

THE FORMAL AND INFORMAL REGULATION OF LABOR IN AI: THE EXPERIENCE OF EASTERN AND SOUTHERN AFRICA

CHRISTINE BISCHOFF, KEN KAMOCHE, AND GEOFFREY WOOD*

AI holds profound consequences for workers and in doing so, raises many regulatory concerns. Although many African countries have serious infrastructural challenges or shortfalls, the production and deployment of AI systems has penetrated several nations on the continent, leading to two related regulatory concerns. The first is around the regulation of labor to encompass those African workers performing low-end work on the development of AI systems; the second is around the sharing of information in authoritarian states and the implications for organized labor and civil society. This article explores these issues, looking at the case of southern and eastern Africa, according to the two largest economies in this area, South Africa and Kenya.

Regional Developments

AI-Enabled Surveillance of Unions

Kenya—along with Zambia, Botswana, Uganda, and Zimbabwe—appears to have engaged the services of Circles, an affiliate of the NSO Group, whose AI-based cellphone hacking software was deployed by authoritarian countries to spy on opposition members, civil society, and trade unions (Dadoo 2021). This measure has been supplemented, in at least the case of Uganda and Zambia, by the purchase of facial recognition systems and digital surveillance systems from China (Karombo 2020). In all these countries, unions have played an important role in seeking to hold governments to account; AI-enabled monitoring of key leaders has the potential to weaken campaigns and there is nothing to stop authorities from sharing data with employers. In other more authoritarian societies in the region, governments have been uncertain as to whether technology will enable or undermine

*CHRISTINE BISCHOFF is a Lecturer in the Department of Sociology at the University of Witwatersrand, South Africa. KEN KAMOCHE is Professor of Human Resource Management and Organization Studies at Nottingham University Business School at the University of Nottingham, UK. GEOFFREY WOOD ( <https://orcid.org/0000-0001-9709-1823>) is Professor and Endowed DANCap Private Equity Chair at Western University, Ontario, Canada, and Professor at the University of Bath and Cranfield University in the UK.

For information, please contact Geoffrey Wood at gwood23@uwo.ca.

KEYWORDS: transition economies, trends, trade unions, production location decisions, policy proposals, policy analysis, local labor market conditions

their power. An extreme case of the latter was a bungled plan by the Eswatini government to switch off internet access in the country ahead of the launch of a new opposition movement in 2022 (Mamba 2021).

Moves toward regulation of AI have occurred in some form or another in the region, although some of the focus has been on the support and development of AI-based industry. For example, as with many other countries in the region, the primary focus in Botswana has been on encouraging AI industry, although recently a Data Protection Act has been promulgated. In Eswatini, there have been moves to constrain negative credit profiling of individuals on racial grounds (UNESCO 2022). Namibian legislation again has had limited scope, but moves to promote greater transparency in terms of user data have been made, as is the case in South Africa (UNESCO 2022). To date, however, little legislation has expressly addressed worker rights.

Malawi has approached AI regulation in a similar fashion, but with a stronger emphasis on the benefits of data sharing and on facilitating AI use through public-private partnerships (PPPs), which themselves have an unenviable reputation for opacity around the world (UNESCO 2022). In Mozambique and Angola, there has been a tendency to emulate policy initiatives seen elsewhere in the Lusophone world, most notably around the use of video surveillance technologies (UNESCO 2022). This is particularly the case for Angola, which has very close historical, cultural, and economic ties with Brazil, with Brazilian commercial interests deeply interpenetrating the Angolan political elite (Dye and Alencastro 2020). AI policy in the region is only emerging, however, which has led to a number of nongovernmental organizations (NGOs) (e.g., the African Leadership University Foundation) and governmental funding agencies (e.g., Canada's International Development Center [IDRC/CRDI]) providing support for the development of policy options. Industry and third-sector players have attempted, periodically, to promote voluntary standards (e.g., alignment with international codes of conduct, such as that of the G7) and to raise awareness. An example of the latter is Sentech, a South African, state-owned, electronic communications enterprise, which has sought to promote wider awareness and discussion around the ethics of AI, focusing on concerns of bias and privacy.

