>Social protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Commission (2022.09.30)</td>
<td>Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons</td>
<td>△</td>
<td>O</td>
<td>X</td>
</tr>
<tr>
<td>Council of the European Union (2019.11.08)</td>
<td>Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed</td>
<td>X</td>
<td>X</td>
<td>O</td>
</tr>
</tbody>
</table>

For each corresponding legislative approach, ‘O’ indicates that it directly or/and principally covers the particular legal aspects, while ‘△’ indicates that it indirectly or/and partially covers the particular legal aspects. ‘X’ indicates that it does not cover particular legal aspects.

(1) Labor law

To address the challenges of regulating platform work, the misclassification of employment status and the risks associated with algorithmic management have been discussed at the EU level (Piasna, Zwysen, & Drahokoupil, 2022: 6). This report will examine and discuss the main purposes, contents, and perspectives of the European Commission's proposal (2021) and the European Parliament's amendment report (2022) (European Commission, 2021a; European Parliament, 2022).

The European Commission, which is one of the executive institutions of the EU, proposed a directive in December 2021 with three core purposes to regulate platform work at the EU level (European Commission, 2021a). These purposes are as follows:
i. Establishing a comprehensive framework to address the misclassification of employment status in platform work.

ii. Ensuring fairness, transparency, and accountability in algorithmic management by introducing new material rights for people performing platform work.

iii. Introducing reporting requirements for platform companies (Eurofound, 2022).

These three purposes are aimed at improving the working conditions of platform workers and addressing the challenges of regulating platform work at the EU level.

To tackle the misclassification of employment status in platform work, the European Commission (2021: 34) has proposed that 'digital labor platforms' that fulfill at least two out of five criteria should be reclassified as 'employers.' This would mean that they are considered to be engaging in employment relationships with 'workers' (platform workers) by legal presumption. The five criteria that determine this reclassification are as follows:

(a) determining or controlling remuneration, (b) setting rules about appearance, behavior or work performance, (c) supervising work performance or verifying the quality of results, (d) limiting freedom to organize work, and/or (e) limiting the ability to build a client base or work independently for third parties.

Based on the application of these criteria, an estimated 1.7 to 4.1 million platform workers would be reclassified as 'workers' among the 5.5 million currently misclassified (Pape, 2022: 5). This proposal is aimed at addressing the issue of misclassification of employment status in platform work and improving the working conditions of platform workers.

However, there are several limitations to the proposal of the directive. Firstly, it is still unclear whether the legal control criteria suggested in the proposal will be adequately accepted at the national level (Eurofound, 2022). This is because the directive is a type of legislation with weaker legally binding power than regulation, and the diverse situation of national case law regarding the employment relationship by individual EU Member States (De Stefano, 2022: 5).

Moreover, the Directive defines platforms narrowly, requiring them to meet all of the requirements to be considered digital labor platform. Therefore, the scope of workers covered by the Directive may be overly restrictive, regardless of its purpose to protect platform workers (ETUC, 2022). Furthermore,
the minimum requirement for the presumption of the employment relationship may be too stringent. The proposal suggests that at least two of the five criteria must be met. However, criteria such as (b), (c), or (d), is in fact sufficient to be recognized as an employment relationship (De Stefano, 2022). In other words, a rebuttable but unconditional presumption of the employment relationship and the enumeration of conditions for establishing the definition of a genuine self-employed are effective ways to shift the burden of proof.

Following critiques and consultations, the European Parliament (2022: 28) reported the final amendment in December 2022, which was voted in favor of by the Plenary in February 2023. The amendment has several key differences from the previous proposal (European Parliament, 2022).

Firstly, it ensures that factual elements or control criteria should be drawn not only from national case law but also from the Employment Relationship Recommendation 2006 (No. 198) to avoid overly narrow definitions of the employment relationship at the national level. The recommendation emphasizes that the existence of employment relationships should be determined based on 'the principle of primacy of facts' and that the decision should be made primarily on the facts regarding "the performance of work and the remuneration of the worker," not by the contractual characterization of the relationship (De Stefano et al., 2021).

Secondly, the amendment stresses that factual elements should be subject to constant evolution under an institutionalized monitoring and decision-making system based on the specific national context.

Lastly, the amendment removes control criteria from the body and suggests extended lists of factual elements instead in the recital of the directive to achieve a general presumption of the employment relationship without any criteria (ETUC, 2022: 2; Philipp, 2023: 2).

This amendment is evaluated as going further in addressing the misclassification of employment status than the proposal of the European Commission, as it implies that the rebuttable presumption of the employment relationship would apply to a person performing platform work without criteria.

Despite some concerns raised due to its reliance on the views of the Committee on Employment and Social Affairs (EMPL), the European Parliament's amendment (2022) was approved in plenary in February 2023 (Philipp, 2023: 2). However, some limitations remain, such as the narrow and cumulative definition of 'digital labor platform' used in the proposal and ongoing disparities with the perspectives
of other stakeholders, particularly with the Council, in the remaining stages of the legislative process (Pape, 2022: 8; Philipp, 2023: 3).

(2) Trade union law

The European Commission (2022a) highlights the importance of guidelines for institutionalizing collective agreements for platform workers, including those who are reclassified as workers and subject to trade union law, as well as those who are classified as 'genuine' self-employed and not presumed to have an employment relationship (European Commission, 2022b). These guidelines aim to strengthen the bargaining power of solo self-employed platform workers to improve their working conditions. To achieve this, the Commission has sub-categorized solo self-employed persons who are in a similar situation to workers and excluded them from the application of EU competition law (Article 101 of the Treaty on the Functioning of the European Union) (European Commission, 2022a: 7). Specifically, those who are economically dependent, working side-by-side with workers, and/or working through digital labor platforms are considered to be in a comparable situation with workers (European Commission, 2022a: 8-12).

Firstly, the economically dependent solo self-employed are those who earn at least 50% of their total work-related income from a single counterparty on average (European Commission, 2022a: 6). Since these solo self-employed provide their services mainly to a single customer, they are heavily dependent on their counterpart, making them an integral part of the counterpart's business. As a result, they do not act independently in the market and tend to receive specific instructions on how to conduct their work.

The next category is the solo self-employed who work ‘side-by-side’ with workers for the same customer(s). This type of solo self-employed is considered to be in a comparable situation to workers based on the practices of some EU national authorities/courts (European Commission, 2022a: 7). They perform similar or identical tasks alongside workers and provide their services based on the instructions of their customer(s). They do not bear their customer(s)’s commercial risk and lack independence in their own economic activity. Even if their employment relationship cannot be recognised, this fact should at least provide a basis for excluding their collective agreement from the application of EU competition law.

Lastly, the solo self-employed who work through ‘digital labor platform(s)’ are also considered to
be in a comparable situation with workers. ‘Digital labor platforms’ differ from ‘online platforms’ in that they play a significant role in matching the demand for service with the supply of labor by an individual who has a contractual relationship with the platform and is available to perform a specific task (European Commission, 2022a: 8). Solo self-employed individuals who are dependent on digital labor platforms to find clients often face ‘take it or leave it’ work offers without any opportunity to negotiate working conditions.

In addition, EU competition law does not apply to collective agreements of solo self-employed individuals who have concluded an agreement with a counterparty that has some economic power, or those agreements that are made in accordance with national or EU law. This is because there may be solo self-employed individuals who are not in a similar situation to workers, but whose bargaining power is weaker than that of the counterparty, limiting their ability to improve working conditions (European Commission, 2022a).

(3) Social Protection and Occupational health and safety

The Council of the European Union (2019) recommended strengthening the social protection system for workers and the self-employed, focusing on formal and effective coverage, adequacy, and transparency (European Council, 2019). However, according to Spasova et al. (2017; 2019), the social protection system for non-standard employment and self-employment in EU member states has limited formal coverage and effective coverage, especially in areas such as occupational health and unemployment, unlike other social risks such as old age and health (Slavina et al., 2019; Spasova et al., 2017). The Council's recommendation aimed to reduce the gap in formal and effective coverage between different employment statuses, given the close relationship between unemployment, occupational health, and social exclusion risks. The European Commission (2021: 211) analyzed that the reclassification of employment status will improve the social protection of platform workers not only by the benefits provided by platforms as employers but also by the increase in social security contributions due to the reclassification.

