

# OCCUPATIONAL SAFETY AND HEALTH ACT

Act No. 4220, Jan. 13, 1990

Amended by Act No. 4622, Dec. 27, 1993  
Act No. 4826, Dec. 22, 1994  
Act No. 4916, Jan. 5, 1995  
Act No. 5248, Dec. 31, 1996  
Act No. 5453, Dec. 13, 1997  
Act No. 5454, Dec. 13, 1997  
Act No. 5886, Feb. 8, 1999  
Act No. 6104, Jan. 7, 2000  
Act No. 6315, Dec. 29, 2000  
Act No. 6590, Dec. 31, 2001  
Act No. 6847, Dec. 30, 2002  
Act No. 7428, Mar. 31, 2005  
Act No. 7467, Mar. 31, 2005  
Act No. 7920, Mar. 24, 2006  
Act No. 8372 Apr. 11, 2007  
Act No. 8373 Apr. 11, 2007  
Act No. 8475 May 17, 2007  
Act No. 8486 May 25, 2007  
Act No. 8562 Jul. 27, 2007  
Act No. 8694 Dec. 14, 2007

## CHAPTER I

### General Provisions

#### Article 1 (Purpose)

The purpose of this Act is to maintain and promote the safety and health of workers by preventing industrial accidents and diseases through establishing standards on occupational safety and health and clarifying where the responsibility lies, and by creating a comfortable work environment.

#### Article 2 (Definition)

For the purpose of this Act,

1. the term “industrial accidents and diseases” refers to cases when workers die, get injured or contract diseases due to work-related structures, equipment, raw materials, gas, vapor, powder, dust, etc., or work and work-caused reasons;
2. the term “worker” means a worker as prescribed in Article 2 of the Labor Standards Act;
3. the term “employer” means a person who carries on a

- business using workers;
4. the term “representative of workers” refers to a trade union, in case a trade union comprising the majority of workers concerned exists, and if such a trade union does not exist, a person who represents the majority of workers concerned.;  
<Amended by Act No. 5886, Feb. 8, 1999>
  5. the term “work environment monitoring” means that a employer formulates a monitoring plan on workers or workplaces and gathers, analyzes and evaluates samples for the purpose of understanding the actual conditions of work environment;
  6. the term “safety and health diagnosis” means an investigation and evaluation carried out by a person designated by the Minister of Labor for the purpose of preventing industrial accidents and diseases by discovering latent hazards and establishing countermeasures for the improvement of safety; and
  7. the term “serious accidents and diseases” means industrial accidents and diseases such as death, etc., the degree of which is serious, and which are prescribed by the Ordinance of the Ministry of Labor.

### **Article 3 (Scope of Application)**

(1) This Act shall apply to all businesses or workplaces (hereinafter referred to as “businesses”): Provided that this Act may not apply wholly or partially to businesses as prescribed by the Presidential Decree taking into consideration the degree of hazard and danger, the kinds and scale of business, the location of business, etc.

(2) This Act and any order issued under this Act shall apply to the State, local governments, and government-invested institutions.

### **Article 4 (Duty of the Government)**

(1) In order to accomplish the goals of Article 1, the Government shall fulfill faithfully the following responsibilities:  
<Amended by Act No. 8562 Jul. 27, 2007> <Enforcement Date Jan. 1, 2009>

1. Matters concerning the establishment, execution, coordination and control of the occupational safety and health policy;
2. Matters concerning the support and guidance of accident and disease prevention for workplaces where accidents and diseases occur frequently;
3. Matters concerning the safety assessment and improvement of harmful and dangerous machinery, tools,

- equipment as well as protective devices and personal protective equipment, etc.;
4. Matters concerning the preparation of criteria for safety and health measures and the guidance and control of hazardous or dangerous machinery, tools, equipment and materials, etc.;
  - 4-2. Matters concerning support for the establishment of autonomous safety and health management system by workplaces; *<Newly Inserted by Act No. 5886, Feb. 8, 1999>*
  5. Matters concerning the promotion of public relations, education, and accident-free campaigns to raise awareness about safety and health;
  6. Matters concerning the research and development of technology and the installation and operation of facilities for safety and health;
  7. Matters concerning the maintenance and management of investigations and statistics on industrial accidents and diseases;
  8. Matters concerning the support, guidance and control of organizations related to safety and health; and
  9. Other matters concerning measures for the prevention of danger and health problems for workers. *<Amended by Act No. 5248, Dec. 31, 1996>*

(2) The Government shall consider policies to carry out effectively the matters referred to in subparagraphs of paragraph (1), and if it is deemed necessary, may provide the Korea Occupational Safety & Health Agency (hereinafter referred to as the "Agency") and other related organizations and institutes with administrative and financial support.

#### **Article 5 (Duties of employer)**

(1) an employer shall observe the standards for the prevention of industrial accidents and diseases as prescribed by this Act and any order issued under this Act, provide workers with information on safety and health in the workplace, prevent workers' health problems caused by physical fatigue and mental stress, safeguard the lives, and maintain and promote the safety and health of workers by creating a proper work environment through the improvement of working conditions, and comply with the industrial accident and disease prevention policy executed by the State.

*<Amended by Act No. 6847, Dec. 30, 2002>*

(2) Any person who designs, manufactures or imports machinery,

tools and other equipment, who manufactures or imports raw materials, or who designs or builds any construction, shall observe the standards as prescribed by this Act and orders issued under this Act in carrying out such design, manufacture, import or construction, and strive to prevent the occurrence of industrial accidents and diseases caused by the use of these objects.

**Article 6 (Duties of Worker)**

A worker shall observe the standards for the prevention of industrial accidents and diseases as prescribed by this Act and orders issued under this Act, and are subject to measures for the prevention of industrial accidents and diseases taken by the employer or other related organizations.

**Article 7 (Occupational Safety and Health Policy Deliberative Committee)**

(1) In order to deliberate and coordinate comprehensively the basic plan on affairs of occupational safety and health as prescribed in subparagraphs of Article 4 (1) and major policies related to the central administrative agencies, the Occupational Safety and Health Policy Deliberative Committee (hereinafter referred to as the "Policy Deliberative Committee") shall be established in the Ministry of Labor.

(2) The organization, function, and operation of the Policy Deliberative Committee and other necessary matters shall be determined by the Presidential Decree.

**Article 8 (Establishment and Publication of Industrial Accident and Disease Prevention Plan)**

(1) The Minister of Labor shall establish a midterm and long-term basic plan for the prevention of industrial accidents and diseases

(2) The Minister of Labor shall publish the industrial accident and disease prevention plan established under paragraph (1) through the deliberation of the Policy Deliberative Committee. This provision shall also apply when he desires to modify the plan.

**Article 9 (Request, etc., for Cooperation)**

(1) If it is deemed necessary for the effective execution of the industrial accident and disease prevention plan, the Minister of Labor may request any necessary cooperation from the head of a related administrative agency concerned or the head of a government-invested organization. <Amended by Act No. 5886, Feb. 8, 1999>

(2) If the head of an administrative agency (excluding the Ministry of Labor; hereinafter the same shall apply) desires to regulate safety and health in workplaces, he shall consult in advance with the Minister of Labor.

(3) If the Minister of Labor requests any change in the regulation in the course of consultation as referred to in paragraph (2), the head of the administrative agency shall comply, and the Minister of Labor may, if necessary, confirm the consulted and coordinated matters by reporting them to the Prime Minister.

(4) If it is deemed necessary for the prevention of industrial accidents and diseases, the Minister of Labor may recommend necessary matters or request the cooperation of an employer, an employers' organization and other related persons.

**Article 9-2 (Public Announcement of the Number of industrial accidents and diseases and Diseases in Workplaces, etc.)**

(1) The Minister of Labor may, if deemed necessary to prevent industrial accidents and diseases, publicly announce the number of industrial accidents and diseases, accident rates and rankings of workplaces determined by the Presidential Decree.

(2) Necessary matters concerning procedures for and methods of the announcement prescribed in paragraph (1) shall be determined by the Ordinance of the Ministry of Labor.

*<This Article Newly Inserted by Act No. 6847, Dec. 30, 2002>*

**Article 10 (Duty to Report)**

(1) an employer shall report to the Minister of Labor the matters necessary for enforcing this Act or any order issued under this Act, and as prescribed by the Ordinance of the Ministry of Labor.

(2) The form and time of the report and other necessary matters pursuant to paragraph (1) shall be determined by the Ordinance of the Ministry of Labor.

*<This Article Wholly Amended by Act No. 4916, Jan. 5, 1995>*

**Article 10-2 (Documentation of industrial accidents and diseases and Diseases)**

When an industrial accident or disease occurs, an employer shall record the causes, etc. of the accident and disease as prescribed by the Ordinance of the Ministry of Labor and keep it for three years. *<This Article Newly Inserted by Act No. 6847, Dec. 30, 2002>*

**Article 11 (Posting of the Major Contents of the Act, etc.)**

(1) an employer shall keep workers informed of the major contents of this Act and the orders enacted under this Act by posting or keeping them at all times at each workplace.

(2) The representative of workers may request the employer to notify him of the contents or results of the following matters, and the employer shall comply faithfully: *<Amended by Act No. 8562, Jul. 27, 2007> <Enforcement Date Jan. 1, 2009>*

1. Matters decided by the Occupational Safety and Health Committee under Article 19 (2); *<Newly Inserted by Act No. 4916, Jan. 5, 1995>*
2. Matters as prescribed in subparagraphs of Article 20 (1); *<Amended by Act No. 4916, Jan. 5, 1995>*
3. Matters as prescribed in subparagraphs of Article 29 (1); *<Amended by Act No. 4916, Jan. 5, 1995>*
4. Deleted; *<by Act No. 8562, Jul. 27, 2007> <Enforcement Date Jan. 1, 2009>*
5. Matters as prescribed in Article 41; *<Amended by Act No. 4916, Jan. 5, 1995>*
- 5-2. Matters concerning work environment monitoring as prescribed in Article 42 (1); and *<Amended by Act No. 5886, Feb. 8, 1999>*
6. Other matters concerning safety and health as prescribed by the Ordinance of the Ministry of Labor. *<Amended by Act No. 4916, Jan. 5, 1995>*

**Article 12 (Attachment, etc., of Safety Mark)**

an employer shall install or attach safety and health marks, under the conditions as prescribed by the Ordinance of the Ministry of Labor, for warning hazardous or dangerous facilities and places in the workplace, guiding measures at the time of emergency, and raising safety consciousness. In this case, an employer who hires a foreign worker according to Article 2 of the Act on Employment of Foreign Workers, etc. shall make efforts to attach safety and health marks and safety rules in a foreign language as prescribed by the Minister of Labor. *<Amended by Act No. 8475, May 17, 2007>*

*CHAPTER II*

**Safety and Health Management System**

**Article 13 (Safety and Health Manager)**

(1) an employer shall assign a person to be in charge of safety and health management (hereinafter referred to as the “safety and health manager”) for the purpose of general control over the following matters: <Amended by Act No. 5248, Dec. 31, 1996>

1. Matters concerning the establishment of an industrial accident and disease prevention plan;
2. Matters concerning the preparation of the safety and health management regulations under Article 20;
3. Matters concerning the safety and health education of employees under Article 31;
4. Matters concerning the inspection and improvement of the work environment, such as the monitoring of the work environment, etc., under Article 42;
5. Matters concerning the management of health, such as health examinations, etc., of workers, under Article 43;
6. Matters concerning the investigation of the causes of industrial accidents and diseases and the establishment of measures to prevent recurrence therefor;
7. Matters concerning the record and maintenance of statistics on industrial accidents and diseases;
8. Matters concerning the determination of whether or not safety devices and personal protective equipments related to safety and health meet product standards at the time of purchase; and
9. Other matters concerning the prevention of hazard and danger to workers under Chapter IV, and as prescribed by the Ordinance of the Ministry of Labor.

(2) The safety and health manager shall direct and control the safety managers and health managers as prescribed in Articles 15 and 16.

(3) The categories and scale of the business to which the safety and health manager is to be assigned, and other necessary matters, shall be determined by the Presidential Decree.

**Article 14 (Supervisor <Amended by Act No. 7920, Mar. 24, 2006>)**

(1) an employer shall have a supervisor of the workplace (this refers to the head of a division within the management structure, who directly manages and supervises business and employees related to production or who takes charge of such a position; hereinafter the same shall apply) with

responsibility to carry out measures concerning safety and health prescribed by the Presidential Decree such as safety and health inspection. For work prescribed by the Presidential Decree which particularly requires the prevention of danger, he shall perform measures concerning safety and health prescribed by the Presidential Decree such as special education for assigned personnel. <Amended by Act No. 7920, Mar. 24, 2006>

(2) an employer shall, if having the supervisor prescribed in paragraph (1), be considered to have the manager and the person in charge of safety management under Article 26-3 (1) 2 and 3 of the Construction Technology Management Act. <Newly Inserted by Act No. 6847, Dec. 30, 2002>

(3) Deleted < Act No. 7920, Mar. 24, 2006>

**Article 15 (Safety Manager, etc.)**

(1) an employer shall assign a safety manager at the workplace to assist the employer or the safety and health manager in technical matters concerning the safety of those as prescribed in subparagraphs of Article 13 (1), and to instruct and advise a supervisor on such matters to the supervisor and person responsible for safety. <Amended by Act No. 7920, Mar. 24, 2006>

(2) The category and scale of the business to which a safety manager is to be assigned, the number, qualifications, duties, powers and method of appointment of a safety manager, and other necessary matters shall be determined by the Presidential Decree.