Low-end Work in the AI Economy

The potential of AI to free workers from routine tasks and create new, high-value-added areas of economic activity has received much hype. Governments have sought to facilitate AI to become winners in what is seen as a race for leadership in the area. However, the development of AI systems involves much low-end work, and, in the case of southern and eastern Africa, the process has been poorly regulated. Indeed, it can be argued that existing labor relations legislation is poorly equipped to manage this

new area of economic activity, given the widespread prevalence of remote, insecure, and yet closely monitored work. Researchers argue that countries competing for advantages in the AI race has often led to overlooking worker interests, even as concerns are raised as to the consequences for existing decent jobs and the creation and deployment of new low-end jobs (Ponce del Castillo 2020). South Africa and Kenya have experienced a rise in workers employed as “data janitors” in structuring and classifying the large amounts of data needed for machine-learning algorithms (Graham, Hjorth, and Lehdonvirta 2017). Graham and Anwar (2020) argued that, while for many such work may be a means of survival, only a very small proportion of the profits generated accrues back to such workers. Moreover, some research suggests that, as workers are in a poorer bargaining industry in Kenya, they are more inclined to accept very low wages as a survival strategy (Graham et al. 2017). Other research suggests that in South Africa, many people who perform such work do so as a survival strategy (NEDLAC 2023).

Digital janitorial work includes tasks such as identifying images and objects in photographs, tagging them, and matching names (Irani 2019; Anwar and Graham 2020). In other words, the latter is image annotation, so that an AI system, for example, in an autonomous automobile, is better able to cope with the analysis of visual information (Irani 2019; Anwar and Graham 2020). Another common task is matching salient information for search engine optimization to help ensure that some material comes to the top of online searches and other material does not (Irani 2019; Anwar and Graham 2020). In either instance, workers often have very little information for understanding the ultimate purposes of such work. This, in turn, means that workers are placed in an extremely disadvantaged position, circumscribing the range of skills they can accumulate on the job, and as we discuss below, subjecting them to harm. It might seem that it is difficult to regulate such work given both the global nature of the internet and how nodes of data janitorial work emerge, prosper, or decline in many countries. As Graham et al. (2017) noted, however, digital working is always spatially embedded, and with political will greater regulation is feasible. It is possible for regulators to broaden the definition of employment (most workers are categorized as independent contractors) and to promote support for better regulation in countries that purchase such work.

AI and Bias

In a study of Fintech (i.e., financial technology) in four African countries—South Africa, Kenya, Nigeria, and Ghana—Ahmed (2021) argued that because technology is not neutral, AI is “inherently biased” and negatively impacts women through, for example, sexist credit scoring systems, inhibiting financial inclusion, and creating a gendered digital divide that ultimately hinders digital entrepreneurship. This disparity requires initiatives and policy reforms to tackle inherent discrimination and

vulnerabilities, and the adoption of algorithms that actually support inclusion through, for example, access to credit facilities, loans, and investment opportunities, as well as adequate computing infrastructure (Ahmed 2021). Fintech has been one of the most visible sectors because of the volume of activity and the very direct impact on livelihoods. Other sectors, however, lend themselves to further scrutiny and development. Focusing on four key employment sectors—health care, education, e-commerce, and manufacturing—Gaffley, Adams, and Shyllon (2022) suggested that frameworks for guiding and implementing AI technologies should focus on the lack of data, infrastructure, investment in R&D, costs, power supply, and skills/training.

Country-Specific Dynamics

South Africa

In South Africa, AI is already being used to enhance health care and transportation systems and to assist with wildlife conservation efforts. South Africa has launched the first of its kind AI industry association, the South African Artificial Intelligence Association (SAAIA). It encourages the adoption of responsible AI practices and brings together professionals from various sectors such as commerce, government, academia, start-ups, and NGOs (but not unions). The association addresses ethical concerns about the repercussions of AI related to issues such as privacy, data security, and algorithmic bias. SAAIA recognizes the need to guarantee that AI systems are developed and used responsibly, without infringing on individual rights or perpetuating discrimination (Haripersad 2023). However, the main focus remains voluntaristic. An initiative that has presidential support, South Africa in the Digital Age (SADA), identifies considerable income opportunities in three broad areas of AI: technology hubs, globally traded services, and labor-absorbing platforms (Chiefe 2019). The economic potential of the initiative seems to have trumped regulatory concerns.

