

# OCCUPATIONAL SAFETY AND HEALTH ACT

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Act No. 17326, May 26, 2020

Act No. 17433, jun. 9, 2020

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to maintain and promote the safety and health of persons who provide labor through preventing industrial accidents by establishing standards on industrial safety and health and clarifying where the responsibility lies, and creating a comfortable working environment. *<Amended on May 26, 2020>*

### Article 2 (Definitions)

The terms used in this Act are defined as follows: *<Amended on May 26, 2020>*

1. The term "industrial accident" means any death, injury, or disease of a person who provides labor caused by structures, equipment, raw materials, gas, vapor, powder, dust, etc., related to the duties, or by work or other duties;
2. The term "serious accident" means an industrial accident prescribed by Ordinance of the Ministry of Employment and Labor, resulting in death or other severe damage or causing a number of victims;
3. The term "employee" means an employee prescribed in Article 2 (1) 1 of the Labor Standards Act;
4. The term "business owner" means a person who operates business by employing employees;
5. The term "representative of employees" means a person that represents a labor union organized by more than half of employees, if any, or that represents more than half of employees in the absence of a labor union organized by more than half of employees;
6. The term "contract" means, regardless of how it is referred to, assigning another person the manufacturing, building, or repair of articles, the provision of services, or other duties;
7. The term "contractee" means a business owner who awards a contract for the manufacturing, building, or repair of articles, the provision of services, or other duties: Provided, That a person placing an order for construction works shall be excluded herefrom;

8. The term “contractor” means a business owner who is awarded a contract by a contractee for the manufacturing, building, or repair of articles, the provision of services, or other duties;
9. The term “relevant contractor” means, where a contract is executed in several stages, any contractor who is awarded a contract for any stage of such contract;
10. The term “person placing an order for construction works” means a person who awards a contract for construction works without taking the lead in supervising and managing the implementation of the construction works: Provided, That any person who is subcontracted for any contracted construction works shall be excluded herefrom;
11. The term “construction works” means any of the following construction:
- (a) Construction works defined in subparagraph 4 of Article 2 of the Framework Act on the Construction Industry;
  - (b) Electrical construction defined in subparagraph 1 of Article 2 of the Electrical Construction Business Act;
  - (c) Information and communications construction projects defined in subparagraph 2 of Article 2 of the Information and Communications Construction Business Act;
  - (d) Fire-fighting system installation referred to in the Fire-Fighting System Installation Business Act;
  - (e) Cultural heritage maintenance works referred to in the Act on Cultural Heritage Maintenance;
12. The term "safety and health checkup" means conducting investigation and evaluation for the purpose of identifying potential risks and establishing countermeasures for improvement to prevent industrial accidents;
13. The term "working environment monitoring" means collecting, analyzing, and evaluating samples after a business owner formulates a plan to measure hazardous factors regarding his or her employees or workplace to ascertain the actual status of the working environment.

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

This Act shall apply to all business: Provided, That this Act may not fully or partially apply to business or places of business of the type prescribed by Presidential Decree in consideration of the degrees of hazards and risks, types of business, the number of regular workforce at a place of business (in cases of construction works, referring to the value of the construction works; hereinafter the same shall apply), and others.

### **Article 4 (Duties of Government)**

- (1) The Government shall faithfully fulfill the following duties to achieve the purpose of this Act:  
<Amended on May 26, 2020>
- 1. Formulating and executing occupational safety and health policies;
  - 2. Supporting and providing guidance on the prevention of industrial accidents;

3. Establishing the standards for measures for preventing workplace harassment prescribed in Article 76-2 of the Labor Standards Act, and providing guidance and support;
  4. Supporting the establishment of a voluntary management system for occupational safety and health by a business owner;
  5. Promoting a culture of safety through public campaign, education, etc. aimed at raising awareness for occupational safety and health;
  6. Researching and developing technology related to occupational safety and health, and installing and operating relevant facilities;
  7. Maintaining and managing investigations and statistics on industrial accidents;
  8. Supporting, guiding, and supervising organizations, etc. related to occupational safety and health;
  9. Protecting and improving the safety and health of persons providing labor.
- (2) The Government may provide administrative and financial support to the Korea Occupational Safety and Health Agency established under the Korea Occupational Safety and Health Agency Act (hereinafter referred to as the "Agency") and to other related organizations and research institutes to efficiently perform the duties prescribed in each subparagraph of paragraph (1).

#### **Article 5 (Duties of Business Owners)**

(1) A business owner (including a person receiving labor from a worker in special employment relations referred to in Article 77 and a person brokering the collection, delivery, etc. of goods referred to in Article 78; hereafter in this Article and Article 6, the same shall apply) shall maintain and promote the safety and health of employees (including persons engaged in special type of employment referred to in Article 77 and persons engaged in collection, delivery, etc. of goods referred to in Article 78; hereafter in this Article and Article 6, the same shall apply) by implementing the following, and comply with the policies of the State for preventing industrial accidents: *<Amended on May 26, 2020>*

1. Complying with the standards for preventing industrial accidents prescribed by this Act or any order issued pursuant to this Act;
  2. Creating a pleasant working environment and improving working conditions so as to decrease physical fatigue, mental stress, etc. of employees;
  3. Providing employees with information on safety and health at the relevant place of business.
- (2) When any of the following persons engages in the placement of an order, design, manufacturing, importation, or construction, he or she shall comply with the standards prescribed by this Act and any order issued pursuant to this Act, and take necessary measures to prevent industrial accidents that may be caused due to any article used for such placement of an order, design, manufacturing, importation, or construction:
1. Any person who designs, manufactures, or imports machinery, apparatus, and other equipment;
  2. Any person who manufactures or imports raw materials, etc.;

3. Any person who places an order for, designs, or constructs any structure.

#### **Article 6 (Duties of Employees)**

Employees shall comply with the standards for preventing industrial accidents prescribed by this Act or any order issued pursuant to this Act as well as the measures for preventing industrial accidents taken by relevant persons, including business owners, labor inspectors referred to in Article 101 of the Labor Standards Act, and the Agency.

#### **Article 7 (Formulation and Publication of Basic Plans for Preventing Industrial Accidents)**

(1) The Minister of Employment and Labor shall formulate a basic plan for preventing industrial accidents.

(2) The Minister of Employment and Labor shall publish a basic plan formulated under paragraph (1) after having such plan deliberated on by the Industrial Accident Compensation Insurance and Prevention Deliberation Committee referred to in Article 8 (1) of the Industrial Accident Compensation Insurance Act. The same shall also apply where he or she intends to amend a basic plan.

#### **Article 8 (Requests for Cooperation)**

(1) When deemed necessary to effectively execute a basic plan established under Article 7 (1), the Minister of Employment and Labor may request necessary cooperation from the heads of relevant administrative agencies or the heads of public institutions referred to in Article 4 of the Act on the Management of Public Institutions.

(2) Where the head of an administrative agency (excluding the Ministry of Employment and Labor; hereafter in this Article, the same shall apply) intends to regulate safety and health in a place of business, he or she shall consult with the Minister of Employment and Labor in advance.

(3) Where the Minister of Employment and Labor requests any amendment to the relevant regulations during consultation referred to in paragraph (2), the head of the administrative agency shall comply with such request, and where necessary, the Minister of Employment and Labor may determine the consulted or coordinated matters after reporting such matters to the Prime Minister.

(4) When deemed necessary to prevent industrial accidents, the Minister of Employment and Labor may recommend necessary matters to, or request cooperation from, business owners, business owners' organizations, and other relevant persons.

(5) The Minister of Employment and Labor may request the heads of central administrative agencies, the heads of local governments, the Agency, or the heads of relevant institutions or organizations to provide the following information or data and to allow the use of related computer networks to prevent industrial accidents. In such cases, the heads of central administrative agencies, the heads of local governments, or the heads of relevant institutions or organizations in receipt of such request shall comply with it unless there is a compelling reason not to do so:

1. Information regarding business registration prescribed in Article 8 of the Value-Added Tax Act and Article 111 of the Corporate Tax Act;
2. Information regarding employees' insured status, such as attainment and loss thereof, prescribed in Article 15 of the Employment Insurance Act;
3. Other information or data prescribed by Presidential Decree as necessary to conduct a project for preventing industrial accidents.

#### **Article 9 (Establishment and Operation of Integrated Information System on Industrial Accident Prevention)**

- (1) The Minister of Employment and Labor may establish and operate an integrated information system for industrial accident prevention to systematically and efficiently prevent industrial accidents.
- (2) The Minister of Employment and Labor may provide information on occupational safety and health, etc. processed using an integrated information system for industrial accident prevention referred to in paragraph (1) to the relevant administrative agencies and the Agency, as prescribed by Ordinance of the Ministry of Employment and Labor.
- (3) The establishment and operation of an integrated information system for industrial accident prevention referred to in paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 10 (Publication of Number of Industrial Accidents)**

- (1) To prevent industrial accidents, the Minister of Employment and Labor shall publish the number of industrial accidents involving employees, the occurrence rate, ranking of industrial accidents, etc. (hereinafter referred to as the "number, etc. of industrial accidents") at places of business prescribed by Presidential Decree.
- (2) Where employees of a relevant contractor work at any place of business of a contractee prescribed by Presidential Decree (including places prescribed by Presidential Decree that are controlled and managed by a contractee, among the places of business provided or designated by a contractee; hereinafter the same shall apply), the Minister of Employment and Labor shall publish the number, etc. of industrial accidents of the contractee, which shall include the number, etc. of industrial accidents of a relevant contractor, pursuant to paragraph (1).
- (3) The Minister of Employment and Labor may request that a contractee submit data on his or her relevant contractors to publish the number, etc. of industrial accidents pursuant to paragraph (2). In such cases, the contractee so requested shall comply with such request unless there is a compelling reason not to do so.
- (4) The procedures and methods for publication under paragraphs (1) and (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 11 (Installation and Operation of Industrial Accident Prevention Facilities)**

The Minister of Employment and Labor may install and operate the following facilities to prevent industrial accidents: <Amended on May 26, 2020>

1. Facilities for guidance, research, and training on occupational safety and health;
2. Facilities for safety and health checkup and working environment monitoring;
3. Facilities for maintaining and promoting the health of persons providing labor;
4. Other facilities for preventing industrial accidents, as prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 12 (Financial Resources for Preventing Industrial Accidents)**

Financial resources to be appropriated for any of the following uses shall be provided by the Industrial Accident Compensation Insurance and Prevention Fund prescribed in Article 95 (1) of the Industrial Accident Compensation Insurance Act:

1. Expenses necessary to install and operate the facilities prescribed in the subparagraphs of Article 11;
2. Expenses necessary to conduct projects related to industrial accident prevention and duties entrusted to nonprofit corporations;
3. Business expenses incurred in other projects that are necessary for industrial accident prevention and acknowledged by the Minister of Employment and Labor.

### **Article 13 (Standards for Technology or Working Environments)**

(1) To prevent industrial accidents, the Minister of Employment and Labor may establish standards for technology or working environments related to any of the following measures, and provide guidance on and recommend such standards to a business owner:

1. Measures that a person prescribed in any subparagraph of Article 5 (2) shall take to prevent industrial accidents pursuant to that paragraph;
2. Measures a business owner shall take pursuant to Articles 38 and 39.

(2) When deemed necessary to establish the standards referred to in paragraph (1), the Minister of Employment and Labor may organize and operate standard formulation committees for each field.

(3) The organization and operation of standard formulation committees under paragraph (2) and other necessary matters shall be prescribed by the Minister of Employment and Labor.

## **CHAPTER II SAFETY AND HEALTH MANAGEMENT SYSTEM**

### **SECTION 1 Safety and Health Management System**

#### **Article 14 (Report to and Approval of Board of Directors)**

(1) The representative director of a company prescribed by Presidential Decree, among the stock companies referred to in Article 170 of the Commercial Act, shall formulate a plan for safety and health of the company each year, and report it to the board of directors for approval, as prescribed by Presidential Decree.

(2) Any representative director referred to in paragraph (1) shall faithfully implement a plan for safety and health referred to in paragraph (1).

(3) A plan for safety and health referred to in paragraph (1) shall include such matters as the costs, facilities, personnel, etc. related to safety and health.

#### **Article 15 (Persons in Charge of Safety and Health Management)**

(1) A business owner shall require a person in actual charge of the general supervision and management of the place of business to supervise and manage the following duties at the place of business:

1. Matters regarding formulating an industrial accident prevention plan for the place of business;
2. Matters regarding preparing and amending safety and health management regulations referred to in Articles 25 and 26;
3. Matters regarding safety and health education referred to in Article 29;
4. Matters regarding inspecting and improving the working environments, including working environment measurement;
5. Matters regarding managing health pursuant to Articles 129 through 132, including health examinations of employees;
6. Matters regarding investigating causes of industrial accidents and formulating measures to prevent recurrence thereof;
7. Matters regarding recording and maintaining statistics on industrial accidents;
8. Matters regarding ascertaining whether safety devices and protective equipment are proper goods, when they are purchased;
9. Such other matters for preventing any hazard and risk to employees as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) A person who supervises and manages the duties prescribed in each subparagraph of paragraph (1) (hereinafter referred to as "person in charge of safety and health management") shall direct and supervise safety officers referred to in Article 17 and health officers referred to in Article 18.

(3) The type of business and the number of regular workforce at a place of business required to have a person in charge of safety and health management, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 16 (Supervisors)**

(1) A business owner shall require a person in a position of directly controlling and supervising production-related operations and employees at the place of business (hereinafter referred to as “supervisor”) to perform duties related to occupational safety and health, as prescribed by Presidential Decree.

(2) Where a supervisor is assigned, a safety manager referred to in Article 64 (1) 2 of the Construction Technology Promotion Act and safety management staff referred to in subparagraph 3 of that paragraph shall be deemed assigned, respectively.

#### **Article 17 (Safety Officers)**

(1) A business owner shall have a person at the place of business to assist him or her or a person in charge of safety and health management regarding technical matters related to safety, among the matters prescribed in the subparagraphs of Article 15 (1), as well as to provide guidance and advice to a supervisor (hereinafter referred to as “safety officer”).

(2) The type of business and the number of regular workforce at a place of business required to have a safety officer; the number, qualifications, duties, authority, and appointment method of safety officers; and other necessary matters shall be prescribed by Presidential Decree.

(3) Where necessary to prevent industrial accidents and where any of the reasons prescribed by Ordinance of the Ministry of Employment and Labor exists, the Minister of Employment and Labor may order a business owner to increase the number of safety officers to at least the number prescribed by Presidential Decree pursuant to paragraph (2) or to replace them.

(4) A business owner who engages in the type of business and has regular workforce at the place of business in the number as prescribed by Presidential Decree may entrust the duties of a safety officer to an institution specializing in performing safety management business designated under Article 21 (hereinafter referred to as "specialized safety management institution").

#### **Article 18 (Health Officers)**

(1) A business owner shall have a person at the place of business to assist him or her or a person in charge of safety and health management regarding technical matters related to health, among the matters prescribed in the subparagraphs of Article 15 (1), as well as to provide guidance and advice to a supervisor (hereinafter referred to as “health officer”).

(2) The type of business and the number of regular workforce at a place of business required to have a health officer; the number, qualifications, duties, authority, and appointment method of health officers; and other necessary matters shall be prescribed by Presidential Decree.

(3) Where necessary to prevent industrial accidents and where any of the reasons prescribed by Ordinance of the Ministry of Employment and Labor exists, the Minister of Employment and Labor may order a business owner to increase the number of health officers to at least the number prescribed by Presidential Decree pursuant to paragraph (2) or to replace them.

(4) A business owner who engages in the type of business and has regular workforce at the place of business in the number as prescribed by Presidential Decree may entrust the duties of a health officer to an institution specializing in performing health management business designated under Article 21 (hereinafter referred to as "specialized health management institution").

#### **Article 19 (Safety and Health Managers)**

(1) A business owner shall have a person at the place of business to assist him or her regarding safety and health as well as to provide guidance and advice to a supervisor (hereinafter referred to as "safety and health manager"): Provided, That the foregoing shall not apply where a safety officer or health officer is assigned or where it is required to have a safety officer or health officer.

(2) The type of business and the number of regular workforce at a place of business required to have a safety and health manager; the number, qualifications, duties, authority, and appointment method of a safety and health manager; and other necessary matters shall be prescribed by Presidential Decree.

(3) Where necessary to prevent industrial accidents and where any of the reasons prescribed by Ordinance of the Ministry of Employment and Labor exists, the Minister of Employment and Labor may order a business owner to increase the number of safety and health managers to at least the number prescribed by Presidential Decree pursuant to paragraph (2) or to replace them.

(4) A business owner who engages in the type of business and has regular workforce at the place of business in the number as prescribed by Presidential Decree may entrust the duties of a safety and health manager to a specialized safety management institution or specialized health management institution.

#### **Article 20 (Guidance and Advice of Safety Officers)**

Where any of the following persons provides guidance or advice regarding technical matters related to safety or health, among the matters prescribed in the subparagraphs of Article 15 (1), a business owner, a person in charge of safety and health management, and a supervisor shall take appropriate measures in response thereto:

1. A safety officer;
2. A health officer;
3. A safety and health manager;
4. A specialized safety management institution or specialized health management institution (applicable only where it is entrusted with the relevant duties).

#### **Article 21 (Specialized Safety Management Institutions)**

(1) Any person intending to become a specialized safety management institution or specialized health management institution shall obtain designation from the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree.

(2) The Minister of Employment and Labor may evaluate specialized safety management institutions or specialized health management institutions and publish the results of such evaluation. In such cases, matters necessary for the standards and methods for evaluation, and for publishing the results of evaluation shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(3) The procedures for designating specialized safety management institutions or specialized health management institutions; matters regarding the performance of their duties; the area where entrusted duties may be performed; and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) If a specialized safety management institution or specialized health management institution falls under any of the following, the Minister of Employment and Labor may revoke its designation or order it to suspend its business for a specified period not exceeding six months: Provided, That in cases falling under subparagraph 1 or 2, its designation shall be revoked:

1. Where it is designated by fraud or other improper means;
2. Where it continues its business during the period of business suspension;
3. Where it ceases to meet any of the requirements for designation prescribed in paragraph (1);
4. Where it performs any of its business violating any of the terms and conditions of designation;
5. Where any other ground prescribed by Presidential Decree exists.

(5) No person whose designation is revoked under paragraph (4) shall be designated as a specialized safety management institution or specialized health management institution for two years from the date of such revocation.

#### **Article 22 (Occupational Medicine Physicians)**

(1) A business owner shall assign an occupational medicine physician to the place of business for providing guidance on health management of employees and the duties of health officers: Provided, That the foregoing shall not apply where a physician defined in Article 2 of the Medical Service Act is assigned as a health officer.