(3) If it is deemed necessary for the prevention of industrial accidents and diseases, the Minister of Labor may appoint more than the fixed number of safety managers, or order a safety manager to be replaced.

(4) The owner of a business corresponding to the category and scale as prescribed by the Presidential Decree may entrust the duties of a safety manager to a professional institution to perform the safety management measures designated by the Minister of Labor (hereinafter referred to as the "safety management service institution").

(5) Matters concerning the requirements and procedures for designating a safety management service institution shall be determined by the Presidential Decree and other necessary matters concerning performance standard and safety management service area of safety management service institution shall be determined by the Ordinance of the Ministry of Labor.

*<Amended by Act No. 4916, Jan. 5, 1995, Act No. 6104, Jan. 7, 2000, and Act No. 7920, Mar. 24, 2006>*

**Article 15-2 (Cancellation of Designation)**

(1) The Minister of Labor may cancel the designation of a safety management service institution or suspend its operation up to 6 months if the institution falls under one of the subparagraphs: Provided that if the safety management service institution falls under subparagraph 1, the designation shall be cancelled.

1. When the institution was designated in false or other illegal ways;
2. When the institution does not meet the requirements for designation anymore;
3. When the institution carries out work which is beyond what is designated; and
4. Other occasions prescribed by Presidential Decree.

(2) A safety management service institution whose designation was cancelled pursuant to paragraph (1) may not be designated as a safety management service institution within 2 years from the date of cancellation. *<This Article Newly Inserted by Act No. 6104, Jan. 7, 2000>*

**Article 15-3 (Surcharges)**

(1) If it is deemed that suspension of operation could cause severe inconvenience to users or undermine public interests as a case commanding suspension of operation under Article 15-2, the Minister of Labor may impose a surcharge under 50 million won in substitution for suspension of operation.

(2) In case a person imposed a surcharge pursuant to paragraph (1) does not pay the surcharge, he will be collected according to disposition for failure in tax payment.

(3) The imposition standard of surcharges under paragraph (1) and other necessary matters shall be determined by Presidential Decree. *<This Article Newly Inserted by Act No. 7920, Mar. 24, 2006>*

**Article 16 (Health Manager, etc.)**

(1) an employer shall assign a health manager to the workplace to assist the employer or the safety and health manager in technical matters concerning the health of those as prescribed in subparagraphs of Article 13 (1), and to instruct and advise a supervisor on such matters to the supervisor and person responsible for safety. *<Amended by Act No. 7920, Mar.*

24, 2006>

(2) The category and scale of the business to which a health manager is to be assigned, the number, qualifications, duties, powers, method of appointment of a health manager, and other necessary matters shall be determined by the Presidential Decree.

(3) The provisions of Article 15(3) through (5) and Article 15-2 and 15-3 shall apply mutatis mutandis to a health manager. In this case, the term "safety manager" shall be regarded as "health manager", "safety management measures" as "health management measures" and "safety management service institution" as "health management service institution." <Amended by Act No. 6847, Dec. 30, 2002>

**Article 16-2 (Guidance and Advice of Safety Manager, etc.)**

In cases where the safety manager under Article 15 or health manager under Article 16 proposes technical measures concerning safety and health as prescribed in subparagraphs of Article 13 (1) to the employer or the safety and health manager, or instructs and advises on such matters to the supervisor and person responsible for safety, the employer, the safety and health manager, the supervisor and person responsible for safety shall take pertinent measures corresponding thereto.

*<This Article Newly Inserted by Act No. 5248, Dec. 31, 1996>*

**Article 17 (Occupational Physician)**

(1) an employer shall assign an occupational physician to the workplace for the purpose of guiding the health management of workers and other duties of the health manager, except in case where the assigned health manager is a doctor.

(2) The category and scale of the business to which an occupational physician is to be assigned, the qualifications, duties, powers and method of appointment of an occupational physician, and other necessary matters shall be determined by the Presidential Decree.

**Article 18 (General Safety and Health Manager)**

(1) an employer a part of whose business is carried out under a contract at the same place, and which is prescribed by the Presidential Decree, shall designate the safety and health manager for the business as the general safety and health manager for the purpose of the general control over the prevention of industrial accidents and diseases that may take place when workers employed by the employer and those employed by his contractor (including the subcontractor; hereinafter the same

shall apply) work together at the same place. In this case, the employer whose business is not required to assign a safety and health manager, shall designate the person who exercises general control over the business at the workplace as a general safety and health manager.

(2) an employer shall, if having designated a general safety and health manager pursuant to paragraph (1), be considered to have the general safety manager prescribed in Article 26-3 (1) 1 of the Construction Technology Management Act. <Newly Inserted by Act No. 6847, Dec. 30, 2002>

(3) The duties and powers of a general safety and health manager and other necessary matters shall be determined by the Presidential Decree.

#### **Article 19 (Occupational Safety and Health Committee)**

(1) In order to deliberate or resolve important matters concerning occupational safety and health, an employer shall establish and operate an occupational safety and health committee composed of an equal number of workers and employers. <Amended by Act No. 7920, Mar. 24, 2006>

(2) an employer shall have an occupational safety and health committee deliberate and resolve matters under the following subparagraphs: <Amended by Act No. 7920, Mar. 24, 2006>

1. Matters concerning Article 13 (1) 1 through 5 and 7;
2. Matters concerning serious industrial accidents and diseases as prescribed in Article 13 (1) 6; and
3. In case of introducing harmful and dangerous machine and instrument, matters concerning safety and health measures.

(3) If it is deemed necessary for the maintenance and improvement of the safety and health of workers in workplace, the occupational safety and health committee may determine matters concerning safety and health in workplace. <Amended by Act No. 5248, Dec. 31, 1996>

(4) The employer and workers shall faithfully fulfill the matters determined by the occupational safety and health committee under paragraph (2) and (3). <Amended by Act No. 5248, Dec. 31, 1996>

(5) The deliberation, decision or determination by the occupational safety and health committee under paragraphs (2) and (3) shall not be contrary to this Act and the order, the collective agreement, and the employment rules pursuant to this Act, and the safety and health management regulations as prescribed in Article 20.

<Amended by Act No. 5248, Dec. 31, 1996>

(6) an employer shall not treat a member of the Committee unfavorably on the grounds that the member performed legitimate activities as a member of the Committee. <Amended by Act No. 5886, Feb. 8, 1999>

(7) The category and scale of the business for which an occupational safety and health committee is to be established, and matters necessary for the composition and operation of an occupational safety and health committee and for dealing with the cases where a decision is not reached, shall be determined by the Presidential Decree. <Amended by Act No. 5248, Dec. 31, 1996>

### CHAPTER III

## Safety and Health Management Regulations

### Article 20 (Preparation, etc. of Safety and Health Management Regulations)

(1) In order to maintain safety and health in workplace, an employer shall prepare safety and health management regulations including the following matters, post or keep them in workplace, and notify workers: <Amended by Act No. 4916, Jan. 5, 1995>

1. Matters concerning the safety and health management organization and its function;
2. Matters concerning safety and health education;
3. Matters concerning the safety management of the workplace;
4. Matters concerning the health management of the workplace;
5. Matters concerning accident investigation and the formulation of accident prevention plans; and
6. Other matters concerning safety and health.

(2) The safety and health management regulations as referred to in paragraph (1) shall not be contrary to the collective agreement and the employment rules which are applicable to the workplace concerned. In case any part of the safety and health management regulations are contrary to the collective agreement or employment rules, it shall be subject to such standards of the collective agreement or employment rules.

<Amended by Act No. 4916, Jan. 5, 1995>

(3) Necessary matters concerning the categories and scale of the business required to prepare safety and health management regulations, and the details that should be included in safety and health management regulations shall be determined

by the Ordinance of the Ministry of Labor. <Amended by Act No. 6847, Dec. 30, 2002>

**Article 21 (Procedure for Preparation and Modification of Safety and Health Management Regulations)**

(1) If an employer prepares or modifies the safety and health management regulations under Article 20, he shall do so through the deliberation of the occupational safety and health committee as prescribed in Article 19: Provided that for a workplace where an occupational safety and health committee is not established, he shall obtain the consent of the representative of workers. <Amended by Act No. 5248, Dec. 31, 1996>

(2) Deleted. <Act No. 4916, Jan. 5, 1995>

**Article 22 (Observance etc., of Safety and Health Management Regulations)**

(1) an employer and workers shall observe safety and health management regulations.

(2) Except as provided by this Act, the provisions of 「the Labor Standards Act」 concerning employment regulations shall be applicable to safety and health management regulations, unless they are contrary to the nature thereof. <Amended by Act No. 7920, Mar. 24, 2006>

## CHAPTER IV

### Measures for Preventing Hazard and Danger

**Article 23 (Safety Measures)**

(1) an employer shall take measures necessary for the prevention of the following hazards in operating the business:

1. Hazards caused by machines, tools or other equipment;
2. Hazards caused by explosive, combustible or inflammable substances; and
3. Hazards caused by electricity, heat or other energy.

(2) an employer shall take measures necessary for the prevention of hazards caused by improper work methods in excavating, quarrying, stevedoring, timbering, transporting, operating, dismantling, the handing of heavy objects, and other work.

(3) an employer shall take measures necessary for the prevention of hazards in places where workers might fall down, sand or structures, etc., might collapse, material objects might fall or come flying off, or any other hazard may be

anticipated in the course of carrying out work due to natural disasters or acts of God.

(4) The safety measures to be taken by the employer under paragraphs (1) through (3) shall be determined by the Ordinance of the Ministry of Labor.

**Article 24 (Health Measures)**

(1) an employer shall take measures necessary for the prevention of the following health problems caused in operating business:

1. Health problems caused by raw materials, gas, vapor, dust, fume, mist, oxygen-deficient air, pathogens, etc.;  
<Amended by Act No. 6847, Dec. 30, 2002>
2. Health problems caused by radiation, hazardous rays, high temperature, low temperature, ultrasonic waves, noises, vibration, abnormal atmosphere pressure, etc.;
3. Health problems caused by gas, liquid or remnants, etc. discharged from the workplace;
4. Health problems caused by monitoring of gauges, operation of computer terminals, precision work, etc.; and
5. Health problems caused by simple and repetitive work or excessively physically demanding work ; and  
<Newly Inserted by Act No. 6847, Dec. 30, 2002>
6. Health problems caused by failure to maintain the proper standards of ventilation, lighting, illumination, thermal insulation, dampproofing, cleaning, etc.

(2) The measures for health to be taken by the employer under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Labor.

**Article 25 (Matters to be Observed by Workers)**

Workers shall observe the measures taken by an employer under Articles 23 and 24, as determined by the Ordinance of the Ministry of Labor.

**Article 26 (Suspension, etc., of Work)**

(1) If there is an imminent danger that an industrial accident and disease may occur, or that a serious accident and disease has occurred, an employer shall take necessary measures for safety and health, such as the immediate suspension of operations, the evacuation of workers from workplace, and so on, and then the work may be resumed.

(2) If any worker suspends work and takes shelter due to any urgent risk of an industrial accident and disease, he shall

report it without delay to the immediate superior officer, who shall take appropriate measures to address the situation. <Newly Inserted by Act No. 4916, Jan. 5, 1995>

(3) If there are reasonable grounds to believe that there exists any imminent danger of an industrial accident and disease, an employer shall not mistreat or dismiss the workers, because they have suspended work and taken shelter as prescribed in paragraph (2).

<Newly Inserted by Act No. 5248, Dec. 31, 1996>

(4) If a serious accident and disease occurs, the Minister of Labor may conduct an investigation into the causes of the serious accident to find the cause or establish preventive measures and have the labor inspector and expert concerned conduct an investigation into the cause of an accident and disease, diagnosis of safety and health, and take other necessary measures as prescribed by the Ordinance of the Ministry of Labor. <Amended by Act No. 8475 May 17, 2007>

(5) In case of a serious accident, anyone shall not undermine the spot of the accident with the aim to interrupt the investigation in paragraph (4). <Amended by Act No. 8475 May 17, 2007>

#### **Article 27 (Technical Guideline and Standards of Work Environment)**

(1) The Minister of Labor may determine technical guidelines and work environment standards on measures to be taken by an employer pursuant to Articles 23, 24, and 26, and instruct and recommend them to the employers.

<Amended by Act No. 4916, Jan. 5, 1995>

(2) If it is deemed necessary for determining the guidelines and standards referred to in paragraph (1), the Minister of Labor may compose and operate a standard establishment committee in respective fields.

(3) The composition and operation of a standard establishment committee and other necessary matters shall be determined by the Minister of Labor.