In general, the established South African unions have accorded only limited attention to AI. A notable exception is the Congress of South African Trade Unions (COSATU)-affiliated South African Society of Bank Officials (SASBO). SASBO has argued that AI is potentially disruptive to jobs and careers and has demanded employers provide re-skilling for affected workers. It has also argued, however, that AI has been opportunistically used by employers to justify branch closures rather than simply a desire to cut property rental and infrastructural costs (Kulkani 2019). Indeed, digitalization has already taken place in South Africa's banking sector, which has been followed by the retrenchment of thousands of bank staff. This development is particularly worrisome given the high rate of unemployment and the impact of the implementation of AI on economic and employment insecurity. Researchers argue that AI has the potential to lead to job losses and may also exacerbate trends toward insecure gig working (Rapanyane and Sethole 2020) as a result of technologies such as robots, AI, and machine

learning. Most notably, some observers anticipate that automation in the financial services sector will have a considerable impact on banking, where two out of every three jobs will be taken over by AI (Malinga 2019). However, in addition to new data janitorial work being created, this automation may enable productivity increases that might make existing firms more competitive. Moreover, very little evidence has suggested that AI has encouraged firms to accelerate reshoring away from the Global South, and hence, the impact on South Africa in this area may be limited (Malinga 2019).

The top 10 jobs at risk from AI-supported automation are a diverse set of blue- and white-collar roles, including clerks, tellers, mining and maintenance workers, insurance claim and policy processors, bill and account collectors, moulders, casters, furnace operators, and team assemblers. Many of these jobs are held by workers who are unskilled to semi-skilled and typically unionized; yet they are easily replaced by automation because repetitive and predictable activities make up their tasks, which can be reproduced by machines or automated. According to the Accenture report (Malinga 2019), the workforce would need to double the pace at which it acquires skills that are appropriate for human-machine collaboration and in doing so, the number of jobs at risk would decrease from 3.5 million (or 20%) by 2025 to 2.5 million. Another example of the risks of AI for jobs is the call center industry. Call centers in South Africa have received more than R4bn in investment in anticipation of creating more than half a million jobs in this sector over the next decade (2020–2030) (Falkenberg 2020). Yet, while South Africa has a favorable time zone and a digital infrastructure in place, the use of AI has the potential to make many call center roles obsolete.

South Africa lacks an AI policy and regulation. There are low levels of awareness, and there is minimal pressure on South African organizations to show a commitment to ethical AI. Other emerging markets, such as Brazil, Egypt, Mauritius, and India, have national policies and strategies that support the responsible use of AI (Ormond 2023).

Although the rise of the gig economy is celebrated by some as the much-needed shift to entrepreneurialism, this development necessitates changes in social policy as the burden of economic risk is shifted onto workers when gig workers are removed from the “employment-bound New-Deal-era social insurance program” (Webster 2020: 513). For example, once employed, the food courier drivers, who are part of the gig economy, are managed through these online platforms, monitored indirectly, and are supposed to produce quantifiable outputs (such as favorable ratings by the Uber Eats customers who rate the drivers on their efficiency, friendliness, and care taken in delivering the food orders). A new form of AI-centered control has emerged—control by smart algorithms, thereby making for a new form of authoritarian managerial control and adding to the problems of precarity in the gig economy. This has led to resistance to this kind of control by workers, leading to new forms of organization (Webster 2020). In

Johannesburg, 90% of food couriers are foreign nationals, coming from Uganda, Zimbabwe, Malawi, and the Democratic Republic of Congo (DRC), and many languages are spoken among drivers. Although no trade union exists for food couriers, their WhatsApp groups function like a trade union. There are separate WhatsApp groups based on where the food courier comes from, for example, the Ugandans, the Congolese, and the Zimbabwean drivers have their own groups (Webster, Ludwig, Masikane, and Spooner 2021). The possibility of forming a worker organization, the South African Food Couriers Association (SAFCA), is being considered by the drivers themselves (Webster and Masikane 2021). The platform workers have also made effective use of WhatsApp groups to organize strike action and strengthen ties in immigrant communities.

