

July 9, 2026

MOEL RELEASES REVISED MANUAL ON THE PREVENTION OF AND RESPONSE TO WORKPLACE HARASSMENT (JULY 2, 2026)

Following the revision of the Guidelines for Handling Workplace Harassment Complaints in April 2026, the Ministry of Employment and Labor ("**MOEL**") published the revised Manual on the Prevention of and Response to Workplace Harassment (the "**Revised Manual**") on July 2, 2026.

I. KEY REVISIONS IN THE REVISED MANUAL

1. Detailed Investigation Procedures

The Revised Manual expressly prohibits an employer from conducting a "self-investigation" where the employer is the alleged harasser. To ensure objectivity, the Revised Manual provides that external experts or organizations should be involved in the investigation, or that the employer alleged to have engaged in harassment should be excluded from the investigation, reporting, and approval processes.

In addition, the Revised Manual states that, where an employer conducts an internal investigation, it is desirable to establish an investigation committee. In such cases, the employer should inform the alleged victim of the committee's composition, procedures, investigation methods, and process. The Revised Manual also provides that the alleged victim should be allowed to challenge the appointment of, or request the exclusion of, any committee member where the alleged victim reasonably believes that the member cannot conduct an impartial investigation.

The Revised Manual also includes revised standard provisions for the Rules of Employment to reflect these changes.

2. Introduction of Sanctions for Abuse of the Workplace Harassment Reporting System

The Revised Manual states that excessive or baseless false reports of workplace harassment, as well as retaliatory criminal complaints alleging false accusation against those who report workplace harassment, are inconsistent with the purpose of the workplace harassment prevention regime and are therefore undesirable.

The Revised Manual further cites several court decisions recognizing that abusive or bad-faith workplace harassment complaints may constitute grounds for disciplinary action. These include cases where:

- (i) an employee repeatedly filed workplace harassment complaints without clear supporting evidence, thereby disrupting business operations, damaging workplace

harmony, and undermining workplace order (Seoul Central District Court, Decision No. 2024Gahap50832, December 11, 2025);

- (ii) an employee had significant conflicts with a number of co-workers over a ten-month period, repeatedly filed seven workplace harassment complaints, and was consequently placed on paid leave (Seoul Administrative Court, Decision No. 2025Guhap52141, January 29, 2026); and
- (iii) an employee filed a false workplace harassment complaint for the purpose of defending against disciplinary action taken against the employee (Seoul Administrative Court, Decision No. 2025Guhap54304, February 12, 2026).

3. Adding Court Cases on the Elements of Workplace Harassment and Employers' Duty to Take Appropriate Measures

The Revised Manual introduces a number of court cases concerning the legal requirements for establishing workplace harassment and employers' obligations to take appropriate measures.

CATEGORY	SUBCATEGORY	KEY CASES IN THE REVISED MANUAL
Elements of Workplace Harassment	Superiority in Position or Relationship	Workplace harassment may be established even where the alleged harasser holds the same or a lower formal rank than the victim, if the harasser nonetheless holds a de facto position of superiority over the victim.
	Exceeding the Appropriate Scope of Work	- Conduct may constitute workplace harassment even if it appears, on its face, to fall within the scope of work, including: (i) acts that are clearly unnecessary for work purposes; (ii) requiring an employee to perform impossible tasks; or (iii) assigning work that is unreasonably menial or substantially below the employee's abilities or experience without any legitimate business justification. - By contrast, the following were held to fall within the appropriate scope of work and therefore did not constitute workplace harassment: (a) giving work instructions via KakaoTalk in the early morning outside working hours, given the nature of online news reporting and the need for prompt publication; (b) reprimanding an employee for training purposes in a trauma center where a high degree of expertise and technical proficiency is