This section examines how the social protection system's formal and effective coverage and adequacy for workers and the self-employed changed at the EU level after adopting the recommendation. Most EU Member
states still have formal coverage gaps for both workers and the self-employed. In 2021, 17 Member States (out of 25) had formal coverage gaps for at least one group of non-standard workers (apprentices and trainees; seasonal workers; casual workers; other country-specific contracts/conditions), while 19 Member States (out of 25) had gaps for at least one group of the self-employed in at least one branch of social protection, primarily in unemployment benefits and accidents at work and occupational diseases (European Commission, 2022b: 7-9). The reason for these formal coverage gaps is attributed to several factors, such as the occupational-categorical approach which divides professional groups, a minimum income level that is too high and eventually excludes some workers, a maximum income level that is too low and hinders adequate protection, and the challenges of organizing protection for non-standard workers (NSFW) in their specific working situations (Schoukens, 2022: 14-17).

Moving on, let's discuss the effective coverage and adequacy gaps for workers and the self-employed in EU Member States, with a focus on unemployment benefits and accidents at work and occupational diseases, which have the most significant gaps among other social protection schemes. Regarding unemployment benefits, the rules for eligibility criteria, duration, and amount for the self-employed are the same as for employees in most of the EU Member states in 2021, except for seven Member States that had no scheme or five Member States that had the voluntary basis for the self-employed (European Commission, 2022b: 76). However, institutional disparities under certain specific conditions, such as the income basis for calculating the contribution and the benefit payment, have been identified that contribute to gaps for workers and the self-employed (Schoukens and Weber, 2020: 9).

For benefits related to accidents at work and occupational diseases, the rules about eligibility criteria, duration, and amount for the self-employed are similar to those for employees in most of the EU Member states in 2021, except for 13 Member States that had no scheme (European Commission, 2022b: 114). However, in some EU Member States, it may be functionally replaced by sickness insurance or invalidity benefits. The gaps for NSFW arise from difficulties in distinguishing between work-related and non-work-related accidents (Avlijaš, 2020; Schoukens, 2022: 25).

(4) Selected Judicial Precedent

Recently, the EU parliament has passed the Platform Work Directive, which recognizes those who work
by receiving digital platform assignments as workers, rather than self-employed. In many European countries, the question of whether platform workers, particularly those involved in transportation services for passengers and goods, should be considered employees or self-employed has become a pressing issue. In contrast, in Germany, the Federal Labor Court recognized a crowdworker who performed "micro-jobs," such as photographing product displays in gas stations and supermarkets, as an employee in December 2020. The court found that the incentivized points system used by the platform company (Roamler) and the large volume of work performed by the crowdworker were indications of an established employment relationship. The importance of providing incentives was emphasized, as the platform company utilized a "gamification" measure to award the crowdworker more assignments. Subsequently, Germany has made progress in legislation and policy, with the Federal Ministry of Labor releasing a new key issues paper addressing the relationship between platform operators, crowdworkers, and clients. The burden of proof in worker-status litigation will shift to the platform worker, reducing the barrier for crowdworkers to assert their rights in court. Hubertus Heil, the German Minister of Labor and Social Affairs, has announced plans to provide a compulsory pension insurance for crowdworkers, as well as continued payment of remuneration, maternity leave, vacation, notice periods, and a simplified way to clarify employment status (Euractiv, 2023)\(^6\).

In France, the Cour de Cassation, the country's top civil court, ruled on March 4, 2020, that Uber drivers should be classified as employees, not independent contractors. The court determined that a subordinate relationship existed between Uber and its drivers, based on the employer's authority to instruct the worker, supervise the implementation of the instructions, and take disciplinary action for non-compliance. This ruling was upheld in January 2023 when a French court ordered Uber to pay around 17 million euros ($18.43 million) in damages and lost salaries to a group of drivers who were found to have an employment relationship with the company. The ruling also means that Uber should have reimbursed the drivers for professional expenses, such as the purchase of a car, fuel, and overtime. Recently, a collective agreement on the minimum wage was signed between Uber and its drivers in France, raising discussions on the legal nature of platform workers and guaranteeing actual wages for

these workers who are de facto dependent in the labor process (Reuters, 2023; The Local France, 2023).

In September 2020, the Spanish Supreme Court (Tribunal Supremo) ruled that Glovo, a delivery company, had an employment relationship with a delivery rider who used the company's credit card and app to make deliveries. This ruling is similar to the one made in France, as it recognized that the rider was an employee rather than an independent contractor. However, the Spanish court focused on "control" rather than subordination. The court's reasoning included the company's control over the rider's working hours, the fact that the provision of labor was under the company's control, and that the rider did not have a say in the profitable factors of the contract. This ruling led to the enactment of the 'Riders Law' in Spain in 2021, which requires delivery platforms to hire couriers as full-time employees. This change means that riders are guaranteed regular salaries, 40 hours of working hours a week, paid leave, and break time. Goods such as motorcycles used for delivery and taxes imposed on the self-employed are not paid, suggesting that the recognition of platform workers as employees changes the actual quality of the labor process.

2) Korea

This section focuses on the institutional protection of platform workers in Korea. The Constitution of the Republic of Korea recognizes labor rights in Article 32 and Article 33, which have been implemented through the Labor Standards Act and the Labor Union Act. In Korea, working conditions, labor rights (rights of association, collective bargaining, and collective action), and social security protection are granted only to those recognized as 'employees' under the Labor Standards Act. However, the definitions of 'employee' and 'worker' in the Labor Standards Law and the Labor Union Law are abstract, making it difficult to determine the existence of the employment relationship. Precedents have been used as supplementary legal principles for defining and interpreting 'employee(s)' and 'worker(s)', and the elements used to recognize the employment relationship in past cases have become the determining criteria for the subject of labor laws (S.-Y. Kim, 2020).

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In this section, we will discuss the definition of ‘employee’ and ‘worker’ in Korean labor law and the social security system, as well as the criteria used in previous legal precedents to determine their status. We will also examine the protection afforded to platform workers under the institutional system, including legal precedents that have recognized their status as employees.

<table>
<thead>
<tr>
<th>Table 13. Legislative approaches to each Institutional protections</th>
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</thead>
<tbody>
<tr>
<td><strong>Legislative actions</strong></td>
</tr>
<tr>
<td>Chul-Min Chang (2021.03.18) Soo-Jin Lee (2021.11.11)</td>
</tr>
<tr>
<td>Standing Committee (2023.02.21)</td>
</tr>
<tr>
<td>Amended (2021.01.05) Amended (2022.05.29)</td>
</tr>
<tr>
<td>Amended (2020.05.26) Amended (2021.01.15)</td>
</tr>
</tbody>
</table>

For each corresponding legislative approach, ‘O’ indicates that it directly or/and principally covers the particular legal aspects, while ‘△’ indicates that it indirectly or/and partially covers the particular legal aspects. ‘X’ indicates that it does not cover particular legal aspects.

(1) Labor law

The Labor Standards Act in Korea aims to establish minimum working conditions to ensure the basic quality of life for "employees." The criteria used to determine the subordination of employees under this act has a significant impact on the institutional protection offered to these workers, as they are then eligible for benefits under other relevant laws, such as the Minimum Wage Act, the Industrial Accident Compensation Insurance Act, and the Employment Insurance Act (Yang, 2021).

The Korean Supreme Court has established a precedent for determining the legal status of employees, focusing on the existence of a 'subordinate relationship'. The 2006 ruling has been particularly important, as it proposes seven subordination criteria and establishes the principle that the
criteria for determining employees are based on whether they provide work to employers under a subordinate relationship for wage purposes in a workplace, regardless of the type or name of the contract. In the Labor Standards Act, the legal status of workers is determined based on the criteria of subordination, with the two most important criteria being (a) whether they provide work under the command and order of employers, and (b) whether they provide work for wages. The economic and social conditions of workers are also considered as supplementary criteria. Criterion (a) is determined by whether the employer determines the details of work, conducts and supervises considerable command and supervision in the performance of work, and whether bounded working hours and workplaces exist. Criterion (b) is determined by whether the remuneration is a benefit in return for work (Kim, 2018: 17-18).