(2) The type of business and the number of regular workforce at a place of business required to have an occupational medicine physician referred to in paragraph (1) (hereinafter referred to as “occupational medicine physician”); the qualifications, duties, authority, and appointment method of an occupational medicine physician; and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 23 (Honorary Occupational Safety Inspectors)**

(1) The Minister of Employment and Labor may appoint an honorary occupational safety inspector from among employees, or persons affiliated with organizations of employees, organizations of business owners, or agencies specializing in preventing industrial accidents, to promote participation in and support activities for preventing industrial accidents.

(2) No business owner shall treat an honorary occupational safety inspector referred to in paragraph (1) (hereinafter referred to as “honorary occupational safety inspector”) unfavorably by reason of his or her performing duties.

(3) The method of appointing honorary occupational safety inspectors, their duties, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 24 (Occupational Safety and Health Committee)**

(1) To deliberate on and determine important matters concerning safety and health at the place of business, a business owner shall establish and operate an occupational safety and health committee comprised of an equal number of members representing the employees and the employer.

(2) A business owner shall have the following matters deliberated on and decided by an occupational safety and health committee referred to in paragraph (1) (hereinafter referred to as “occupational safety and health committee”):

1. Matters prescribed in Article 15 (1) 1 through 5 and 7;
2. Matters concerning serious accidents, among the matters prescribed in Article 15 (1) 6;
3. Matters concerning measures to ensure safety and health where hazardous or risky machinery, apparatus, and other equipment are introduced;
4. Other matters necessary to maintain and promote the safety and health of employees at the relevant place of business.

(3) An occupational safety and health committee shall hold its meetings as prescribed by Presidential Decree and shall record in the minutes and retain the results of the meetings.

(4) Business owners and employees shall faithfully implement the matters deliberated on and decided by an occupational safety and health committee under paragraph (2).

(5) No deliberation and decision by an occupational safety and health committee shall breach this Act or any order issued under this Act, a collective agreement, employment rules, or safety and health management regulations referred to in Article 25.

(6) No business owner shall treat any member of an occupational safety and health committee unfavorably by reason of his or her performing duties.

(7) The type of business and the number of regular workforce at a place of business required to establish an occupational safety and health committee; the composition and operation of an occupational safety and health committee; the methods for handling cases where no decision is reached; and other necessary matters shall be prescribed by Presidential Decree.

## **SECTION 2 Safety and Health Management Regulations**

#### **Article 25 (Preparation of Safety and Health Management Regulations)**

(1) To maintain safety and health in the place of business, a business owner shall prepare safety and health management regulations which include the following matters:

1. Matters concerning a safety and health management organization and its duties;
2. Matters concerning safety and health education;
3. Matters concerning safety and health management in the workplace;
4. Matters concerning accident investigation and formulating measures for preventing accidents;
5. Other matters concerning safety and health.

(2) No safety and health management regulations referred to in paragraph (1) (hereinafter referred to as “safety and health management regulations”) may be contrary to a collective agreement or employment rules. In such cases, with respect to any provisions of the safety and health management regulations that are contrary to the collective agreement or employment rules, the standards prescribed by the collective agreement or employment rules shall apply.

(3) The type of business and the number of regular workforce at a place of business required to prepare safety and health management regulations; details to be included in safety and health management regulations; and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 26 (Procedures for Preparing and Amending Safety and Health Management Regulations)**

Where a business owner prepares or amends safety and health management regulations, he or she shall have such regulations deliberated on and decided by the occupational safety and health committee: Provided, That in cases of a place of business where no occupational safety and health committee is established, a business owner shall obtain consent from the representative of the employees.

#### **Article 27 (Compliance with Safety and Health Management Regulations)**

Business owners and employees shall comply with safety and health management regulations.

#### **Article 28 (Application Mutatis Mutandis of Other Statutes)**

Except as provided in this Act, the provisions of the Labor Standards Act concerning employment rules shall apply mutatis mutandis to health and safety management regulations, unless inconsistent therewith.

## **CHAPTER III SAFETY AND HEALTH EDUCATION**

#### **Article 29 (Safety and Health Education for Employees)**

(1) A business owner shall regularly educate the employees on safety and health, as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) When a business owner employs an employee or changes the scope of the job of an employee, he or she shall provide the employee with the safety and health education necessary for the relevant job, as

prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That this shall not apply where a daily employed construction worker who has completed the safety and health education referred to in Article 31 (1) is employed. <Amended on Jun. 9, 2020>

(3) When a business owner employs an employee for a hazardous or risky job or requires any employee to newly take such job, he or she shall conduct the safety and health education necessary to take such hazardous or risky job, in addition to the safety and health education prescribed in paragraph (2), as prescribed by Ordinance of the Ministry of Employment and Labor.

(4) A business owner may entrust any safety and health education prescribed in paragraphs (1) through (3) to a safety and health educational institution registered with the Minister of Employment and Labor under Article 33.

### **Article 30 (Exemption from Safety and Health Education for Employees)**

(1) Notwithstanding Article 29 (1), a business owner need not fully or partially conduct the safety and health education prescribed in that paragraph in any of the following cases:

1. Where the occurrence rate of industrial accidents at a place of business falls under the criteria prescribed by Ordinance of the Ministry of Employment and Labor;
2. Where an employee completes education prescribed by Ordinance of the Ministry of Employment and Labor, including education on health management, at facilities prescribed in subparagraph 3 of Article 11;
3. Where a supervisor completes education prescribed by Ordinance of the Ministry of Employment and Labor, including education for enhancing professionalism in performing duties for occupational safety and health.

(2) Notwithstanding Article 29 (2) or (3), a business owner need not fully or partially conduct the safety and health education prescribed in paragraph (2) or (3) of that Article in cases prescribed by Ordinance of the Ministry of Employment and Labor, such as where the safety and health education is to be provided to employees with experience in the job for which they are employed or to which they are newly assigned.

### **Article 31 (Basic Education on Safety and Health in Construction Business)**

(1) When a construction business owner hires a daily employed construction worker, he or she shall require such worker to complete safety and health education provided by a safety and health educational institution referred to in Article 33: Provided, That the foregoing shall not apply where a daily employed construction worker has completed the safety and health education before he or she is hired by a business owner.

(2) The number of hours, content, and methods of safety and health education referred to in the main clause of paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 32 (On-The-Job Training for Persons in Charge of Safety and Health Management)**

(1) A business owner (in cases falling under subparagraph 5, referring to the head of any institution prescribed in the items of that subparagraph) shall require the following persons to complete safety and health education related to their jobs conducted by a safety and health educational institution referred to in Article 33: Provided, That the safety and health education need not be fully or partially provided in cases prescribed by Ordinance of the Ministry of Employment and Labor, including where the following persons have received safety and health education pursuant to other statutes or regulations:

1. A person in charge of safety and health management;
  2. A safety officer;
  3. A health officer;
  4. A safety and health manager;
  5. A person engaged in duties related to safety and health in the following institutions:
    - (a) A specialized safety management institution;
    - (b) A specialized health management institution;
    - (c) A specialized guidance institution for preventing construction industrial accidents designated under Article 74;
    - (d) A safety inspection institution designated under Article 96;
    - (e) A voluntary safety inspection institution designated under Article 100;
    - (f) An asbestos inspection institution designated under Article 120.
- (2) The number of hours, content, and methods of safety and health education referred to in the main clause, with the exception of its subparagraphs, of paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 33 (Safety and Health Educational Institutions)**

(1) Any person intending to provide the safety and health education prescribed in Article 29 (1) through (3), the safety and health education prescribed in the main clause of Article 31 (1), or the safety and health education prescribed in the main clause, with the exception of its subparagraphs, of Article 32 (1) shall be registered with the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree. The same shall also apply when amending any of the important registered matters prescribed by Presidential Decree.

(2) The Minister of Employment and Labor may evaluate a person registered under paragraph (1) (hereinafter referred to as “safety and health educational institution”), and publish the results of such evaluation. In such cases, matters necessary for the standards and methods for evaluation, and for publishing the results of evaluation shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(3) The procedures for registration under paragraph (1), the performance of duties, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) Article 21 (4) and (5) shall apply mutatis mutandis to safety and health educational institutions. In such cases, "specialized safety management institution or specialized health management institution" shall be construed as "safety and health educational institution", and "designation" as "registration".

## CHAPTER IV MEASURES FOR PREVENTING HAZARDS AND RISKS

### **Article 34 (Posting Purport of Statutes or Regulations)**

A business owner shall keep his or her employees fully informed of the essential provisions of this Act and of the orders issued pursuant to this Act, and safety and health management regulations by posting or keeping such provisions and regulations in a place easily discernible to the employees in each place of business.

### **Article 35 (Request for Notification by Representative of Employees)**

The representative of employees may request that a business owner notify him or her of the following matters; the business owner shall faithfully comply with such request:

1. Matters determined by the occupational safety and health committee (referring to the labor-management council where a labor-management council is organized and operated pursuant to Article 75);
2. Matters concerning the results of safety and health checkup referred to in Article 47;
3. Matters concerning formulating and executing a safety and health improvement plan under Article 49;
4. Matters concerning measures to be implemented by a contractee prescribed in the subparagraphs of Article 64 (1);
5. Matters concerning material safety data sheets referred to in Article 110 (1);
6. Matters concerning working environment monitoring referred to in Article 125 (1);
7. Other matters concerning safety and health prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 36 (Conducting Risk Assessment)**

(1) A business owner shall identify hazardous or risk factors caused by buildings, machinery and apparatus, equipment, raw materials, gas, steam, dust, specific work behaviors of employees, or other duties and evaluate whether the degree of the risks that can cause injury and illness is within acceptable limits; take measures pursuant to this Act or orders issued pursuant to this Act based upon the results of such evaluation; and take additional measures where necessary to prevent risks to or the health impairment

of employees.

(2) When conducting an evaluation prescribed in paragraph (1), a business owner shall have employees at the relevant workplace participate therein, as determined and publicly notified by the Minister of Employment and Labor.

(3) A business owner shall prepare and retain records on the results of an evaluation prescribed in paragraph (1) and the measures that have been taken, as prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The methods, procedures, and timing of evaluations prescribed in paragraph (1) and other necessary matters shall be determined and publicly notified by the Minister of Employment and Labor.

### **Article 37 (Installation and Affixing of Safety and Health Signs)**

(1) A business owner shall install or affix signs showing pictures, symbols, letters, etc. (hereafter in this Article referred to as “safety and health signs”) to give warning for hazardous or dangerous places, facilities, or materials; to provide instructions and guidance on responding to an emergency; or to offer other information aimed at raising employees’ awareness of safety and health, in a manner that such signs are easily discernible to employees. In such cases, business owners who have employed foreign workers prescribed in Article 2 (including persons prescribed in the proviso of that Article) of the Act on the Employment of Foreign Workers shall make such signs in the native language of such foreign workers, as prescribed by the Minister of Employment and Labor. <Amended on May 26, 2020>

(2) The type, form, color, and usage of safety and health signs; the installation and affixing place thereof; and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 38 (Safety Measures)**

(1) A business owner shall take measures necessary to prevent industrial accidents caused by any of the following dangers:

1. Dangers caused by machinery, apparatus, or other equipment;
2. Dangers caused by explosive, combustible, or inflammable substances, etc.;
3. Dangers caused by electricity, heat, or other energy.

(2) A business owner shall take measures necessary to prevent industrial accidents occurring due to dangers caused by inappropriate work methods, etc. in excavating, quarrying, loading and unloading, timbering, transporting, operating, conveying, dismantling, handling heavy objects, and performing other work.

(3) A business owner shall take measures necessary to prevent industrial accidents that may occur when an employee performs work in any of the following places:

1. Places where an employee is at risk of falling;
2. Places where sand, structures, etc. are likely to collapse;

3. Places where objects are at risk of falling or flying;
  4. Places where any danger is likely to occur due to natural disasters.
- (4) Detailed matters concerning measures to be taken by a business owner under paragraphs (1) through (3) (hereinafter referred to as “safety measures”) shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 39 (Health Measures)**

(1) A business owner shall take measures necessary to prevent any of the following health impairments (hereinafter referred to as “health measures”):

1. Health impairments caused by raw materials, gases, vapors, dust, fumes (referring to fine particles generated by condensation of solid vapors formed by heat or chemical reactions), mist (referring to small liquid droplets floating in the air), oxygen deficiency, pathogens, etc.;
  2. Health impairments caused by radiation, hazardous rays, high temperatures, low temperatures, ultrasonic waves, noises, vibrations, abnormal atmospheric pressure, etc.;
  3. Health impairments caused by gases, liquid, remnants, etc. discharged from the place of business;
  4. Health impairments caused by monitoring gauges, operating computer terminals, precision work, etc.;
  5. Health impairments caused by simple repetitive tasks or tasks requiring excessive physical labor;
  6. Health impairments caused by failure to maintain proper standards of ventilation, lighting, illumination, thermal insulation, dampproofing, cleanliness, etc.
- (2) Detailed matters concerning health measures to be taken by a business owner under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 40 (Safety Measures and Health Measures to Be Observed by Employees)**

Each employee shall comply with measures prescribed by Ordinance of the Ministry of Employment and Labor, which are taken by a business owner pursuant to Articles 38 and 39.

#### **Article 41 (Measures for Preventing Health Impairments Caused by Abusive Language of Customers)**

(1) With respect to employees mainly engaged in selling goods or providing services directly to customers or speaking with customers through an information and communications network defined in Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection (hereinafter referred to as “customer service employees”), a business owner shall take necessary measures as prescribed by Ordinance of the Ministry of Employment and Labor to prevent health impairments that may be caused by abusive language, assault, or any other conduct of customers inflicting physical or mental pains beyond a certain limit (hereinafter referred to as “abusive language, etc.”).

(2) Where any customer service employee suffers or is highly likely to suffer health impairments due to abusive language, etc. of customers, a business owner shall take necessary measures prescribed by

Presidential Decree, such as temporarily suspending his or her work or transferring him or her to another position.

(3) A customer service employee may request that a business owner take any measure prescribed in paragraph (2), and the business owner shall not dismiss or otherwise treat unfavorably such employee by reasons of such request.

#### **Article 42 (Preparation and Submission of Hazard Prevention Plans)**

(1) A business owner shall formulate a plan for preventing hazards and dangers pursuant to this Act or any order issued under this Act (hereinafter referred to as "hazard prevention plan") and submit it to the Minister of Employment and Labor for review, as prescribed by Ordinance of the Ministry of Employment and Labor, in any of the following cases: Provided, That any business owner who meets the standards prescribed by Ordinance of the Ministry of Employment and Labor in consideration of industrial accident rates, etc., among the business owners prescribed in subparagraph 3, shall directly review a hazard prevention plan and prepare a report on the results of such review to submit it to the Minister of Employment and Labor: *<Amended on May 26, 2020>*

1. Where an owner of business of a type and scale prescribed by Presidential Decree intends to install or relocate the entire structure, machinery, apparatus, equipment, etc. directly related to the process of manufacturing the relevant products or to make any major structural alteration thereto;

2. Where a business owner intends to install or relocate any machinery, apparatus, or equipment, which is used for hazardous or dangerous work or at a hazardous or dangerous place or used to prevent health impairments, among the machinery, apparatus, or equipment prescribed by Presidential Decree, or to make any major structural alteration thereto;

3. Where a business owner intends to commence construction works of a scale, height, etc. prescribed by Presidential Decree.

(2) When any business owner intending to commence construction works prescribed in paragraph (1) 3 (excluding business owners prescribed in the proviso, with the exception of its subparagraphs, of paragraph (1)) prepares a hazard prevention plan, he or she shall hear the opinions of persons meeting the qualification requirements prescribed by Ordinance of the Ministry of Employment and Labor, such as the qualification in construction safety.

(3) Notwithstanding paragraph (1), where a business owner has submitted a process-safety report referred to in Article 44 (1) to the Minister of Employment and Labor, a hazard prevention plan is deemed submitted with respect to the relevant hazardous or dangerous equipment.

(4) The Minister of Employment and Labor shall review a hazard prevention plan submitted pursuant to the main clause, with the exception of the subparagraphs, of paragraph (1) as prescribed by Ordinance of the Ministry of Employment and Labor and provide a written notice of the results of such review to the relevant business owner. In such cases, where deemed necessary to maintain and promote the safety and health of employees, the Minister of Employment and Labor may order the suspension of the relevant

work or construction works or an amendment to the plan.

(5) A business owner prescribed in paragraph (1) shall keep in the place of business a hazard prevention plan that he or she has directly reviewed under the proviso of that paragraph, with the exception of the subparagraphs, or that has been reviewed by the Minister of Employment and Labor under paragraph (4) as well as the results of such review.

(6) Where a business owner intending to commence construction works prescribed in paragraph (1) 3, who keeps a hazard prevention plan and the results of its review in the place of business pursuant to paragraph (5), determines it necessary to amend the hazard prevention plan due to changes in the construction method of the relevant construction works, etc., such business owner shall amend the plan and keep such amended plan.

#### **Article 43 (Verification of Implementation of Hazard Prevention Plans)**

(1) A business owner who has had a hazard prevention plan reviewed pursuant to Article 42 (4) shall obtain verification from the Minister of Employment and Labor regarding the implementation of such hazard prevention plan, as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) Any business owner prescribed in the proviso, with the exception of the subparagraphs, of Article 42 (1) shall directly verify the implementation of a hazard prevention plan, as prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That where an employee dies during the relevant construction works (excluding cases prescribed by Ordinance of the Ministry of Employment and Labor, including a traffic accident), a business owner shall obtain verification from the Minister of Employment and Labor regarding the implementation of a hazard prevention plan, as prescribed by Ordinance of the Ministry of Employment and Labor.

(3) Where the Minister of Employment and Labor finds that measures for preventing hazards and dangers have not been taken according to a hazard prevention plan based on the results of verification prescribed in paragraph (1) and the proviso of paragraph (2), he or she may order necessary measures, such as improving, and ceasing the use of, facilities, etc. or suspending the relevant work, as prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The procedures and methods for improving, and ceasing the use of, facilities, etc. or suspending the relevant work prescribed in paragraph (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 44 (Preparation and Submission of Process-Safety Reports)**

(1) A business owner of a place of business with hazardous or dangerous facilities prescribed by Presidential Decree shall prepare a process-safety report and submit it to the Minister of Employment and Labor for review, as prescribed by Presidential Decree, to prevent an accident prescribed by Presidential Decree, which is likely to cause immediate damage to employees in the place of business or to the neighborhood of the place of business, such as the leakage of a dangerous substance from the facilities,

fire, or explosion (hereafter in this Article referred to as "serious industrial accident"). In such cases, no relevant hazardous or dangerous facility shall be operated until notification is provided that the content of the process-safety report are appropriate to prevent serious industrial accidents.

(2) In preparing a process-safety report under paragraph (1), a business owner shall undergo deliberation by an occupational safety and health committee: Provided, That in cases of a place of business where no occupational safety and health committee is established, he or she shall hear the opinions of the representative of employees.

