

How Effective Are South Korea's Labor and Contract Laws in Safeguarding Minors in the K-pop Trainee System

Neville Yip

*Stamford American School, Hong Kong, China
nevillefy.yip@gmail.com*

Abstract. This paper critically examines the effectiveness of South Korea's labor and contract laws in safeguarding minors within the K-pop trainee system. Despite the presence of comprehensive legal frameworks, such as the Labor Standards Act, the Popular Culture & Arts Industry Development Act, and Fair-Trade Commission contract reforms, enforcement remains inconsistent and inadequate. Through case studies including the 2024 lawsuit by Kiera Grace Madder against JYP USA, Hanni's testimony on workplace bullying at HYBE, and Han Geng's landmark contract dispute with SM Entertainment, the research highlights persistent exploitation and systemic enforcement failures. Key challenges include the ambiguous legal status of trainees, who are often classified as interns rather than employees, weak regulatory oversight reliant on complaint-driven investigations, and industry resistance prioritizing commercial success over the welfare of idols. Cultural factors, such as hierarchy and power imbalances, further hinder minors' ability to assert their rights. The paper argues that these enforcement gaps allow harmful practices and excessive working hours, inadequate medical care, and psychological pressure to persist despite protective legislation.

Keywords: K-pop, minors, trainee, labor laws

1. Introduction

The K-pop industry, now a global cultural juggernaut, has captivated audiences worldwide with its meticulously crafted idol groups, high-energy performances, and polished visual aesthetics. Yet, beneath the dazzling stage lights and the carefully curated images of its stars, there exists a less visible, but no less significant, reality: the rigorous and often unforgiving "trainee" system that produces these idols [1]. This system, unique to South Korea, recruits' hopefuls—many of them minors—who dedicate their formative years to intense training in the hopes of one day debuting as part of a successful group. Entry into the K-pop trainee system often occurs at a strikingly young age. It is not uncommon for children as young as twelve or thirteen to be scouted or auditioned for entertainment agencies, signing contracts that will shape the course of their adolescence and, potentially, their future careers [2]. The training regimen is notoriously demanding, encompassing long hours of singing, dancing, language study, and image management, often at the expense of rest, education, and personal freedom. The relentless pursuit of perfection is not merely a matter of personal ambition; it is embedded in the very structure of the industry, which prizes youth, talent, and malleability.

The relevance of this issue extends far beyond the borders of South Korea. As K-pop's influence grows, so do concerns about the treatment and rights of underage trainees—a matter that implicates international standards of youth rights, labor protections, and fair contract practices. The question of how well South Korea's legal system safeguards these young individuals is not only a domestic concern but one of global ethical significance [3].

A “minor,” in the context of South Korean law, refers to anyone under the age of eighteen. A “trainee” is an individual, typically under contract with an entertainment agency, who has not yet debuted as an idol but is undergoing professional training [4]. “Contract protection” encompasses the legal mechanisms that govern the terms, duration, and enforceability of these agreements, as well as the remedies available in cases of unfair or exploitative terms [5].

This essay will address How effective are South Korea's labor and contract laws in safeguarding minors in the K-pop trainee system? Despite the existence of robust legal protections on paper, these laws are inconsistently enforced, and loopholes in both regulation and industry practice allow exploitative conditions to persist. By examining the legal framework, real-world cases, enforcement challenges, and the cultural context, this essay will demonstrate the urgent need for systemic reform to protect the rights and well-being of underage K-pop trainees.

2. Legal & regulatory framework

South Korea has developed a comprehensive legal framework aimed at protecting minors in the workforce, including those in the entertainment industry. However, the effectiveness of these laws is contingent on the willingness of industry stakeholders to enforce these laws.

South Korea's labor protections for minors are the Labor Standards Act (LSA) and the Minor Employment Guidelines under the Ministry of Employment and Labor. The LSA establishes a minimum employment age of fifteen and sets strict limitations on the working hours of minors under eighteen. Specifically, minors are not permitted to work more than seven hours per day or thirty-five hours per week, with overtime allowed only in exceptional circumstances and with the consent of a guardian and the Ministry of Employment and Labor [6]. Night work, defined as employment between 10 p.m. and 6 a.m., is generally prohibited for minors, and the law mandates adequate rest periods and meal breaks. The LSA also prohibits the employment of minors in hazardous or harmful conditions and requires that their work not interfere with their education or overall well-being [7].