However, the subordination criteria consisting of the legal status of employees under the Labor Standards Act do not reflect the dependence of NSFW, such as platform workers, which prevents them from institutional protection. In particular, intermittency and non-exclusivity, which are representative characteristics of region-based platform work, make platform workers difficult to meet the criteria for legal status as employees under the Labor Standards Act (Yang, 2021). As Platform work are not assigned on an hourly basis, but on a case-by-case basis, the specificity of working hours or workplaces among the subordination criteria somewhat weakens. In addition, it is difficult to meet the requirements for exclusivity in that they get work from several platforms rather than a single business, and platforms are also jointly operated with a large number of corporate networks.

The current approach of the Labor Standards Act, which understands the employment relationship as the subordinate relationship, has a limitation in that it cannot capture the dependence of NSFW, such as subcontractors and workers in special employment types. Accordingly, the concept of employment relationship based solely on subordination has been criticized, as it needs to move beyond direct command and order (Hwang et al., 2016; Yang, 2021).

Recently, in Korea, bills have been proposed in the National Assembly to protect platform workers. These include proposals by legislator Chul-Min Chang and Soo-Jin Lee of the Democratic Party of Korea for the "Law on Protection and Support of Platform Workers" in March and November 2021, respectively. The proposals aim to address the fact that platform workers are not currently protected
under existing labor-related laws such as the Labor Standards Act, despite the rapid increase in their numbers due to the digital transformation. Chang's proposal defines an online platform as "an electronic information processing system for the brokerage or arrangement of the provision of labor by workers" and a platform worker as "a person who does not use another person to provide work that has been brokered or arranged through an online platform, regardless of the name or form of the contract, and who primarily provides his or her own work and receives remuneration in return." The proposals seek to establish the status of this Act as a special law, shift the burden of proof, clarify platform obligations to provide information, and ensure basic labor rights for those who are not employees or workers under the Labor Standards Act or the Labor Union Act. However, these proposals are still pending as of 2023.

The "Law on Protection and Support of Platform Workers" proposes a new category to differentiate platform workers from 'employees' under the Labor Standards Act, offering them a distinct level of labor protection. However, while it places the burden of proof on the platform, it does not presume an employment relationship. As a result, the employment status of platform workers remains as dependent self-employed and unprotected during litigation over their employment status unfolds. While the law guarantees the right to access social insurance, it does not provide any guarantee for labor rights related to trade unions. This means that the labor rights of platform workers differ from those of 'workers' or 'employees'.

Legislators Soo-Jin Lee and Chul-Min Chang proposed the "Act on the Protection of Every Working People" on November 16 and November 22, 2022, respectively. This proposed act aims to establish a universal and fundamental floor of labor protection for workers in non-standard forms of work (NSFW), including contract labor, which refers to work based on contract arrangements other than an employment contract. The proposals emerged due to concerns that the current legislative approaches to protect platform workers are fragmented and stratified labor and social protection by the employment status of workers. The objective of this act is to ensure basic labor rights for all "working persons" regardless of employment status or contract type, with the act having the status of a basic law in relation to the Labor Standards Act and labor-related laws.

The proposed "Act on the Protection of Every Working People" defines "working people" as individuals who provide labor for other people's businesses, regardless of the name or form of their
contract. This includes workers under Article 2(1)1 of the Labor Standards Act and individuals who continuously provide labor to a specific business operator and receive remuneration from them.

The proposal aims to establish basic labor rights for working people and covers several areas related to working conditions. These include prohibiting discriminatory treatment based on gender, nationality, religion, marital status, social status, type of labor or contract, requiring written contracts between employers and workers, restricting unfair termination, providing maternity protection and parental leave, prohibiting sexual and workplace harassment, and implementing vocational education and training.

In terms of guidance and supervision, the government would establish guidelines for protecting workers, disseminate standard contracts, and supervisory agencies would give administrative guidance and corrective orders.

To summarize, the proposed "Act on the Protection of Every Working People" aims to provide basic labor protection for all workers, regardless of their employment status and contractual arrangements. However, it currently does not include solo self-employed workers and does not guarantee labor rights related to trade unions or access to social insurance. A new proposal by legislator Eun-Joo Lee is being drafted to broaden the definition of "working people" to include solo self-employed workers and ensure their formal access to social insurance (Kwon, 2023: 45-55).

(2) Trade union law

The criteria for determining 'workers' under the Labor Union and Labor Relations Adjustment Act (hereafter Labor Union Act) have been distinguished from those for determining 'employees' under the Labor Standards Act since the 2004 Seoul Women's Union Case ruling (Kim, 2018). The Seoul Women's Union Case ruling stated, "the 'worker' referred to in the text of Article 2 Subparagraphs 1 and 4 (d) of the Labor Union Act includes not only those employed by a specific employer but also those temporarily unemployed or looking for a job as long as they need to guarantee three labor rights (rights of association, collective bargaining, and collective action)," therefore, the NSFW, which is not recognised as an 'employee' under the Labor Standards Act, could be recognised as a 'worker' under the Labor Union Act.
However, the concept of 'employer' in Article 2 of the current Labor Union Act has been interpreted as "the employer who has signed a direct labor contract with workers" according to Supreme Court precedents. In other words, since a one-to-one employment relationship between workers and employers was assumed, three labor rights were guaranteed limitedly to indirectly employed workers, workers in special employment types, and platform workers. If the definitions of 'worker' and 'employer' are confined, the scope of ‘industrial action (labor dispute)’ considered unlawful would broaden, and claims for damages could be undemanding, effectively restricting the exercise of the three labor rights.

To rectify the current Labor Union Act, restricting the three labor rights because of the reasons previously discussed, twelve proposals mainly centred on the revision of the previous narrow scope 'worker', 'employer, and 'industrial action' (Article 2) and the restriction on claims for damages (Article 3) were adopted partially as the alternative bill by the Standing Committee on 21 February 2023. These proposals, also known as the Yellow Envelope Act, originated from a nationwide campaign after a citizen began donating yellow envelopes to ease the excessive burden of compensation imposed on workers who attended on unlawful strike after a ruling to compensate 4.7 billion won for Ssangyong Motor's strike in 2014. The main revisions of the proposed bill are as follows (Lee Eun-Joo, 2022): (a) Scope of 'worker': A person who provides labor for another person's work and lives in return from the relevant business operator or labor recipient, or a person prescribed by Presidential Decree that there is a need for protection under the law while providing labor, and special type workers are included. (b) Scope of 'employer': A person who exerts de facto influence or control over the working conditions or performance of a worker or a person who can recognize the other party's position in the trade union of the business is defined as an employer even if he is not a party to a labor contract. (c) Scope of 'labor dispute': The scope of labor dispute is expanded from 'collective bargaining and industrial action' to 'collective bargaining, industrial action, and other trade union activities'. (d) Disclaimer: Damage caused by industrial action, etc. prescribed in (c) shall not be claimed to the trade union or workers, especially if it is an action planned by the trade union, it shall not be claimed to individual union members (Lee Eun-Joo, 2022).

The implications of the proposal on platform workers are, first, that platform workers can be recognized as ‘workers’ in any form of the contract if they provide work and receive remuneration.
Second, platforms and platform users can also be the counterparty of industrial action because the bill enables workers to engage in industrial action against actual users. In addition, this bill could substantially guarantee the three labor rights for all workers, including platform workers. The reason is that the amendment expands the scope of industrial action to eliminate the structure that is exempted only if all the means, methods, and purposes prescribed by the existing Labor Union Act are satisfied, and exempts excessive damages imposed on individual workers or trade unions.