#### **Article 45 (Review of Process-Safety Reports)**

(1) The Minister of Employment and Labor shall review a process-safety report as prescribed by Ordinance of the Ministry of Employment and Labor, and provide a written notice of the results of the review to the relevant business owner. In such cases, where deemed necessary to maintain and promote the safety and health of employees, the Minister of Employment and Labor may order amendments to the relevant process-safety report.

(2) A business owner shall keep the process-safety report that has been reviewed under paragraph (1) in the place of business.

#### **Article 46 (Implementation of Process-Safety Reports)**

(1) A business owner and the employees shall comply with the details of a process-safety report that has been reviewed under Article 45 (1) (including a process-safety report supplemented pursuant to paragraph (3) of this Article).

(2) A business owner shall be subject to verification by the Minister of Employment and Labor as to whether the owner has actually implemented the details of the process-safety report reviewed pursuant to Article 45 (1), as prescribed by Ordinance of the Ministry of Employment and Labor.

(3) Where any reason arises to amend any detail of a process-safety report reviewed pursuant to Article 45 (1), the relevant business owner shall supplement the report without delay.

(4) The Minister of Employment and Labor may evaluate the implementation of a process-safety report regularly, as prescribed by Ordinance of the Ministry of Employment and Labor.

(5) Where the Minister of Employment and Labor finds that the supplementation made pursuant to paragraph (3) is insufficient based on the results of an evaluation under paragraph (4), he or she may order the business owner of the relevant place of business to amend the process-safety report, and where the business owner fails to comply with such order, the Minister of Employment and Labor may order him or her to re-submit the process-safety report.

#### **Article 47 (Safety and Health Checkup)**

(1) The Minister of Employment and Labor may order the business owner of a place of business with a significant risk of industrial accidents, including falling, collapse, fire, explosion, or the leakage of

hazardous or dangerous substances, to undergo a safety and health checkup conducted by an institution designated under Article 48 (hereinafter referred to as "safety and health checkup institution").

(2) Any business owner in receipt of an order to undergo a safety and health checkup under paragraph (1) shall request a safety and health checkup institution to conduct a safety and health checkup, as prescribed by Ordinance of the Ministry of Employment and Labor.

(3) Each business owner shall fully cooperate in a safety and health checkup conducted by a safety and health checkup institution pursuant to paragraph (2), and shall not refuse, obstruct, or evade it without just cause. In such cases, upon request of the representative of employees, a business owner shall allow the representative of employees to participate in the relevant safety and health checkup.

(4) Where a safety and health checkup institution conducts a safety and health checkup under paragraph (2), it shall submit a report on the results of the safety and health checkup to the business owner of the relevant place of business and the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor.

(5) The types and content of a safety and health checkup, matters to be included in a report on the results of a safety and health checkup, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 48 (Safety and Health Checkup Institutions)**

(1) Any person intending to become a safety and health checkup institution shall obtain designation from the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree.

(2) The Minister of Employment and Labor may evaluate safety and health checkup institutions and publish the results of such evaluation. In such cases, matters necessary for the standards and methods for evaluation, and for publishing the results thereof shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(3) The procedures for designating safety and health checkup institutions, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) Article 21 (4) and (5) shall apply mutatis mutandis to safety and health checkup institutions. In such cases, "specialized safety management institution or specialized health management institution" shall be construed as "safety and health checkup institution".

#### **Article 49 (Order to Formulate and Implement Safety and Health Improvement Plans)**

(1) Where the Minister of Employment and Labor deems it necessary to take comprehensive improvement measures for preventing industrial accidents regarding any of the following places of business, he or she may order the relevant business owner to formulate and implement a safety and health improvement plan regarding the place of business, facilities, and other matters (hereinafter referred to as "safety and health improvement plan"), as prescribed by Ordinance of the Ministry of Employment and Labor. In such cases, the Minister of Employment and Labor may order the business owners of places of business prescribed by

Presidential Decree to formulate and implement a safety and health improvement plan after undergoing a safety and health checkup referred to in Article 47:

1. A place of business with an industrial accident rate exceeding the average industrial accident rate based upon scale of the same business;
  2. A place of business at which a serious accident occurs because its business owner fails to implement necessary safety or health measures;
  3. A place of business where the number of persons with occupational diseases exceeds the number prescribed by Presidential Decree;
  4. A place of business which exceeds the exposure limit to hazardous factors prescribed in Article 106.
- (2) When a business owner formulates a safety and health improvement plan, he or she shall undergo deliberation by an occupational safety and health committee: Provided, That in cases of a place of business where no occupational safety and health committee is established, he or she shall hear the opinions of the representative of employees.

#### **Article 50 (Submission of Safety and Health Improvement Plans)**

- (1) Any business owner in receipt of an order to formulate and implement a safety and health improvement plan under Article 49 (1) shall formulate a safety and health improvement plan and submit it to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor.
- (2) The Minister of Employment and Labor shall review a safety and health improvement plan submitted under paragraph (1) as prescribed by Ordinance of the Ministry of Employment and Labor, and provide a written notice of the results of such review to the relevant business owner. In such cases, where deemed necessary to maintain and promote the safety and health of employees, the Minister of Employment and Labor may order the relevant business owner to supplement the safety and health improvement plan.
- (3) A business owner and the employees shall comply with a safety and health improvement plan that has been reviewed pursuant to the former part of paragraph (2) (including a safety and health improvement plan supplemented pursuant to the latter part of that paragraph).

#### **Article 51 (Suspension of Work by Business Owners)**

Where imminent danger of an industrial accident exists, a business owner shall take necessary safety and health measures, such as immediately suspending relevant work and evacuating employees from the work sites.

#### **Article 52 (Suspension of Work by Employees)**

- (1) Where imminent danger of an industrial accident exists, any employee may suspend work and be evacuated.

(2) Where any employee suspends work and is evacuated pursuant to paragraph (1), he or she shall report such fact to a supervisor or the heads of departments (hereinafter referred to as “supervisor, etc.”) without delay.

(3) A supervisor, etc. in receipt of a report referred to in paragraph (2) shall take necessary safety and health measures.

(4) Where there is any reasonable ground for an employee to believe that any imminent danger of an industrial accident exists, no business owner shall dismiss or otherwise treat unfavorably the employee who suspends work and is evacuated pursuant to paragraph (1).

### **Article 53 (Corrective Measures by Minister of Employment and Labor)**

(1) When the Minister of Employment and Labor determines, with respect to any structure or annex thereto, machinery, apparatus, equipment, or raw material of a place of business (hereinafter referred to as “machinery, equipment, etc.”), that the business owner has failed to take necessary safety and health measures prescribed by Ordinance of the Ministry of Employment and Labor, thereby causing any significant hazard or danger to employees, he or she may issue an order to take necessary measures regarding the relevant machinery, equipment, etc. (hereinafter referred to as “corrective measures”), including the suspension of use, replacement, removal, or improvement of facilities, and other safety and health measures prescribed by Ordinance of the Ministry of Employment and Labor.

(2) A business owner in receipt of an order for corrective measures under paragraph (1) shall post a list of matters subject to the order for corrective measures in a place easily discernible to employees, until the corrective measures are completed for the relevant machinery, equipment, etc.

(3) Where any hazardous or dangerous condition has not been removed or rectified or any hazard or danger to employees is highly likely to increase since a business owner has failed to implement an order for corrective measures regarding the relevant machinery, equipment, etc., the Minister of Employment and Labor may order full or partial suspension of the work related to the relevant machinery equipment, etc.

(4) Where a business owner in receipt of an order for suspension of use referred to in paragraph (1) or an order for suspension of work referred to in paragraph (3) completes the relevant corrective measures, he or she may request that the Minister of Employment and Labor withdraw the suspension of use referred to in paragraph (1) or the suspension of work referred to in paragraph (3).

(5) With respect to a request for withdrawal referred to in paragraph (4), when the Minister of Employment and Labor determines that the corrective measures have been completed, he or she shall withdraw the suspension of use referred to in paragraph (1) or the suspension of work referred to in paragraph (3).

### **Article 54 (Measures by Business Owners in Cases of Serious Accidents)**

(1) When a serious accident occurs, a business owner shall take necessary safety and health measures, including immediately suspending the relevant work and evacuating employees from the work sites.

(2) Where a business owner becomes aware of a serious accident, he or she shall report such accident to the Minister of Employment and Labor without delay, as prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That any unavoidable reason exists such as a natural disaster, a business owner shall report without delay when the relevant reason ceases to exist.

#### **Article 55 (Measures for Suspension of Work by the Minister of Employment and Labor in Cases of Serious Accidents)**

(1) In the event of any serious accident, where the Minister of Employment and Labor determines that there is imminent danger of an industrial accident reoccurring at the relevant place of business due to any of the following work, he or she may order the suspension of the relevant work:

1. The relevant work where the serious accident has occurred;
2. The work same as the work where the serious accident has occurred.

(2) The Minister of Employment and Labor may suspend work in the relevant place of business in any extenuating circumstance, such as when a serious accident occurs due to the collapse of soil or structures, fire, explosion, the leakage of hazardous or dangerous substances, etc., with the risk of such industrial accident spreading to nearby areas.

(3) Where a business owner requests the withdrawal of suspension of work prescribed in paragraph (1) or (2), the Minister of Employment and Labor shall withdraw the suspension of work prescribed in paragraph (1) or (2) after deliberation by a deliberation committee composed of experts regarding the withdrawal of suspension of work, etc., as prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The procedures and methods for requesting the withdrawal of suspension of work and the composition and operation of a deliberation committee under paragraph (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 56 (Investigation of Causes of Serious Accidents)**

(1) When any serious accident occurs, the Minister of Employment and Labor may investigate the causes of such accident to ascertain such causes or to formulate preventive measures against industrial accidents.

(2) The Minister of Employment and Labor may order the business owner of a place of business where a serious accident has occurred to formulate and implement a safety and health improvement plan or to take other necessary measures.

(3) No person shall damage a site where a serious accident has occurred or obstruct any investigation into the cause of a serious accident conducted by the Minister of Employment and Labor under paragraph (1).

(4) The content and procedures for an investigation into a place of business where a serious accident occurs to ascertain the causes of such accident, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

**Article 57 (Prohibition on Concealing Occurrence of Industrial Accidents and Reporting Thereof)**

- (1) When an industrial accident occurs, no business owner shall conceal such occurrence.
- (2) A business owner shall record the causes, etc. of an industrial accident and retain such records, as prescribed by Ordinance of the Ministry of Employment and Labor.
- (3) In cases of industrial accidents prescribed by Ordinance of the Ministry of Employment and Labor, a business owner shall report to the Minister of Employment and Labor the summary, cause, and timing of report of industrial accidents, a plan to prevent recurrence of industrial accidents, and other matters, as prescribed by Ordinance of the Ministry of Employment and Labor.

## CHAPTER V PREVENTION OF INDUSTRIAL ACCIDENTS IN CONTRACTING

### SECTION 1 Restrictions on Contracts

**Article 58 (Prohibition of Contracts for Hazardous Work)**

(1) No business owner shall award a contract for any of the following work, deemed hazardous or dangerous to the safety and health of employees, and have employees of a contractor conduct such work at his or her place of business:

1. Plating work;
2. Smelting, injecting, processing, and heating mercury, lead, or cadmium;
3. Manufacturing or using substances subject to permission prescribed in Article 118 (1).

(2) Notwithstanding paragraph (1), a business owner may award a contract for any work prescribed in the subparagraphs of paragraph (1) and have employees of a contractor conduct such work at his or her place of business in any of the following cases:

1. Where a business owner awards a contract for such work temporarily or intermittently;
2. Where the technology possessed by a contractor is professional and indispensable for the operation of business by a business owner (referring to a business owner as a contractee who has awarded a contract to a contractor) and approval of the Minister of Employment and Labor is obtained.

(3) Where a business owner intends to obtain approval from the Minister of Employment and Labor pursuant to paragraph (2) 2, he or she shall undergo an evaluation on safety and health conducted by the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The term of validity of approval referred to in paragraph (2) 2 shall be determined to be a period of up to three years.

(5) Where a business owner applies for an extension of the term of validity of approval referred to in paragraph (4) upon its expiration, the Minister of Employment and Labor may grant approval to extend

such term of validity by up to three years from the date following the expiration of the term of validity, as prescribed by Ordinance of the Ministry of Employment and Labor. In such cases, the business owner shall undergo an evaluation on safety and health under paragraph (3).

(6) Where a business owner intends to change any of the matters prescribed by Ordinance of the Ministry of Employment and Labor, among the matters approved under paragraph (2) 2 or (5), he or she shall obtain approval for such change, as prescribed by Ordinance of the Ministry of Employment and Labor.

(7) Where any person who has obtained approval, approval for extension, or approval for change pursuant to paragraph (2) 2, (5), or (6) ceases to meet the standards prescribed in paragraph (8), the Minister of Employment and Labor shall revoke the relevant approval, approval for extension, or approval for change.

(8) The standards, procedures, and methods for approval, approval for extension, or approval for change prescribed in paragraph (2) 2, (5), or (6), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 59 (Approval of Contracts)**

(1) Where a business owner intends to award a contract for any work prescribed by Presidential Decree to be conducted at his or her place of business, such as the handling of substances with risks of acute toxicity, skin corrosion, etc. among the works hazardous or dangerous to safety and health, he or she shall obtain approval from the Minister of Employment and Labor. In such cases, a business owner shall undergo an evaluation on safety and health, as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) Article 58 (4) through (8) shall apply mutatis mutandis to approval referred to in paragraph (1).

#### **Article 60 (Prohibition of Subcontracting after Obtaining Approval of Contracts)**

With regard to any work for which approval under Article 58 (2) 2, approval for extension or approval for change under paragraph (5) or (6) of that Article (including cases applicable mutatis mutandis under Article 59 (2)), or approval under Article 59 (1) is granted, no contractor contracted to conduct such work shall subcontract it.

#### **Article 61 (Obligation to Select Qualified Contractors)**

Any business owner shall award a contract for work to another business owner capable of taking measures for preventing industrial accidents.

### **SECTION 2 Safety and Health Measures by Contractees**

#### **Article 62 (Persons in General Charge of Safety and Health)**

(1) Where employees of a relevant contractor work at the place of business of a contractee, the contractee shall designate a person in charge of safety and health management at the place of business as a person in general charge of safety and health to have general supervision and control of the duties for preventing

industrial accidents involving his or her employees or employees of the relevant contractor. In such cases, as for a place of business not required to have a person in charge of safety and health management, a person who supervises and manages the business affairs at the relevant place of business shall be designated as a person in general charge of safety and health.

(2) Where a person in general charge of safety and health is designated pursuant to paragraph (1), the relevant place of business shall be deemed to have a general safety manager referred to in Article 64 (1) 1 of the Construction Technology Promotion Act.

(3) The type of business and the number of regular workforce at a place of business required to designate a person in general charge of safety and health referred to in paragraph (1); the duties and authority of a person in general charge of safety and health; and other necessary matters shall be prescribed by Presidential Decree.

### **Article 63 (Safety and Health Measures by Contractees)**

Where employees of a relevant contractor work at the place of business of a contractee, the contractee shall take necessary safety and health measures, such as installing safety and health facilities, to prevent industrial accidents involving his or her employees or employees of the relevant contractor: Provided, That direct measures concerning the work behavior of employees of a relevant contractor, such as instructing the employees to wear protective equipment, shall be excluded herefrom.

### **Article 64 (Measures for Preventing Industrial Accidents in Contracting)**

(1) A contractee shall take the following measures when employees of a relevant contractor work at his or her place of business:

1. Organizing and operating a council on safety and health consisting of a contractee and a contractor;
2. A routine inspection of the workplace;
3. Supporting safety and health education that a relevant contractor provides to his or her employees pursuant to Article 29 (1) through (3), including providing the place and materials for such education;
4. Verifying the conduct of safety and health education that a relevant contractor provides to his or her employees pursuant to Article 29 (3);
5. Operating a warning system, conducting evacuation drills, etc. in preparation for any of the following cases:
  - (a) Where explosives are set for blasting at a work site;
  - (b) Where fire, explosion, collapse of soil, structures, etc., an earthquake, or any other accident occurs at a work site;
6. Providing places necessary to install facilities, etc. prescribed by Ordinance of the Ministry of Employment and Labor, such as sanitary facilities, or cooperating in the use of sanitary facilities installed by a contractee.

(2) A contractee referred to in paragraph (1) shall conduct regular or occasional safety and health inspection at the workplace, together with his or her employees and employees of a relevant contractor, as prescribed by Ordinance of the Ministry of Employment and Labor.

(3) The composition and operation of a council on safety and health, a routine inspection of the workplace, and the support for safety and health education under paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 65 (Provision of Information on Safety and Health by Contractees)**

(1) A person who awards a contract for any of the following work shall provide information on safety and health in writing to a contractor before such work commences to prevent industrial accidents involving employees of the contractor who performs such work, as prescribed by Ordinance of the Ministry of Employment and Labor: *<Amended on May 26, 2020>*

1. Renovating, disassembling, decomposing, or demolishing such facilities as reactors, distillation towers, pipes, or storage tanks prescribed by Ordinance of the Ministry of Employment and Labor, which manufacture, use, transport, or store chemical substances prescribed by Ordinance of the Ministry of Employment and Labor, among hazardous or dangerous chemical substances of an explosive, combustible, inflammable, or toxic nature, or mixtures containing such chemical substances;

2. Work performed inside any facility prescribed in subparagraph 1;

3. Work prescribed by Presidential Decree, which is likely to cause suffocation or collapse.

(2) Where a contractee fails to provide information on safety and health under paragraph (1) before the relevant work commences, a contractor may request the provision of such information.

(3) A contractee shall verify whether a contractor has taken necessary safety and health measures according to the safety and health information provided under paragraph (1).

(4) Where a contractee fails to provide information despite a request made by a contractor under paragraph (2), the contractor need not perform the relevant contracted work. In such cases, the contractor shall not be liable for any delay in implementing the contract.

#### **Article 66 (Corrective Measures against Relevant Contractors by Contractees)**

(1) Where employees of a relevant contractor work at the place of business of a contractee, if the relevant contractor or his or her employee violates this Act or any order issued pursuant to this Act in relation to the contracted work, the contractee may take a necessary measure against such relevant contractor to correct the relevant violation. In such cases, the relevant contractor shall comply with such measure unless there is a compelling reason not to do so.

(2) Where a contractee awards a contract for any work prescribed in the subparagraphs of Article 65 (1), if a contractor or his or her employee violates this Act or any order issued pursuant to this Act in relation to the contracted work, the contractee may take a necessary measure against such contractor to correct the relevant violation. In such cases, the contractor shall comply with such measure unless there is a

compelling reason not to do so.