Recognizing the unique vulnerabilities of young performers in the entertainment industry, South Korea has introduced additional sector-specific regulations. The Popular Culture & Arts Industry Development Act (PCAIDA) supplements the LSA by explicitly addressing the working conditions of child entertainers [8]. PCAIDA limits the working hours of underage performers to thirty-five hours per week, mandates that agencies provide education and mental health support and obligates companies to ensure a safe and healthy environment for minors [9]. It also prohibits practices that could endanger the physical or psychological health of young trainees.

Perhaps the most significant legal intervention in the entertainment sector has been the reform of contract law by the Fair-Trade Commission (FTC). In the wake of public outrage over so-called “slave contracts”—long-term, one-sided agreements that bound idols to agencies for up to thirteen years or more—the FTC introduced a standard contract for entertainment trainees in 2009, with major revisions in 2017 [10]. These reforms set a maximum contract duration of seven years, cap financial penalties for early termination, require agencies to explain contract terms in language accessible to minors and their guardians, and provide explicit grounds for contract termination, including abuse or unreasonable demands.

Despite the legislation in place, the practical efficacy is limited by weak enforcement and the uneven compliance among agencies. The ministry of employment and labor and the FTC are responsible with oversight, but proactive enforcement is scarce and is reliant on complaints filed by trainees or their families, an option that is constrained with risks associated with agency retaliation.

3. Real cases & enforcement in practice

The disparity between the legal protections and the reality for minors within the Kpop trainee system is illustrated by recent and historical legal cases, which reveal continued exploitation and systemic enforcement deficiencies.

In 2024, Kiera Grace Madder (KG), a former member of the newly debuted North American-based K-pop girl group VCHA under JYP USA, filed a lawsuit in the Superior Court of California alleging multiple violations including child labor exploitation, neglect, abuse, and unfair business practices. KG, a minor at the time of the events, accused the agency of subjecting her and her fellow trainees to grueling and unlawful working conditions that exceeded California labor limits for minors and severely endangered their physical and emotional health [11]. KG's complaints detailed a training regimen demanding over 60 hours per week, surpassing the legal limit of 48 hours for minors, with extended daily rehearsals often lasting 8 to 10 hours or more. The lawsuit alleges that KG and other members were pressured to emulate the harsh training standards typical of South Korean trainees, with staff labeling those who resisted as "lazy." KG's declaration describes instances of working while injured—specifically citing a severe shoulder injury—that went untreated for two days alongside denial of basic necessities, including water during practice sessions. Court documents submitted include photographic evidence of injuries and exhaustion, illustrating the physical toll endured [12].

Additionally, KG accused JYP USA staff of enforcing extreme dietary restrictions, requiring training members to eat only salads, coupled with monthly weight checks. One manager reportedly warned trainees that eating could negatively affect their appearance. These nutritional limitations led to energy deficits, impairing performance capacity and overall health [13]. The lawsuit also claims psychological pressure through pervasive surveillance and control, including constant monitoring and restricting trainees' movements within a shared Beverly Hills residence.

JYP USA responded publicly, denying KG's allegations, labeling them as exaggerated and one-sided, and emphasized ongoing legal discussions. Activities and promotions for VCHA were suspended following the lawsuit amid rising public scrutiny [14].

KG's case exposes critical enforcement failures of youth labor laws in the K-pop trainee system outside South Korea, revealing how regulatory gaps and power imbalances facilitate exploitation even under stringent legal frameworks. The lawsuit invites broader scrutiny of how minors in international branches of K-pop agencies are protected—or remain vulnerable—under varied national labor standards.

This case illustrates the gap between existing legislation and its practical enforcement in the K-pop industry. While there are regulations in place that are intended to protect the idols from signing "slave contracts" and being mistreated, the Madder case shows the lack of enforcement of these laws, aside from the power imbalance between the companies and trainees, the high pressure and exploitative environment for trainees continue to demonstrate the consequences of not properly enforcing the legislation that has been designed to protect idols.