#### **Article 28 (Prohibition of Contract for Hazardous Work)**

(1) Sectors of work which are hazardous or dangerous to safety and health, as prescribed by the Presidential Decree, may not be separated out for contract (including a subcontract) without obtaining the approval of the Minister of Labor.

(2) The standards of the safety and health measures to be observed at the time of contract of any hazardous or dangerous work under paragraph (1) shall be determined by the Ordinance

of the Ministry of Labor.

(3) In case the Minister of Labor gives authorization as referred to in paragraph (1), he shall conduct a safety and health evaluation on the basis of Article 49.

(4) In case a person received authorization as referred to in paragraph (1) is short of the standard as referred to in paragraph (2), the Minister of Labor shall cancel the authorization. <Newly Inserted by Act No. 7920, Mar. 24, 2006>

**Article 29 (Safety and Health Measures for Contractor Business)**

(1) The owner of a business, part of whose work is done under a contract and which is designated by the Presidential Decree, shall take the following measures for the purpose of preventing industrial accidents and diseases which may occur when those employed by him and those employed by his contractor work together at the same place: <Amended by Act No. 5248, Dec. 31, 1996 and Act No. 7920, Mar. 24, 2006>

1. Constitution and operation of a consultative body among employers concerning safety and health;
2. Safety and health management, such as an inspection tour, etc. of workplaces;
3. Guidance and support on safety and health education for workers conducted by the contractor; and
4. Other matters prescribed by the Ordinance of the Ministry of Labor for the purpose of preventing industrial accidents and diseases.

(2) If the workers employed by his contractor work in a place which is designated by the Ordinance of the Ministry of Labor as an area at risk of industrial accidents and diseases, the employer designated in paragraph (1), shall take measures necessary for preventing industrial accidents and diseases designated by the Ordinance of the Ministry of Labor. <Newly Inserted by Act No. 5248, Dec. 31, 1996>

(3) The employer referred to in paragraph (1) shall, as prescribed by the Ordinance of the Ministry of Labor, make safety and health inspections of the job site periodically or at any times together with his employees, his contractor and the employees employed by his contractor. <Newly Inserted by Act No. 5248, Dec. 31, 1996>

(4) In case a contractor or his worker violates this Act or any order issued under this Act in connection with the work, the employer referred to in paragraph (1) may demand the correction of such an offense if deemed necessary for the prevention of an industrial accident and disease. <Amended by

*Act No. 4916, Jan. 5, 1995>*

(5) A contractor and his worker shall comply with the measures or requirements referred to in paragraph (1) or (2), unless there is an justifiable reason. *<Amended by Act No. 5248, Dec. 31, 1996>*

(6) No person who offers a contract for an undertaking such as construction work, etc., to another person, shall attach any condition as to the method of work, the period of work, etc. that may interfere with the safe and sanitary performance of the work. *<Amended by Act No. 5248, Dec. 31, 1996>*

(7) Necessary matters for constitution and operation of a consultative body as referred to in subparagraph 1 of paragraph (1) shall be determined by the Ordinance of the Ministry of Labor. *<Newly Inserted by Act No. 7920, Mar. 24, 2006>*

**Article 29-2** (Special Case on the Organization and Operation of a Consultative Body on Safety and Health)

(1) The owner of a business, as stipulated in Article 29(1), which falls under type and size determined by the Presidential Decree, may organize and operate a labor-management consultative body on safety and health, composed of the same number of workers and employers (hereinafter referred to as a "labor-management consultative body") as prescribed by the Presidential Decree.

(2) In case a business owner establishes and operate a labor-management consultative body according to paragraph 1, he or she shall be regarded to establish and operate an occupational safety and health committee prescribed in Article 19(1) and a consultative body on safety and health prescribed in Article 29(1)1.

(3) A business owner who organize and operate a labor-management consultative body according to Paragraph 1 shall go through deliberation and resolution of the labor-management consultative body regarding matters of each subparagraph in Article 19(2). In this case, the process method on a matter that is not resolved at the labor-management consultative body shall be determined by the Presidential Decree.

(4) A labor-management consultative body, if deemed necessary to maintain and enhance workers' safety and health of the workplace, may determine matters on safety and health of the workplace.

(5) A labor-management consultative body shall have consultation on matters determined by the Ordinance of the Ministry of Labor such as industrial accident prevention and evacuation method in

case of an industrial accident.

(6) A business owner and a worker who organize and operate a labor-management consultative body according to Paragraph 1 shall faithfully implement matters that the labor-management consultative body deliberates, resolves or determines according to paragraph 3 and 4.

(7) Regarding a labor-management consultative body, Article 19(5) and (6) are applied. In this case, "paragraph 2 and 3" shall be regarded as "paragraph 3 and 4", and an "occupational safety and health committee" shall be regarded as a "labor-management consultative body."

*<Newly Inserted by Act No. 8562 Jul. 27, 2007> <Enforcement Date Jan. 1, 2008>*

**Article 30 (Appropriation of Occupational Safety and Health Management Expenses)**

(1) Any person who offers a contract for undertaking work in construction business, shipbuilding and repairs business or other businesses designated by the presidential decree and executes such businesses independently, shall, upon entering into the contract or upon establishing an independent business plan, appropriate occupational safety and health management expenses for the prevention of industrial accidents and diseases pursuant to the Ordinance of the Ministry of Labor, in the amount of the contract or work expenses. *<Amended by Act No. 6104, Jan. 7, 2000>*

(2) In order to use efficiently the occupational safety and health management expenses under paragraph (1), the Minister of Labor may determine standards of the following matters:

*<Amended by Act No. 6104, Jan. 7, 2000>*

1. Standards for the disbursement of expenses according to the progress of the construction work;
2. Method and details necessary for the disbursement by the scale and category of the construction work; and  
*<Amended by Act No. 5248, Dec. 31, 1996>*
3. Other matters necessary for the use of the occupational safety and health management expenses. *<Amended by Act No. 6104, Jan. 7, 2000>*

(3) A contractor or a person operating an independent business, as referred to in paragraph (1), shall not use the occupational

safety and health management expenses for any other purpose. In this case, with respect to the occupational safety and health management expenses for which the standards of their use are determined under paragraph (2), he shall use the expenses according to such standards, and prepare and keep a record of the expenses spent under the conditions prescribed by the Ordinance of the Ministry of Labor. <Amended by Act No. 6847, Dec. 30, 2002>

(4) If a contractor or a person executing a business independently as prescribed by the Ordinance of the Ministry of Labor, among those referred to in paragraph (1), desires to use the occupational safety and health management expenses, he shall receive instruction in advance from a specialized institution (hereinafter referred to as the "Specialized Institution Providing Guidance On Accident Prevention") designated by the Minister of Labor, on the method of their use and accident and disease prevention measures, etc. <Newly Inserted by Act No. 4916, Jan. 5, 1995, Act No. 5248, Dec. 31, 1996, Act No. 6104, Jan. 7, 2000, and Act No. 7920, Mar. 24, 2006>

(5) The requirements and procedures for designating a Specialized Institution Providing Guidance On Accident Prevention, the contents of instructions, and other necessary matters pursuant to paragraph (4) shall be determined by the Presidential Decree. <Amended by Act No. 4916, Jan. 5, 1995, Act No. 6104, Jan. 7, 2000, and Act No. 7920, Mar. 24, 2006>

(6) The provisions of Article 15-2 and 15-3 shall be applied mutatis mutandis to the Specialized Institution Providing Guidance On Accident Prevention referred to in paragraph (4). In this case, the "safety management service institution" shall be construed as the "Specialized Institution Providing Guidance On Accident Prevention". <Newly Inserted by Act No. 6104, Jan. 7, 2000 and Act No. 7920, Mar. 24, 2006>

### **Article 31 (Safety and Health Education)**

(1) an employer shall periodically conduct education on safety and health for the workers of his work place of business as prescribed by the Ordinance of the Ministry of Labor.

(2) When an employer employs workers, and when he changes the contents of work, he shall conduct education for the workers on safety and health related to the work as prescribed by the Ordinance of the Ministry of Labor.

(3) When an employer employs workers for a hazardous or dangerous job, he shall conduct special education on safety and

health related to the work as prescribed by the Ordinance of the Ministry of Labor.

(4) an employer may conduct the education on safety and health as referred to in paragraphs (1) through (3) by entrusting it to an educational institution designated by the Minister of Labor (hereinafter referred to as the "designated educational institution").

(5) The requirements and procedures for designating an educational institution and other necessary matters shall be determined by the Presidential Decree. *<Amended by Act No. 6104, Jan. 7, 2000>*

(6) The provisions of Article 15-2 shall be applied mutatis mutandis to the designated educational institution referred to in paragraph (4). In this case, the "safety management service institution" shall be construed as the "designated educational institution". *<Newly inserted by Act No. 6104, Jan. 7, 2000>*

#### **Article 32 (Education for Safety and Health Manager)**

(1) A person falling under any of the following subparagraphs shall receive job competency education on safety and health (hereinafter referred to as "job competency education") to be conducted by the Minister of Labor: *<Amended by Act No. 5248, Dec. 31, 1996, Act No. 7920, Mar. 24, 2006, and Act No. 8562 Jul. 27, 2007>* *<Enforcement Date Jan. 1, 2008>*

1. A safety and health manager, safety manager and health manager;
2. Deleted *<by Act No. 8562 Jul. 27, 2007>* *<Enforcement Date Jan. 1, 2008>*;
3. A person engaged in the Specialized Institution Providing Guidance On Accident Prevention ;
4. Deleted *<by Act No. 8562 Jul. 27, 2007>* *<Enforcement Date Jan. 1, 2008>*

(2) Notwithstanding paragraph (1), in a case determined by the Ordinance of the Ministry of Labor such as receiving education according to other laws, whole or part of job competency education may be exempted. *<Amended by Act No. 8562 Jul. 27, 2007>* *<Enforcement Date Jan. 1, 2008>*

(3) Necessary matters for time, content and method of education shall be determined by the Ordinance of the Ministry of Labor. *<Newly Inserted by Act No. 8562 Jul. 27, 2007>* *<Enforcement Date Jan. 1, 2009>*

#### **Article 33 (Protective Measures for Hazardous or Dangerous Machines, Instruments, etc.)**

(1) Machines and instruments required for hazardous or dangerous work or operated by electric power, which are prescribed by the Presidential Decree, shall not be transferred, leased, installed, used, or displayed for the purpose of transfer or lease, without taking protective measures for the prevention of hazard and danger, as prescribed by the Minister of Labor.

(2) Any person who lends or borrows machines, instruments, equipment, building, etc. as prescribed by the Presidential Decree, to or from another person, shall take measures necessary for the prevention of hazard and danger as prescribed by the Ordinance of the Ministry of Labor. *<Amended by Act No. 4916, Jan. 5, 1995>*

(3) Deleted *<by Act No. 8562 Jul. 27, 2007><Enforcement Date Jan. 1, 2009>*

(4) Deleted *<by Act No. 8562 Jul. 27, 2007><Enforcement Date Jan. 1, 2009>*

(5) Deleted *<by Act No. 8562 Jul. 27, 2007><Enforcement Date Jan. 1, 2009>*

(6) Deleted *<by Act No. 8562 Jul. 27, 2007><Enforcement Date Jan. 1, 2009>*

(7) Deleted *<by Act No. 8562 Jul. 27, 2007><Enforcement Date Jan. 1, 2009>*

(8) Deleted *<by Act No. 8562 Jul. 27, 2007> <Enforcement Date Jan. 1, 2009>*

(9) Deleted *<by Act No. 8562 Jul. 27, 2007><Enforcement Date Jan. 1, 2009>*

(10) Deleted *<by Act No. 8562 Jul. 27, 2007><Enforcement Date Jan. 1, 2009>*

*<Title of this Article Amended by Act No. 7920, Mar. 24, 2006>  
<Enforcement Date Sep. 25, 2006>*

#### **Article 34 (Safety Certification)**

**(1)** To assess the safety of hazardous or dangerous machines, instruments, equipment as well as protective devices and personal protective equipment (hereinafter referred to as "machines, instruments, etc. subject to safety certification"), the Minister of Labor may determine and announce safety certification criteria concerning performance on safety of machines, instruments, etc. subject to safety certification and a manufacturer's technology capacity, production system, etc. (hereinafter referred to as "safety

certification criteria") In this case, safety certification criteria may be determined classified by kind, standard and type of machines, instruments, etc. subject to safety certification.

(2) Those who manufacture (including a case in which manufacturing abroad and exporting to the Republic of Korea, and setting up machines, instruments, etc. subject to safety certification, as well as changing major structural part. The following is the same from this Article to Article 34-4.) machines, instruments, etc. subject to safety certification deemed necessary for safety and health of workers and determined by the Presidential Decree (hereinafter referred to as "machines, instruments, etc. subject to mandatory safety certification") shall receive safety certification conducted by the Minister of Labor on whether machines, instruments, etc. subject to mandatory safety certification are in accord with safety certification criteria: Provided that, in a case determined by the Ordinance of the Ministry of Labor such as importing secondhand machines, instruments, etc. subject to mandatory safety certification from foreign countries, those who import may receive safety certification.