Kenya

Ever since Kenyan mobile network operator Safaricom launched M-Pesa, the groundbreaking money store and transfer service in 2007, Kenya has developed a strong and vibrant Fintech sector based on the robust use of AI technologies. Part of the motivation for this innovation was the ability of mobile telephony to bypass infrastructural barriers that are widespread on the continent and to provide services to individuals and to micro and small enterprises (Litondo 2018). Another contributing factor was that at the start of the new millennium, Kenya had record numbers of “unbanked” citizens who had no access to formal banking services and sources of credit. Thus, M-Pesa came to represent a new wave of technological advancement and financial inclusion, and the sector became the leading arena for AI innovation.

Advances in technology have become pervasive in all sectors of the economy, more recently facilitated by AI and digital platforms that have accelerated the speed of innovation in the provision of goods and services and have opened up new opportunities for entrepreneurialism. Regulation has not kept pace with innovation, however, and important questions remain about fraud control, regulation around use of data and data privacy, and protection of users and employees, including union representation (in particular for content providers), in spite of public calls for more scrutiny. The main legal framework is provided for in the Data Protection Act that came into effect in 2019, which indicates the slow pace at which legislation has followed technological progress. However, there is still some way to go for AI practitioners to evolve an “actionable framework” that aligns technological innovation with data privacy and ethical safeguards (Mugo 2023). This lacuna means that abuses are likely to persist and to remain undetected and unresolved, with serious consequences for users and employees. Concerns also remain about the real benefits of digital credit and the impact of technology and AI on financial inclusion because of limited research in the area (Ahmad, Green, and Jiang 2020).

A case in point is the highly publicized challenge brought by content providers against Facebook/Meta and outsourcing firm Sama in which the plaintiffs argued that they were made to watch disturbing images that left them traumatized, yet were provided no protection or support, while being paid as little as US\$1.50 an hour (Perrigo 2022; Rowe 2023; Sarasvati 2023). Sama, headquartered in California, describes itself as “an ethical outsourcing AI company.” The content providers subsequently won a legal challenge to establish the first African Content Moderators Union, which will seek greater protections for workers providing services to firms such as Facebook/Meta, TikTok, and ChatGPT (Perrigo 2023). This case highlights both the apparent legal vacuum around the industry as a whole and the general absence of employee voice, leading to a constant state of precarious labor for thousands engaged by third-party outsourcing companies that provide services for foreign, mostly Western, firms. Progress in providing legal and ethical safeguards is often triggered by public outcry and media scrutiny. In the Facebook/Meta/Sama case, it was reported that Facebook/Meta content moderators would receive salary increases of 30 to 50% two weeks after a *Time* magazine report on low pay, poor working conditions, and opposition to unionization by their direct employer, Sama (Perrigo 2022). This outcome highlights the important role of social activism as technological innovation outpaces legislation. This case echoes the argument that over the past four decades many people in Kenya have engaged with various generations of AI without realizing it, and may have been impacted adversely, for example, by the use of personal data for predictive policing and various forms of discriminatory algorithms (Odongo 2023). The issues at stake have relevance for the many high-tech firms that have been attracted to Kenya by the high levels of IT know-how and English language proficiency. According to Saravasti (2023), the workers’ demands, which in our view go beyond the Facebook/Meta/Sama case, can be summarized as 1) investigating the conduct of IT firms, 2) interrogating the role of the Ministry of Labor and its ability to provide necessary protections for and prevent the exploitation of Kenyan youth, and 3) regulating the outsourcing of harmful tech work and content that should be classified as an occupational hazard.

In Kenya, the growth of digital platform work has been accompanied by the emergence of union-like organizations supplementing and working alongside traditional trade unions to serve the interests of digital economy workers. When the traditional taxi labor market was disrupted by the Uber business model in 2018, the Transport and Allied Workers’ Union of Kenya (TAWU-K) set in motion the organization of drivers in the platform economy (Webster and Masikane 2021) to assist them with collective bargaining. However, TAWU-K discovered that the drivers, many of whom were informal workers, had already organized themselves into associations and societies. A hybrid form of organization emerged when TAWU-K restructured the union so that it could recruit platform workers and collect fees from

them, among other changes made. This hybrid organization thus contains various types of associations that exist among the Uber drivers. This model obscures and blends the features of cooperatives, traditional unionism, and informal workers' associations (Webster and Masikane 2021).