## SECTION 3 Prevention of Industrial Accidents in Construction Business

### **Article 67 (Measures for Preventing Industrial Accidents by Persons Placing Order for Construction Works)**

(1) A person placing an order for construction works prescribed by Presidential Decree shall take measures according to the following classifications at the planning, design, and construction stages of the construction works to prevent industrial accidents:

1. The planning stage of construction works: Preparing a basic safety and health ledger including hazardous or risk factors to be managed intensively during the construction works and measures for mitigating such factors;
  2. The design stage of construction works: Providing a designer with the basic safety and health ledger referred to in subparagraph 1, and requiring the designer to prepare a design safety and health ledger including measures for mitigating hazardous or risk factors for verification;
  3. The construction stage of construction works: Providing a contractor who is awarded a contract for construction works for the first time from a person placing an order for construction works with the design safety and health ledger referred to in subparagraph 2; requiring the contractor to prepare a construction safety and health ledger for safe work performance by reflecting the design safety and health ledger; and verifying whether the contractor has performed according to such construction safety and health ledger.
- (2) Specific details to be included in each ledger prescribed in the subparagraphs of paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 68 (Safety and Health Coordinators)**

- (1) A person placing orders for, and awarding, at least two construction works shall, where such multiple construction works are performed at the same place, assign a safety and health coordinator at the construction site to prevent any industrial accident that may occur due to the simultaneous undertaking of such works.
- (2) The value of the construction works for which a safety and health coordinator shall be assigned under paragraph (1); the qualification and duties of, and method of appointing, a safety and health coordinator; and other necessary matters shall be prescribed by Presidential Decree.

### **Article 69 (Prohibition on Reducing Construction Periods and Changing Construction Methods)**

- (1) A person placing an order for construction works or a contractee for construction works (referring to a contractor who is awarded a contract for the relevant construction works for the first time from a person placing an order for construction works or a person who takes a leading role in supervising and managing

the construction works; hereafter in this Section, the same shall apply) shall not reduce the construction period calculated based on the relevant drawings and specifications, etc.

(2) A person placing an order for construction works or a contractee for construction works shall neither use dangerous construction methods for reducing the construction cost nor change the construction methods without good cause.

#### **Article 70 (Extension of Period of Construction Works)**

(1) A person placing an order for construction works shall extend the construction period unless there is a compelling reason not to do so, where the contractee for the relevant construction works requests that the period be extended to prevent industrial accidents due to a delay in the construction works caused by any of the following reasons:

1. In the event of force majeure, including severe weather such as typhoons and floods, wars, serious incidents, earthquakes, fire, epidemics, riots, or any other extenuating circumstance beyond the control of the contractual parties;
2. Where the commencement of construction is delayed or construction is interrupted due to reasons attributable to a person placing an order for construction works.

(2) Where the commencement of construction is delayed or construction is interrupted due to any reason prescribed in paragraph (1) 1 or any reason attributable to a contractee for construction works, resulting in a delay in the relevant construction works, a relevant contractor for the construction works may request the contractee for the construction works to extend a construction period to prevent industrial accidents. In such cases, the contractee for the construction works shall either extend the construction period or request a person placing an order for construction works to extend the construction period, unless there is a compelling reason not to so.

(3) The procedures for requesting an extension of the construction period under paragraphs (1) and (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 71 (Requests for Design Modification)**

(1) Where a contractee for construction works deems that any industrial accident is likely to occur due to the collapse, etc. of a temporary structure prescribed by Presidential Decree in the course of the construction works, he or she may request a person placing an order for construction works to modify the design of the relevant construction works after hearing the opinions of experts prescribed by Presidential Decree, including experts in architecture or civil engineering: Provided, That the foregoing shall not apply where a person placing an order for construction works has placed the relevant order including design.

(2) A contractee for construction works who is ordered to suspend the works or amend a hazard prevention plan by the Minister of Employment and Labor pursuant to the latter part of Article 42 (4) may, if design modification is necessary, request a person placing an order for construction works to modify the design of the relevant construction works.

(3) Where a relevant contractor for construction works deems that any industrial accident is likely to occur due to the collapse, etc. of a temporary structure prescribed in paragraph (1) in the course of the construction works, he or she may request a contractee for construction works to modify the design of the relevant construction works after hearing the opinions of experts prescribed in paragraph (1). In such cases, unless it is obvious that the requested matters are not technically applicable, the contractee for the construction works shall modify the design of the relevant construction works by reflecting such request or request a person placing the order for construction works to modify the design.

(4) A person placing an order for construction works in receipt of a request for design modification under paragraphs (1) through (3) shall modify the design of the relevant construction works by reflecting such request, unless it is obvious that the requested matters are not technically applicable.

(5) The procedures and methods for requesting design modifications under paragraphs (1) through (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. In such cases, a prior consultation shall be undertaken with the Minister of Land, Infrastructure and Transport.

## **Article 72 (Appropriation of Funds for Occupational Safety and Health Management for Construction Works)**

(1) Where a person placing an order for construction works concludes a contract or a person taking a leading role in supervising and managing the construction works (excluding a person to whom a contract for construction works is first awarded by a person placing an order for construction works) formulates a project plan for construction works, he or she shall appropriate funds used to prevent industrial accidents (hereinafter referred to as “funds for occupational safety and health management”) in the contract amount or project expenses, as determined and publicly notified by the Minister of Employment and Labor. *<Amended on Jun. 9, 2020>*

(2) To use funds for occupational safety and health management efficiently, the Minister of Employment and Labor may determine the following matters:

1. The standards for appropriation by scale and category of a project;
2. The standards for the use ratio, etc. according to the progress of construction works;
3. Other matters necessary for using occupational safety and health management funds.

(3) A contractee for construction works shall use funds for occupational safety and health management as prescribed in paragraph (2), and prepare and retain statements detailing the relevant expenditure, as prescribed by Ordinance of the Ministry of Employment and Labor. *<Amended on Jun. 9, 2020>*

(4) When a contractor to whom a contract for building or repairing a ship is first awarded formulates a project plan, he or she shall appropriate funds for occupational safety and health in project expenses, as determined and publicly notified by the Minister of Employment and Labor.

(5) No contractee for construction works or contractor to whom a contract for building or repairing a ship is first awarded referred to in paragraph (4) shall use funds for occupational safety and health management

for any other purpose than preventing industrial accidents. <Amended on Jun. 9, 2020>

### **Article 73 (Guidance on Prevention of Industrial Accidents during Construction Works)**

(1) A contractee for construction works prescribed by Presidential Decree shall receive guidance on preventing construction industrial accidents while conducting the relevant construction works from a specialized institution designated under Article 74 (hereinafter referred to as "specialized guidance institution for preventing construction industrial accidents").

(2) The details of guidance to be provided by a specialized guidance institution for preventing construction industrial accidents, the subject matters of guidance, the method of providing guidance, and other necessary matters shall be prescribed by Presidential Decree.

### **Article 74 (Specialized Guidance Institutions for Preventing Construction Industrial Accidents)**

(1) Any person intending to become a specialized guidance institution for preventing construction industrial accidents shall obtain designation from the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree.

(2) The procedures for designating specialized guidance institutions for preventing construction industrial accidents referred to in paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

(3) The Minister of Employment and Labor may evaluate specialized guidance institutions for preventing construction industrial accidents and publish the results of such evaluation. In such cases, matters necessary for the standards and methods for evaluation, and for publishing the results of evaluation shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) Article 21 (4) and (5) shall apply mutatis mutandis to specialized guidance institutions for preventing construction industrial accidents. In such cases, "specialized safety management institution or specialized health management institution" shall be construed as "specialized guidance institution for preventing construction industrial accidents".

### **Article 75 (Special Cases concerning Establishing and Operating Council on Safety and Health)**

(1) A contractee for construction works of a scale prescribed by Presidential Decree may establish and operate a council on safety and health, consisting of an equal number of members representing the employees and the employer (hereinafter referred to as "labor-management council") at the site of the relevant construction works, as prescribed by Presidential Decree.

(2) Where a contractee for construction works establishes and operates a labor-management council under paragraph (1), he or she shall be deemed to establish and operate an occupational safety and health committee and a council on safety and health referred to in Article 64 (1) 1, respectively.

(3) A contractee for construction works who establishes and operates a labor-management council under paragraph (1) shall undergo deliberation and decision by the labor-management council regarding any

matter prescribed in the subparagraphs of Article 24 (2). In such cases, the methods for addressing matters not decided by the labor-management council shall be prescribed by Presidential Decree.

(4) A labor-management council shall hold its meetings as prescribed by Presidential Decree and shall record in the minutes and retain the results of meetings.

(5) A labor-management council shall discuss matters prescribed by Ordinance of the Ministry of Employment and Labor, such as prevention of industrial accidents and methods of evacuation in case of an industrial accident.

(6) A contractee for construction works who establishes and operates a labor-management council and his or her employees, and a relevant contractor and his or her employees shall faithfully implement the matters which the labor-management council has deliberated on and decided pursuant to paragraph (3).

(7) Article 24 (5) and (6) shall apply mutatis mutandis to labor-management councils. In such cases, “occupational safety and health committee” shall be construed as “labor-management council”.

#### **Article 76 (Safety Measures by Contractees for Construction Works for Machinery and Apparatus)**

A contractee for construction works shall take necessary safety and health measures where machinery, apparatus, equipment, etc. prescribed by Presidential Decree, such as tower cranes, are installed or operated at his or her place of business, or where the installation, disassembly, assembly, etc. of such machinery, apparatus, equipment, etc. is being performed.

### **SECTION 4 Prevention of Industrial Accidents in Other Types of Employment**

#### **Article 77 (Safety and Health Measures for Persons in Special Types of Employment)**

(1) With respect to a person meeting all of the following requirements to which the Labor Standards Act or any other Act is not applicable despite the fact that he or she provides labor similar to that of employees and needs protection from occupational accidents, irrespective of the type of a contract (hereinafter referred to as “person in a special type of employment”), any person provided with labor of such person in a special type of employment shall take necessary safety and health measures to prevent industrial accidents involving such person: <Amended on May 26, 2020>

1. The person shall engage in any of the types of occupation prescribed by Presidential Decree;
2. The person shall provide labor mainly for one business regularly and live on remuneration paid in return therefor;
3. The person shall not use any other person in providing labor.

(2) A person provided with labor of a person in a special type of employment as prescribed by Presidential Decree shall conduct education on safety and health, as prescribed by Ordinance of the Ministry of Employment and Labor.

(3) The Government may grant subsidies to cover all or part of the expenses incurred in maintaining and promoting the safety and health of persons in special types of employment.

### **Article 78 (Safety Measures for Delivery Persons)**

A person who brokers the collection, delivery, etc. of goods using a mobile communications terminal device defined in subparagraph 4 of Article 2 of the Mobile Device Distribution Improvement Act shall take necessary safety and health measures to prevent industrial accidents involving a person who performs the collection, delivery, etc. of goods using a two-wheeled motor vehicle referred to in Article 3 (1) 5 of the Motor Vehicle Management Act through his or her brokerage. <Amended on May 26, 2020>

### **Article 79 (Measures for Preventing Industrial Accidents of Franchisers)**

(1) Where a franchiser prescribed by Presidential Decree among the franchisers defined in subparagraph 2 of Article 2 of the Fair Transactions in Franchise Business Act supplies a franchisee defined in subparagraph 3 of that Article with equipment, machinery, raw materials, goods, etc. of a franchise store, he or she shall take the following measures to prevent industrial accidents involving the franchisee and the employees of the franchisee:

1. Establishing and implementing programs related to safety and health at a franchise store;
  2. Providing information on safety and health to a franchisee regarding equipment, machinery, raw materials, goods, etc. installed or supplied by a franchiser at or to a franchise store.
- (2) The content and implementation methods of a program on safety and health referred to in paragraph (1) 1, the methods for providing information on safety and health under subparagraph 2 of that paragraph, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

## **CHAPTER VI MEASURES FOR HAZARDOUS OR DANGEROUS MACHINERY**

### **SECTION 1 Protective Measures against Hazardous or Dangerous Machinery**

#### **Article 80 (Protective Measures against Hazardous or Dangerous Machinery and Apparatus)**

(1) No person shall provide any power-operated machinery or apparatus prescribed by Presidential Decree for transfer, rent, installation, or use, nor shall he or she display it for the purpose of transfer or rent, without taking protective measures for preventing hazards and dangers prescribed by Ordinance of the Ministry of Employment and Labor.

(2) No person shall provide any of the following power-operated machinery or apparatus for transfer, rent, installation, or use, nor shall he or she display it for the purpose of transfer or rent, without taking protective measures prescribed by Ordinance of the Ministry of Employment and Labor:

1. Any machinery or apparatus that has a protruding part on its operating unit;
2. Any machinery or apparatus that has a power-transfer part or speed-adjusting part;

3. Any machinery or apparatus that has a trapping point in its rotary machine.
- (3) Any business owner shall regularly inspect and maintain devices related to protective measures prescribed in paragraphs (1) and (2) to ensure that such protective measures function properly.
- (4) In cases prescribed by Ordinance of the Ministry of Employment and Labor, such as where a business owner and employee intend to remove the protective measures prescribed in paragraphs (1) and (2), they shall take necessary safety and health measures.

#### **Article 81 (Measures by Lenders of Machinery and Apparatus)**

Any person who rents or borrows any machinery, apparatus, equipment, structure, etc. prescribed by Presidential Decree to or from any other person shall take necessary safety and health measures.

#### **Article 82 (Registration of Business of Installing and Dismantling Tower Cranes)**

- (1) Any person intending to install or dismantle a tower crane shall be registered with the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree. The same shall also apply when he or she intends to amend any of the important registered matters prescribed by Presidential Decree.
- (2) A business owner shall have a person registered under paragraph (1) install or dismantle a tower crane.
- (3) The procedures for registration referred to in paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.
- (4) Article 21 (4) and (5) shall apply mutatis mutandis to a person registered under paragraph (1). In such cases, "specialized safety management institution or specialized health management institution" shall be construed as "person registered under paragraph (1)", and "designation" as "registration".

### **SECTION 2 Safety Certification**

#### **Article 83 (Safety Certification Standards)**

- (1) To assess the safety of hazardous or dangerous machinery, apparatus, equipment, protective devices, and protectors (hereinafter referred to as "hazardous or dangerous machinery, etc."), the Minister of Employment and Labor shall determine and publicly notify standards for safety-related performance of hazardous or dangerous machinery, etc., and the technical capability, production system, etc. of manufacturers (hereinafter referred to as "safety certification standards").
- (2) The safety certification standards may be determined by classification, specification, or type of hazardous or dangerous machinery, etc.

#### **Article 84 (Safety Certification)**

- (1) A person who manufactures or imports (including those who install or relocate machinery, etc. subject to safety certification prescribed by Ordinance of the Ministry of Employment and Labor or who makes

any major structural alteration thereof; hereafter in this Article and Articles 85 through 87, the same shall apply) any hazardous or dangerous machinery, etc., prescribed by Presidential Decree as potentially causing risk to the safety and health of employees (hereinafter referred to as "machinery, etc. subject to safety certification") shall obtain safety certification granted by the Minister of Employment and Labor as to whether they meet the safety certification standards.

(2) The Minister of Employment and Labor may fully or partially exempt safety certification prescribed in paragraph (1), as prescribed by Ordinance of the Ministry of Employment and Labor, in any of the following cases:

1. Where hazardous or dangerous machinery, etc. are manufactured or imported for research and development, or manufactured for exportation;
2. Where certification is granted by a foreign safety certification institution determined and publicly notified by the Minister of Employment and Labor;
3. In cases prescribed by Ordinance of the Ministry of Employment and Labor, where a safety inspection is conducted or safety certification is granted under other statutes or regulations.

(3) Where a person who manufactures or imports hazardous or dangerous machinery, etc. not subject to safety certification intends to undergo an evaluation of the safety-related performance, etc. of such hazardous or dangerous machinery, etc., he or she may apply for safety certification to the Minister of Employment and Labor. In such cases, the Minister of Employment and Labor may grant safety certification in accordance with the safety certification standards.

(4) The Minister of Employment and Labor shall verify whether a person who has been granted safety certification pursuant to paragraphs (1) and (3) (hereinafter referred to as "safety certification") complies with the safety certification standards, at a regular interval prescribed by Ordinance of the Ministry of Employment and Labor, not exceeding three years: Provided, That where safety certification is partially exempt under paragraph (2), such verification may be fully or partially omitted, as prescribed by Ordinance of the Ministry of Employment and Labor.

(5) A person who has obtained safety certification pursuant to paragraph (1) shall make and retain records on the name, model, outputs, and sales of machinery, etc. subject to safety certification for which safety certification has been granted, and on the status of its sellers, as prescribed by Ordinance of the Ministry of Employment and Labor.

(6) Where the Minister of Employment and Labor deems it necessary for the safety and health of employees, he or she may require a person who manufactures, imports, or sells machinery, etc. subject to safety certification to submit data about the manufacturing, importation, or sales of the relevant machinery, etc. subject to safety certification to the Agency, as prescribed by Ordinance of the Ministry of Employment and Labor.

(7) The methods and procedures for applying for safety certification, the methods and procedures for verification referred to in paragraph (4), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 85 (Safety Certification Marks)**

(1) A person granted safety certification shall affix a mark of safety certification (hereinafter referred to as "safety certification mark") to hazardous or dangerous machinery, etc. for which safety certification has been granted or to the container or package thereof, as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) No hazardous or dangerous machinery, etc. for which safety certification has not been granted shall carry a safety certification mark or any other mark similar thereto, or no advertisement on safety certification shall be made with regard to such machinery, etc.

(3) No person who manufactures, imports, transfers, or lends any hazardous or dangerous machinery, etc. for which safety certification has been granted shall modify or remove a safety certification mark at his or her discretion.

(4) The Minister of Employment and Labor shall order the removal of a safety certification mark or any other mark similar thereto in any of the following cases:

1. Where a safety certification mark or similar is affixed, in violation of paragraph (2);
2. Where safety certification is revoked or an order prohibiting the use of a safety certification mark is issued under Article 86 (1).

### **Article 86 (Revocation of Safety Certification)**

(1) Where a person who has obtained safety certification falls under any of the following, the Minister of Employment and Labor may revoke the relevant safety certification or issue an order prohibiting the use of a safety certification mark or to make necessary corrections to meet the safety certification standards within a specified period not exceeding six months: Provided, That in cases falling under subparagraph 1, the relevant safety certification shall be revoked:

1. Where a person has obtained safety certification by fraud or other improper means;
2. Where the safety-related performance, etc. of hazardous or dangerous machinery, etc. for which safety certification has been granted cease to meet the safety certification standards;
3. Where a person refuses, obstructs, or evades verification prescribed in Article 84 (4) without good cause.

(2) Where the Minister of Employment and Labor revokes safety certification under paragraph (1), he or she shall publicly announce such fact in the Official Gazette, etc., as prescribed by Ordinance of the Ministry of Employment and Labor.

(3) No person whose safety certification has been revoked under paragraph (1) shall apply for safety certification of the hazardous or dangerous machinery, etc. subject to the revocation of safety certification for one year from the date of such revocation.