Meanwhile, the alternative bill passed by the Standing Committee made limited revisions compared to the previously discussed proposals. First of all, the definition of ‘employer’ has been partially revised compared to the proposal to include the original contractor in indirect employment who actually exercise command and control. In addition, the scope of ‘industrial action’ has been expanded by including the rights dispute from the interests dispute, and the restrictions on claims for damages has been complemented, although it is still insufficient compared to the proposal, in that claim for damage is still possible to individual trade union members. The most important limitation of the alternative is that the definition of ‘worker(s)’ has not been revised, which means that dependent self-employed with employment status that is still in the grey zone will not be recognised as 'workers' under the Labor Union Act, during the ongoing litigations for the (re)classification of employment status.

(3) Social Protection and Occupational health and safety

In Korea, social insurance legislation was enacted to provide labor and social protection to 'employees' under the Labor Standards Act. As a result, formal and effective access to social insurance is determined by the employee's employment status. Non-standard forms of work, such as freelancers, dependent self-employed workers and platform workers have been legally excluded from social insurance, especially in the case of social risks such as unemployment and workplace accidents (Baek et al., 2021). Therefore, we will examine the social protection legislation in Korea, with a focus on

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1) Rights dispute: A dispute that arises when an employer violates an existing collective agreement or labor law, or interprets it differently from a labor union and fails to comply with it. Examples include settlement of back wages, reinstatement of dismissed employees, implementation of a collective agreement, remedy for unfair labor practices, and so on. 2) Interests dispute: A dispute that arises from a labor union's request to an employer to conclude a new collective agreement or to improve existing regulations. Examples include wage increase, renewal and conclusion of a collective agreement, and so on.
industrial accident insurance and unemployment insurance.

The Industrial Accident Compensation Insurance Act was amended in 2008 to cover 'workers in special employment types' under the industrial accident insurance scheme. This was in response to the increasing recognition of the need to provide social protection for workers who are not legally classified as employees, but who are economically dependent on their employers and may face difficulties in the event of work-related accidents. Since then, the Act has undergone several revisions, with specific occupational categories among dependent self-employed workers being added based on the level of exposure to industrial injury, disease, disability, and death. However, while the government has acknowledged the need for protection, it has classified this as a 'special case' and has not recognized the employment relationships of these workers. As a result, while industrial accident insurance was made mandatory for workers in special employment types in a formal sense, it remained voluntary in practice, with the option to opt-out, and with employers and workers splitting the contribution equally, unlike in the case of employees where the employer pays the full contribution (Hwang et al., 2016). However, the number of occupational categories included in the special employment types has continuously expanded through six revisions. As of 2023, Article 125 of the Enforcement Decree of the Industrial Accident Compensation Insurance Act covers a total of 15 occupational categories, including express service drivers, proxy drivers, delivery drivers, and software engineers, who make up a significant proportion of platform workers. It should be noted that the range of workers covered by the Act has expanded gradually over time. The following table provides a chronology of the range of workers in special employment types covered under the Industrial Accident Insurance Act.

<table>
<thead>
<tr>
<th>Enforcement Date</th>
<th>Applied Occupations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008.7.1. (2008.6.25. revised)</td>
<td>1. Insurance planner</td>
</tr>
<tr>
<td></td>
<td>2. Concrete mixer truck driver</td>
</tr>
<tr>
<td></td>
<td>3. Home-school[home-study] teacher</td>
</tr>
<tr>
<td></td>
<td>4. Golf Caddie</td>
</tr>
<tr>
<td></td>
<td>6. (Exclusive) express service worker</td>
</tr>
<tr>
<td>Date of Amendment</td>
<td>Workers/Employees</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>2016.7.1.</td>
<td>7. Mortgage outsourcing</td>
</tr>
<tr>
<td></td>
<td>8. Recruiter of credit card members</td>
</tr>
<tr>
<td></td>
<td>9. (Exclusive) proxy driver</td>
</tr>
<tr>
<td>(2016.3.22. revised)</td>
<td></td>
</tr>
<tr>
<td>2020.7.1.</td>
<td>10. Door-to-door salesperson</td>
</tr>
<tr>
<td>(2020.1.7. revised)</td>
<td>11. Rental service inspector</td>
</tr>
<tr>
<td></td>
<td>12. Worker for repair and installation of appliance</td>
</tr>
<tr>
<td></td>
<td>13. Truck owner(container, cement, steal material, hazardous materials)</td>
</tr>
<tr>
<td>2021.7.1.</td>
<td>14. Software engineer</td>
</tr>
<tr>
<td>(2021.1.12. revised)</td>
<td></td>
</tr>
<tr>
<td>2022.7.1.</td>
<td>15. Delivery driver for distribution</td>
</tr>
<tr>
<td>(2022.3.15. revised)</td>
<td>(5. + delivery driver of main and branch line)</td>
</tr>
</tbody>
</table>

Source: Article 125 of the Enforcement Decree of the Industrial Accident Compensation Insurance Act

There are three main limitations in the previous legislative approach in Korea (Chang et al., 2019; Lee et al., 2020; Hwang et al., 2016; Park et al., 2018). Firstly, workers in special employment types must fulfil the exclusivity requirement to gain formal access to industrial accident insurance. Article 125 (1) stipulates that they must "mainly provide labor necessary for one business on a regular basis and receive remuneration". Therefore, platform workers who obtain jobs through multiple platforms are legally excluded from industrial accident insurance. Secondly, even if the exclusivity requirement is fulfilled, workers in special employment types can still apply for an opt-out option. Prior to July 1, 2021 (revised on January 5, 2021), they could voluntarily opt-out of industrial accident insurance without any particular reason. The opt-out option has been used to avoid the contribution burden that workers in special employment types face, unlike employees. Thus, the revision on January 5, 2021, limited the valid reasons for opting out to specific situations, such as diseases, injuries, pregnancy, childbirth, childcare, natural disasters, war, and the spread of infectious diseases, starting from July 1, 2021. However, the opt-out option still limits effective access to the social security system for workers in special employment types and platform workers. Thirdly, the current approach uses an occupational category-specific approach and only recognizes the need for social protection for industrial accidents when it becomes a social problem. This approach is limited in its ability to future-proof, as it may not cover new forms of NSFW that may arise and expand in different ways.

Since the 2008 amendment of the Industrial Accident Compensation Insurance Act, Korean

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9 According to Article 125 (2) 4, "Special type of workers may apply for exemption from this Act if they do not wish to apply to this Act as prescribed by the Insurance Premiums Collection Act".
platform workers have gradually gained formal access to industrial accident insurance. However, despite this progress, platform workers are still not recognized as ‘employees’ under the Labor Standards Act and other relevant legislation. Furthermore, the special provisions for platform workers, such as the exclusivity requirement and opt-out option, have limited their effective coverage. To address these issues, the most recent revision of the Industrial Accident Compensation Insurance Act was made on May 29, 2022, with implementation set for July 1, 2023. The amendment abolished the exclusivity requirements and opt-out options and redefined workers in special employment types and platform workers as "labor providers."

The recent amendment to the Industrial Accident Compensation Insurance Act categorizes labor providers into two types: (a) those who are asked to provide labor directly by employers, and (b) those who are asked to provide labor via an online platform (Ministry of Employment and Labor, 2022). When classified as a ‘labor provider,’ the rule that the employer and worker in special employment type respectively pay half of the contributions continues to apply. However, the law on the Collection of Premiums for Employment Insurance and Industrial Accident Compensation Insurance was revised to prevent imposing contributions during the period with no income from work. Despite the expansion of coverage through previous amendments, it is still difficult to ensure formal and effective access for platform workers. This is because the law still adopts an occupational category-specific approach for formal coverage, and the contribution rates are determined based on this intermediary category, which is more burdensome than that of employees, for effective coverage.

The Ministry of Employment and Labor (2020) proposed a plan to ensure formal and effective coverage of social insurance for all workers, including the self-employed, from 2022 to 2026. The government plans to gradually expand coverage by adding occupational categories and reorganizing the current unemployment insurance into an income-based unemployment insurance by 2025, regardless of employment status or type of contract. Legislative changes have been made to formally encompass dependent self-employed workers in unemployment insurance since 2020. Discussions for this purpose have been ongoing since 2018, and two major amendments were made on May 26, 2020, and January 15, 2021, respectively.