A lively public debate is ongoing in Kenya on the way forward with respect to the development of AI, and the need for legislation that facilitates rather than impedes innovation, as well as the need to incorporate the necessary protections. According to Mugo (2023), progress involves, *inter alia*, the removal of barriers to the adoption of AI, strengthening local technical know-how, and developing policy frameworks to ensure technology serves humanity. Such progress could ultimately help achieve sustainable development goals (SDGs) pertaining to sectors such as health care, energy, and agriculture. Initial indications of this potential were observed through various innovations during the pandemic through which the population came to rely heavily on technologies based on mobile telephony, particularly among small-scale entrepreneurs operating in the informal sector and, for example, having groceries and medicines delivered to people under quarantine. Earlier work demonstrated the impact of mobile telephony particularly in the informal sector, which employs a large section of the population yet is still largely unregulated and vulnerable to institutional barriers (Litondo 2018). Ironically, neither the content moderators nor the traditional unions have been particularly vocal about the potential loss of jobs to AI.

AI's impact on minorities and underprivileged communities, as well as those with poor internet connectivity, are key issues. Researchers have observed that AI technology may in fact be creating problems for financial borrowers as "many mobile app algorithms are crude, non-individualised and are not in fact tailored to individual needs" (Gaffley et al. 2022: 5). These authors argued further that although the Data Protection Act provides some protections regarding automated data processing, consumer protection, and so forth, lending itself is unregulated, and anyone can provide such services.

Mgala (2020) examined the current developments in AI vis-à-vis Kenya's Big Four Agenda (food security, affordable housing, manufacturing, and affordable health care) and found that developments in agriculture could be leveraged to achieve the food security agenda, but challenges remain in other areas, in part due to scarcity of data and talent shortages. In exploring how AI may contribute to the Big Four, Mgala (2020) argued that machine learning can enhance decision-making in agriculture, and there is much room for AI-driven robotics in crop management and harvesting; and yet, this development may make the livelihoods of agricultural workers more precarious. AI may also facilitate urban planning, but this will not, of course, provide new resources for affordable housing (Mgala 2020). However, intelligent manufacturing may enhance the quality of production, even if it creates risks of job losses (Parschau and Hauge 2020). Finally, AI in health care may make for more rapid diagnosis of complex conditions and may

provide frontline support for overstretched primary health care workers (Mgala 2020).

Conclusion

This essay highlights how AI-centered forms of economic activity and surveillance have penetrated into eastern and southern Africa. The role of AI has included the emergence of new types of work—AI janitorial work—and employers taking advantage of AI to cut jobs and increase control. Many governments have tended to see AI in terms of its possibility to promote new areas of economic activity or to intensify monitoring of trade unions and other civil society actors. By contrast, formal regulation has spread unevenly, with an abiding reliance on voluntarism. This atmosphere has led to unions and other actors driving informal regulation, placing employers under closer scrutiny, while working to build broad-based alliances. Progress has been unequally distributed, however; high unemployment and a lack of meaningful political alternatives have meant that the balance of power rests firmly with employers. In short, progress toward informal regulation has been irregular, even as formal regulation remains incomplete.