In 2024, Hanni, a member of the K-pop group NewJeans, publicly exposed issues of workplace bullying and systemic discrimination within her agency Ador, a subsidiary of HYBE Labels. During a National Assembly audit, Hanni testified voluntarily concerning incidents where she was

reportedly ignored and marginalized by a manager from an affiliated HYBE subsidiary. This behavior, initially disclosed during a surprise YouTube livestream, attracted significant media and public attention, prompting a governmental inquiry into workplace conditions within South Korea's entertainment industry [15]. Hanni's testimony highlighted not only the isolated incidents of bullying but also a broader climate of hostility and discrimination faced by NewJeans within the company culture. She recounted internal disparagement through commentary on workplace platforms and efforts by the company's public relations team to diminish the group's achievements in external media narratives. Despite her repeated complaints, the company's leadership largely dismissed her concerns, attributing the lack of supportive evidence to missing or incomplete CCTV footage. Hanni identified key deficiencies in the company's handling of her allegations and expressed frustration over inadequate response measures, underscoring the vulnerabilities of performers within an oppressive corporate atmosphere [16]. The case raised fundamental questions about the legal standing of K-pop idols in relation to South Korea's Labor Standards Act since HYBE contended that idols like Hanni do not qualify as "employees" and are therefore excluded from many labor protections afforded by law. This classification ambiguity has significant implications for workers' rights, particularly for foreign artists such as Hanni, who face compounded risks due to linguistic and cultural barriers in addition to the absence of formal employee status. Ultimately, the Ministry of Employment and Labor dismissed the formal investigation citing challenges in defining idols as employees, highlighting systemic gaps in the protection of entertainers under existing labor laws [17]. Hanni's case is emblematic of the broader struggles faced by young performers navigating the intersecting issues of workplace harassment, legal ambiguity, and cultural pressures within South Korea's highly competitive and hierarchical K-pop industry. It underscores the pressing need for legislative reform to clarify the status of entertainers, extend labor protections, and establish robust channels for addressing workplace grievances among idols.

Han Geng, the sole Chinese member of the prominent K-pop boy band Super Junior, emerged as a pivotal figure in challenging exploitative contract practices pervasive in the South Korean entertainment industry. In December 2009, Han Geng filed a lawsuit against SM Entertainment (SME) seeking the termination of his exclusive 13-year contract, which he argued was disproportionately restrictive and detrimental to his health and personal freedoms [18]. The contract imposed severe penalties for breach, vesting unilateral control over Han Geng's activities and career entirely in the hands of SME, while limiting his ability to negotiate or revise contractual terms. Han Geng's legal team presented extensive evidence of sustained overwork, describing an intense schedule that denied him adequate rest for nearly two years, despite multiple formal requests for health-related leave. The company's refusal to accommodate these requests contributed to serious health deterioration, exemplifying the physical toll exacted by the company's demands. Furthermore, Han Geng's testimony and associated legal documents revealed systemic discriminatory practices differentiating him from Korean group members. These included exclusion from equal cost-sharing arrangements, enforced living conditions that differed from his bandmates', and limited access to endorsement and acting opportunities, thereby stifling his personal and professional development. Financially, Han Geng was subject to opaque accountings and payments made in Korean won instead of his native currency, resulting in substantial losses from currency conversions without satisfactory explanation. The Seoul Central District Court ultimately ruled in favor of Han Geng, declaring all existing contracts invalid and affirming his right to freely terminate his contractual obligations. This landmark ruling marked a watershed moment for artists' rights reform in K-pop, following closely on the heels of similar legal challenges by members of TVXQ

confronting analogous contractual abuses [19]. The Han Geng case exposed the exploitative power imbalance between entertainment companies and minority artists, catalyzing legislative and regulatory changes designed to standardize contract lengths, enhance transparency, and improve protections for artists. Nevertheless, the protracted legal battle underscored the significant personal and professional hardships endured by plaintiffs seeking justice within the industry's entrenched structures. Han Geng's case remains a critical reference point in ongoing debates about artist autonomy, fair labor practices, and the ethical responsibilities of entertainment companies within the globalizing South Korean pop music market.

What unites these cases is the persistent gap between the formal protections offered by law and the realities faced by trainees. Whether due to inadequate legal representation, power imbalances, or the reluctance of authorities to intervene, minors in the K-pop system remain vulnerable to exploitation, despite the existence of robust legal frameworks.