(3) In case of falling under any of the following subparagraphs, all or part of safety certification prescribed in paragraphs (2) may be exempted under the conditions determined by the Decree of the Minister of Labor:

1. machines, instruments, etc. which have manufactured or imported with the aim of research and development, or manufactured with the aim of export;
2. machines, instruments, etc. which have received certification from foreign safety certification institutions recognized by the Minister of Labor; and
3. machines, instruments, etc. which have received a test or certification in other laws.

(4) In the event of assessing the performance on safety of machines, instruments, etc. not subject to mandatory safety certification, a person who manufactures may apply safety certification to the Minister of Labor. In this case, the Minister of Labor may carry out safety certification according to safety certification standard.

(5) The Minister of Labor shall confirm whether a person who manufactures complies with safety certification standard under paragraph (2) and (4) (hereinafter referred to as "safety certification"). In this case, a confirmation cycle shall be determined by the Ordinance of the Ministry of Labor under three years.

(6) Application method and procedure of safety certification, and method and procedure of confirmation under paragraph (5) shall be determined by the Ordinance of the Ministry of Labor.

**Article 34-2 (Mark, etc. of Safety Certification)**

(1) A person who has received safety certification shall make on machines, instruments, etc. subject to safety certification, and the packages and containers of the machines, instruments, etc. a safety certification mark (hereinafter referred to as "safety certification mark") pursuant to the Ordinance of the Ministry of Labor.

(2) Those not machines, instruments, etc. subject to safety certification which have received safety certification shall not use the safety certification for publicity.

(3) A person who manufactures, imports, transfers and lends machines, instruments, etc. subject to safety certification which have received safety certification, shall not arbitrarily change and remove safety certification mark.

(4) In case of falling under any of the following subparagraphs, the Minister of Labor shall order to remove safety certification mark or other similar mark:

1. In case safety certification mark or other similar mark is made in violation of paragraph (2); and

2. In case safety certification is revoked, or usage prohibition order of safety certification mark is given pursuant to Article 34-3 (1).

**Article 34-3 (Revocation of Safety Certification)**

(1) If a person who has received the certification falls under any of the following subparagraphs, the Minister of Labor may revoke the safety certification, prohibit the use of safety certification mark, or order improvements in accordance with safety certification criteria by setting a period within six months: Provided that, in the case of subparagraph 1, safety certification shall be revoked:

1. If a person has received the certification in a false or other unfair manner;

2. If machines, instruments, etc. subject to safety certification

which has received safety certification are not in accordance with safety certification criteria in their performance, etc.; and

3. If a person refuses, avoids or interrupts the confirmation under Article 34(5) without a justifiable reason.

(2) If the Minister of Labor revokes safety certification pursuant to paragraph (1), he/she shall make public notice determined by the Ordinance of the Ministry of Labor.

(3) Those whose safety certification is revoked pursuant to paragraph (1) shall not apply for machines, instruments, etc. subject to safety certification in the same size and form within one year of the date safety certification is revoked.

**Article 34-4 (Prohibition, etc. of Manufacture, Import, etc. of Machines, Instruments, etc. Subject to Mandatory Safety Certification)**

(1) Machines, instruments, etc. subject to safety certification falling under any of the following subparagraphs shall not be manufactured, imported, transferred, leased, or used or displayed for the purpose of transfer or lease:

1. Machines, instruments, etc. subject to safety certification which did not receive safety certification (excluding cases in which all of safety certification is exempted pursuant to Article 34 (3)); and

2. Machines, instruments, etc. subject to safety certification whose safety certification is revoked, or machines, instruments, etc. subject to safety certification which receives an order to prohibit the use of safety certification mark.

(2) The Minister of Labor may order those who manufacture, import, transfer or lease machines, instruments, etc. subject to mandatory safety certification in violation of paragraph (1) to collect and destroy machines, instruments, etc. subject to mandatory safety certification as determined by the Ordinance of the Ministry of Labor.

**Article 34-5 Deleted** <by Act No. 8562, Jul. 27, 2007> <Enforcement Date Jan. 1, 2009>

**Article 34-6 Deleted** <by Act No. 8562, Jul. 27, 2007> <Enforcement Date Jan. 1, 2009>

**Article 35** (Report of Self Safety Confirmation)

(1) Those who manufacture or import (including installing machines, instruments, etc. subject to self safety confirmation or changing a major structural part. The rest is the same this Article through Article 35-4.) machines, instruments, etc. subject to safety certification determined by the Presidential Decree (hereinafter referred to as "machines, instruments, etc. subject to self safety confirmation") which are not machines, instruments, etc. subject to mandatory safety certification, shall confirm (hereinafter referred to as "self safety confirmation") whether the performance on safety of machines, instruments, etc. subject to self safety confirmation is in accordance with the safety standard determined and announced by the Minister of Labor (hereinafter referred to as "self safety standard") and then report to the Minister of Labor. (including changing the reported matters): Provided that, if falling under any of the following subparagraphs, reporting to the Minister of Labor may be exempted:

1. Manufacturing and importing for the purpose of research and development, or manufacturing for the purpose of export;
2. Receiving safety certification pursuant to Article 34 (4) (excluding the revocation of safety certification and the receipt of usage prohibition order of safety certification mark under Article 34-3 (1)); and
3. Receiving a test or certification on safety in other laws determined by the Ordinance of the Ministry of Labor

(2) Those who have reported pursuant to paragraph (1) shall keep the document that verifies machines, instruments, etc. subject to self safety confirmation are in accordance with self safety standard.

(3) The reporting method under paragraph (1) and the matters necessary for document maintenance under paragraph (2) shall be determined by the Ordinance of the Ministry of Labor.

**Article 35-2** (Marking etc. of self Safety Confirmation)

(1) Those who have reported pursuant to Article 35(1) shall make a mark of self safety confirmation as prescribed by the Ordinance of the Ministry of Labor (hereinafter referred to as a "mark of self safety confirmation") on machines, instruments, etc. subject to self safety confirmation, or a container and packing of the machines,

instruments, etc.

(2) Machines, instruments, etc. that are not reported ones subject to self safety confirmation under Article 35(1) shall not have a mark of self safety confirmation or similar mark, and put an advertisement on self safety confirmation.

(3) Those who manufacture, import, transfer or lease machines, instruments, etc. subject to self safety certification that are reported pursuant to Article 35(1) shall not arbitrarily change and remove a mark of self safety confirmation

(4) The Minister of Labor shall, if falling under any of the following subparagraphs, order to remove a mark of self safety confirmation or similar mark:

1. Making a mark of self safety confirmation or similar mark in violation of paragraph (2);
2. Reporting pursuant to Article 35(1) in a false or other unfair manner; and
3. Receiving a usage prohibition order of self safety confirmation under Article 35-3

**Article 35-3 (Usage Prohibition etc. of Self Safety Confirmation Mark)**

If the performance on safety of machines, instruments, etc. subject to self safety confirmation which are reported pursuant to Article 35(1) does not meet self safety standard, the Minister of Labor may order a person who has reported under Article 35(1) to ban using a mark of self safety certification or improve according to self safety standard by setting a period of six months or less.

**Article 35-4 (Prohibition, etc, of Manufacture, Import, etc. of Machines, Instruments, etc. Subject to Self Safety Confirmation)**

(1) Machines, instruments, etc. subject to self safety confirmation falling under any of the following subparagraphs shall not be manufactured, imported, transferred or leased, and be displayed for transfer or lease:

1. Failing to report pursuant to Article 35(1) (excluding the exemption of report under the proviso of Article 35(1))
2. Reporting pursuant to Article 35(1) in a false or other unfair manner; and

3. Receiving a usage prohibition order of self safety confirmation mark under Article 35-3

(2) Targeting those who manufacture, import, transfer or lease machines, instruments, etc. subject to self safety confirmation in violation of paragraph (1), the Minister of Labor may order to collect or scrap the machines, instruments, etc. subject to self safety confirmation as prescribed by the Ordinance of the Ministry of Labor.

**Article 36 (Safety Inspection)**

(1) An employer who uses hazardous or dangerous machines, instruments and equipment determined by the Presidential Decree (hereinafter referred to as "hazardous or dangerous machines, etc.") shall take an inspection administered by the Minister of Labor on whether the safety performance of hazardous or dangerous machines, etc. meets the inspection standard determined and announced by the Minister of Labor (hereinafter referred to as "safety inspection"): Provided that, if an employer has taken an inspection or certification on safety under any other laws determined by the Ordinance of the Ministry of Labor, he/she may be exempted from a safety inspection.

(2) Hazardous or dangerous machines, etc. falling under any of the following subparagraphs shall not be used:

1. Hazardous or dangerous machines, etc. which have not taken a safety inspection (excluding a case where a safety inspection is exempted pursuant to the proviso of paragraph (1)); and

2. Hazardous or dangerous machines, etc. which have failed to pass a safety inspection

(3) Necessary matters concerning application, inspection method and inspection cycle of a safety inspection shall be determined by the Ordinance of the Ministry of Labor. In this case, inspection cycle shall be determined in consideration of the type of hazardous or dangerous machines, etc., a term of usage and dangerousness.

**Article 36-2 (Safety Inspection According to Self Inspection Program)**

(1) Despite Article 36(1), if an employer determines an inspection program which meets the inspection standard under Article 36(1) and inspection method, inspection cycle, etc. under Article 36(3) in consultation with workers' representative (hereinafter referred to as "self inspection program"), receives authorization of the Minister of

Labor, and accordingly conducts a performance inspection on the safety of hazardous or dangerous machines, etc., he/she shall be regarded having a safety inspection. In this case, the valid term of self inspection program shall be two years.

(2) If an employer intends to conduct an inspection according to self inspection program, he/she shall have a person who completes qualification education determined by the Ordinance of the Ministry of Labor and has experience carry out an inspection, and record and preserve the result of the inspection.

(3) An employer may conduct the self-inspection referred to in paragraph (2) by entrusting it to an inspection institution designated by the Minister of Labor (hereinafter referred to as the “designated inspection institution”).

(4) If a person who receives authorization of self-inspection program falls under any of the following subparagraphs, the Minister of Labor may order improvement, such as revoking the authorization of self-inspection program, conducting an inspection according to the content of recognized self-inspection program, etc.: Provided that, authorization shall be revoked in the case of subparagraph 1:

1. If a person has received the self-inspection program in a false or other unfair manner;
2. Although a person has received the self-inspection program, he/she did not conduct an inspection;
3. If a person has not conducted an inspection according to the content of recognized self-inspection program; and
4. An inspection has not been conducted by a person with qualification stipulated in paragraph (2) or a designated inspection institution.

(5) An employer shall not use hazardous or dangerous machines, etc. whose authorization of self-inspection program has revoked pursuant to paragraph (4).

(6) Necessary matters concerning the content of self-inspection program, the authorization conditions, method and procedures of self-inspection program, designation conditions and procedures of a designated inspection institution shall be determined by the Ordinance of the Ministry of Labor.

(7) The provisions of Article 15-2 shall be applied mutatis mutandis to the designated inspection institution. In this case, the “safety management service institution” shall be construed as the “designated inspection institution”.

**Article 36-3 (Support for Manufacturing Business, etc. of Protective Devices)**

(1) The Minister of Labor may, for the purpose of the promotion of product quality and design and construction capability, give necessary support within budgetary limits to a person meeting the criteria designated by the Ordinance of the Ministry of Labor, who produces protective devices or personal protective equipment for the prevention of hazard and danger, and a person who designs and constructs equipment for the improvement of working conditions.

(2) A person who desires to receive support under paragraph (1) shall meet the requirements of the Decree of the Ministry of Labor and make application to the Minister of Labor.

(3) If a person who has registered under paragraph (2) is found to have registered in false or other fraudulent ways, the Minister of Labor may cancel the registration.

(4) The details of the support, registration and cancellation procedures prescribed in paragraphs (1) through (3) and other necessary matters shall be determined by the Ordinance of the Ministry of Labor.

**Article 37 (Prohibition of Manufacturing, etc.)**

(1) No person shall manufacture, import, transfer, offer or use the substances falling under any of the following subparagraphs and determined by the Presidential Decree: Provided that this shall not apply if such substances are manufactured, imported or used for test or research purpose only under the conditions determined by the Presidential Decree. <Amended by Act No. 6847, Dec. 30, 2002>

1. Substances proven to cause occupational cancers and identified as especially hazardous to workers' health; <Newly Inserted by Act No. 6847, Dec. 30, 2002>
2. Substances likely to cause significant health problems to workers based on the results of risk assessment under Article 39 or Article 40; and <Newly Inserted by Act No. 6847, Dec. 30, 2002>

(2) In case of meeting the standard set by the Ordinance of

the Ministry of Labor for a test or research in spite of paragraph (1), a person can manufacture, import or use substance referred to as paragraph (1) with the approval of the Minister of Labor.