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		required; and (c) a single, isolated instance in which the alleged harasser used abusive language in the heat of the moment during a telephone conversation, while ordinarily using respectful language toward the employee.
	Causing Physical or Mental Distress or Deterioration of the Working Environment	- Whether workplace harassment has occurred should be determined based on the totality of the circumstances, including the context in which the statements were made, their content, and the relationship between the parties after the statements were made. - Workplace harassment was found where, after the victim reported the alleged harasser, the harasser submitted a written undertaking promising not to repeat the misconduct but thereafter repeatedly contacted the victim by text messages and emails requesting that the victim improve their relationship and withdraw the complaint.
Employers' Duty to Take Measures	Duty to Conduct an Objective Investigation	- Even where the employer has not received a formal workplace harassment complaint directly, the employer has a duty to investigate if circumstances reasonably indicate the existence of workplace harassment, such as where: (i) employees submit a petition and express an intention to resign collectively due to the alleged harassment; or (ii) statements or conduct that may constitute workplace harassment come to light during an exit interview with a departing employee. - An employer is required not only to conduct a workplace harassment investigation in good faith, but also to refrain from improperly interfering with the investigation or distorting its findings. - An employer has discretion to determine the scope and method of the investigation. Accordingly, the employer does not incur tort liability merely because the investigation differs from the reporting employee's preferred scope or method.

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	Protection of the Victim During the Investigation	Issuing a written warning to the alleged harasser approximately ten months after the complaint was filed, and reassigning the victim to another department only after approximately eleven months, were held not to constitute appropriate interim measures to protect the victim during the investigation.
	Prohibition of Retaliatory or Disadvantageous Treatment	- Reassigning the victim to another department or worksite without adequately taking the victim's interests into account, and solely on the ground of staff shortages, constituted disadvantageous treatment. - By contrast, where the employer disciplined the harasser and intended to reassign the harasser but was unable to do so due to internal operational circumstances, and the employer obtained the victim's consent before allowing the harasser to continue working at the same workplace as the victim, such an arrangement was held not to constitute disadvantageous treatment.
	Scope of the Duty of Confidentiality	An investigation report constitutes confidential information obtained during the investigation process because it includes, among other things, investigation findings relating to individuals other than the alleged harasser and the statements of witnesses.

4. Enhancing Workplace Harassment Prevention and Response Capabilities for Small Businesses

In the accompanying press release, the MOEL announced that it will expand the Korea Employment and Labor Educational Institute's free workplace harassment prevention training, with a particular focus on workplaces with fewer than 50 employees. The MOEL also stated that it will continue to promote workplace harassment prevention campaigns and, in consultation with relevant agencies, develop measures to better support the resolution of workplace harassment disputes in small businesses.

5. Strengthening Expertise Through the Expanded Use of Expert Committees for Determining Workplace Harassment at Local Labor Offices

The MOEL further announced that it will strengthen the operation of expert committees for determining workplace harassment at labor offices nationwide so that complex workplace harassment cases can be assessed consistently and with greater expertise. The MOEL also indicated that it intends to process repetitive complaints or complaints that are inconsistent with the purpose of the workplace harassment regime more efficiently, while concentrating administrative resources on cases in which prompt relief for victims is warranted.

II. PRACTICAL IMPLICATIONS FOR EMPLOYERS

The Revised Manual and the accompanying press release largely maintain the existing principles governing workplace harassment. Their significance lies in providing more detailed guidance on investigation procedures and offering practical references by introducing a broad range of judicial precedents concerning the legal elements of workplace harassment and employers' obligations in responding to complaints.

According to the MOEL's press release, the number of workplace harassment cases handled by the Ministry increased significantly, from 8,961 cases in 2022 to 16,373 cases in 2025. The MOEL observed that, in addition to cases requiring prompt relief for genuine victims, a considerable number of complaints are expected to involve abuse or misuse of the workplace harassment reporting system by so-called "office villains", a term used to describe individuals who abuse or misuse the workplace harassment reporting system for purposes inconsistent with its legislative intent. Against this background, it is noteworthy that the Revised Manual cites several judicial decisions recognizing that excessive, unfounded, or knowingly false workplace harassment complaints may constitute grounds for disciplinary action.

Accordingly, employers should ensure that their workplace harassment policies and practices comply with the more detailed investigation procedures, the clarified legal standards for establishing workplace harassment, and the employers' response obligations set out in the Revised Manual. At the same time, employers may also wish to consider taking a more proactive approach in addressing abusive or bad-faith use of the workplace harassment reporting system, including complaints made for purposes inconsistent with the objectives of the statutory regime.

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