### **Article 87 (Prohibition on Manufacturing Machinery Subject to Safety Certification)**

(1) No person shall manufacture, import, transfer, lend, or use any of the following machinery, etc. subject to safety certification, or display them for sale or rent:

1. Where safety certification prescribed in Article 84 (1) has not been granted (excluding where safety certification is fully exempt under paragraph (2) of that Article);
2. Where machinery, etc. subject to safety certification cease to meet the safety certification standards;
3. Where safety certification is revoked or an order prohibiting the use of a safety certification mark is issued under Article 86 (1).

(2) The Minister of Employment and Labor may order a person who manufactures, imports, transfers, or lends machinery, etc. subject to safety certification in violation of paragraph (1) to collect or destroy the relevant machinery, etc. subject to safety certification, as prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 88 (Safety Certification Institutions)**

(1) The Minister of Employment and Labor may designate an institution to which safety certification and verification referred to in Article 84 are entrusted as a safety certification institution.

(2) Any person intending to be designated as a safety certification institution under paragraph (1) shall apply for such designation to the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree.

(3) The Minister of Employment and Labor may evaluate a safety certification institution designated under paragraph (1) (hereinafter referred to as "safety certification institution"), and publish the results of such evaluation. In such cases, matters necessary for the standards and methods for evaluation, and for publishing the results of evaluation shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The procedures for applying for designation as a safety certification institution, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(5) Article 21 (4) and (5) shall apply mutatis mutandis to safety certification institutions. In such cases, "specialized safety management institution or specialized health management institution" shall be construed as "safety certification institution".

## **SECTION 3 Reporting Voluntary Safety Verification**

### **Article 89 (Reporting Voluntary Safety Verification)**

(1) A person who manufactures or imports any hazardous or dangerous machinery, etc. prescribed by Presidential Decree, other than machinery, etc. subject to safety certification (hereinafter referred to as "machinery, etc. subject to voluntary safety verification"), shall verify (hereinafter referred to as "voluntary safety verification") whether the safety-related performance of the machinery, etc. subject to

voluntary safety verification meet the safety standards determined and publicly notified by the Minister of Employment and Labor (hereinafter referred to as "voluntary safety standards") and report (including cases of amending any reported matters) such machinery, etc. to the Minister of Employment and Labor: Provided, That such report may be exempted in any of the following cases:

1. Where such hazardous or dangerous machinery, etc. are manufactured or imported for research and development, or manufactured for exportation;
  2. Where safety certification referred to in Article 84 (3) is granted (excluding where safety certification is revoked or an order prohibiting the use of a safety certification mark is issued under Article 86 (1));
  3. In cases prescribed by Ordinance of the Ministry of Employment and Labor, where a safety inspection is conducted or safety certification is granted under other statutes or regulations.
- (2) Where the Minister of Employment and Labor receives a report referred to in the main clause, with the exception of its subparagraphs, of paragraph (1), he or she shall review the details thereof and accept it if it complies with this Act.
- (3) A person who has reported under the main clause, with the exception of its subparagraphs, of paragraph (1), shall retain documents verifying that the machinery, etc. subject to voluntary safety verification meet the voluntary safety standards.
- (4) The procedures and methods for making a report referred to in the main clause, with the exception of its subparagraphs, of paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 90 (Voluntary Safety Verification Marks)**

- (1) A person who has reported under the main clause, with the exception of its subparagraphs, of Article 89 (1) shall affix a mark of voluntary safety verification (hereinafter referred to as "voluntary safety verification mark") to machinery, etc. subject to voluntary safety verification or to the container or package thereof, as prescribed by Ordinance of the Ministry of Employment and Labor.
- (2) No machinery, etc. subject to voluntary safety verification which has not been reported under the main clause, with the exception of its subparagraphs, of Article 89 (1) shall carry a voluntary safety verification mark or any other mark similar thereto, or no advertisement on voluntary safety verification shall be made with regard to such machinery, etc.
- (3) No person who manufactures, imports, transfers, or lends machinery, etc. subject to voluntary safety verification reported under the main clause, with the exception of its subparagraphs, of Article 89 (1) shall modify or remove a voluntary safety verification mark at his or her discretion.
- (4) The Minister of Employment and Labor shall order the removal of a voluntary safety verification mark or any other mark similar thereto in any of the following cases:
1. Where a voluntary safety verification mark or similar is affixed, in violation of paragraph (2);
  2. Where a report referred to in the main clause, with the exception of its subparagraphs, of Article 89 (1) is made by fraud or other improper means;

3. Where an order prohibiting the use of a voluntary safety verification mark is issued under Article 91 (1).

#### **Article 91 (Prohibition on Use of Voluntary Safety Verification Marks)**

- (1) Where the safety-related performance of machinery, etc. subject to voluntary safety verification reported under the main clause, with the exception of its subparagraphs, of Article 89 (1) ceases to meet the voluntary safety standards, the Minister of Employment and Labor may prohibit a person who has made such report under the main clause, with the exception of its subparagraphs, of that paragraph from using a voluntary safety verification mark or issue an order to make necessary corrections to meet the voluntary safety standards, within a specified period not exceeding six months.
- (2) When the Minister of Employment and Labor prohibits the use of a voluntary safety verification mark pursuant to paragraph (1), he or she shall publicly announce such fact in the Official Gazette, etc.
- (3) The content, methods, and procedures for public announcement prescribed in paragraph (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 92 (Prohibition on Manufacturing Machinery Subject to Voluntary Safety Verification)**

- (1) No person shall manufacture, import, transfer, lend, or use any of the following machinery, etc. subject to voluntary safety verification, or display them for sale or rent:
  1. Where a report referred to in the main clause, with the exception of its subparagraphs, of Article 89 (1) is not made (excluding where such report is exempted under the proviso of that paragraph, with the exception of its subparagraphs);
  2. Where a report referred to in the main clause, with the exception of its subparagraphs, of Article 89 (1) is made by fraud or other improper means;
  3. Where the safety-related performance of machinery, etc. subject to voluntary safety verification ceases to meet the voluntary safety standards;
  4. Where an order prohibiting the use of a voluntary safety verification mark is issued under Article 91 (1).
- (2) The Minister of Employment and Labor may order a person who manufactures, imports, transfers, or lends machinery, etc. subject to voluntary safety verification in violation of paragraph (1) to collect or destroy the machinery, etc. subject to voluntary safety verification, as prescribed by Ordinance of the Ministry of Employment and Labor.

### **SECTION 4 Safety Inspection**

#### **Article 93 (Safety Inspections)**

- (1) A business owner (including a person who engages in business without employing employees; hereafter in this Article, and Articles 94, 95, and 98, the same shall apply) who uses hazardous or

dangerous machinery, apparatus, or equipment prescribed by Presidential Decree (hereinafter referred to as "machinery, etc. subject to safety inspection") shall undergo an inspection (hereinafter referred to as "safety inspection") conducted by the Minister of Employment and Labor as to whether the safety-related performance of machinery, etc. subject to safety inspection meets the inspection standards determined and publicly notified by the Minister of Employment and Labor. In such cases, where the business owner who uses the machinery, etc. subject to safety inspection is not the owner of the relevant machinery, etc., the owner shall undergo the safety inspection.

(2) Notwithstanding paragraph (1), in cases prescribed by Ordinance of the Ministry of Employment and Labor, including where machinery, etc. subject to safety inspection have already undergone a safety inspection or obtained safety certification pursuant to other statutes or regulations, a safety inspection may be exempt.

(3) The application for and frequency of a safety inspection, the methods for indicating the passing of an inspection, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. In such cases, the inspection frequency shall be determined in consideration of the type, service of life, and dangers of machinery, etc. subject to safety inspection.

#### **Article 94 (Issuance of Safety Inspection Certificates)**

(1) The Minister of Employment and Labor shall issue a safety inspection certificate to a business owner who passes a safety inspection referred to in Article 93 (1), as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) A business owner who is issued a safety inspection certificate referred to in paragraph (1) shall affix it to his or her machinery, etc. subject to safety inspection. *<Amended on May 26, 2020>*

#### **Article 95 (Prohibition on Using Machinery Subject to Safety Inspection)**

No business owner shall use any of the following machinery, etc. subject to safety inspection:

1. Machinery, etc. subject to safety inspection that has not undergone a safety inspection (excluding where a safety inspection is exempted under Article 93 (2));
2. Machinery, etc. subject to safety inspection that fails to pass a safety inspection.

#### **Article 96 (Safety Inspection Institutions)**

(1) The Minister of Employment and Labor may designate an institution to which safety inspections are entrusted as a safety inspection institution.

(2) Any person intending to be designated as a safety inspection institution under paragraph (1) shall apply for such designation to the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree.

(3) The Minister of Employment and Labor may evaluate safety inspection institutions designated under paragraph (1) (hereinafter referred to as "safety inspection institution"), and publish the results of such

evaluation. In such cases, matters necessary for the standards and methods for evaluation, and for publishing the results of evaluation shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The procedures for applying for designation as a safety inspection institution, and other necessary matters shall be prescribed by Presidential Decree.

(5) Article 21 (4) and (5) shall apply mutatis mutandis to safety inspection institutions. In such cases, “specialized safety management institution or specialized health management institution” shall be construed as "safety inspection institution".

#### **Article 97 (Obligation to Report of Safety Inspection Institutions)**

Where a safety inspection institution discovers machinery, etc. subject to safety inspection falling under any subparagraph of Article 95, it shall report such discovery to the Minister of Employment and Labor without delay.

#### **Article 98 (Safety Inspections under Voluntary Inspection Programs)**

(1) Notwithstanding Article 93 (1), where a business owner required to undergo a safety inspection under that paragraph determines an inspection program that satisfies the inspection standards prescribed in the former part of that paragraph, the frequency of inspection prescribed in paragraph (3) of that Article, etc. (hereinafter referred to as "voluntary inspection program") after consulting thereon with the representative of employees (excluding where no employee is employed); obtains approval thereof from the Minister of Employment and Labor; and undergoes the safety-related performance inspection of machinery, etc. subject to safety inspection according to the voluntary inspection program (hereinafter referred to as “voluntary safety inspection”) from any of the following persons, such business owner shall be deemed to have undergone a safety inspection:

1. A person who has qualifications and experience related to safety-related performance inspections as prescribed by Ordinance of the Ministry of Employment and Labor;
2. A person who has completed an educational course for safety-related performance inspections as prescribed by Ordinance of the Ministry of Employment and Labor, and has practical experience in the relevant field.

(2) The period of validity of a voluntary inspection program shall be two years.

(3) Any business owner who has undergone a voluntary safety inspection shall make and retain records on the results thereof.

(4) Any business owner intending to undergo a voluntary safety inspection may entrust a voluntary safety inspection to an inspection institution designated pursuant to Article 100 (hereinafter referred to as "voluntary safety inspection institution").

(5) The details to be included in a voluntary inspection program, the requirements for approving a voluntary inspection program, the methods and procedures for approving a voluntary inspection program,

and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 99 (Revocation of Approval of Voluntary Inspection Programs)**

(1) Where a person granted approval of a voluntary inspection program falls under any of the following subparagraphs, the Minister of Employment and Labor may revoke his or her approval of the voluntary inspection program or issue a corrective order requiring him or her to conduct an inspection according to the details of an approved voluntary inspection program: Provided, That in cases falling under subparagraph 1, such approval shall be revoked:

1. Where he or she has obtained approval of a voluntary inspection program by fraud or other improper means;
2. Where he or she has failed to conduct an inspection even after obtaining approval of a voluntary inspection program;
3. Where he or she has failed to conduct an inspection according to the details of an approved voluntary inspection program;
4. Where an inspection has not been conducted by a person prescribed in any subparagraph of Article 98 (1) or a voluntary safety inspection institution.

(2) No business owner shall use machinery, etc. subject to safety inspection which becomes subject to revocation of approval of a voluntary inspection program referred to in paragraph (1).

#### **Article 100 (Voluntary Safety Inspection Institutions)**

(1) Any person intending to become a voluntary safety inspection institution shall obtain designation from the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree.

(2) The Minister of Employment and Labor may evaluate voluntary safety inspection institutions, and publish the results of such evaluation. In such cases, matters necessary for the standards and methods for evaluation, and for publishing the results of evaluation shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(3) The procedures for designating voluntary safety inspection institutions, and other necessary matters shall be prescribed by Presidential Decree.

(4) Article 21 (4) and (5) shall apply mutatis mutandis to voluntary safety inspection institutions. In such cases, "specialized safety management institution or specialized health management institution" shall be construed as "voluntary safety inspection institution".

### **SECTION 5 Investigation into Hazardous or Dangerous Machinery and Support**

#### **Article 101 (Performance Tests)**

Where the Minister of Employment and Labor deems that damage has been caused, or is highly likely to be caused, to employees due to the deterioration of safety performance, etc. of machinery, etc. subject to safety certification or machinery, etc. subject to voluntary safety verification, he or she may investigate the product manufacturing process at a place of business manufacturing hazardous or dangerous machinery, etc., as prescribed by Presidential Decree; and collect hazardous or dangerous machinery, etc. manufactured, imported, transferred, lent, or displayed for sale or rent to conduct a performance test as to whether such machinery, etc. meet the safety certification standards or the voluntary safety standards.

#### **Article 102 (Subsidies for Business Manufacturing Hazardous or Dangerous Machinery)**

(1) The Minister of Employment and Labor may provide any of the following persons with a subsidy necessary to improve the quality and safety of hazardous or dangerous machinery, etc. or his or her design and construction capabilities, etc. within the budget:

1. A person who manufactures a product deemed to require support to improve the safety of any of the following items:

- (a) Machinery, etc. subject to safety certification;
- (b) Machinery, etc. subject to voluntary safety verification;
- (c) Any other hazardous or dangerous machinery, etc. causing frequent industrial accidents;

2. A person who designs and constructs facilities for improving a working environment.

(2) Any person who intends to receive a subsidy referred to in paragraph (1) shall be registered with the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Ordinance of the Ministry of Employment and Labor.

(3) Where a person registered pursuant to paragraph (2) falls under any of the following, the Minister of Employment and Labor may revoke registration or restrict provision of subsidies prescribed in paragraph (1) for up to one year: Provided, That in cases falling under subparagraph 1, the registration shall be revoked:

1. Where he or she has been registered by fraud or other improper means;
2. Where he or she ceases to meet the registration requirements prescribed in paragraph (2);
3. Where his or her safety certification is revoked pursuant to Article 86 (1) 1.

(4) Where a person who has received a subsidy pursuant to paragraph (1) falls under any of the following, the Minister of Employment and Labor shall recover the amount of the subsidy or the amount equivalent thereto. In such cases, in cases falling under subparagraph 1, an amount not exceeding the amount equivalent to a subsidy may be collected additionally:

1. Where he or she has received a subsidy by fraud or other improper means;
2. Where he or she has used a subsidy for any purpose other than the purpose of subsidization prescribed in paragraph (1);
3. Where his or her registration has been revoked for falling under paragraph (3) 1.

(5) The Minister of Employment and Labor may ban a person whose registration is revoked under paragraph (3) from being registered under paragraph (2) for a specified period not exceeding two years from the date of such revocation.

(6) The details of subsidies prescribed in paragraphs (1) through (5); the procedures for registration, revoking registration, and recovering subsidies; the criteria for restricting registration; and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 103 (Integrated Management of Information on Safety of Hazardous or Dangerous Machinery)**

(1) The Minister of Employment and Labor may perform integrated management of information on safety, including the current status of hazardous or dangerous machinery, etc. in each place of business and the history of safety inspections, and provide such information to safety certification institutions or safety inspection institutions.

(2) The Minister of Employment and Labor may request submission of data necessary for integrated management of information prescribed in paragraph (1) from safety certification institutions or safety inspection institutions, such as the current status of hazardous or dangerous machinery, etc. in each place of business and the history of safety inspections. In such cases, an institution in receipt of such request shall comply with it, unless there is a compelling reason not to do so.

(3) For the integrated management of information prescribed in paragraph (1), the Minister of Employment and Labor shall establish and operate an integrated information network for safety, containing the current status of hazardous or dangerous machinery, etc., the history of safety inspections, etc.

## **CHAPTER VII MEASURES AGAINST HAZARDOUS OR DANGEROUS SUBSTANCES**

### **SECTION 1 Classification and Management of Hazardous or Dangerous Substances**

#### **Article 104 (Standards for Classifying Hazardous Factors)**

The Minister of Employment and Labor shall establish standards for classifying hazards and dangers of chemical substances, physical factors, etc. that cause health impairments to employees (hereinafter referred to as "hazardous factors"), as prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 105 (Assessment and Management of Hazards and Dangers of Hazardous Factors)**

(1) The Minister of Employment and Labor may assess the hazards and dangers that hazardous factors pose to the health of employees, and publish the findings of such assessment in the Official Gazette, etc.

(2) The Minister of Employment and Labor shall classify and manage hazardous factors according to the level of their hazards and dangers, in consideration of the findings of the assessment referred to in

paragraph (1), etc., as prescribed by Ordinance of the Ministry of Employment and Labor.

(3) The standards for selecting hazardous factors subject to the assessment of hazards and dangers prescribed in paragraph (1), the methods for assessing hazards and dangers, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 106 (Establishment of Exposure Limits for Hazardous Factors)**

The Minister of Employment and Labor shall determine and publicly notify exposure limits for hazardous factors in consideration of the matters prescribed by Ordinance of the Ministry of Employment and Labor, such as the findings of the assessment of hazards and dangers referred to Article 105 (1).

#### **Article 107 (Compliance with Permissible Levels of Hazardous Factors)**

(1) With respect to hazardous factors prescribed by Presidential Decree which are likely to cause a serious health impairment of employees, such as carcinogenic substances, each business owner shall maintain the exposure concentrations of such hazardous factors in the workplace at or below the permissible level prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That the foregoing shall not apply in any of the following cases:

1. Where installing or improving facilities and equipment that handle, or purify and discharge, hazardous factors is impossible with currently available technology;
2. Where a serious defect occurs in facilities and equipment due to a natural disaster, etc.;
3. In cases of temporary works and short-term works prescribed by Ordinance of the Ministry of Employment and Labor;
4. In other cases prescribed by Presidential Decree.

(2) Notwithstanding the proviso, with the exception of its subparagraphs, of paragraph (1), a business owner shall endeavor to maintain the exposure concentrations of hazardous factors at or below the permissible level referred to in paragraph (1).