(3) If a person who receives authorization under paragraph (2) does not meet the standard referred to as the same paragraph, the authorization shall be cancelled. *<This Article Wholly Amended by Act No. 7920, Mar. 24, 2006>*

**Article 38 (Permission of Manufacturing, etc.)**

(1) A person who desires to manufacture, use, dismantle or remove the substances falling under any of the subparagraphs of Article 37 (1) and determined by the Presidential Decree, shall obtain in advance permission from the Minister of Labor as prescribed by the Ordinance of the Ministry of Labor. This provision shall also apply when a person intends to modify any of what was previously permitted. *<Amended by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>*

(2) Equipment for manufacturing, using, dismantling or removing the substances prescribed in paragraph (1), working methods and other standards for permission shall be determined by the Minister of Labor. *<Amended by Act No. 6847, Dec. 30, 2002>*

(3) Any person who has obtained permission under paragraph (1) (hereinafter referred to as the "hazardous substance manufacturer, user, etc.") shall maintain equipment for manufacturing, using, dismantling or removing the substances in conformity with the standards referred to in paragraph (2), and shall manufacture, use, dismantle or remove the substances by proper working methods which conform to such standards. *<Amended by Act No. 6847, Dec. 30, 2002>*

(4) If the Minister of Labor deems that equipment for manufacturing, using, dismantling or removing the substances or the working method of a hazardous substance manufacturer, user, etc. is not in conformity with the standards referred to in paragraph (2), the Minister of Labor may order the hazardous substance manufacturer, user, etc. to repair, remodel or transfer the equipment so as to be made in conformity with the standards concerned, or to manufacture, use, dismantle or remove the substances according to working methods which conform to the standards. *<Amended by Act No. 6847, Dec. 30, 2002>*

(5) If a hazardous substance manufacturer, user, etc. falls under any of the following subparagraphs, the Minister of Labor may revoke the permission, or order the suspension of business for a fixed period not exceeding six months: Provided

that in the case of subparagraph 1, the permission shall be revoked. <Amended by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>

1. When those concerned were designated in false or other illegal ways;
2. When those concerned do not meet the permission standards pursuant to paragraph (2);
3. When those concerned violate the provisions of paragraph (3);
4. When the orders under paragraph (4) are violated;
5. When immediate repairs and necessary measures are not taken after problems are discovered as a result of self-inspection; and
6. Deleted <by Act No. 7920, Mar. 24, 2006>

(6) The application procedure for the permission under paragraph (1) and other necessary matters shall be determined by the Presidential Decree. <Amended by Act No. 6104, Jan. 7, 2000>

#### **Article 39 (Management, etc. of Hazardous Agents)**

(1) The Minister of Labor shall classify and manage chemicals, physical agents, etc. causing health problems to workers (hereinafter referred to as the "hazardous agents") according to the classification standards determined by the Ordinance of the Ministry of Labor.

(2) The Minister of Labor shall set the occupational exposure limits for the hazardous agents and announce them in an official gazette. etc.

(3) The Minister of Labor may assess the risk of the hazardous agents to workers' health and publicly announce the results of the hazard and risk assessment in an official gazette, etc.

(4) Necessary matters concerning selection criteria and assessment methods for the substances to be assessed for their risk under paragraph (3) shall be determined by the Ordinance of the Ministry of Labor. <This Article Wholly Amended by Act No. 6847, Dec. 30, 2002>

#### **Article 39-2 (Compliance with Permission Standards of Hazardous Agents)**

(1) As for hazardous agents as prescribed by the Presidential Decree, which could cause serious health problems to workers, such as a carcinogen, an employer shall maintain the exposure density of hazardous agents in the workplace below the level of permission standards determined by the Ordinance of the Ministry of Labor, except in any of the following cases:

1. Installation and improvement of facilities and equipment is not

possible with the current technology:

2. A serious defect happens with facilities and equipment caused by a natural disaster, etc.;
3. Temporary work and short-term work which is determined by the Ordinance of the Ministry of Labor; and
4. Other cases that are determined by the Presidential Decree

(2) In spite of the proviso in paragraph 1, an employer shall strive to maintain the exposure density of hazardous agents below the level of permission standards as stipulated in paragraph (1).

**Article 40 (Hazard and Risk Evaluation of New Chemical)**

(1) Any employer who desires to manufacture or import any chemical other than those prescribed by the Presidential Decree (hereinafter referred to as the “new chemical”), shall submit to the Minister of Labor a hazard and risk evaluation report on the new chemical, to prevent any health problems of workers which may be caused by the chemical, as prescribed by the Presidential Decree, except in any of the following cases:

*<Amended by Act No. 6847, Dec. 30, 2002>*

1. Cases where the new chemical is imported to supply daily necessities to general consumers; and
2. Cases(prescribed by the Ordinance of the Ministry of Labor) where the import quantity of the new chemical is small, or it is deemed that the degree of hazard and risk is low.

(2) Any employer shall immediately take necessary measures according to the result of the hazard and risk evaluation under paragraph (1), for preventing health problems of workers which are caused by new chemicals. *<Amended by Act No. 6847, Dec. 30, 2002>*

(3) The Minister of Labor shall, upon receiving the hazard and risk evaluation report on new chemical under paragraph (1), publicly announce the names of the new chemical, its risk, measures to be taken, etc. as prescribed by the Ordinance of Ministry of Labor and inform the ministries and agencies concerned. *<Amended by Act No. 6847, Dec. 30, 2002>*

(4) The Minister of Labor may order the employer to take necessary preventive measures, such as the installation or maintenance of facilities and equipment, the provision of personal protective equipment, etc., if it is deemed necessary to prevent workers' health problems according to the hazard and risk

evaluation report submitted under paragraph (1). <Amended by Act No. 6847, Dec. 30, 2002>

(5) When an employer supplies or provides new chemical, he/she shall also give documents containing all the measures that need to be taken to prevent workers' health problems prescribed in paragraph (4). <Newly Inserted by Act No. 6847, Dec. 30, 2002>

**Article 41 (Preparation, Maintaining, etc. of Material Safety Data Sheet)**

(1) If an employer desires to manufacture, import, use, transport or store any chemical or preparations containing chemicals (excluding such preparations as prescribed by the Presidential Decree; hereinafter the same shall apply), he/she shall prepare in advance data specifying all the following matters (hereinafter referred to as "material safety data sheet"), and post and maintain them in their work area to be seen easily by workers handling such substances: <Amended by Act No. 6847, Dec. 30, 2002>

1. Name, ingredients and composition of the chemical;  
<Amended by Act No. 6847, Dec. 30, 2002>
2. Handling precaution for safety and health;
3. Health and ecological hazards identification; and  
<Amended by Act No. 6847, Dec. 30, 2002>
4. Other matters as determined by the ordinance of the ministry of Labor.

(2) In spite of paragraph (1), when recording Material Safety Data Sheet, an employer may not record concretely recognizable information for chemical substance or substance containing chemicals recognized to have protection value as a business secret as determined by the Ordinance of the Ministry of Labor. Instead, this is not the case for chemical substance or substance containing chemicals, which might cause serious health problems to workers prescribed by the Minister of Labor. <Amended by Act No. 7920, Mar. 24, 2006>

(3) For the safety and health of workers handling the chemical or preparations containing chemicals referred to in paragraph (1), an employer shall take proper measures, such as putting warning label on its container and package and conducting education for workers, etc. <Amended by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>>

(4) If the chemical or preparations containing chemicals referred to in paragraph (1) are supplied or provided, the material safety data sheet shall be supplied or provided together

with them.<Amended by Act No. 7920, Mar. 24, 2006>

(5) If it is deemed necessary for maintaining the safety and health of workers handling the chemical or preparations containing chemicals as referred to in paragraph (1), the Minister of Labor may order the employer to submit the material safety data sheet, or to modify the precautionary measures in handling described in the material safety data sheet.<Amended by Act No. 7920, Mar. 24, 2006>

(6) an employer shall post the management method for handling chemical or preparations containing chemicals at each stage of working process.<Amended by Act No. 7920, Mar. 24, 2006>

(7) If it is required for maintaining the safety and health of the workers, the Minister of Labor may provide the workers and the employer with information related to the material safety data sheet.<Amended by Act No. 7920, Mar. 24, 2006>

(8) A doctor who treats a worker, occupational physician, health manager(including health management service institution prescribed in Article 16-3) or the representative of workers may request the employer to provide information not prescribed in Material Safety Data Sheet under paragraph (2) as determined by the Ordinance of the Ministry of Labor in order to maintain a worker's safety and health, and the employer shall comply. <This Article Newly Inserted by Act No. 7920, Mar. 24, 2006>

(9) The preparation and submission of the material safety data sheet, the contents, location and posting method of warning labels, and other necessary matters, shall be determined by the Ordinance of the Ministry of Labor. Matters relating to the Toxic Chemicals Control Act in the material safety data sheet shall be determined after consultation with Minister of Environment.

<Amended by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>

## CHAPTER V

### Health Management of Workers

#### Article 42 (Work Environment Monitoring, etc.)

(1) an employer shall have the person holding the qualification determined by the Ordinance of the Ministry of Labor monitor and evaluate the work environment of workplaces where hazardous work to the workers' health is being carried

out and determined by the Ordinance of the Ministry of Labor, and then record and keep the results and report them to the Minister of Labor as determined by the Ordinance of the Ministry of Labor. In this case, if the workers representative requests, he/she shall allow the workers' representative to observe the work environment monitoring. *<Amended by Act No. 6847, Dec. 30, 2002>*

(2) The method, frequency and other necessary matters of the work environment monitoring referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Labor.

*<Amended by Act No. 6847, Dec. 30, 2002>*

(3) an employer shall inform workers at the particular workplace about the result of the work environment monitoring referred to in paragraph (1), and take appropriate measures in accordance with the results, such as the installation, improvement, etc., of facilities and equipment for the protection of the workers' health.

(4) an employer may conduct the work environment monitoring and the accompanying analysis of samples prescribed in paragraph (1) by entrusting it to a monitoring institution designated by the Minister of Labor(hereinafter referred to as the "certified monitoring institution"). *<Amended by Act No. 6847, Dec. 30, 2002>*

(5) an employer or a institution which has conducted the work environment monitoring shall hold an explanatory meeting on the result of the work environment monitoring, upon request by the occupational safety and health committee under Article 19 or workers representative.

(6) Types of certified monitoring institutions, business scopes, designation requirements, designation procedures and other necessary matters shall be determined by the Presidential Decree. *<Amended by Act No. 6847, Dec. 30, 2002>*

(7) The Minister of Labor shall assess certified monitoring institutions' ability to conduct the work environment monitoring and analysis and conduct guidance and education according to the result of the assessment to secure accuracy and reliability of the work environment monitoring. In this case, method, process, etc. of the assessment, guidance and education shall be determined and announced by the Minister of Labor. *<This Article Newly Inserted by Act No. 7920, Mar. 24, 2006>*

(8) The Minister of Labor may, if deemed necessary to improve the level of the work environment monitoring, assess the certified monitoring institutions (including the assessment under paragraph (7)) and publicly announce the results of the assessment.

In this case, the assessment standard, etc. shall be determined by the Ordinance of the Ministry of Labor.

*<Newly Inserted by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>*

(9) Article 15-2 shall be applied to the certified monitoring institutions prescribed in paragraph (4). In such case, "safety management service institution" shall be deemed as "certified monitoring institution." *<Newly Inserted by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>*

**Article 42-2 (Integrity Assessment of Work Environment Monitoring)**

(1) The Minister of Labor may, if deemed necessary to assess accuracy and precision of the result of the work environment monitoring under Article 42 (1), may conduct reliability assessment. (hereinafter referred to as the "Reliability Assessment")

(2) In case reliability assessment is conducted, the employer or the worker concerned shall fully cooperate with the assessment.