The first amendment to the Employment Insurance Act passed on May 26, 2020 aimed to include
'artists' as a special case. However, the original proposal introduced by legislator Jeong-Ae Han on November 6, 2018 included not only 'artists', but also 'labor providers' which is a broader concept than 'workers in the special employment types' under the existing Industrial Accident Insurance Act. The proposal attempted to cover dependent self-employed workers, including platform workers, based on the awareness of the problem of fragmented coverage due to the application of 'workers in the special employment types' as a special case in the Industrial Accident Insurance Act. However, the alternative amendment only formally covered 'artists' as a special case, similar to the Industrial Accident Insurance Act.

The January 2021 amendment included 'labor providers', albeit with a narrow definition. As a result, from July 2021, 12 occupations that fall into the category of 'workers in the special employment types' under the Industrial Accident Insurance Act, and from January 2022, 2 occupations, including platform workers, in 'labor providers' gained formal and mandatory access to unemployment insurance in Korea. However, these amendments continue the fragmented expansion of the social security system for non-standard form workers in Korea, as they adopt the same approach as the Industrial Accident Insurance Act by adding more occupational categories.

5. Comparing Platform work and Institutional Protection in the EU and Korea

1) The Definitions and Scale of Platform Work

In the EU, related legislation defines a 'digital labor platform' as "any natural or legal person providing a commercial service which meets all of the following requirements: (i) it is provided, at least in part, at a distance through electronic means, such as a website or a mobile application; (ii) it is provided at the request of a recipient of the service; and (iii) it involves, as a necessary and essential component, the organization of work performed by individuals, irrespective of whether that work is performed online or in a certain location" (European Commission, 2021; 2022b). The European Parliament (2022: 63) defines 'platform work' as "any work organized through a digital labor platform and performed in
the Union by an individual, irrespective of whether a contractual relationship exists between the individual and the recipient of the service." Additionally, a 'platform worker' is defined as "any 'person performing platform work' who has an employment contract or employment relationship as defined by the law, collective agreements, or practice in force in the Member States with consideration to the case-law of the Court of Justice" (European Commission, 2021).

In Korea, the term ‘online platform’ refers to "an electronic information processing system for the brokerage or arrangement of the provision of labor by workers.” The definition of ‘platform worker’ in Korea is “a person who does not use another person to provide work that has been brokered or arranged through an online platform, regardless of the name or form of the contract, and who primarily provides his or her own work and receives remuneration in return” (Chang Chul-Min, 2022).

The definitions of platform workers in the EU as outlined by Pesole et al. (2018) and Urzi Brancati et al. (2020) differ significantly from the definition put forth by Korea's Ministry of Employment and Labor, making it difficult to compare them directly. The former divides "online platform workers" into four categories based on income and hours worked, with each category indicating how much of a platform worker the respondent is. The latter (Korea), on the other hand, focuses on the transactional process of work, with criteria defined by the frequency and duration of service provision through platforms, requiring at least one instance of service provision within the last three months. Therefore, it is reasonable to conclude that the criteria for extensive platform workers in Korea fall between (1) sporadic platform workers (less than once a month) and (2) marginal platform workers (at least once a month) as defined by Urzi Brancati et al. (2020). However, there is potential for conceptual expansion in (2) marginal platform workers, as the number of hours worked on the platform is limited to between 10-19 hours per week. Therefore, although it may be somewhat crude, we can assume that 'all platform workers' in Urzi Brancati et al. (2020) correspond to the 'broader concept of platform workers' in Korea.

It is important to note that the percentages differ between the two definitions, as the former calculates the percentage of platform workers as a proportion of all working-age individuals, while the latter calculates the percentage of platform workers as a proportion of all employed individuals.

However, the definition of a platform worker in Korea with a narrower concept includes additional conditions, such as '3) The platform mediates remuneration' and '4) The work must be open to many
people, not a specific person'. Condition 4 corresponds to the criterion of dependency for platform workers. As a result, only independent platform workers who meet all four conditions are included in the definition of platform workers in Korea. A comparison of the size of the platform workforce (using the definition of platform work in a broad sense) in selected European countries and Korea is shown in Figure 5.

Figure 5. Percentage of platform workers among all working-age individuals (left side) and percentage of platform workers among all employed individuals (right side) (%)

![Figure 5](image)

Source: Urzi Brancati et al. (2020); Ministry of Employment and Labor (2021; 2022). Selected EU 16 countries: Croatia, Czech Republic, Finland, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Portugal, Spain, Sweden, Slovakia, Romania, and the United Kingdom.

Left: Individuals who have ever done platform work (including sporadic platform workers, as mentioned on p.20).
Right: Among those who reported earning income through a platform's intermediary at least once in the past three years.

Table 15. Proportion of dependent self-employed of total employed and total self-employed: comparison of EWCS and KWCS (%)

<table>
<thead>
<tr>
<th></th>
<th>Percent of total employed</th>
<th>Percent of self-employed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EWCS 2010 or KWCS 2017</td>
<td>EWCS 2015 or KWCS 2020</td>
</tr>
<tr>
<td>EU 28</td>
<td>4.9</td>
<td>4.5</td>
</tr>
<tr>
<td>Korea</td>
<td>4.4</td>
<td>4.9</td>
</tr>
</tbody>
</table>

The number of dependent self-employed individuals can also serve as a useful indicator of the extent of platform work. Based on Table 15, which uses the Williams & Horodnic (2018) definition, we can compare the proportion of dependent self-employed in Europe and Korea. The KWCS, which is based on the EWCS, can also be used for this comparison. While the share of dependent self-employment in total employment is relatively similar in both regions, the share of dependent self-employment in total non-wage workers is lower in Korea, ranging from 20.4% to 24.3%, compared to 47.0% to 48.9% in the 28 European countries. However, this difference is likely due to the higher share of self-employed workers in Korea's labor market, as previously discussed.

**Box 2. Instances of European platform companies merging with Korean platform companies**

| There have been two cases of European and Korean platform companies merging. The first involved Delivery Hero, a German food delivery service platform company, which acquired Korea's major food delivery service. Delivery Hero established a Korean network under the name RGP Korea Ltd. in November 2011, and launched a delivery app service called "Yogiyo" in August 2012. It became the largest shareholder of "Baedaltong" by purchasing more than half of its stake in December 2014, and later acquired it in April 2015. "Yogiyo" and "Baedaltong" were the second and third-largest delivery apps in Korea. In December 2019, Delivery Hero attempted to acquire "Baedal Minjok", the largest delivery app in Korea, which is run by Woowa Brothers, for 5 trillion won. However, the acquisition was approved by the Fair Trade Commission on the condition that Delivery Hero Korea ("Yogiyo") be sold. As a result, Delivery Hero currently holds a significant market share, ranking first to third in Korea's delivery apps for delivery. Delivery Hero also agreed to establish a transnational works' council and participate in the corporate watchdog agency of platform workers through an agreement with the European Federation of Food, Agriculture, and Tourism (EFFAT).

| The second case involves Kakao Mobility, a Korean company that has entered the European market by partnering with two overseas platform companies, Splyt and Bolt. In August 2022, Kakao Mobility announced plans to launch a business that allows users to call taxis overseas using the Kakao T app. Splyt provides an application program interface (API) that connects transportation service providers with mobility platforms, while Bolt provides vehicles and drivers for dispatch. As of February 2023, the service is available in some regions of 21 European countries, including Germany, the Netherlands, Norway, Sweden, Belgium, and France. |
2) Labor law

In the EU, labor rights legislations have a common approach to address the misclassification of platform workers. This involves reclassifying the employment status by presuming the employment relationship, providing equal trade union and social rights with employees, and shifting the burden of proof to employers. However, they also have a common limitation in the scope of platform workers due to the strict definition of ‘digital labor platform’. Although the European Commission (2021) presented the legal criteria for the presumption of the employment relationship, the European Parliament (2022) presumed the employment relationship unconditionally and refined the rebuttal procedure, shifting the burden of proof substantially to the employer compared to the previous proposal. Furthermore, the European Parliament listed criteria to prove ‘genuine’ self-employment, recognizing the employment relationship of dependent self-employment.