#### **Article 108 (Investigation of Hazards and Dangers of Non-Phase-In Substances)**

(1) A person (hereinafter referred to as “manufacturer, etc. of non-phase-in substances”) who intends to manufacture or import any chemical substance other than those prescribed by Presidential Decree (hereinafter referred to as "non-phase-in substances") shall investigate the hazards or dangers of such non-phase-in substances and submit an investigative report to the Minister of Employment and Labor to prevent the non-phase-in substances from impairing the health of employees, as prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That the foregoing shall not apply in any of the following cases:

1. Where any non-phase-in substance is imported to supply daily necessities of general consumers, as prescribed by Ordinance of the Ministry of Employment and Labor;

2. Where the quantity of any non-phase-in substance imported is small or the degree of risk is deemed low, as prescribed by Ordinance of the Ministry of Employment and Labor.
- (2) Where it is required to take necessary measures to prevent non-phase-in substances from impairing the health of employees based on the results of the investigation of hazards and dangers prescribed in the main clause, with the exception of its subparagraphs, of paragraph (1), a manufacturer, etc. of non-phase-in substances shall immediately implement such measures.
- (3) Upon receipt of an investigative report on the hazards and dangers of non-phase-in substances referred to in paragraph (1), the Minister of Employment and Labor shall publish the name, hazards, and dangers of the relevant non-phase-in substances, measures for preventing the health impairment of employees, etc., and notify such information to the relevant ministries, as prescribed by Ordinance of the Ministry of Employment and Labor.
- (4) When deemed necessary to prevent the health impairment of employees after reviewing an investigative report on the hazards and dangers of non-phase-in substances submitted pursuant to paragraph (1), the Minister of Employment and Labor may order a manufacturer, etc. of non-phase-in substances to take measures, such as installing and maintaining facilities and equipment, securing protectors, etc.
- (5) Where a manufacturer, etc. of non-phase-in substances transfer or supply any non-phase-in substance, he or she shall also provide documents stating measures to be taken to prevent any health impairment of employees prescribed in paragraph (4).

#### **Article 109 (Investigation of Hazards and Dangers of Chemical Substances Likely to Cause Serious Health Impairments)**

- (1) When deemed necessary to prevent the health impairment of employees, the Minister of Employment and Labor may order a person who manufactures or imports chemical substances likely to cause cancer or other serious health impairments or a business owner who uses such chemical substances to investigate the hazards or dangers of the chemical substances and submit the results thereof or to submit data necessary to assess hazards and dangers under Article 105 (1), as prescribed by Ordinance of the Ministry of Employment and Labor.
- (2) A person ordered to investigate hazards and dangers of any chemical substance pursuant to paragraph (1) shall, where the results of the investigation reveal that the chemical substance may impair the health of employees, take necessary measures, such as installing or renovating facilities or equipment, to prevent the health impairment of employees.
- (3) Where the Minister of Employment and Labor deems it necessary to prevent the health impairment of employees after reviewing the results of investigation and the data submitted pursuant to paragraph (1), he or she may classify and manage the relevant chemical substances pursuant to Article 105 (2) or may order a person who manufactures or imports such chemical substances or a business owner who uses them to take necessary measures, such as installing or renovating facilities or equipment, to prevent the health

impairment of employees.

### **Article 110 (Preparation and Submission of Material Safety Data Sheets)**

(1) A person who intends to manufacture or import any chemical substance or a mixture containing it, which is falling under the classification standards referred to in Article 104 (excluding a chemical substance or mixture prescribed by Presidential Decree; hereinafter referred to as “substances subject to material safety data sheet preparation”), shall prepare data sheets stating the following matters (hereinafter referred to as "material safety data sheets"), and submit them to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor. In such cases, where the Minister of Employment and Labor intends to prescribe matters to be described in material safety data sheets or the methods for preparing such data sheets as prescribed by Ordinance of the Ministry of Employment and Labor, he or she shall consult with the Minister of Environment with regard to matters pertaining to the Chemical Substances Control Act and the Act on Registration and Evaluation of Chemical Substances:

*<Amended on May 26, 2020>*

1. The name of a product;
  2. The names and content of chemical substances falling under the classification standards prescribed in Article 104, among the chemical substances forming substances subject to material safety data sheet preparation;
  3. Handling precautions for safety and health;
  4. Hazards to health or the environment, and physical dangers;
  5. Other matters prescribed by Ordinance of the Ministry of Employment and Labor, including physical and chemical properties.
- (2) A person who intends to manufacture or import any substance subject to material safety data sheet preparation shall separately submit the data sheets showing the names and content of chemical substances not falling under the classification standards prescribed in Article 104, among the chemical substances forming substances subject to material safety data sheet preparation, to the Minister of Employment and Labor: Provided, That the foregoing shall not apply in any of the following cases:

1. Where the material safety data sheets submitted pursuant to paragraph (1) contain the names and content of all chemical substances prescribed in the main clause, with the exception of its subparagraphs, of this paragraph;
2. Where a person who intends to import any substance subject to material safety data sheet preparation submits a document verifying that there is no chemical substance falling under the classification standards referred to in Article 104, except the chemical substances stated in material safety data sheets, after receiving the document from a person who intends to manufacture a substance subject to material safety data sheet preparation overseas and export it to the Republic of Korea (hereinafter referred to as “overseas manufacturer”).

(3) Where any change is made to any matter prescribed by Ordinance of the Ministry of Employment and Labor, among the matters prescribed in any subparagraph of paragraph (1), a person who has manufactured or imported any substance subject to material safety data sheet preparation shall submit material safety data sheets reflecting the relevant change to the Minister of Employment and Labor.

(4) The methods and timing of submitting material safety data sheets, etc. referred to in paragraphs (1) through (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 111 (Provision of Material Safety Data Sheets)**

(1) A person who transfers or provides any substance subject to material safety data sheet preparation shall provide material safety data sheets to a person to whom such substance is transferred or provided.

(2) A person who has manufactured or imported any substance subject to material safety data sheet preparation shall provide material safety data sheets amended under Article 110 (3) to a person to whom such substance is transferred or provided.

(3) Where a person who has transferred or provided any substance subject to material safety data sheet preparation (excluding a person who has manufactured or imported any substance subject to material safety data sheet preparation) receives material safety data sheets referred to in Article 110 (3), he or she shall provide them to a person to whom the substance subject to material safety data sheet preparation is transferred or provided.

(4) The methods for providing material safety data sheets or any amendment thereof under paragraphs (1) through (3), the content of such data sheets, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 112 (Approval of Partial Non-Disclosure of Material Safety Data Sheets)**

(1) Notwithstanding Article 110 (1), a person who intends not to indicate the name and content of a chemical substance prescribed in subparagraph 2 of that paragraph in the material safety data sheets as such information is related to his or her trade secrets, such person may provide a name and content that can be substituted for the actual name and content of the relevant chemical substance (hereinafter referred to as "alternative data") after applying for the use of alternative data to, and obtaining approval from, the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That the foregoing shall not apply to chemical substances likely to cause a serious health impairment of employees, which are publicly notified by the Minister of Employment and Labor after deliberation by the Industrial Accident Compensation Insurance and Prevention Deliberation Committee referred to in Article 8 (1) of the Industrial Accident Compensation Insurance Act.

(2) Upon receiving an application for approval referred to in the main clause of paragraph (1), the Minister of Employment and Labor shall determine whether to grant approval after reviewing the need to replace the name and content of a chemical substance, the compatibility of the alternative data, the appropriateness

of the material safety data sheet, etc., as prescribed by Ordinance of the Ministry of Employment and Labor, and shall then notify the relevant applicant of his or her determination.

(3) The Minister of Employment and Labor shall establish the standards for granting approval under paragraph (2) after having such standards deliberated on by the Industrial Accident Compensation Insurance and Prevention Deliberation Committee referred to in Article 8 (1) of the Industrial Accident Compensation Insurance Act.

(4) The term of validity of approval prescribed in paragraph (1) shall be five years from the date of approval.

(5) Where a person who intends to continue to use alternative data after the expiration of the term of validity referred to in paragraph (4) applies for approval for an extension of the term of validity, the Minister of Employment and Labor may approve the extension of the term of validity by five years from the date following each expiration date of the term of validity.

(6) An applicant may raise an objection to the Minister of Employment and Labor regarding the outcome of his or her application for approval or approval for extension prescribed in paragraph (1) or (5), as prescribed by Ordinance of the Ministry of Employment and Labor.

(7) With respect to an objection raised under paragraph (6), the Minister of Employment and Labor shall determine whether to grant approval or approval for extension and then notify the relevant applicant of his or her determination, as prescribed by Ordinance of the Ministry of Employment and Labor.

(8) The Minister of Employment and Labor may revoke approval or approval for extension prescribed in paragraph (1), (5), or (7) in any of the following cases: Provided, That in cases falling under subparagraph 1, the relevant approval or approval for extension shall be revoked:

1. Where approval or approval for extension prescribed in paragraph (1), (5), or (7) has been obtained by fraud or other improper means;
2. Where any chemical substance for which approval or approval for extension prescribed in paragraph (1), (5), or (7) has been granted comes to fall under the category of chemical substances prescribed in the proviso of paragraph (1).

(9) The procedures and methods for granting approval for extension prescribed in paragraph (5) and revoking approval or approval for extension prescribed in paragraph (8), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(10) In cases prescribed by Ordinance of the Ministry of Employment and Labor, such as where a serious health impairment of an employee occurs, any of the following persons may request that a person who has manufactured or imported any substance subject to material safety data sheet preparation provide information on the name and content of a chemical substance, for which alternative data has been used under paragraph (1), to maintain the safety and health of employees or to identify the causes of occupational diseases. In such cases, a person requested to provide such information shall provide the relevant information, as determined and publicly notified by the Minister of Employment and Labor:

1. A physician defined in Article 2 of the Medical Service Act, who treats an employee;
2. A health officer and a specialized health management institution;
3. An occupational medicine physician;
4. The representative of employees;
5. An institution entrusted with an epidemiological investigation referred to in Article 141 (1), pursuant to Article 165 (2) 38;
6. The Occupational Disease Adjudication Committee referred to in Article 38 of the Industrial Accident Compensation Insurance Act.

### **Article 113 (Submission of Information by Persons Appointed by Overseas Manufacturers)**

(1) An overseas manufacturer may appoint a person who meets the requirements prescribed by Ordinance of the Ministry of Employment and Labor to conduct the following duties, in lieu of a person who imports a substance subject to material safety data sheet preparation:

1. Preparation and submission of material safety data sheets referred to in Article 110 (1) or (3);
2. Submission of information on the name and content of a chemical substance referred to in the main clause, with the exception of its subparagraphs, of Article 110 (2) or a verification document referred to in subparagraph 2 of that paragraph;
3. Approval for provision of alternative data under Article 112 (1), approval for an extension of a term of validity under paragraph (5) of that Article, and raising an objection under paragraph (6) of that Article.

(2) Where a person appointed under paragraph (1) submits material safety data sheets referred to in Article 110 (1) or (3) to the Minister of Employment and Labor, he or she shall provide such material safety data sheets to a person who imports the relevant substance subject to material safety data sheet preparation.

(3) A person appointed under paragraph (1) shall report to the Minister of Employment and Labor the fact that he or she has been appointed or dismissed by an overseas manufacturer, as prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The methods for submitting and providing material safety data sheets referred to in paragraph (2) and the content of such data sheets; the reporting procedures and methods referred to in paragraph (3); and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 114 (Posting of Material Safety Data Sheets and Education)**

(1) A business owner who intends to handle a substance subject to material safety data sheet preparation shall post or keep the material safety data sheets that are prepared pursuant to Article 110 (1) or (3) or that are provided pursuant to Article 111 (1) through (3) at a place easily discernible to employees handling such substance in the workplace where the substance is handled, according to the methods prescribed by Ordinance of the Ministry of Employment and Labor.

(2) A business owner referred to in paragraph (1) shall post guidelines on managing substances subject to material safety data sheet preparation by work process of handling substances subject to material safety data sheet preparation, as prescribed by Ordinance of the Ministry of Employment and Labor.

(3) A business owner referred to in paragraph (1) shall take appropriate measures, including educating the relevant employees, for the safety and health of employees handling substances subject to material safety data sheet preparation, as prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 115 (Warnings on Containers of Substances Subject to Material Safety Data Preparation)**

(1) A person who transfers or provides a substance subject to material safety data sheet preparation shall place a warning on the container or package of the substance, according to the methods prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That where a substance subject to material safety data sheet preparation is transferred or provided in a manner other than by putting it in a container or package, a document stating relevant warnings shall be provided, as determined and publicly notified by the Minister of Employment and Labor.

(2) A business owner shall state warnings on a container of a substance subject to material safety data sheet preparation used in the place of business, according to the methods prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That the foregoing shall not apply in cases prescribed by Ordinance of the Ministry of Employment and Labor, including where warnings are already stated on the container thereof.

#### **Article 116 (Provision of Data Related to Material Safety Data Sheets)**

Where the Minister of Employment and Labor deems it necessary to maintain the safety and health of employees, he or she may provide employees and business owners with data related to material safety data sheets.

#### **Article 117 (Prohibition on Manufacturing Hazardous or Dangerous Substances)**

(1) No person shall manufacture, import, transfer, provide, or use any of the following substances prescribed by Presidential Decree (hereinafter referred to as “substances prohibited from manufacturing, etc.”):

1. Substances deemed especially harmful to the health of employees, having been confirmed as occupational carcinogens;
2. Substances likely to seriously impair the health of employees, among the hazardous factors, the hazards and dangers of which have been assessed pursuant to Article 105 (1), and the chemical substances, the hazards and dangers of which have been investigated pursuant to Article 109.

(2) Notwithstanding paragraph (1), substances prohibited from manufacturing, etc. may be manufactured, imported, transferred, provided, or used in any of the following cases where such substances are used for the purposes of testing, research, or inspections:

1. Where approval of the Minister of Employment and Labor is obtained after meeting the requirements for manufacturing, importation, or use prescribed by Ordinance of the Ministry of Employment and Labor;
2. Where a person who obtains permission to sell prohibited substances under the proviso of Article 18 (1) of the Chemical Substances Control Act transfers or provides a substance prohibited from manufacturing, etc. to a person who obtains permission to sell pursuant to the proviso of that paragraph or to a person who obtains approval for use pursuant to subparagraph 1.
- (3) Where any person granted approval under paragraph (2) 1 ceases to meet the requirements for approval referred to in that subparagraph, the Minister of Employment and Labor shall revoke the relevant approval.
- (4) The procedures for granting approval prescribed in paragraph (2) 1, the procedures for revoking approval, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 118 (Permission to Manufacture Hazardous or Dangerous Substances)**

- (1) Any person who intends to manufacture or use any substance prescribed by Presidential Decree such as a substance for which no substitute has been developed, among those prescribed in any subparagraph of Article 117 (1) (hereinafter referred to as "substances subject to permission"), shall obtain permission from the Minister of Employment and Labor. The same shall also apply when amending any of the permitted matters.
- (2) The equipment for manufacturing or using substances subject to permission, the methods for treating the same, and the standards for permission shall be prescribed by Ordinance of the Ministry of Employment and Labor.
- (3) Any person who has obtained permission under paragraph (1) (hereinafter referred to as "manufacturer or user of substances subject to permission") shall maintain equipment for manufacturing or using such substances in compliance with the standards for permission referred to in paragraph (2), and manufacture and use the substances subject to permission using the treatment methods complying with such standards.
- (4) When any equipment for manufacturing or using substances subject to permission or the treatment methods of such substances of a manufacturer or user of substances subject to permission are deemed not to comply with the standards for permission referred to in paragraph (2), the Minister of Employment and Labor may order him or her to repair, renovate, or relocate such equipment for manufacturing and use so as to comply with the standards, or to manufacture and use those substances using the treatment methods complying with the standards.
- (5) Where any manufacturer or user of substances subject to permission falls under any of the following, the Minister of Employment and Labor may revoke the permission or require him or her to suspend his or her business for a specified period not exceeding six months: Provided, That in cases falling under subparagraph 1, the permission shall be revoked:

1. Where he or she obtains permission by fraud or other improper means;
  2. Where he or she ceases to meet the standards for permission referred to in paragraph (2);
  3. Where he or she violates paragraph (3);
  4. Where he or she violates any order issued under paragraph (4);
  5. Where he or she fails to immediately take necessary measures, such as repair, after identifying any malfunction based on the results of self-inspection.
- (6) The procedures for applying for permission referred to in paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

## SECTION 2 Measures for Asbestos

### **Article 119 (Asbestos Inspections)**

(1) Where it is intended to remove or dismantle a structure or facility, the owner, tenant, etc. of the relevant structure or facility (hereinafter referred to as “owner, etc. of a structure or facility”) shall inspect the following matters (hereinafter referred to as “general asbestos inspection”), and shall record and retain the results of the inspection, as prescribed by Ordinance of the Ministry of Employment and Labor:

*<Amended on May 26, 2020>*

1. Whether the relevant structure or facility contains asbestos;
2. The types, location, and area of materials containing asbestos in the relevant structure or facility.

(2) The owner, etc. of a structure or facility of at least the size prescribed by Presidential Decree, from among the structures or facilities prescribed in paragraph (1), shall have an institution designated under Article 120 (hereinafter referred to as “asbestos inspection institution”) inspect the following matters (hereinafter referred to as “asbestos inspection by a designated institution”), and shall record and retain the results of the inspection: Provided, That the asbestos inspection by a designated institution may be omitted where it is obvious that a structure or facility contains asbestos or where it is confirmed, according to the procedures prescribed by Ordinance of the Ministry of Employment and Labor, that a ground prescribed by Presidential Decree for omitting such inspection exists: *<Amended on May 26, 2020>*

1. Any matter prescribed in the subparagraphs of paragraph (1);
2. The type and amount of asbestos contained in the relevant structure or facility.

(3) Where the owner, etc. of a structure or facility conduct an asbestos inspection of a structure or facility pursuant to the Asbestos Safety Management Act or any other relevant Act, a general asbestos inspection or an asbestos inspection by a designated institution shall be deemed conducted, as prescribed by Ordinance of the Ministry of Employment and Labor.

(4) Where the owner, etc. of a structure or facility remove or dismantle any structure or facility without conducting a general asbestos inspection or an asbestos inspection by a designated institution, the Minister of Employment and Labor may issue the following orders:

1. An order issued to the owner, etc. of the relevant structure or facility to conduct a general asbestos inspection or an asbestos inspection by a designated institution;
  2. An order issued to the person who removes or dismantles the relevant structure or facility to suspend works until the outcomes of implementing the order issued under subparagraph 1 are reported.
- (5) The methods for asbestos inspections by a designated institution, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 120 (Asbestos Inspection Institutions)**

- (1) Any person intending to become an asbestos inspection institution shall obtain designation from the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree.
- (2) To ensure the accuracy and precision of the results of asbestos inspections by designated institutions, the Minister of Employment and Labor may verify the capabilities of asbestos inspection institutions to conduct asbestos inspections, and may guide or educate such institutions. In such cases, the methods and procedures for verifying the capabilities to conduct asbestos inspections and for guiding and educating asbestos inspection institutions, and other necessary matters shall be determined and publicly notified by the Minister of Employment and Labor.
- (3) The Minister of Employment and Labor may evaluate asbestos inspection institutions and publish the results of such evaluation (including the results of verifying the capability to conduct asbestos inspections under paragraph (2)). In such cases, matters necessary for the standards and methods for evaluation, and the publication of the results of such evaluation shall be prescribed by Ordinance of the Ministry of Employment and Labor.
- (4) The procedures for designating asbestos inspection institutions, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.
- (5) Article 21 (4) and (5) shall apply mutatis mutandis to asbestos inspection institutions. In such cases, “specialized safety management institution or specialized health management institution” shall be construed as “asbestos inspection institution”.