(3) Method, subject and procedures of reliability assessment and other necessary matters shall be determined by the Ordinance of the Ministry of Labor. *<Newly Inserted by Act No. 8475, May 17, 2007>*

**Article 43 (Health Examination)**

(1) an employer shall conduct health examinations for workers at an institution designated by the Minister of Labor or an institution conducting a health examination according to the National Health Insurance Act (hereinafter referred to as the "health examination institution") to protect and maintain workers' health. In case there is a request from a workers' representative, the employer shall allow the workers' representative to attend the health examinations. *<Amended by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>*

(2) If it is deemed necessary for protecting the health of workers, the Minister of Labor may order the employer to conduct a tentative health examination for specific workers or other necessary matters. *<Amended by Act No. 4916, Jan. 5, 1995>*

(3) Workers shall undergo the health examinations conducted by the employer under paragraphs (1) and (2) : Provided that if the workers do not want to receive health examinations from the doctor, dentist or health examination institution designated by the employer, they may receive equivalent health examinations from other health examination institutions, etc. and submit to

the employer a document certifying the result. <Newly Inserted by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>

(4) When an employer has conducted the health examinations as referred to in paragraphs (1) and (2), he shall notify the workers of the result without delay and report it to the minister of Labor. <Amended by Act No. 6847, Dec. 30, 2002>

(5) If it is deemed necessary for maintaining the health of workers, as a result of the health examination as referred to in paragraphs (1) and (2), or other Acts and subordinate statutes, an employer shall move the workplace, change the work, shorten the working hours, conduct a work environment monitoring, install or improve facilities and equipment, or take other proper measures. <Amended by Act No. 6847, Dec. 30, 2002>

(6) In case of request by the occupational safety and health committee under Article 19 or the representative of workers, the employer or the health examination institution, etc. conducting the health examination shall explain the result of the health examination: Provided that the result of the health examination of a worker may not be made open to the public without his consent. <Amended by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>

(7) an employer shall not use the result of the health examinations referred to in paragraphs (1) and (2), for any other purpose than to protect and maintain the health of the workers concerned. <Newly Inserted by Act No. 6847, Dec. 30, 2002>

(8) The types, time, frequency, items, costs and designation, management of the health examination under paragraph (1), the implementation of the tentative health examination under paragraph (2), the notification and report of the result of health examinations under paragraph (4), the proper measures under paragraph (5) and other matters needed to conduct the health examinations shall be prescribed by the Ordinance of the Ministry of Labor. <Amended by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>

(9) The Minister of Labor shall assess health examination institutions' ability to examine and analyze health and conduct guidance and education according to the result of the assessment to secure accuracy and reliability of the health examination. In this case, method, process, etc. of the assessment, guidance and education shall be determined and announced by the Minister of Labor. <Newly Inserted by Act No. 7920, Mar. 24, 2006>

(10) The provisions of Article 15-2 shall be applied to the

institution designated by the Minister of Labor among the health examination institution referred to in paragraph (1). In this case, the “safety management service institution” shall be construed as the “health examination institution.” <Newly Inserted by Act No. 6847, Dec. 30, 2002 and Act No. 7920, Mar. 24, 2006>

**Article 43-2 (Disease Investigation)**

(1) The Minister of Labor may, if deemed necessary to diagnose occupational diseases and identify the causes of the diseases or to prevent occupational diseases, conduct an occupational disease investigation (hereinafter referred to as the “disease investigation”) on correlations between workers’ diseases and hazardous elements of the workplace. <Amended by Act No. 6847, Dec. 30, 2002>

(2) Deleted. <Act No. 6847, Dec. 30, 2002>

(3) Deleted. <Act No. 6847, Dec. 30, 2002>

(4) In case a disease investigation is conducted, the employer or the worker concerned shall fully cooperate with the investigation. <Amended by Act No. 6847, Dec. 30, 2002>

(5) The methods, subjects, procedures of a disease investigation and other necessary matters shall be determined by the Ordinance of the Ministry of Labor. <Amended by Act No. 6847, Dec. 30, 2002>

**Article 44 (Health Management Pocketbook)**

(1) The Minister of Labor shall deliver a health management pocketbook to a worker who is engaged in work for a certain period of time or longer as prescribed by the Ordinance of the Ministry of Labor, which might cause health problems.

<Amended by Act No. 5886, Feb. 8, 1999>

(2) No person who receives the health management pocketbook referred to in paragraph (1), shall transfer or lend it to another person.

(3) The contents, form and purpose of the health management pocketbook and other matters necessary for the delivery of the health management pocketbook shall be determined by the Ordinance of the Ministry of Labor.

**Article 45 (Prohibition of or Restriction on Work of Sick Persons)**

(1) With respect to a person who is affected by an infectious or mental disease, or a disease which might grow worse due to work and which is prescribed by the Ordinance of the Ministry of Labor, the employer shall prohibit or restrict the work

according to the diagnosis of the doctor.

(2) When an employee who has been prohibited or restricted from working under paragraph (1), regains his health, the employer shall, without delay, allow him to resume the work.

**Article 46 (Restriction on Extension of Working Hours)**

With respect to an employee who is engaged in hazardous or dangerous work which is prescribed by the Presidential Decree, the employer shall not have him work in excess of six hours per day or thirty-four hours per week.

**Article 47 (Restriction on Employment by Qualification)**

(1) For hazardous or dangerous work which is prescribed by the Ordinance of the Ministry of Labor, the employer shall not allow any person other than those who have the qualification, license, experience or skill required for the work, to perform such work. *<Amended by Act No. 4916, Jan. 5, 1995>*

(2) The Minister of Labor may designate training institutions, so that those holding qualification or license as referred to in paragraph (1) may receive training, or workers may learn skills.

(3) The qualifications, licenses, experiences, and skills under paragraphs (1) and (2), the designation requirements and procedures for training institutions, and other necessary matters shall be determined by the Ordinance of the Ministry of Labor. *<Amended by Act No. 6104, Jan. 7, 2000>*

(4) The provisions of Article 15-2 shall be applied mutatis mutandis to the training institution referred to in paragraph (2). In this case, the "safety management service institution" shall be construed as the "training institution". *<Newly Inserted by Act No. 6104, Jan. 7, 2000>*

## CHAPTER VI

### Supervision and Order

**Article 48 (Submission, etc., of Hazard and Danger Prevention Plan)**

(1) If an employer, operating a business of the category and scale as prescribed by the Ordinance of the Ministry of Labor, installs, moves any structure, machinery, instrument and equipment related to the business concerned, or alters major structural parts thereof, he shall prepare and submit to the Minister of Labor a plan for preventing any hazard and danger

prescribed by this Act or orders issued under this Act (hereinafter referred to as the "hazard and danger prevention plan") as prescribed by the Ordinance of the Ministry of Labor. <Amended by Act No. 6104, Jan. 7, 2000>

(2) The provisions of paragraph (1) shall be applicable to any employer who desires to install or move machinery, instruments and equipment which require any hazardous or dangerous work, or are used at a hazardous or dangerous place, or for preventing any health problems as prescribed by the Ordinance of the Ministry of Labor, or who desires to alter major structural parts thereof.

(3) Any employer who desires to start any construction work of the scale prescribed by the Ordinance of the Ministry of Labor, shall submit to the Minister of Labor the hazard and danger prevention plan as prescribed by this Act or order issued under this Act under the conditions prescribed by the Ordinance of the Ministry of Labor. <Amended by Act No. 4916, Jan. 5, 1995; Act No. 5248, Dec. 31, 1996>

(4) If the Minister of Labor deems it necessary for the safety and health of workers after examining the hazard and danger prevention plan referred to in paragraphs (1) through (3), he may order the discontinuation of the undertaking of the work or the modification of the plan.

(5) Any employer who has submitted the hazard and danger prevention plan under paragraphs (1) through (3), shall obtain confirmation from the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

#### **Article 49 (Safety and Health Diagnosis)**

(1) The Minister of Labor may order the workplaces prescribed by the Ordinance of the Ministry of Labor to undergo a safety and health diagnosis conducted by those (hereinafter referred to as "Safety and Health Diagnosis Institution") who are designated by the Minister of Labor. <Amended by Act No. 6104, Jan. 7, 2000>

(2) an employer shall cooperate positively in the safety and health diagnosis activities referred to in paragraph (1), and shall not refuse, interfere with or evade such activities without justifiable reason. In this case, the employer shall, upon request of the representative of workers, allow him/her to attend the safety and health diagnosis.

<Amended by Act No. 5248, Dec. 31, 1996>

(3) The contents of diagnosis, the requirements and procedures

of the designation, and other necessary matters shall be determined by the Presidential Decree. <Amended by Act No. 6104, Jan. 7, 2000>

(4) The provisions of Article 15-2 shall be applied mutatis mutandis to the safety and health diagnosis institution referred to in paragraph (1). In this case, the “safety management service institution” shall be construed as the “safety and health diagnosis institution”. <Newly inserted by Act No. 7920, Mar. 24, 2006>

**Article 49-2 (Submission, etc. of Process Safety Report)**

(1) The employer of a workplace with hazardous or dangerous equipment as prescribed by the Presidential Decree shall prepare and submit a process safety report to the Minister of Labor and keep it in the workplace, to prevent any accident which could inflict an immediate damage on workers in the workplace, or on areas in vicinity of the workplace, due to leakage, fire, explosion, etc. of dangerous substances from such equipment(hereinafter referred to as “the serious industrial accident” in this Article) as prescribed by the Presidential Decree.

<Amended by Act No. 6847, Dec. 30, 2002>

(2) In preparing the process safety report under paragraph (1), the employer shall submit thereof to the deliberation of the occupational safety and health committee: Provided that for a workplace where no occupational safety and health committee is established, the opinions of the representatives of workers shall be heard. <Newly Inserted by Act No. Jan. 5, 1995>

(3) After examining the process safety report, the Minister of Labor may order modifications if he deems it necessary for maintaining and improving the safety and health of the workers.

<Newly Inserted by Act No. Jan. 5, 1995>

(4) Any employer who has submitted a process safety report under paragraph (1), shall obtain confirmation from the Minister of Labor as prescribed by the Ordinance of the Ministry of Labor. <Newly Inserted by Act No. Jan. 5, 1995>

(5) The employer and workers shall observe the contents of the process safety report. <Newly Inserted by Act No. Jan. 5, 1995>

(6) In case there occurs a reason to change the contents of the process safety report kept in the workplace under paragraph (1), an employer shall complement it. <Newly Inserted by Act No. 7467, Mar. 31, 2005>

(7) The Minister of Labor may assess regularly the implementation status of a process safety report as prescribed

by the Ordinance of the Ministry of Labor. <Newly Inserted by Act No. 7467, Mar. 31, 2005>

(8) As a result of assessing the implementation status of a process safety report under paragraph (7), the Minister of Labor may order an employer of the workplace in which complement status is poor under paragraph (6) to submit a process safety report again. <Newly Inserted by Act No. 7467, Mar. 31, 2005>

<This Article Newly Inserted by Act No. 4916, Jan. 5, 1995>

#### **Article 50 (Safety and Health Improvement Plan)**

(1) If it is deemed necessary to take comprehensive improvement measures for the prevention of industrial accidents and diseases with respect to workplace, facilities and other matters, the Minister of Labor may order an employer to formulate and execute a safety and health improvement plan on the workplace, facilities and other matters as prescribed by the Ordinance of the Ministry of Labor.

(2) When the Minister of Labor issues an order under paragraph (1), he may, if it is deemed necessary, order the employer to undergo the safety and health diagnosis referred to in Article 49 (1), and formulate and submit a safety and health improvement plan, as prescribed by the Ordinance of the Ministry of Labor.

(3) When an employer formulates a safety and health improvement plan under paragraph (1), he shall do so through deliberation of the occupational safety and health committee: Provided that for a workplace where the occupational safety and health committee is not established, he shall hear the opinion of the representative of workers.

(4) The employer and workers shall observe the safety and health improvement plan.

#### **Article 51 (Supervisory Measures)**

(1) The labor inspector as referred to in Article 101 of the Labor Standards Act may, when it is necessary to execute this Act or any orders issued under this Act as determined by the Ordinance of the Ministry of Labor, enter any place of the following subparagraphs to ask questions to the persons concerned, carry out an inspection on books, documents and other materials, check out safety and health situation, and take out products, raw materials or apparatus from the workplace to the extent necessary for the inspection without being charged. In this case, the labor inspector shall notify the employer concerned, etc. of the result in writing. <Amended by

*Act No. 6104, Jan. 7, 2000, Act No. 7920, Mar. 24, 2006 and Act No. 8372, Apr. 11, 2007*>

1. the workplace
2. the office of the institution under Article 15 (4), 16 (3), 30 (4), 31 (4), 36 (2), 42 (4), 43 (1) and 49 (1)
3. the office of a consultant registered under Article 52 (4).

(2) If it is deemed necessary for enforcing this Act or any order issued under this Act, the Minister of Labor may order any employer, workers or consultant registered under Article 52-4, to make a report or to be in attendance. *<Newly Inserted by Act No. 4916, Jan. 5, 1995>*

(3) If it is deemed necessary for exercising the power entrusted to the Agency under Article 65, the Minister of Labor may order an employee of the Agency to enter the workplace to conduct any inspection, guidance, etc., necessary for the prevention of industrial accidents and diseases or if it is deemed necessary for the conduction of a disease investigation, an employee of the Agency may ask any question to the persons concerned and demand documents necessary to be submitted. *<Amended by Act No. 5886, Feb. 8, 1999>*

(4) When an employee of the Agency has carried out any inspection or guidance services under paragraph (3), he shall report the result to the Minister of Labor. *<Amended by Act No. 4916, Jan. 5, 1995>*

(5) In case where a person enters a workplace or an office of a consultant registered, under paragraphs (1) and (3), the person shall carry a certificate indicating his status and show it to the persons concerned. *<Amended by Act No. 4916, Jan. 5, 1995>*

(6) If it is deemed necessary as a result of the inspection, etc. referred to in paragraphs (1) and (4), the Minister of Labor may order the employer to replace, stop using or remove any construction, annex, machinery, apparatus, equipment or raw materials or to improve facilities and take other necessary health and safety measures. In this case, the employer ordered to do so by the Minister of Labor shall post what he/she is ordered to do in a place easily seen by workers.