All things considered, the European Parliament's amendment (2022) provides more comprehensive and robust protection for platform workers than the proposal of the European Commission (2021). However, platform workers who are classified as "genuine" self-employment or do not provide work through the "digital labor platform" are excluded from labor protection and social security based on the employment relationship. Nonetheless, as discussed below, legislative efforts are underway to bridge the gap in protection based on employment status by institutionalising protection for "genuine" self-employment in terms of trade unions and social security.

In contrast to the EU, legislative attempts in Korea tend to create an intermediate category with limited employment status and protections compared to the "employee" status under the Labor Standards Act. Proposals for the "Law on Protection and Support of Platform Workers" seek to protect platform workers by creating an intermediate category that targets platform workers and partially guarantees their labor rights compared to the Labor Standards Act. However, Article 3(2) of the proposal by Lee (2021) shifts the burden of proof without presuming the employment relationship in the first place. This approach has limitations, particularly in the lengthy and complicated process of reclassification in Korea, and it does not provide institutional coverage for platform workers before or
after the classification litigation of employment status. Additionally, all legislative proposals in Korea do not guarantee trade union rights and provide marginal protection compared to "employees" under the Labor Standards Act.

On the other hand, the proposals of the “Act on the Protection of Every Working People” are broader in scope, as they target both platform workers and dependent self-employment. They seek to provide the basic and fundamental level of labor protection for NSFWs, as the labor protection guaranteed to 'employees' under the Labor Standards Act does not fit their working processes and practices. Nevertheless, contrary to the objective of the proposals, they ensure the fundamental labor rights limitedly in that they do not cover any labor rights related to trade unions and only guarantee the right of occupational safety but not of social insurance. Furthermore, the proposals have the significance of establishing labor rights that should be guaranteed to all workers, regardless of the type of contract, however considering there are limited attempts to redefine the employment relationship or correct misclassification, the institutionalisation of such proposals alone could have an effect that is no different from the introduction of the intermediate category.

3) Trade union law

In the EU, a legislative attempt has been made regarding trade union rights in competition law, which recognizes collective bargaining and agreements only for the solo self-employed who are in a similar situation to workers. This step enables the improvement of working conditions through collective bargaining and agreements for solo self-employed workers who are not covered by the labor protections discussed above, such as platform workers who are solo self-employed in a similar situation to workers or those who work with platforms that are not recognized as 'digital labor platforms' defined in related proposals. Moreover, even if the self-employed are not in a similar situation to workers, they may have lower bargaining power than their counterparts, making it difficult for them to improve their own working conditions. Therefore, conditions for collective agreements of self-employed workers are set out, which are additionally excluded from the application of EU competition law.
Eun-Joo Lee has proposed legislation in Korea to introduce an intermediate employment category between 'employee' and 'self-employed', which would provide NSFWs with labor protections similar to those of employees under the Labor Standards Act. However, the proposals for amendment of the Labor Union Act in Korea have commonly been suggested to broaden the narrow definition of the employment relationship, add categories of lawful industrial action, and limit claims for damages against trade unions following 'unlawful' strikes. These proposals are based on the criticism that the current Labor Union Act substantially restricts the right of non-standard forms of workers related to trade unions, as strikes by trade unions that are not recognised as 'workers' under the Act were determined 'unlawful', leading to excessive damages claims by employers against trade unions as well as their members.

While the proposals for amendment of the Labor Union Act would be a step towards improving the labor rights of non-standard forms of workers in Korea, they have limitations in that they do not expand the definition of 'worker', which means that workers would still need to go through a legal proceeding for reclassification if their employers do not recognise the employment relationship. Furthermore, individual trade union members could still be subject to claims for damages. In contrast, Lee's proposals for an intermediate employment category would provide more extensive and substantial protection for non-standard forms of workers in Korea, but they also have limitations in that they do not address trade union rights. Overall, there are various legislative attempts being made to close the gap in protections for non-standard forms of workers in Korea, but there are still limitations and challenges to overcome.

Box 3. Cases of platform work labor union movement

The rise of platform labor has led to the emergence of platform worker organizations. However, the nature and structure of platform unions vary from country to country, depending on the institutional context of the labor market and the influence of existing unions. Generally, there are two main types of platform worker organizing.

Firstly, there is the inclusion of platform workers in existing unions, which is most evident in industrial unionism that comprehensively organizes and represents workers' interests beyond individual company units. Examples include Germany, Sweden, Austria, and Denmark. In 2016, the German IG Metall ("Industrial Union of Metalworkers") began organizing platform workers, and in 2017, it set up an Ombudsperson's Office in collaboration with the German Crowdsourcing Association and eight major crowdsourcing...
platforms. This initiative resulted in changes such as platform companies acknowledging their employers’ nature and Deliveroo withdrawing from the German market due to its refusal to comply with these changes. The IG Metall further demands minimum wage standards at the industrial level and platform workers' participation in management, which is generalized in Germany. In Sweden, due to relatively high union density and collective bargaining coverage, it promotes union membership and participation by providing useful information to unorganized workers, such as those in platform labor, rather than forming an independent platform union. SACO and Unionen have opened the door to union membership not only for existing workers but also for the self-employed. The Swedish Transport Workers Union (STWU) successfully organized workers on a platform (Bzzt), while Unionen separately organized agency workers on Instajobs and Gigstr platforms, enabling the application of collective agreements. In Vienna, Austria, the union Vida agreed to establish a works’ council through negotiations with Foodora food delivery platform operators, and the first collective agreement in the platform industry was signed between Hilfr, a Danish household service platform company, and the Danish 3F (United Federation of Danish Workers) in 2018.

Secondly, there is a method for platform workers to establish an independent organization outside of existing unions. This approach appears to be most active in the transportation and delivery services sector of gig work, which is primarily region-based physical digital labor. In the Netherlands, Deliveroo workers established the Riders' Union with workers from other platforms such as Foodora and Uber Eats. The Dutch Riders Union held two strikes in 2017 and received support from the Dutch union FNV in 2018, protesting against the platform company's policy of classifying them as self-employed (Lee & Yoon, 2022: 113). Belgium, platform workers from Uber Eats, Deliveroo, and Takeaway established the Riders Union (Collectif des Coursier-e-s) in 2016 and organized protests and strikes related to the Deliveroo issue. The Belgian delivery workers' union was supported by the Belgian National Employees' Union (CNE), as in other cases in Europe (Eurofound, 2018: 55-56). Spain's "Riders x Derechos" was first organized in 2017 and aims to improve the working conditions of delivery platform workers and recognize their employment status as workers. In addition to active collective action such as strikes and protests, various strategies such as establishing platform cooperatives, organizing international conferences with other overseas labor unions that organize delivery platform workers, and filing legal lawsuits against the employment status of delivery workers have been used to raise public awareness and create social change. This has also contributed significantly to the enactment of the Ryder Act indirectly.

In South Korea, two platform worker organizations have been established: the Rider Union and the Delivery Platform Labor Union. The Rider Union was launched in 2019 as an independent organization that conducts collective bargaining as a labor union and responds to various issues related to delivery labor. The union provides counseling to individual delivery workers on compensation, accidents, and abuse, and conducts educational activities (Jung, Lee, & Cho, 2019: 52). The Delivery Platform Union was initially operated as a delivery platform branch under the Korean Federation of Service Worker’s Union but became an independent union in 2022. This conversion means that workers carrying out platform delivery labor can join the union regardless of whether they belong to a company. In 2021, the Rider Union and the Delivery Platform Union set up a joint negotiation team to
conduct collective bargaining with Coupang Eats. They held more than 24 negotiations in a year, but no progress was made. In October 2022, members of both unions held a joint strike march to Coupang Eats headquarters. Although the two unions have different organizations, their formation of a joint negotiation group against Coupang Eats is an example of strategic solidarity for collective agreements as representative organizations for delivery workers. In Germany, most platform workers are integrated into industrial unions, but the Gorillas Workers Collective is an example of an independent union establishment that does not belong to the German Trade Union Confederation or the Free Workers’ Union (Sheen & Shin, 2022).