4. Enforcement gaps & challenges

The persistence of exploitative practices in the K-pop trainee system is not simply a matter of inadequate laws; it is rooted in structural enforcement gaps, legal ambiguities, and deep-seated cultural dynamics that limit the effectiveness of existing protections.

One of the most significant challenges is the legal distinction between “entertainer” or “trainee” and “worker.” Many entertainment agencies classify trainees as students or interns rather than employees, thereby circumventing the full application of the Labor Standards Act [20]. This classification allows agencies to avoid obligations related to working hour limits, overtime pay, and rest requirements, leaving trainees without the protections afforded to other young workers. The ambiguity of this status was a key factor in the dismissal of labor claims in the NewJeans/Hanni case, where authorities concluded that the evidence did not clearly establish an employment relationship.

Enforcement mechanisms themselves are weak and reactive. The Ministry of Employment and Labor and the FTC are responsible for oversight, but their capacity is limited. Routine inspections of entertainment agencies are rare, and most investigations are triggered only when a complaint is filed by a trainee or their family [21]. Given the intense competition for debut opportunities and the fear of blacklisting or career ruin, few trainees are willing to come forward, and most disputes are settled privately, without public scrutiny or legal precedent.

Industry resistance to stronger protections is another formidable obstacle. The Korea Music Content Association (KMCA), representing the interests of major agencies, has actively opposed legislative efforts to tighten regulations, particularly those aimed at further limiting the working hours of minors. The KMCA argues that stricter laws would undermine the global competitiveness of K-pop and limit opportunities for young talent [22]. This resistance reflects the industry's prioritization of commercial success over the welfare of its youngest participants.

Cultural and social factors further complicate enforcement. Korean society is characterized by hierarchical relationships and a strong deference to authority, particularly within the entertainment industry. Agencies wield significant power over trainees and their families, who may be reluctant to challenge unfair practices for fear of jeopardizing their children's prospects. The idolization of agencies and the intense competition for debut slots reinforce this power imbalance, making it difficult for minors to assert their rights or seek redress for abuses [23].

The cumulative effect of these enforcement gaps is a system in which legal protections exist in theory but are inconsistently applied in practice. Trainees may be subjected to excessive working

hours, inadequate medical care, coercive contracts, and emotional manipulation, with little realistic prospect of intervention from authorities or independent advocates.

5. Conclusion

South Korea's labor and contract laws provide a comprehensive framework for the protection of minors in the K-pop trainee system. The Labor Standards Act, the Popular Culture & Arts Industry Development Act, and the FTC's standard contract all contain provisions designed to limit exploitation and ensure the welfare of young performers. However, as demonstrated by the cases of Kiera Grace Madder, Han Geng, TVXQ, and others, these legal protections are inconsistently enforced and undermined by loopholes, weak oversight, and entrenched industry practices.

The distinction between "trainee" and "worker" allows agencies to evade labor law requirements, while the reluctance of authorities to intervene and the fear of retaliation among trainees limit the effectiveness of complaint-based enforcement. Industry resistance to reform and the cultural dynamics of deference and competition further entrench the status quo, making meaningful change difficult to achieve.

The result is a system in which underage trainees continue to face significant risks to their health, education, and well-being, despite the existence of formal legal protections. The persistence of exploitative practices in the K-pop trainee system is not merely a failure of law but a failure of enforcement, oversight, and cultural accountability.

To address these systemic risks, several key reforms are necessary. First, the legal definition of "trainee" should be clarified to ensure that all minors in the entertainment industry are classified as employees and entitled to the full range of labor protections. Second, enforcement mechanisms must be strengthened, with regular, unannounced audits of agencies and meaningful penalties for violations. Third, minors should have access to independent legal representation and counseling when signing contracts, rather than relying on agency-appointed attorneys. Fourth, trainees and their families must be educated about their rights and the avenues available for recourse in cases of abuse or exploitation.

Ultimately, the broader implications of this issue extend beyond the K-pop industry. As South Korea's cultural exports continue to shape global perceptions and standards, the country has a responsibility to set an example for the ethical treatment of young talent. The current system, while improved on paper, still exposes minors to significant risk and demands urgent, systemic reform. Only by bridging the gap between law and practice can South Korea ensure that young performers' dreams are not realised at the expense of their fundamental rights.

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