*<Amended by Act No. 6847, Dec. 30, 2002>*

(7) If there exists any imminent danger that an industrial accident and disease may occur, or if the Minister of Labor judges that the order as referred to in paragraph (6) is not obeyed or a dangerous condition has not been removed or improved, he may order the suspension in part or in whole of

work related to the machinery and equipment. <Amended by Act No. 4916, Jan. 5, 1995>

(8) In cases referred to in paragraphs (1) and (4), if it is deemed necessary for the prevention of industrial accidents and diseases, the Minister of Labor may order workers to take proper measures, such as the observance of safety and health management regulations, etc. <Amended by Act No. 4916, Jan. 5, 1995>

#### **Article 51-2 (Request for Suspension of Business)**

(1) In cases where industrial accidents and diseases falling under any of the following subparagraphs, the causes of which are attributable to the employer, have occurred, the Minister of Labor may make a request for the suspension of such work or other sanctions as prescribed in the provisions of relevant Acts and subordinate statutes to the head of the administrative agency concerned, or he make a request to the head of a government-invested institution for necessary restrictions on orders about work placed by the concerned institution: <Newly Inserted by Act No. 5248, Dec. 31, 1996>

1. When accidents prescribed by the Presidential Decree occur, such as those resulting in deaths of the large number of workers in contravention of Article 23, 24 and 29, or serious damage to the neighboring district of the working area; <Amended by Act No. 5886, Feb. 8, 1999>
2. When work in contravention of the order under paragraphs (6) or (7) of Article 51 costs a worker his life.

(2) The head of the administrative agency concerned or government-invested institution, who has received a request as prescribed in paragraph (1), shall be agreeable thereto, unless there is due cause, and inform the Minister of Labor of the result of measures. <Newly Inserted by Act No. 5248, Dec. 31, 1996>

(3) The procedure of request for the suspension of business as referred to in paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Labor.

<Amended by Act No. 5886, Feb. 8, 1999>

#### **Article 52 (Report to Supervisory Body)**

(1) If an act violating this Act or order issued under this Act occurs at workplace, any worker may report it to the Minister of Labor or labor inspector.

(2) No employer shall dismiss or mistreat a worker for making a report as referred to in paragraph (1).

CHAPTER VI-2

**Occupational Safety Consultant and Industrial Hygiene Consultant**

**Article 52-2 (Duties of Consultant)**

(1) An occupational safety consultant shall perform the following duties at the request of others:

1. Evaluation and instruction on safety in a work process;
2. Evaluation and instruction on the prevention of hazard and danger;
3. Preparation of the plan and report referred to in subparagraphs 1 and 2; and
4. Other matters concerning occupational safety as determined by the Presidential Decree.

(2) An industrial hygiene consultant shall perform the following duties at the request of others:

1. Evaluation and instruction on the improvement of work environment;
2. Preparation of a plan and report concerning the improvement of work environment;
3. Research and study on industrial health; and
4. Other matters concerning industrial health as determined by the Presidential Decree.

(3) Matters necessary for the category of service field, the scope of service, etc., of occupational safety and hygiene consultants (hereinafter referred to as the "consultant"), shall be determined by the Presidential Decree.

*<This Article Newly Inserted by Act No. 4916, Jan. 5, 1995>*

**Article 52-3 (Qualification and Examination of Consultant)**

(1) Any person who desires to be a consultant, shall pass the examination for consultant to be held by the Minister of Labor.

(2) Any person who holds the qualification as prescribed by the Ordinance of the Ministry of Labor, may be exempted from part of the examination for consultant as referred to in paragraph (1).

(3) The Minister of Labor may entrust the management of the examination for consultant as referred to in paragraph (1) to the testing agency as prescribed by the Presidential Decree.

(4) The officers and employees of the testing agency entrusted to administer the examination for consultant under paragraph

(3), shall be considered as public officials in the application of the provisions of Articles 129 through 132 of the Criminal Act.

(5) The subjects of the examination for consultant, the scope of exemption from examination for those holding other qualifications, and other necessary matters, shall be determined by the Presidential Decree.

*<This Article Newly Inserted by Act No. 4916, Jan. 5, 1995>*

**Article 52-4 (Registration of Consultant)**

(1) If a consultant desires to commence his service, he shall complete such registration with the Ministry of Labor as prescribed by the Ordinance of the Ministry of Labor. *<Amended by Act No. 5248, Dec. 31, 1996>*

(2) Any consultant who has registered under paragraph (1), may establish a agency to carry out his services systematically and professionally. *<Newly Inserted by Act No. 4916, Jan. 5, 1995>*

(3) Any person who falls under any of the following subparagraphs, cannot make the registration as referred to in paragraph (1):

*<Amended by Act No. 7467, Mar. 31, 2005>*

1. A person who is incompetent or quasi incompetent;
2. A person who is declared bankrupt and who is not yet rehabilitated;
3. A person who was sentenced to a penalty heavier than imprisonment, and for whom two years have not passed since the conclusion of the execution of the sentence or since the decision not to execute the same; *<Amended by Act No. 6847, Dec. 30, 2002>*
4. A person who received a probationary sentence with respect to a penalty heavier than imprisonment and is still under probation; *<Amended by Act No. 6847, Dec. 30, 2002>*
5. A person who was sentenced to a fine in violation of this Act and for whom one year has not passed since the issuance of the sentence; and *<Amended by Act No. 6847, Dec. 30, 2002>*
6. A person for whom two years have not passed since the registration was cancelled under paragraph (4).

(4) If a consultant falls under any of paragraphs (3) 1 through 5, the Minister of Labor may cancel the registration, and if a consultant violates the provisions of Article 52-6, the Minister of Labor may cancel the registration, or order a suspension of business with a fixed period not exceeding six months. *<Newly Inserted by Act No. 4916, Jan. 5, 1995>*

(5) With respect to the agency referred to in paragraph (2),

the provisions of the Commercial Act concerning unlimited partnerships shall be applicable. <Amended by Act No. 7920, Mar. 24, 2006>

**Article 52-5 (Direction for Consultant)**

The Minister of Labor may entrust the Agency to carry out the following services:

1. Direction for the consultant, and the formation and maintenance of a system for liaison and sharing of information;
2. Settlement of grievances and complaints of employers related to the performance of services by a consultant, and mediation of disputes over related damages; and
3. Other matters necessary for the development of the services of a consultant, as determined by the Ordinance of the Ministry of Labor.

<This Article Newly Inserted by Act No. 4916, Jan. 5, 1995>

**Article 52-6 (Keeping Secrets)**

No consultant shall divulge or steal any secret which he has learned in the course of his duties.

<This Article Newly Inserted by Act No. 4916, Jan. 5, 1995>

**Article 52-7 (Liability for Damages)**

(1) If a consultant inflicts intentionally or by negligence any damage on his client in connection with the performance of his service, he shall be liable to compensate for the damage.

(2) Any consultant as prescribed in Article 52-4 (1) shall carry security insurance or take other necessary measures to guarantee liability for damages as referred to in paragraph (1), as prescribed by the Presidential Decree.

<This Article Newly Inserted by Act No. 4916, Jan. 5, 1995>

**Article 52-8 (Prohibition of Use of Similar Title)**

No person other than consultants registered under Article 52-4 (1), shall use the title of occupational safety or health consultant or similar titles.

<This Article Newly Inserted by Act No. 4916, Jan. 5, 1995>

**Article 52-9 (Education of Consultant)**

Deleted. <Act No. 6104, Jan. 7, 2000>

**CHAPTER VII Deleted.**

**Articles 53 through 60 Deleted.** <Act No. 6590, Dec. 31, 2001>

## CHAPTER VIII

### Supplementary Provisions

#### **Article 61 (Industrial Accident and Disease Prevention Facilities)**

The Minister of Labor may install and operate the following industrial accident and disease prevention facilities:

1. Facilities for guidance, research and education on occupational safety and health;
2. Facilities for work environment monitoring and safety and health diagnosis; and
3. Other facilities for preventing industrial accidents and diseases as prescribed by the Ordinance of the Ministry of Labor.

#### **Article 61-2 (Honorary Occupational Safety Inspector)**

(1) The Minister of Labor may, for the purpose of promoting participation in and support for the prevention of industrial accidents and diseases, appoint a person from among workers, organizations of workers or employers and professional industrial accident and disease prevention agencies to be honorary occupational safety inspector. <Newly Inserted by Act No. 5248, Dec. 31, 1996>

(2) an employer shall not treat an honorary occupational safety inspector unfavorably on the grounds that the inspector has performed legitimate activities as an honorary occupational safety inspector. <Newly Inserted by Act No. 5886, Feb. 8, 1999>

(3) The details of the appointment of an honorary occupational safety inspector under paragraph (1), the scope of his work and other necessary matters shall be determined by the Presidential Decree. <Amended by Act No. 5886, Feb. 8, 1999>

#### **Article 61-3 (Financial Resources of Accident and Disease Prevention)**

The financial resources to be appropriated to any of the following subparagraphs shall be provided from the Industrial Accident Compensation Insurance and Prevention Fund under Article 64 (1) of the Industrial Accident Compensation Insurance Act: <Amended by Act No. 7920, Mar. 24, 2006>

1. Expenses necessary for facilities related to accident and disease prevention and the operation thereof;
2. Expenses necessary for accident and disease prevention projects, work entrusted to nonprofit corporations and the

- operation and management of the Fund; and
3. Business expenses for other projects necessary for accident and disease prevention which are approved by the Minister of Labor. *<This Article Newly Inserted by Act No. 6590, Dec. 31, 2001>*

**Article 62 (Promotion of Industrial Accident and Disease Prevention Projects)**

(1) The Government may assist in whole or in part with the expenses needed by employers, organizations of employers or workers, professional industrial accident and disease prevention agencies, research institutions, etc. to carry out industrial accident and disease prevention projects designated by the Presidential Decree within the limits of the budget, or give other necessary support. (hereinafter referred to as the "assistance and support") In this case, the Minister of Labor shall manage and supervise the appropriate and effective use of assistance and support for the purpose of industrial accident and disease prevention projects. *<Amended by the Act No. 8457, May 17, 2007>*

(2) If a person who receives assistance and support under paragraph (1) falls under any of the following subparagraphs, the Minister of Labor shall redeem the amount of money concerned or the amount of money corresponding to the support. *<Amended by the Act No. 8457, May 17, 2007>*

1. In case of receiving assistance and support in false or other fraudulent ways
2. In case of not being used for the purpose of industrial accident and disease prevention projects under paragraph (1)
3. In case an employer who receives assistance and support violates a duty to take measures under Article 23 (1) through (3), or 24 (1) and occurs an industrial accident and disease as determined by the Ordinance of the Ministry of Labor

(3) In case of falling under any of the following subparagraphs in paragraph (2), assistance and support may be limited in the range of 3 years from the day that the fact is known as determined by the Ordinance of the Ministry of Labor. *<Newly Inserted by Act No. 8475, May 17, 2007>*

(4) Subject, method, procedure, management and supervision of assistance and support under paragraph (1) and other necessary matters needed for redemption method under

paragraph (2) shall be determined and announced by the Minister of Labor. <Newly Inserted by Act No. 8475, May 17, 2007>

<This Article Wholly Amended by Act No. 5248, Dec. 31, 1996>

**Article 63 (Keeping Secrets)**

A person who conducts safety certification under Article 34, who carries out work on the repair of a report under Article 35, who conducts the safety test under Article 36, who carries out the authorization work of self-inspection program under Article 36-2, who reviews the hazard and risk evaluation report submitted under Article 40 (1), who reviews the material safety data sheet submitted under 41 (5), who has received information that is not written in the material safety data sheet under Article 41 (8), who conducts the health examination or disease investigation under Article 43, who conducts a disease investigation under Article 43-2, who reviews the hazard and danger prevention plan under Article 48, who conducts safety and health diagnosis under Article 49, or who performs the process safety report under Article 49-2, shall not divulge any secrets which have been obtained in the course of his/her duties: Provided that when the Minister of Labor deems it necessary for the prevention of workers' health problems, this provision shall not apply.

**Article 63-2 (Hearing and Criteria for Disposition)**

(1) In case the Minister of Labor intends to make decisions which fall under one of the following subparagraphs, a hearing shall be held. <Amended by Act No. 5454, Dec. 13, 1997 and Act No. 7920, Mar. 24, 2006>

1. Revocation of designation as prescribed in paragraph (1) Articles 15-2 (including a case where the provisions are applied mutatis mutandis under Article 16 (3), 30 (6), 31 (6), 36 (5), 42 (9), 43 (10), 47 (4) and 49 (4));
- 1-2. Revocation of authorization as prescribed in paragraph 4, Article 28;
2. Revocation of certification as prescribed in Article 34-3(1);
- 2-2. Revocation of authorization of a self-inspection program as prescribed in paragraph 4, Article 36-2;
- 2-3. Revocation of authorization as prescribed in paragraph 3, Article 37;
3. Revocation of permission as prescribed in Article 38; and
4. Revocation of registration as prescribed in Articles 36-3 and 52-4. <Amended by Act No. 6847, Dec. 30, 2002>

(2) Criteria for the revocation or suspension as prescribed in paragraph (1), Article 15-2, (including a case where the provisions are applied mutatis mutandis under Article 16 (3), 30 (6), 31 (6), 36 (5), 42 (9), 43 (10), 47 (4) and 49 (4)) Article 28 (4), Article 34-5, Article 35-2 (3), Article 37 (3), Article 38 (5) and Article 52-4 (4) shall be determined by the Ordinance of the Ministry of Labor.