4) Social protection

In the EU, efforts have been made to reduce the gap in social protection systems between different employment statuses. The Council of the European Union (2019) recommended that national-level social protection systems should be evaluated based on criteria such as formal and effective coverage, adequacy, and transparency. This recommendation aimed to reduce the formal and effective coverage gap between different employment statuses, which is closely related to unemployment, occupational health, and social exclusion risks. The European Commission (2021) also highlighted the potential benefits of reclassifying the employment status of platform workers, including increased social security contributions and improved social protection. However, despite these efforts, formal coverage gaps for workers and the self-employed still exist in most EU Member states, particularly in the areas of unemployment benefits and accidents at work and occupational diseases (European Commission, 2022b). Meanwhile, for the EU Member States that formally cover self-employed individuals in relation to unemployment and work-related accidents or occupational diseases, the eligibility criteria, duration, and amount of benefits are often similar, irrespective of the employment status.

In Korea, workers in non-standard forms of work or dependent self-employed workers have also been legally excluded from social insurance, especially in the social risks like unemployment and accidents at work (Baek et al., 2021). However, in recent years, there have been amendments to the industrial accident insurance, which have improved formal coverage for dependent self-employed workers, including those who work on platforms. The most recent amendment abolished exclusivity
requirements and opt-out options, and redefined 'workers in special employment types' and platform workers as 'labor providers.' Despite these improvements, it is still challenging to ensure complete formal and effective access to social protection for platform workers, as the occupational category-specific approach still limits formal coverage, and contribution rates are disadvantageous for intermediary categories like 'labor providers' compared to employees.

The Industrial Accident Insurance Act's approach of expanding formal coverage by applying specific categories as special cases has been criticized for its segmentation of labor and social protection. In response, the proposal of the Employment Insurance Act in 2018 introduced the concept of 'labor provider' as a broader category to cover dependent self-employment. However, in the alternative passed in 2020, only 'artists' were covered as special cases, similar to the Industrial Accident Insurance Act. In contrast to the 2018 proposal, the 2021 amendments defined the concept of 'labor provider' based on an occupational-categorical approach, similar to the Industrial Accident Insurance Act, with 17 occupational categories included as of June 2022. This approach has limitations in ensuring adequate social protection for platform workers.

Table 16 is the summary of the institutional protection for platform worker in the EU and Korea.

<table>
<thead>
<tr>
<th>Legislative actions</th>
<th>Labor protection</th>
<th>Trade union</th>
<th>Social protection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EU</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposal for a Directive of the European Parliament and of the Council on improving working conditions in platform work (2021.12.09)</td>
<td>△ Restricted rebuttable legal presumption and shifting the burden of proof</td>
<td>△ Ensuring labor rights same as employee for restricted group</td>
<td>△ Increase in social security contributions by platforms due to the reclassification</td>
</tr>
<tr>
<td><strong>KR</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law on Protection and Support of Platform Workers (pending)</td>
<td>△ Directly introducing intermediary category</td>
<td>X</td>
<td>△ Ensuring right of access to Social insurance</td>
</tr>
<tr>
<td>Act on the Protection of Every Working People (pending)</td>
<td>△ Establishing basic labor protection</td>
<td>X</td>
<td>△ Ensuring right of occupational health</td>
</tr>
</tbody>
</table>

Table 16. The summary of the institutional protection for platform worker in the EU and Korea.
<table>
<thead>
<tr>
<th><strong>Trade Union Law</strong></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td><strong>EU</strong></td>
<td>Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons (2022.09.30)</td>
<td>△</td>
<td>O</td>
</tr>
<tr>
<td></td>
<td>Excluding collective bargaining and agreement</td>
<td></td>
<td>Excluding collective bargaining and agreement from the application of competition law</td>
</tr>
<tr>
<td><strong>KR</strong></td>
<td>Proposal for the amendment of Labor Union Act (Yellow Envelope Act)</td>
<td>△</td>
<td>O</td>
</tr>
<tr>
<td></td>
<td>Ensuring labor rights through collective bargaining and agreement</td>
<td></td>
<td>Redefining worker and employer</td>
</tr>
<tr>
<td></td>
<td>Alternative of proposal for the amendment of Labor Union Act (2023.02.21)</td>
<td>△</td>
<td>△</td>
</tr>
<tr>
<td></td>
<td>Ensuring labor rights through trade union (indirect contract)</td>
<td>Redefining employer only</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Social Protection Law</strong></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EU</strong></td>
<td>Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019.11.08)</td>
<td>X</td>
<td>O</td>
</tr>
<tr>
<td></td>
<td>△ Ensuring access to social protection for all workers</td>
<td></td>
<td>Abolishing exclusivity requirements and opt-out options and ensuring formal access for all workers based on the categorical approach</td>
</tr>
<tr>
<td><strong>KR</strong></td>
<td>Amendment of the Industrial Accident Compensation Insurance Act (2022.05.29)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Ensuring formal access for all workers based on the categorical approach</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Amendment of the Employment Insurance Act (2021.01.15)</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

For each corresponding legislative approach, ‘O’ indicates that it directly or/and principally covers the particular legal aspects, while ‘△’ indicates that it indirectly or/and partially covers the particular legal aspects. ‘X’ indicates that it does not cover particular legal aspects.

6. **Conclusion: Challenges and Suggestions**

The Trade and Sustainable Development (TSD) chapter in the EU-Korea Free Trade Agreement focuses on promoting sustainable development through trade liberalization and economic integration. Key
commitments include upholding and enforcing domestic labor and environmental laws and regulations, as well as adherence to international labor and environmental agreements. This report has been prepared to ensure transparency and public participation in its implementation by involving civil society organizations and domestic advisory groups. It aims to encourage sustainable trade and investment practices and foster cooperation, dialogue, and consultation between the EU and Korea.

The report investigated the current state of platform work and institutional protections in the European Union (EU) and South Korea. The study aimed to provide an overview of platform work definitions, examine the treatment of platform work in employment laws and social protection, and investigate its use in both regions. By comparing the definitions, use, and institutional protection of platform workers, the report discussed key issues related to institutional reform and offered policy recommendations. The goal was to provide insights and recommendations for policymakers, labor organizations, and other stakeholders to promote fair, sustainable, and inclusive platform work.

The EU defines a 'digital labor platform' as a commercial service provided electronically, requested by a recipient, and involving work organization. 'Platform work' is any work organized through such a platform, and a 'platform worker' is a person performing platform work with an employment contract or work relationship as defined by Member States. In Korea, an 'online platform' is an electronic system for labor provision brokerage, and a 'platform worker' is a person providing work through such a platform and receiving remuneration. Comparing definitions, the EU divides "online platform workers" into categories based on income and hours, while Korea focuses on the transactional process of work with criteria defined by frequency and duration. Korean definitions partially overlap with the EU's sporadic and marginal platform workers, with the broader concept of platform workers in Korea corresponding to all platform workers in the EU study. However, percentages differ as the EU calculates platform workers as a proportion of working-age individuals, while Korea uses individuals participating in the labor market. Korea's narrower concept of platform workers includes additional conditions, such as platform-mediated remuneration and work availability to many people. This definition covers only independent platform workers meeting all four conditions.

The EU addresses platform worker misclassification by reclassifying employment status, providing equal trade union and social rights, and shifting the burden of proof to employers. The
European Parliament's amendment (2022) offers more comprehensive protection but excludes "genuine" self-employed workers or those not working through "digital labor platforms." Legislative efforts are being made to extend protection to "genuine" self-employed workers in terms of trade unions and social security.