References

- Ahmad, Ahmad, Christopher Green, and Fei Jiang. 2020. Mobile money, financial inclusion and development: A review with reference to African experience. *Journal of Economic Surveys* 34(4):753–92.
- Ahmed, Shamira. 2021. A gender perspective on the use of Artificial Intelligence in the African FinTech ecosystem: Case studies from South Africa, Kenya, Nigeria and Ghana. Paper presented at International Telecommunications Society (ITS) 23rd Biennial Conference. Gothenburg, Sweden.
- Anwar, Mohammad, and Mark Graham. 2020. Digital labor at economic margins: African workers and the global information economy. *Review of African Political Economy* 47(163):95–105.
- Chiefe, Udoka. 2019. South African bank workers to strike against digitalisation of their jobs. *Techpoint Africa*, September 25. Accessed September 18, 2023, <https://techpoint.africa/2019/09/25/atms-to-shut-down-during-south-african-protests/>
- Dadoo, Suraya. 2021. The seven African governments making usage of Israeli cyberespionage tools. *African Arguments*, February 23. Accessed September 20, 2023, <https://africanarguments.org/2021/02/the-seven-african-governments-using-israeli-cyberespionage-tools/>
- Dye, Barnaby Joseph, and Mathias Alencastro. 2020. Debunking Brazilian exceptionalism in its Africa relations: Evidence from Angola and Tanzania. *Global Society* 34(4):425–46.
- Falkenberg, Ryan. 2020. Digital workers, AI will not lead to job replacement in SA's call centre market. *BizCommunity*, November 20. Accessed September 20, 2023, <https://www.bizcommunity.com/Article/196/852/210683.html>
- Gaffley, Mark, Rachel Adams, and Ololade Shyllon. 2022. Artificial Intelligence. African Insight. A Research Summary of the Ethical and Human Rights Implications of AI in Africa. HSRC & Meta AI and Ethics Human Rights Research Project for Africa – Synthesis Report. Pretoria.
- Graham, Mark, and Mohammad Anwar. 2020. Made in Africa: African digital labor in the value chains of AI. Berlin: Social Europe, April 16. Accessed September 20, 2023, <https://www.socialeurope.eu/made-in-africa-african-digital-labour-in-the-value-chains-of-ai>
- Graham, Mark, Isis Hjorth, and Vili Lehdonvirta. 2017. Digital labor and development: Impacts of global digital labor platforms and the gig economy on worker livelihoods. *Transfer: European Review of Labor and Research* 23(2):135–62.

- Haripersad, Devina. 2023. South Africa launches its first industry association. *The Citizen*. Accessed September 20, 2023, <https://www.citizen.co.za/lifestyle/technology/sa-launches-its-first-ai-industry-association/>
- Irani, Lily. 2019. Justice for data janitors. In Sharon Marcus and Caitlin Zaloom (Eds.), *Think in Public: A Public Books Reader*, pp. 23–40. New York: Columbia University Press.
- Karombo, Tawanda. 2020. More African countries are relying on an Israeli surveillance tool to snoop on private citizens. *Quartz Newsletter*, December 2. Accessed September 29, 2023, <https://qz.com/africa/1940897/nigeria-kenya-use-israeli-surveillance-tool-to-listen-to-calls>
- Kulkani, Pavan. 2019. South African labor court interdicts country-wide strike by bank officials. *People's Dispatch*, September 27. Accessed January 18, 2024, <https://peoplesdispatch.org/2019/09/27/south-african-labor-court-interdicts-country-wide-strike-by-bank-officials/>
- Litondo, Kate. 2018. Mobile phone usage and its impact on performance of micro and small enterprises in the Kenyan informal economy. *International Journal of Economics, Commerce and Management* 6(8):155–68.
- Malinga, Sibhale. 2019. AI will create more jobs than it destroys. *IT Web*, April 8. Accessed September 20, 2023, <https://www.itweb.co.za/content/LPp6V7r4wQQqDKQz>
- Mamba, Nokwanda. 2021. Cabinet to tighten up security after leaking of plot to shut down internet. *Swaziland News*, November 22.
- Mgala, Mvurya. 2020. The extent and use of Artificial Intelligence to achieve the Big Four Agenda in Kenya. *Multidisciplinary Journal of Technical University of Mombasa* 1(1):1–7.
- Mugo, Muthoni. 2023. Equipping Kenya's AI community for fair and ethical sustainable development. Accessed September 28, 2023, <https://www.data4sdgs.org/blog/equipping-kenyas-ai-community-fair-and-ethical-sustainable-development>
- [NEDLAC] National Economic Development and Labour Council. 2023. Policy dialogue between the EU and NEDLAC on digital labour platforms. *Meeting report*. Geneva: International Labour Organization (ILO).
- Odongo, Ariana. 2023. Kenya: The accelerated evolution of artificial intelligence (AI) and the legal considerations around its use. Accessed October 2, 2023, <https://bowmanslaw.com/insights/intellectual-property/kenya-the-accelerated-evolution-of-artificial-intelligence-ai-and-the-legal-considerations-around-its-use/>
- Ormond, Emile. 2023. Artificial intelligence in South Africa comes with special dilemmas – plus the usual risks. *The Conversation*. Accessed September 21, 2023, <https://theconversation.com/artificial-intelligence-in-south-africa-comes-with-special-dilemmas-plus-the-usual-risks-194277>
- Parschau, Christian, and Jostein Hauge. 2020. Is automation stealing manufacturing jobs? Evidence from South Africa's apparel industry. *Geoforum* 115:120–31.
- Perrigo, Billy. 2022. Facebook content moderators in Kenya to receive pay rise following TIME investigation. *TIME*, March 2. Accessed September 29, 2023, <https://time.com/6153778/facebook-moderators-kenya-sama/>
- . 2023. 150 African workers for ChatGPT, TikTok and Facebook vote to unionize at landmark Nairobi meeting. *TIME*, May 1. Accessed September 27, 2023, <https://time.com/6275995/chatgpt-facebook-african-workers-union/>
- Ponce del Castillo, Aida. 2020. Labour in the age of AI: Why regulation is needed to protect workers. ETUI Research Paper – Foresight Brief. Brussels: European Trade Union Institute.
- Rapanyane, Makhura B., and Florence R. Sethole. 2020. The rise of artificial intelligence and robots in the 4th Industrial Revolution: Implications for future South African job creation. *Contemporary Social Science* 15(4):489–501.
- Rowe, Niamh. 2023. “It's destroyed me completely”: Kenyan moderators decry toll of training of AI models. *The Guardian*, August 2. Accessed September 28, 2023, <https://www.theguardian.com/technology/2023/aug/02/ai-chatbot-training-human-toll-content-moderator-meta-openai>
- Sarasvati, N.T. 2023. Kenyan workers call for probe into disturbing work conditions in AI content moderation for OpenAI. *MediaNama*, July 13. Accessed September 28 2023,