**Article 64 (Keeping of Documents)**

(1) An employer shall keep, for three years, the documents on the appointment of a safety and health manager, a safety manager, a health manager, an occupational physician as prescribed in Article 13, 15, 16, and 17, the documents on hazard and risk evaluation of new chemicals as prescribed in Article 40, the documents on work environment monitoring as prescribed in Article 42, and the documents on health examinations as prescribed in Article 43, and for two years the documents verifying that the employer has observed self safety standards under Article 35(2) and the documents recording the inspection result conducted according to self-inspection program as prescribed in Article 36-2(2): Provided that if the Minister of Labor deems it necessary, the keeping period may be extended pursuant to the Ordinance of the Ministry of Labor.

(2) A certified monitoring institution shall keep, for three years, the documents concerning work environment monitoring which contain items determined by the Ordinance of the Ministry of Labor. <Newly Inserted by Act No. 5886, Feb. 8, 1999>

(3) A consultant shall keep the documents including matters determined by the Ordinance of the Ministry of Labor, which are related to his services, for five years. <Amended by Act No. 5886, Feb. 8, 1999>

(4) Paragraphs (1) through (3) shall be applied to electronic data if such data exist. <Newly Inserted by Act No. 5886, Feb. 8, 1999>

**Article 65 (Mandate and Entrustment of Authority)**

(1) The authority of the Minister of Labor in this Act may be mandated to a regional labor office determined by the Presidential Decree.

(2) The Minister of Labor may entrust a corporation, a non-profit organization or a related special organization with his service falling under each of the following subparagraphs among his service in this Act as prescribed by the Presidential Decree: <Amended by Act No.8475 May 17, 2007>

1. Service related to subparagraph 4-2, 5, 7, 9 of Article 4 (1)
2. Composition and operation of a standard establishment committee under paragraph (2), Article 27
3. A safety and health evaluation under paragraph (3), Article 28
4. Education on safety and health under Article 32(1)
5. A performance test under paragraph (2) and (4), Article 34
6. Confirmation of safety certification under paragraph (5), Article 34
7. Work on report under paragraph (1), Article 35
8. Safety inspection under paragraph (1), Article 36
9. Support under paragraph (1), Article 36-3 and registration under paragraph (2) of the same Article
10. Provision of information related to the material safety health data under paragraph (7), Article 41
11. Work environment monitoring, analysis ability assessment and service related to guidance and education under paragraph (7), Article 42
12. Assessing the ability to examine health and service related to guidance and education under paragraph (9), Article 43
13. Conducting disease investigation under paragraph (1), Article 43-2
14. Delivering a health management pocketbook under paragraph (1), Article 44
15. Receipt, examination and confirmation of hazard and danger prevention plan under Article 48
16. Receipt and examination of a process safety report under paragraph (1) and (3), Article 49-2 and confirmation under paragraph (4), Article 49-2
17. Service related to assistance, support and redemption under paragraph (1) and (2), Article 62

**Article 66 (Fee, etc.)**

(1) Any person who falls under any of the following subparagraphs, shall pay the fee as prescribed by the Ordinance of the Ministry of Labor:

1. A person who desires to receive the safety and health evaluation under Article 28 (3); *<Amended by Act No. 4916, Jan. 5, 1995>*
2. A person who desires to receive the education under Article 32 (1);

3. A person who desires to receive the performance test under Article 34 (2) and (4);
  4. A person who intends to receive the safety inspection under Article 36(1);
  - 4-2. Deleted<by Act No. 8562 Jul. 27, 2007> <Enforcement Date Jan. 1, 2009>
  5. A person who intends to receive authorization of self-inspection program under Article 36-2 (1);
  6. A person who desires to obtain the permission under Article 38 (1);
  7. A person who desires to receive the education for acquiring the qualification and license under Article 47;
  8. A person who desires to receive the examination of the hazard and danger prevention plan under Article 48 (1) through (3);
  9. A person who desires to undergo the examination of the process safety report as prescribed in Article 49-2; <Newly Inserted by Act No. 4916, Jan. 5, 1995>
  10. A person who desires to apply for the examination for consultant as prescribed in Article 52-3; <Newly inserted by Act No. 4916, Jan. 5, 1995>
  11. A person who desires to make the registration as prescribed in Article 52-4; <Amended by Act No. 5248, Dec. 31, 1996>
  12. Deleted; and <Act No. 6104, Jan. 7, 2000>
  13. Other persons related to occupational safety and health as prescribed by the Presidential Decree. <Amended by Act No. 4916, Jan. 5, 1995>
- (2) The Agency may make any person who benefits from the services of the Agency, bear all or part of expenses needed for carrying out its services with the approval of the Minister of Labor.

## CHAPTER IX

### Penal Provisions

#### **Article 66-2 (Penal Provisions)**

Any person who violates paragraph (1) through (3), Article 23, or paragraph (1), Article 24 and causes a worker to die shall be punished by imprisonment for not more than seven

years or a fine not exceeding 100 million won.

*<This Article Wholly Amended by Act 7920, Mar. 24, 2006>*

**Article 67 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than five years or a fine not exceeding fifty million won:

1. A person who violates the provisions of Article 23 (1) through (3), 24 (1), 26 (1), 28 (1), 33(1), 37(1), 38 (1) or 52 (2); and *<Amended by Act No. 6847, Dec. 30, 2002>*
2. A person who violates any order issued under Article 38 (5), 48 (4) or 51(7).

*<This Article Wholly Amended by Act No. 5248, Dec. 31, 1996>*

**Article 67-2 (Penal Provisions)**

A person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than three years or a fine not exceeding twenty million won: *<Amended by Act No. 7428, Mar. 31, 2005>*

1. A person who violates the provisions of Article 33 (2), 34 (2), 34-4(1), 38 (3), 46 or 47 (1); and
2. A person who violates any order issued under Article 34-2 (2), 38 (4), 43 (2), 49-2 (3) and (8) or 51 (6).

**Article 68 (Penal Provisions)**

A person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than one year or a fine not exceeding ten million won:

1. A person who violates paragraph (5), Article 26 and undermines the spot of a serious accident;
2. A person who violates the provisions of Article 29 (2), 34-2(2) and (3), 35-4(1), 48 (1) through (3) (excluding those who have prepared and submitted the plan without seeking the opinion of a qualified person), 49-2 (1), 52-6 or 63;
3. A person who violates any order issued under Article 34-2(4) and 35-4(2); and
4. A person who fails to report as prescribed in Article 35 (1)

**Article 69 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by a fine not exceeding ten million won:

1. A person who has not reported as prescribed in Article 10 or has made a false report;

2. A person who violates the provisions of Article 29 (6), 35-2 (2) and (3), 40 (2), 42 (3), 43 (5), 45 (1) and (2) or 49 (2);
3. A person who violates any order issued under Article 35-2 (4) or 40 (4);
4. Deleted; and <Act No. 5886, Feb. 8, 1999>
5. Deleted. <Act No. 5886, Feb. 8, 1999>

**Article 70 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by a fine not exceeding five million won:

<Amended by Act No. 5248, Dec. 31, 1996>

1. A person who violates the provisions of Article 29 (1) and (3); <Amended by No. 6847, Dec. 30, 2002>
2. Deleted; <Act No. 6847, Dec. 30, 2002>
3. Deleted; <Act No. 6847, Dec. 30, 2002>
4. A person who has refused, disturbed or avoided the inspection, checking-out or taking-out by the labor inspector as prescribed in Article 51(1); and <Newly Inserted by Act No. 5886, Feb. 8, 1999>
5. A person who fails to report or be present or falsely reports after receiving such requests from the Minister of Labor as prescribed in Article 51(2). <Newly Inserted by Act No. 5886, Feb. 8, 1999>

**Article 71 (Joint Penal Provisions)**

If a representative of a juristic person or an agent, servant (including supervisor) or other employee of a juristic or private person commits any of offenses as prescribed in Article 66-2 or Article 70 in relation to the affairs of the juridical or private person, the fine as prescribed in the respective Articles shall also be imposed on the juristic or private person in addition to punishment of the offender, unless the supervisor knows the plot of offense and takes measures necessary for preventing it, or he knows the offense and takes measures necessary for correcting it. <Amended by Act No. 7920, Mar. 24, 2006>

**Article 72 (Fine for Negligence)**

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won:

1. A person who violates the provisions of Article 30 (1) and (3), 34-2 (1), 36 (1) and (2), 36-2 (5), 39-2 (1) or

- Article 49-2 (5);
2. A person who violates any order issued under Article 41 (5), 49 (1) or 50 (1) and (2);
  3. A person who fails to conduct the work environment monitoring under Article 42 (1); and
  4. A person who fails to conduct the health examination for workers under Article 43 (1).
- (2) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding five million won:
1. A person who fails to keep and post the summary of this Act or any order issued under this Act, the safety and health management regulations, or the material safety data sheet in violation of the provisions of Article 11 (1), 20 (1) or 41 (1), and a person who fails to provide information not prescribed in Material Safety Data Sheet under Article 41 (8);
  2. A person who violates the former part of Article 12, the provisions of 13 (1), 14 (1), 15 (1), 16 (1), 17 (1), 18 (1), 19 (1) and (4), 21 (1), 29 (5), 29-2 (6), 31 (1) through (3), 32 (1)(limited to those falling under subparagraph (1)), 35-2 (1), 42 (5), 43 (6), 44 (2), 49-2 (2), 50 (3) and (4) or 52-4 (1);
  3. A person who violates any order issued under Article 15 (3)(including a case where the provisions are applied mutatis mutandis in Article 16 (3)) or 51 (8); *<Amended by No. 6847, Dec. 30, 2002>*
  4. A person who, when conducting the work environment monitoring under Article 42 (1) or the health examination under 43 (1), does not allow the workers' representative to attend the work environment monitoring or the health examination in spite of the request from the workers' representative. *<Amended by No. 6847, Dec. 30, 2002>* and;
  5. A person who fails to post what the employer ordered to do so by the Minister of Labor in violation of the latter part of Article 51 (6)
- (3) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding three million won:
1. A person who fails to notify to the representative of workers in violation of the provisions of Article 11 (2);
  2. A person who violates the provisions of Article 10-2, 25, 40 (5), 43 (3) and (7), 43-2 (4) or 52-8 ;

3. A person who violates the provisions of Article 30 (4);
4. A person who violates the provisions of Article 32 (1) (limited to those falling under subparagraphs 3);
5. Deleted;
6. A person who fails to submit a report on hazard and risk evaluation in violation of the provisions of Article 40 (1);
7. A person who fails to attach the warning sign, or to conduct the education, or to transfer or furnish the material safety data sheet in violation of the provisions of Article 41 (3) or (4);
8. A person who fails to make a report as prescribed in Article 42 (1) or 43 (4) or makes a false report;
9. A person who has drawn up and submitted the hazard and danger prevention plan without seeking opinion of a qualified person, in violation of the provisions of Article 48(3);
10. A person who fails to obtain the confirmation of the Minister of Labor in violation of the provisions of Article 48 (5) or 49-2 (4);
11. A person who refuses, interferes with, evades an answer or makes a false answer to any question as prescribed in Article 51 (1); and
12. A person who violates the provisions of Article 64(1) through (3).

(4) The fine for negligence as referred to in paragraphs (1) through (3) shall be imposed and collected by the Minister of Labor as prescribed by the Presidential Decree.

(5) Any person who is dissatisfied with a disposition of the fine for negligence under paragraph (4), may raise an objection against the Minister of Labor within thirty days after he is informed of the disposition.

(6) If a person who is subject to a disposition of a fine for negligence as referred to in paragraph (4), raises an objection under paragraph (5), the Minister of Labor shall notify the competent court without delay. The court shall, upon receiving the notification, bring the case of fine for negligence to a trial under the Non-Contentious Litigation Case Procedure Act.

(7) If no objection is made or no fine for negligence is paid in the period referred to in paragraph (5), it shall be collected according to the example of the disposition of the national taxes in arrears.

**Addenda** <Act No. 8486, May 25, 2007: Revision of the Industrial Standardization Act>

**Article 1 (Enforcement Date)**

This Act shall take effect from one year after its promulgation.

**Article 2 through 8** Omitted

**Article 9 (Amendment of Other Acts)** (1) through (8) Omitted

(9) A part of the Industrial Accident Compensation Insurance Act is amended as follows.

**Article 35-1** (2) shall be changed to as follows:

2. personal protective equipment which have been certified under Articles 15 of the Industrial Standardization Act <10> through <22> Omitted

**Article 10** Omitted

**Addenda** <Act No. 8694, Dec. 14, 2007>

**Article 1 (Enforcement Date)**

This Act shall take effect on Jul. 1, 2008; Provided that the revised provisions in Article 70, and Article 14 in supplementary laws shall take effect from the date of its promulgation.

**Article 2 through 24** Omitted

**Article 25 (Amendment of Other Acts)** (1) through (4) Omitted

(5) A part of the Occupational Accident Compensation Insurance Act is amended as follows:

"Article 64 (1) of the Industrial Accident Compensation Insurance Act" in parts aside from each subparagraph in Article 61-3 shall be changed to "Article 95 (1) of the Industrial Accident Compensation Insurance Act."

<6> through <10> Omitted

**Article 26** Omitted