#### **Article 121 (Registration of Business of Dismantling or Removing Asbestos)**

- (1) Any person intending to engage in the business of dismantling or removing asbestos shall be registered with the Minister of Employment and Labor after meeting the requirements for human resources, facilities, and equipment prescribed by Presidential Decree.
- (2) The Minister of Employment and Labor may evaluate the safety of asbestos dismantling or removal conducted by a person registered under paragraph (1) (hereinafter referred to as “asbestos dismantler or remover”) as prescribed by Ordinance of the Ministry of Employment and Labor, and publish the results thereof. In such cases, matters necessary for the standards and methods for evaluation, and for publishing the results of evaluation shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(3) The procedures for registration referred to in paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) Article 21 (4) and (5) shall apply mutatis mutandis to asbestos dismantlers or removers. In such cases, "specialized safety management institution or specialized health management institution" shall be construed as "asbestos dismantler or remover", and "designation" as "registration".

#### **Article 122 (Dismantling or Removal of Asbestos)**

(1) Where the amount and area of asbestos contained in a structure or facility subject to asbestos inspection by a designated institute are not less than the amount and area prescribed by Presidential Decree, the owner, etc. of the relevant structure or facility shall have an asbestos dismantler or remover dismantle or remove such asbestos: Provided, That where the owner, etc. of a structure or facility has grounds prescribed by Presidential Decree, such as having capabilities equivalent to those of an asbestos dismantler or remover in human resources, equipment, etc., he or she may dismantle or remove asbestos directly. <Amended on May 26, 2020>

(2) The dismantling or removal of asbestos prescribed in paragraph (1) shall not be conducted by the institution that has conducted an asbestos inspection of the relevant structure or facility.

(3) An asbestos dismantler or remover (referring to the owner, etc. of a structure or facility in cases falling under the proviso of paragraph (1); hereafter in Article 124, the same shall apply) shall report to the Minister of Employment and Labor before dismantling or removing asbestos under paragraph (1), and shall retain documents on dismantling or removing asbestos under paragraph (1), as prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The Minister of Employment and Labor in receipt of a report referred to in paragraph (3) shall review the details thereof, and accept the report if it complies with this Act.

(5) The procedures for making a report under paragraph (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 123 (Compliance with Standards for Removing or Dismantling Asbestos)**

(1) A person who removes or dismantles a structure or facility containing asbestos shall comply with the standards for dismantling or removing asbestos prescribed by Ordinance of the Ministry of Employment and Labor. <Amended on May 26, 2020>

(2) An employee shall comply with any measure prescribed by Ordinance of the Ministry of Employment and Labor, which is taken by a person who removes or dismantles a structure or facility containing asbestos pursuant to the standards referred to in paragraph (1). <Amended on May 26, 2020>

#### **Article 124 (Compliance with Asbestos Concentration Levels)**

(1) An asbestos dismantler or remover shall ensure that the asbestos concentration in the air around the relevant workplace after completing the dismantling or removal of asbestos pursuant to Article 122 (1)

does not exceed the levels prescribed by Ordinance of the Ministry of Employment and Labor, and shall submit the relevant evidentiary data to the Minister of Employment and Labor.

(2) Matters regarding the qualifications of a person permitted to measure the asbestos concentration in the air under paragraph (1), and the methods of measurement shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(3) Where the asbestos concentration in the air around the relevant workplace after completing the dismantling or removal of asbestos exceeds the level referred to in paragraph (1), the owner, etc. of a structure or facility shall not remove or dismantle the relevant structure or facility.

## CHAPTER VIII MANAGEMENT OF THE HEALTH OF EMPLOYEES

### SECTION 1 Improvement of Working Environments

#### **Article 125 (Working Environment Monitoring)**

(1) A business owner shall have a person meeting the qualifications prescribed by Ordinance of the Ministry of Employment and Labor measure the working environment of a workplace prescribed by Ordinance of the Ministry of Employment and Labor, where works harmful to the human body are handled, to protect the health of employees from hazardous factors and create a pleasant working environment.

(2) Notwithstanding paragraph (1), where a relevant contractor or his or her employee works in the place of business of a contractee, the contractee shall have a person qualified under paragraph (1) monitor the working environment.

(3) A business owner (including a contractee referred to in paragraph (2); hereafter in this Article and Article 127, the same shall apply) may entrust working environment monitoring referred to in paragraph (1) to an institution designated under Article 126 (hereinafter referred to as “working environment monitoring institution”). In such cases, only analysis of samples, among the works related to working environment monitoring, may be entrusted, when necessary.

(4) A business owner shall, upon request by the representative of employees (including the representative of employees of a relevant contractor; hereafter in this Article, the same shall apply), permit the representative of employees to participate in monitoring the working environment.

(5) A business owner shall record and retain the results of working environment monitoring and report them to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That where a working environment monitoring institution to which working environment monitoring is entrusted by a business owner under paragraph (3) has monitored the working environment and submitted the results thereof to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor, the results of monitoring the working

environment shall be deemed reported.

(6) A business owner shall inform employees at the relevant workplace (including a relevant contractor and his or her employees; hereafter in this paragraph and Articles 127 and 175 (5) 15, the same shall apply) of the results of the working environment monitoring and take measures for protecting the health of employees based upon such results, such as installing and improving the relevant facilities and equipment or providing health examinations.

(7) Upon request by the occupational safety and health committee or the representative of employees, a business owner shall hold an explanatory meeting, etc. on the results of monitoring working environments. In such cases, where working environment monitoring is entrusted under paragraph (3), the business owner may require the working environment monitoring institution to explain the results of monitoring working environments.

(8) The methods and frequency of working environment monitoring prescribed in paragraphs (1) and (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 126 (Working Environment Monitoring Institutions)**

(1) Any person intending to become a working environment monitoring institution shall obtain designation from the Minister of Employment and Labor after meeting the requirements for human resources, facilities, equipment, etc. prescribed by Presidential Decree.

(2) To ensure the accuracy and precision of the results of monitoring or analysis by working environment monitoring institutions, the Minister of Employment and Labor may verify the capabilities of working environment monitoring institutions to monitor and analyze working environments and may guide or educate such institutions. In such cases, the methods and procedures for verifying their capabilities to monitor and analyze working environments and for educating them, and other necessary matters shall be determined and publicly notified by the Minister of Employment and Labor.

(3) Where necessary to improve the quality of the working environment monitoring, the Minister of Employment and Labor may evaluate working environment monitoring institutions and publish the results of such evaluation (including the results of verifying the capabilities to measure and analyze prescribed in paragraph (2)). In such cases, the standards and methods for evaluation, the publication of the results of evaluation, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The type, scope of duties, and designation procedures of working environment monitoring institutions, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(5) Article 21 (4) and (5) shall apply mutatis mutandis to working environment monitoring institutions. In such cases, “specialized safety management institution or specialized health management institution” shall be construed as “working environment monitoring institution”.

#### **Article 127 (Evaluation of Reliability of Working Environment Measurement)**

- (1) The Minister of Employment and Labor may evaluate the reliability of the results of monitoring working environments prescribed in Article 125 (1) and (2).
- (2) Business owners and employees shall fully cooperate when the Minister of Employment and Labor performs a reliability evaluation pursuant to paragraph (1).
- (3) The methods, subjects, and procedures of a reliability evaluation referred to in paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 128 (Designation of Research Institutes Specializing in Working Environments)**

- (1) The Minister of Employment and Labor may designate a research institute specializing in working environments by hazardous factor and by type of business and subsidize such institute within the budget to protect the health of employees from hazardous factors in the workplace and to promote specialized research on the methods of managing working environments, etc.
- (2) The standards for designating research institutes specializing in working environments by hazardous factor and by type of business referred to in paragraph (1), and other necessary matters shall be determined and publicly notified by the Minister of Employment and Labor.

### **SECTION 2 Health Examination and Health Management**

#### **Article 129 (General Health Examination)**

- (1) A business owner shall provide health examinations for health management of his or her regular workforce (hereinafter referred to as “general health examination”): Provided, That where a business owner has provided health examinations prescribed by Ordinance of the Ministry of Employment and Labor, general health examinations shall be deemed provided for employees who have received such health examinations.
- (2) A business owner shall provide general health examinations to be conducted at special health examination institutions referred to in Article 135 (1) or health examination institutions defined in subparagraph 2 of Article 3 of the Framework Act on Health Examination (hereinafter referred to as “health examination institution”).
- (3) The frequency, items, methods, and cost of general health examinations, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 130 (Special Health Examinations)**

- (1) A business owner shall provide health examinations for health management of any of the following employees (hereinafter referred to as “special health examination”): Provided, That where a business owner has provided health examinations prescribed by Ordinance of the Ministry of Employment and Labor, special health examinations for the relevant hazardous factors shall be deemed provided for

employees who have received such health examinations:

1. Employees engaged in work where they are exposed to hazardous factors prescribed by Ordinance of the Ministry of Employment and Labor (hereinafter referred to as "work subject to special health examination");
  2. Employees who are medically determined to have an occupational disease based on the results of a health examination referred to in subparagraph 1, paragraph (3), or Article 131; are transferred to a different work position or work site and not engaged in the work subject to special health examination that is determined as a cause of the occupational disease; and are issued a medical referral by a physician referred to in Article 2 of the Medical Service Act that indicates the need for them to undergo a health examination related to the relevant hazardous factor.
- (2) With respect to an employee to be assigned to any work subject to special health examination, a business owner shall provide a health examination to assess whether the employee is suitable to conduct such work (hereinafter referred to as "pre-placement health examination"): Provided, That a pre-placement health examination need not be provided for employees prescribed by Ordinance of the Ministry of Employment and Labor.
- (3) A business owner shall provide a health examination (hereinafter referred to as "occasional health examination") for an employee prescribed by Ordinance of the Ministry of Employment and Labor, such as an employee for whom a business owner is recommended to provide a health examination by a health officer, among the employees showing symptoms of a health impairment suspected to be caused by hazardous factors related to any work subject to special health examination or in receipt of such medical opinions.
- (4) A business owner shall provide health examinations prescribed in paragraphs (1) through (3) to be conducted at special health examination institutions referred to in Article 135 (1).
- (5) The timing, frequency, items, methods, and cost of health examinations prescribed in paragraphs (1) through (3), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 131 (Order to Undergo Temporary Health Examinations)**

- (1) In cases prescribed by Ordinance of the Ministry of Employment and Labor, such as where employees exposed to the same hazardous factors show symptoms of a similar disease, he or she may order a business owner to take necessary measures to protect the health of employees, such as providing health examinations for specific employees (hereinafter referred to as "temporary health examination") and transferring such employees to a different work position.
- (2) The items of temporary health examinations, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 132 (Obligations of Business Owners regarding Health Examinations)**

(1) A business owner shall ensure that any health examination prescribed in Articles 129 through 131 is provided in the presence of the representative of employees, if so requested by the representative of employees.

(2) Upon request by the occupational safety and health committee or the representative of employees, a business owner shall directly explain the results of a health examination prescribed in Articles 129 through 131 or require the health examination institution which has conducted such health examination to explain the results of a health examination: Provided, That the results of any health examination of any employee shall not be disclosed without his or her consent.

(3) No business owner shall use the results of any health examination prescribed in Articles 129 through 131 for any purpose other than protecting and maintaining the health of employees.

(4) When deemed necessary to maintain the health of employees based on the results of any health examination prescribed in Articles 129 through 131 or other statutes or regulations, a business owner shall take appropriate measures as prescribed by Ordinance of the Ministry of Employment and Labor, such as relocating a work site, transferring them to different work positions, reducing working hours, restricting night work (referring to work performed between 10:00 p.m. and 6:00 a.m.), monitoring working environments, or installing and improving facilities and equipment.

(5) A business owner prescribed by Ordinance of the Ministry of Employment and Labor, who is required to take appropriate measures under paragraph (4), shall submit the results of taking such measures to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 133 (Obligations of Employees regarding Health Examinations)**

Each employee shall undergo health examinations provided by his or her business owner pursuant to Articles 129 through 131: Provided, That where any employee undergoes a health examination corresponding thereto at a health examination institution, other than that designated by the business owner, and submits a document evidencing the results of his or her health examination to the business owner, such employee shall be deemed to have undergone a health examination provided by the business owner.

### **Article 134 (Obligations of Health Examination Institutions to Report Results)**

(1) When a health examination institution conducts a health examination prescribed in Articles 129 through 131, it shall notify the relevant employees and business owner of the results thereof, and report them to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) Any institution that conducts a health examination under the proviso of Articles 129 (1) shall, where a business owner requests the results of such health examination to protect the health of employees, inform him or her of the relevant results, as prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 135 (Special Health Examination Institutions)**

(1) Any medical institution prescribed in Article 3 of the Medical Service Act that intends to conduct special health examinations, pre-placement health examinations, or occasional health examinations shall be designated as an institution eligible to conduct health examinations (hereinafter referred to as “special health examination institution”) by the Minister of Employment and Labor.

(2) Any person intending to be designated as a special health examination institution shall apply for such designation to the Minister of Employment and Labor after meeting the requirements prescribed by Presidential Decree.

(3) The Minister of Employment and Labor may verify the capabilities of special health examination institutions referred to in paragraph (1) to conduct health examination and analysis to ensure the accuracy and precision of the results of their examination and analysis, and guide or educate such institutions. In such cases, the methods and procedures for verifying the capabilities to perform examination and analysis, and for guiding and educating special health examination institutions, and other necessary matters shall be determined and publicly notified by the Minister of Employment and Labor.

(4) The Minister of Employment and Labor may evaluate special health examination institutions and publish the results of such evaluation (including the results of verifying the capabilities to perform examination and analysis prescribed in paragraph (3)). In such cases, matters necessary for the standards and methods for evaluation, and for publishing the results of evaluation shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(5) The procedures for applying for designation as a special health examination institution, its performance of duties, areas where it can conduct its duties, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(6) Article 21 (4) and (5) shall apply mutatis mutandis to special health examination institutions. In such cases, “specialized safety management institution or specialized health management institution” shall be construed as “special health examination institution”.

### **Article 136 (Designation of Research Institutes Specializing in Special Health Examinations by Hazardous Factor)**

(1) The Minister of Employment and Labor may designate research institutes specializing in special health examinations by hazardous factor and subsidize such institutes within the budget to promote specialized research on hazardous factors in the workplace.

(2) The standards and procedures for designating research institutes specializing in special health examinations by hazardous factor referred to in paragraph (1), and other necessary matters shall be determined and publicly notified by the Minister of Employment and Labor.

### **Article 137 (Health Management Cards)**

(1) With respect to a person who was or is engaged in any work likely to cause health impairments prescribed by Ordinance of the Ministry of Employment and Labor and who meets the requirements prescribed by Ordinance of the Ministry of Employment and Labor, the Minister of Employment and Labor shall issue a health management card to such person to early detect occupational diseases of such person and to continuously manage his or her health.

(2) Where a person who is issued a health management card applies for medical care benefits referred to in Article 41 of the Industrial Accident Compensation Insurance Act, he or she may present his or her health management card in lieu of a medical referral regarding the relevant accident.

(3) No person issued a health management card shall transfer or lend it to any third person.

(4) Among the persons issued a health management card, any person who is no longer engaged in work for which he or she is issued a health management card under paragraph (1) may be entitled to receive a health examination corresponding to a special health examination, as prescribed by Ordinance of the Ministry of Employment and Labor.

(5) The form and issuance procedures of health management cards, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

### **Article 138 (Prohibition of or Restriction on Work by Persons Suffering from Disease)**

(1) With respect to any person suffering from a contagious or mental disease, or a disease likely to be significantly exacerbated by work, which is prescribed by Ordinance of the Ministry of Employment and Labor, a business owner shall prohibit or restrict such person's work based upon the diagnosis by a physician defined in Article 2 of the Medical Service Act.

(2) When an employee who has been prohibited or restricted from working pursuant to paragraph (1) recovers, the relevant business owner shall permit him or her to resume work without delay.

### **Article 139 (Restriction on Working Hours of Hazardous or Dangerous Work)**

(1) With respect to any employee engaged in hazardous or dangerous work prescribed by Presidential Decree, such as work performed at high pressure, no business owner shall require him or her to work in excess of six hours per day or 34 hours per week.

(2) With respect to any employee engaged in hazardous or dangerous work prescribed by Presidential Decree, a business owner shall take measures for protecting the health of such employee by rationally scheduling work and rest time and by improving the working conditions related to working hours, in addition to necessary safety and health measures.

### **Article 140 (Restriction on Employment based on Qualification)**

(1) In cases of hazardous or dangerous work prescribed by Ordinance of the Ministry of Employment and Labor, which requires significant knowledge or skill, no business owner shall permit any person, other

than those with the qualifications, license, experiences, or skills as required, to perform such work.

(2) The Minister of Employment and Labor may designate educational institutions for the acquisition of qualifications or licenses or the acquisition of skills prescribed in paragraph (1).

(3) The qualifications, licenses, experience, and skills referred to in paragraph (1), the requirements and procedures for designating an educational institution referred to in paragraph (2), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(4) Article 21 (4) and (5) shall apply mutatis mutandis to educational institutions referred to in paragraph (2). In such cases, “specialized safety management institution or specialized health management institution” shall be construed as “educational institution under paragraph (2)”.

#### **Article 141 (Epidemiological Investigations)**

(1) Where deemed necessary to diagnose and prevent an occupational disease and to ascertain the cause thereof, the Minister of Employment and Labor may conduct an epidemiological investigation of the correlation between the relevant employee's disease and hazardous factors in the workplace (hereinafter referred to as "epidemiological investigation"). In such cases, where a business owner, the representative of employees, or any other person prescribed by Ordinance of the Ministry of Employment and Labor requests participation in an epidemiological investigation, the relevant person may be permitted to participate therein, as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) A business owner and employees shall fully cooperate with an epidemiological investigation conducted by the Minister of Employment and Labor, and shall not refuse, obstruct, or evade such investigation without good cause.

(3) No one shall refuse or obstruct the participation in an epidemiological investigation by a person permitted to participate in the epidemiological investigation under the latter part of paragraph (1).

(4) No person who participates in an epidemiological investigation under the latter part of paragraph (1) shall divulge or appropriate confidential information that he or she becomes aware of while participating in the epidemiological investigation.