- <https://www.medianama.com/2023/07/223-kenyan-workers-call-for-investigation-into-exploitation-by-openai/>
- [UNESCO] United Nations Educational, Scientific and Cultural Organization. 2022. Landscape study on AI policies and use in Southern Africa. *Research Report*. Geneva: UNESCO.
- Webster, Edward. 2020. The Uberisation of work: The challenge of regulating platform economy: A commentary. *International Review of Applied Economics* 34:512–21.
- Webster, Edward, Carmen Ludwig, Fikile Masikane, and David Spooner. 2021. Beyond traditional trade unionism: Innovative worker responses in three African cities. *Globalizations* 18(8):1363–76.
- Webster, Edward, and Fikile Masikane. 2021. “I just want to survive”: A comparative study of food courier riders in three African cities. Southern Centre for Inequality Studies, University of the Witwatersrand, Johannesburg.

WORKPLACE AI REGULATION AND WORKER RESISTANCE IN KOREA

SUNGHOON KIM AND SERI NO*

South Korea (Korea hereafter) has been proactive in adopting new technologies. It is a country with a highly developed digital infrastructure, a technologically advanced manufacturing sector, and a developmental government that places a high value on the economic benefits of new technologies (Whitley 2000; Won and Park 2020; Chu and Kong 2024). Korea is also a country with a militant labor movement tradition that strives to maintain its influence by serving a broader society (Park 2023). On such institutional background, Korea is developing its own patterns of AI regulations, technology development policies, and labor organizing among platform workers and information and communication technology (ICT) specialists. In general, the Korean government maintains features of a developmental state by prioritizing the promotion of AI technology over its regulation, while Korean workers are active in raising voices on AI-related issues.

National Business Systems in Korea

The institutional arrangement in Korea can be considered a “hierarchically coordinated” business system in which the nation-state takes an active role in organizing economic development, and families tend to have a strong influence on corporate governance (Whitley 2000; Fainshmidt, Judge,

*SUNGHOON KIM ( <https://orcid.org/0000-0002-4374-9332>) is an Associate Professor in Work and Organisational Studies at The University of Sydney Business School, The University of Sydney. SERI No is a Research Fellow at the Korea Labor Institute.

For information, please contact Sunghoon Kim at sunghoon.kim@sydney.edu.au.

KEYWORDS: digital technology, labor regulations, comparative industrial relations, state legislature, union organizing