In Korea, legislative attempts create an intermediate category with limited employment status and protections compared to the "employee" status under the Labor Standards Act. Proposals for the "Law on Protection and Support of Platform Workers" partially guarantee labor rights but have limitations, particularly in the reclassification process. Korean legislative proposals do not guarantee trade union rights and provide marginal protection compared to "employees" under the Labor Standards Act. The proposals of the “Act on the Protection of Every Working People” target platform workers and dependent self-employment, seeking to provide basic labor protection. However, they offer limited rights related to trade unions and only guarantee occupational safety, not social insurance. While these proposals establish labor rights for all workers, the limited attempts to redefine employment relationships or correct misclassification could result in introducing an intermediate category with limited benefits.

In the EU, legislation recognizes collective bargaining and agreements for own-account/solo self-employed workers in similar situations to regular workers, improving their working conditions. This includes platform workers who are solo self-employed or work with platforms not recognized as 'digital labor platforms.' In Korea, Eun-Joo Lee proposed legislation introducing an intermediate employment category between 'employee' and 'self-employed' to provide non-standard forms of workers (NSFWs) with labor protections. Proposals to amend the Labor Union Act aim to broaden the narrow definition of the employment relationship, add lawful industrial action categories, and limit damage claims against trade unions. These proposals address the restricted rights of NSFWs related to trade unions but have limitations as they do not expand the definition of 'worker' and workers may still need legal proceedings for reclassification. Lee's intermediate employment category proposals provide more extensive protection for NSFWs but do not address trade union rights. While various legislative attempts are being made to close the gap in protections for NSFWs in Korea, there are still limitations and challenges to overcome.
Lastly, we examined the social protection legislations. In the EU, efforts to reduce social protection gaps between employment statuses include recommendations for national-level social protection systems evaluation and reclassifying the employment status of platform workers. However, formal coverage gaps for workers and the self-employed still exist in most EU Member states, particularly for unemployment benefits and accidents at work and occupational diseases.

In Korea, non-standard forms of work and dependent self-employed workers have been legally excluded from social insurance (partially and fully by different social insurance), especially for unemployment and accidents at work. Recent amendments to the industrial accident insurance improved formal coverage for dependent self-employed workers, including platform workers, but challenges remain in ensuring complete formal and effective access to social protection. The Industrial Accident Insurance Act's approach of expanding formal coverage through specific categories has been criticized for its segmentation of labor and social protection. The 2018 proposal of the Employment Insurance Act introduced the concept of 'labor provider' to cover dependent self-employment, but the alternative passed in 2020 only covered 'artists.' The 2021 amendments defined 'labor provider' based on an occupational-categorical approach, with 17 occupational categories included as of June 2022, but this approach has limitations in ensuring adequate social protection for platform workers.

Platform work offers increased flexibility and freedom from spatial constraints but also poses risks for platform workers. Operators often unilaterally set contract terms and exert varying levels of control over the contract fulfillment process. Although platform workers are not subject to direct instructions, their autonomy is limited due to the platform economy's business model, which controls market access and work processes. Additionally, platform workers may struggle to find work outside the platform due to limited demand. The platform economy's business model inherently leads to dominant or monopolistic market positions, as platforms with more reach are better at matching supply and demand. This results in only a few platform providers remaining in each business field. Consequently, dependent or disguised self-employed platform workers are particularly vulnerable compared to other own-account workers outside the platform economy. To establish a fair platform economy, it's crucial to merge new opportunities with proven protective mechanisms. The goal is to provide platform workers
with access to basic labor and social law protections while ensuring a level playing field for companies in terms of essential operating and employment conditions. This approach will transform the digital market economy into a digital social market economy. Several implications and recommendations can be drawn from this study.

As examined in this report, the definition of a "worker" is becoming unclear and inconsistent together with the expansion of platform work which affects the application of labor law. Ambiguity in definition issue particularly impacts workers in non-standard forms of work (NSFW), who often don't receive protection under the Labor Standards Act. To address this, three main strategies have been proposed and implemented in Korea and the EU: establishing special laws for these workers, correcting their misclassification as self-employed, and expanding the existing legal definition of workers to include them. Expanding the existing legal definition of workers is a comprehensive strategy but has limitations, such as the potential weakening of labor rights and difficulties in adapting the current legal system. An alternative approach involves reforming the social security system itself to strengthen protections for NSFW workers without intervening in worker status and employment status issues. This can involve defining NSFW as a third category with a targeted social safety net or converting existing social insurance to income insurance to cover anyone receiving remuneration from working in the labor market.

There were significant coverage and adequacy gaps for workers and the self-employed, particularly in unemployment benefits and accidents at work and occupational diseases. Institutional disparities, such as the income basis for calculating contributions and benefit payments, contribute to these gaps. Regarding benefits for accidents at work and occupational diseases, most EU Member States in 2021 had similar rules for the self-employed as for employees. However, 13 Member States had no scheme, and in some cases, sickness insurance or invalidity benefits may functionally replace them. Gaps for non-standard forms of work (NSFW) arise from difficulties in distinguishing between work-related and non-work-related accidents.

Own-account platform workers often have limited influence over their contracts and pricing, resulting in low earnings that make it difficult for them to provide for risks such as old age, illness, and unemployment. Labor platforms benefiting from this trade-off have not been consistently required to
contribute to social security costs. To address this, it is proposed that vulnerable own-account platform workers be included in the statutory pension insurance system, with platform operators contributing financially. This reduces competition distortion in relation to platforms with employees who already bear social and labor costs.

Additionally, platform work performed in public spaces, such as food delivery or transportation services, involves heightened accident risks. To enhance protection, the possibility of having platform operators contribute to occupational accident insurance should be explored. Alternatively, contingent liability for platform operators could be considered if workers fail to pay contributions in sectors where insurance is required. Furthermore, the possibility of including these sectors in the statutory occupational safety and health system should be examined to ensure consistent protection. Considering the influential role of labor platforms and their responsibility in workers not being fully autonomous, it is reasonable to apply basic protective regulations in labor law to own-account platform workers. This includes regulations relating to continued payment of wages in case of illness, protection of working mothers, and holiday time. Many platforms reserve the right to unilaterally terminate contracts without notice. This poses a significant risk for own-account platform workers who depend on the platform for their livelihood. As platform workers become more reliant on these platforms, they should have confidence that their access won't be revoked without adequate notice. Governments should establish binding minimum notice periods based on the worker's time on the platform.

To better enforce existing rights, it is crucial to address the uncertainty that platform workers face regarding the legal classification of their contractual relationship, i.e., whether they are self-employed or employees. Platforms often assume that their workers are self-employed, and workers may lack the necessary information to reliably judge their own status due to different contractual relationships among clients, platform operators, and themselves. This information gap can deter workers from seeking clarification in court. To make it easier for platform workers to have their status clarified by labor courts, rules on the burden of proof favoring platform workers should be introduced. If the platform worker provides indications of an employment relationship with the platform operator, the burden of proving that no employment relationship exists should rest with the platform operator. This approach helps offset the information inequality that typically exists between platform workers and operators.
Platform workers currently cannot collectively negotiate their operating conditions, which is a core aspect of the labor and social system. There is an asymmetric power relationship between labor platforms and platform workers, with platforms unilaterally determining working conditions for supposedly self-employed workers. Own-account workers who are similarly vulnerable to employees should be able to negotiate their working conditions on equal footing. Thus, ways to enable own-account platform workers to organize collectively should be found.

There is currently a lack of official statistics on the importance and development of platform work, with existing empirical studies providing only initial indicative results. Both EU and Korean governments should improve available data on the platform economy and provide specific information about its importance and development as a key business model in the digital transformation. Governments should advocate for transparency and reporting obligations for all platform operators at the EU level and with a public authority. The European Commission should take action on this, as should Korea. As platforms' business processes are fully digitalized, such rules can be designed and implemented with minimal bureaucracy.

Given the prevalence of cross-border business models in the platform economy, establishing EU-Korea FTA rules regarding platform work is both useful and necessary. Supporting this process and improving data availability for selected member states and South Korea can be achieved by introducing national rules as a first step.

Addressing the challenges faced by platform workers requires a combination of strategies to reform the legal system, expand the legal definition of workers, and strengthen the social security system, aiming to provide adequate protection for all workers, regardless of their employment status or contract type.
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Labor law in South Korea

Labor Union Law in South Korea