(5) Where necessary for an epidemiological investigation, the Minister of Employment and Labor may request the relevant data from the relevant institutions, including the results of health examinations of employees prescribed in Articles 129 through 131, records of health care benefits and results of health checkups prescribed in the National Health Insurance Act, employment information prescribed in the Employment Insurance Act, and information on a disease and a cause of death prescribed in the Cancer Control Act. In such cases, any institution so requested shall comply therewith, unless there is a compelling reason not to do so.

(6) The methods, subject matters, and procedures of epidemiological investigations, and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

## CHAPTER IX OCCUPATIONAL SAFETY INSTRUCTORS AND OCCUPATIONAL HEALTH INSTRUCTORS

### **Article 142 (Duties of Occupational Safety Instructors)**

(1) Occupational safety instructors shall perform the following duties:

1. Evaluating and providing instructions on safety in work processes;
2. Evaluating and providing instructions on measures for preventing hazards and dangers;
3. Preparing plans and reports related to matters prescribed in subparagraphs 1 and 2;
4. Other matters related to occupational safety prescribed by Presidential Decree.

(2) Occupational health instructors shall perform the following duties:

1. Evaluating and providing instructions on improving working environments;
2. Preparing plans and reports related to improving working environments;
3. Providing instructions on the ex-post management following the health examinations of employees;
4. Diagnosing occupational diseases (applicable only to occupational health instructors who are physicians defined in Article 2 of the Medical Service Act) and providing instructions on preventing the same;
5. Researching and studying occupational health;
6. Other matters related to occupational health prescribed by Presidential Decree.

(3) The type and scope of duties of occupational safety instructors or occupational health instructors (hereinafter referred to as "instructor") by field, and other necessary matters shall be prescribed by Presidential Decree.

### **Article 143 (Qualification and Examinations of Instructors)**

(1) A person who passes a qualification examination for instructors conducted by the Minister of Employment and Labor shall be qualified as an instructor.

(2) A person holding qualifications related to occupational safety and health prescribed by Presidential Decree may be partially exempt from a qualification examination for instructors referred to in paragraph (1).

(3) The Minister of Employment and Labor may entrust qualification examinations for instructors referred to in paragraph (1) to a specialized agency prescribed by Presidential Decree. In such cases, the Minister of Employment and Labor may assist with the expenses incurred in conducting examinations within the budget. <Amended on May 26, 2020>

(4) Executive officers and employees of a specialized agency conducting qualification examinations for instructors under paragraph (3) shall be deemed public officials for the purposes of Articles 129 through 132 of the Criminal Act.

(5) The subjects of qualification examinations for instructors, the methods of conducting qualification examinations, the scope of exemption from qualification examinations for those holding other

qualifications, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 144 (Sanctions against Cheating)**

With respect to an examinee who cheats in a qualification examination for instructors, the Minister of Employment and Labor shall nullify the examination result of such examinee and shall bar such examinee from applying for an examination for five years from the date of such disposition.

#### **Article 145 (Registration of Instructors)**

(1) Where an instructor intends to perform his or her duties as an instructor, he or she shall be registered with the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) Any instructor registered under paragraph (1) may incorporate a corporation to perform duties systematically and professionally.

(3) None of the following persons may be registered under paragraph (1):

1. A person under adult guardianship or under limited guardianship;
2. A person declared bankrupt who has not been reinstated;
3. A person for whom two years have not passed since his or her imprisonment without labor or heavier punishment declared by a court was completely executed (including where the execution is deemed completed) or exempted;
4. A person who is under suspension of the execution of his or her imprisonment without labor or heavier punishment declared by a court;
5. A person for whom one year has not passed since he or she was sentenced to a fine for violating this Act;
6. A person for whom two years have not passed since his or her registration was revoked under Article 154 (excluding where the registration is revoked for falling under subparagraph 1 or 2 of this paragraph).

(4) Any instructor registered pursuant to paragraph (1) shall renew his or her registration every five years, as prescribed by Ordinance of the Ministry of Employment and Labor.

(5) Registration may be renewed under paragraph (4) only for instructors who have actual records of providing instructions prescribed by Ordinance of the Ministry of Employment and Labor: Provided, That instructors whose actual records of providing instructions do not meet the applicable standards shall undergo the continuing education prescribed by Ordinance of the Ministry of Employment and Labor before renewing his or her registration.

(6) The provisions pertaining to partnership companies in the Commercial Act shall apply to corporations referred to in paragraph (2).

#### **Article 146 (Education for Instructors)**

Where a person qualified as an instructor (excluding persons having practical experience prescribed by Presidential Decree, among those falling under Article 143 (2)) intends to perform his or her duties as an instructor, he or she shall undergo such training and education for up to one year as prescribed by Ordinance of the Minister of Employment and Labor, before being registered under Article 145.

#### **Article 147 (Guidance for Instructors)**

The Minister of Employment and Labor may entrust the following duties to the Agency:

1. Guidance and liaison for instructors, and establishing and maintaining a system for sharing information;
2. Settling grievances and complaints of business owners related to duties performed by instructors prescribed in Article 142 (1) and (2), and mediating disputes concerning related losses;
3. Other matters necessary for developing duties of instructors, as prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 148 (Compensation for Loss)**

(1) Where an instructor causes any loss to his or her clients by intention or negligence in connection with performing his or her duties, he or she shall be liable to compensate for such loss.

(2) Any instructor registered under Article 145 (1) shall subscribe to a guarantee insurance or take other necessary measures to compensate for loss referred to in paragraph (1), as prescribed by Presidential Decree.

#### **Article 149 (Prohibition of Use of Similar Titles)**

No person, other than an instructor registered under Article 145 (1), shall use the title “occupational safety instructor”, “occupational health instructor”, or any title similar thereto.

#### **Article 150 (Maintenance of Dignity and Duty of Good Faith)**

(1) An instructor shall, at all times, maintain dignity and perform his or her duties impartially and in good faith.

(2) An instructor shall affix name or seal on, or sign, each document he or she prepares or verifies in connection with his or her duties pursuant to Article 142 (1) or (2).

#### **Article 151 (Prohibited Conduct)**

No instructor shall engage in any of the following conduct:

1. Causing a client not to perform his or her duties under any statute or regulation by fraud or other improper means;

2. Causing a client not to make a notification or report or perform other duties under any statute or regulation;
3. Guiding or consulting on conduct committed in violation of any statute or regulation.

#### **Article 152 (Application for Inspection of Related Books)**

Where necessary to perform his or her duties prescribed in Article 142 (1) and (2), an instructor may apply for the inspection of related books and documents to the relevant business owner. In such cases, no business owner in receipt of an application for the inspection shall refuse it without good cause, if such application is made to fulfill the duties prescribed in Article 142 (1) or (2).

#### **Article 153 (Prohibition of Lending Qualification and Arranging Lending)**

(1) No instructor shall permit any third person to perform any duty as an instructor using his or her name or the name of his or her office; nor shall lend his or her qualification certificate or registration certificate to any third person. <Amended on Mar. 31, 2020>

(2) No person shall perform any duty as an instructor using another instructor's name or the name of his or her office without acquiring such qualification as an instructor, borrow the qualification certificate or registration certificate, and arrange such lending. <Newly Inserted on Mar. 31, 2020>

#### **Article 154 (Revocation of Registration)**

Where an instructor falls under any of the following, the Minister of Employment and Labor may revoke his or her registration or order the suspension of his or her business for a fixed period not exceeding two years: Provided, That in cases falling under any of subparagraphs 1 through 3, the registration shall be revoked: <Amended on Mar. 31, 2020>

1. Where he or she obtains registration or renews registration by fraud or other improper means;
2. Where he or she performs his or her business during a period of suspension of business;
3. Where he or she falsely prepares any document related to his or her business;
4. Where a serious accident occurs by intention or negligence in the course of performing his or her duties prescribed in Article 142;
5. Where he or she falls under any of subparagraphs 1 through 5 of Article 145 (3);
6. Where he or she fails to subscribe to a guarantee insurance referred to in Article 148 (2) or to take any other necessary measures;
7. Where he or she violates Article 150 (1), or fails to affix name or seal on, or sign, a document referred to in paragraph (2) of that Article;
8. Where he or she violates Article 151, 153 (1), or 162.

## **CHAPTER X LABOR INSPECTORS**

### **Article 155 (Authority of Labor Inspectors)**

(1) Where a labor inspector referred to in Article 101 of the Labor Standards Act (hereinafter referred to as “labor inspector”) deems it necessary to enforce this Act or any order issued under this Act, he or she may visit the following places to question a business owner, employer, or person in charge of safety and health management (hereinafter referred to as “relevant person”); inspect account books, documents, and other items; conduct a safety and health inspection; and request submission of relevant documents:

1. The place of business;
  2. The office of an institution referred to in Article 21 (1), 33 (1), 48 (1), 74 (1), 88 (1), 96 (1), 100 (1), 120 (1), 126 (1), or 129 (2);
  3. Offices of an asbestos dismantler or remover;
  4. Offices of an instructor registered pursuant to Article 145 (1).
- (2) A labor inspector may inspect machinery, equipment, etc., and collect products, raw materials, or devices without compensation up to the extent necessary for inspection. In such cases, the labor inspector shall notify the relevant business owner, etc. of the results thereof in writing.
- (3) To enforce this Act or any order issued under this Act, a labor inspector may order any relevant person to submit a report or to be present to state his or her opinions.
- (4) Where a labor inspector visits any place prescribed in the subparagraphs of paragraph (1) to enforce this Act or any order issued under this Act, he or she shall carry a certificate indicating his or her authority and present it to relevant persons, and shall also provide a document stating his or her name, the time and purpose of visit, etc. to relevant persons at the time of his or her visit.

### **Article 156 (Inspection and Guidance by Employees of the Agency)**

- (1) When the Minister of Employment and Labor deems it necessary for the Agency to conduct duties entrusted under Article 165 (2), he or she may have an employee of the Agency visit a place of business to conduct any inspection, provide guidance, or perform other activities, necessary for preventing industrial accidents; or, where it is necessary to conduct epidemiological investigations, to question relevant persons or demand submission of necessary documents.
- (2) When an employee of the Agency has conducted any inspection, provided guidance, or performed other activities pursuant to paragraph (1), he or she shall report the results thereof to the Minister of Employment and Labor.
- (3) Article 155 (4) shall apply mutatis mutandis where an employee of the Agency visits a place of business under paragraph (1). In such cases, “labor inspector” shall be construed as “employee of the Agency”.

### **Article 157 (Reporting to Supervisory Authorities)**

(1) Where this Act or any order issued under this Act is violated at a place of business, any employee may report such violation to the Minister of Employment and Labor or a labor inspector.

(2) Notwithstanding Article 19 (1) of the Medical Service Act, any physician, dentist, or oriental medical doctor defined in Article 2 of the Medical Service Act may report information that he or she becomes aware of in the course of providing medical treatment to the Minister of Employment and Labor, where he or she judges that any injury or illnesses of a patient requiring hospitalization for at least three days is related to the work of the patient.

(3) No business owner shall dismiss or otherwise treat unfavorably any employee for making a report under paragraph (1).

## CHAPTER XI SUPPLEMENTARY PROVISIONS

### **Article 158 (Subsidizing and Supporting Industrial Accident Prevention Projects)**

(1) The Government may fully or partially subsidize business owners, organizations of business owners or employees, agencies specializing in preventing industrial accidents, research institutes, etc. for expenses incurred in industrial accident prevention projects prescribed by Presidential Decree within the budget, or provide other necessary support (hereinafter referred to as "subsidy or support"). In such cases, the Minister of Employment and Labor shall manage and supervise such subsidy or support to ensure that it is used efficiently in compliance with the purpose of industrial accident prevention projects.

(2) Where a person who has received a subsidy or support falls under any of the following cases, the Minister of Employment and Labor shall revoke such subsidy or support fully or partially: Provided, That in cases falling under subparagraph 1 or 2, the relevant subsidy or support shall be fully revoked:

1. Where he or she has received a subsidy or support by fraud or other improper means;
2. Where he or she closes his or her business or is declared bankrupt;
3. Where he or she fails to maintain, manage, or use the matter eligible for a subsidy or support in conformity with the purpose of support by willfully selling, destroying, or losing such matter;
4. Where a subsidy or support has not been used appropriately for purposes of an industrial accident prevention project referred to in paragraph (1);
5. Where he or she relocates the facility or equipment eligible for a subsidy or support to a foreign country before the period of subsidization or support ends;
6. In cases prescribed by Ordinance of the Ministry of Employment and Labor where a business owner in receipt of a subsidy or support breaches his or her duty to take safety and health measures, causing an industrial accident.

(3) Where the Minister of Employment and Labor revokes a subsidy or support fully or partially pursuant to paragraph (2), he or she shall recover the relevant amount or the amount equivalent to support, and may additionally collect an amount not exceeding the paid amount in cases falling under subparagraph 1 of that paragraph: Provided, That the foregoing shall not apply where a subsidy or support is revoked because the

person in receipt of a subsidy or support is declared bankrupt under paragraph (2) 2.

(4) A person who becomes subject to full or partial revocation of a subsidy or support under paragraph (2) need not be granted a subsidy or support for a specified period not exceeding three years from the date the subsidy or support is revoked, as prescribed by Ordinance of the Ministry of Employment and Labor.

(5) The targets of a subsidy or support, the methods and procedures for subsidization or support, the management and supervision of subsidization or support, the methods for revocation and recovery under paragraphs (2) and (3), and other necessary matters shall be determined and publicly notified by the Minister of Employment and Labor.

#### **Article 159 (Requests for Suspension of Business)**

(1) Where a business owner causes any of the following industrial accidents, the Minister of Employment and Labor may request the head of the relevant administrative agency to suspend the relevant business or impose other sanctions under the relevant statutes or regulations; or request that the head of a public institution referred to in Article 4 of the Act on the Management of Public Institutions to place necessary restrictions when placing an order of the business performed by the relevant institution on the relevant business owner:

1. Where accidents prescribed by Presidential Decree occur, such as an accident causing multiple deaths of employees or serious damage to areas adjacent to a place of business, in violation of Article 38, 39, or 63;
2. Where any work conducted in violation of an order prescribed in Article 53 (1) or (3) results in the death of an employee.

(2) The head of the relevant administrative agency or the head of a public institution who has received a request under paragraph (1) shall comply therewith unless there is a compelling reason not to so, and inform the Minister of Employment and Labor of the results of the measures taken.

(3) The procedures for requesting suspension of business, etc. under paragraph (1), and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 160 (Penalty Surcharges Imposed in Lieu of Disposition of Suspension of Business)**

(1) Where the Minister of Employment and Labor has to order the suspension of business pursuant to Article 21 (4) (including cases applicable mutatis mutandis pursuant to Articles 74 (4), 88 (5), 96 (5), 126 (5), or 135 (6)), if the suspension of business is deemed likely to severely inconvenience users or harm public interests, the Minister of Employment and Labor may impose a penalty surcharge not exceeding one billion won in lieu of the disposition to suspend business.

(2) Where necessary to collect a penalty surcharge referred to in paragraph (1), the Minister of Employment and Labor may request the head of the competent tax office to provide taxation information, in a document stating the following matters:

1. Personal information of a taxpayer;
  2. The purpose of use;
  3. The sales as the standard amount for imposing a penalty charge.
  4. The reasons and criteria for imposing a penalty surcharge.
- (3) Where a person subject to imposition of a penalty surcharge referred to in paragraph (1) fails to pay it by the payment deadline, the penalty surcharge shall be collected in the same manner as delinquent national taxes are collected.
- (4) The types of violations subject to penalty surcharges referred to in paragraph (1), the amount of penalty surcharge according to the severity of violations, and other necessary matters shall be prescribed by Presidential Decree.

#### **Article 161 (Penalty Surcharges Imposed for Violations of Obligations, Such as Ban on Contracting)**

- (1) Where a business owner falls under any of the following cases, the Minister of Employment and Labor may impose and collect a penalty surcharge not exceeding one billion won:
1. Where he or she awards a contract in violation of Article 58 (1);
  2. Where he or she awards a contract without approval in violation of Article 58 (2) 2 or 59 (1);
  3. Where he or she subcontracts a contract awarded with approval in violation of Article 60.
- (2) Where the Minister of Employment and Labor imposes a penalty surcharge under paragraph (1), the following matters shall be taken into account:
1. The contract amount, duration, frequency, etc.;
  2. The extent of efforts to implement measures necessary to prevent industrial accidents involving employees of a relevant contractor;
  3. Whether an industrial accident has occurred.
- (3) Where a person obliged to pay a penalty surcharge referred to in paragraph (1) fails to pay it by the payment deadline, the Minister of Employment and Labor shall collect an additional charge prescribed by Presidential Decree, in an annual amount of up to 6/100 of the unpaid penalty surcharge, for a period from the day following the payment deadline to the day before the date the penalty surcharge is paid. In such cases, the period of collecting an additional charge shall not exceed 60 months.
- (4) Where a person obliged to pay a penalty surcharge referred to in paragraph (1) fails to pay it by the payment deadline, the Minister of Employment and Labor shall demand the payment by determining a payment period; and where the person fails to pay the penalty surcharge referred to in paragraph (1) and an additional charge referred to in paragraph (3) within such period, the Minister of Employment and Labor shall collect the amount in the same manner as delinquent national taxes are collected.
- (5) The collection of penalty surcharges and additional charges referred to in paragraphs (1) and (3), the procedures for dispositions on delinquency referred to in paragraph (4), and other necessary matters shall be prescribed by Presidential Decree.

### **Article 162 (Confidentiality)**

None of the following persons shall divulge or appropriate any confidential information he or she becomes aware of in the course of performing his or her duties: Provided, That the foregoing shall not apply where the Minister of Employment and Labor deems it necessary for preventing the health impairment of employees:

1. A person who reviews a hazard prevention plan submitted under Article 42;
2. A person who reviews a process-safety report submitted under Article 44;
3. A person who conducts a safety and health checkup referred to in Article 47;
4. A person who conducts safety certification referred to in Article 84;
5. A person conducts affairs concerning the receipt of reports referred to in Article 89;
6. A person who conducts a safety inspection referred to in Article 93;
7. A person who conducts affairs concerning approval of a voluntary inspection program referred to in Article 98;
8. A person who reviews an investigative report on hazards and dangers or the results of the investigation submitted under Article 108 (1) or 109 (1);
9. A person to whom material safety data sheets, etc. are submitted pursuant to Article 110 (1) through (3);
10. A person who reviews whether to grant approval of alternative data and approval for extension pursuant to Article 112 (2), (5), and (7), and a person who is furnished with alternative data for material safety data sheets pursuant to paragraph (10) of that Article;
11. A person who conducts a health examination pursuant to Articles 129 through 131;
12. A person who conducts an epidemiological investigation prescribed in Article 141;
13. A person who is registered pursuant to Article 145.

### **Article 163 (Hearings and Criteria for Dispositions)**

(1) Where the Minister of Employment and Labor intends to make any of the following dispositions, he or she shall hold a hearing:

1. Revoking designation pursuant to Article 21 (4) (including cases applicable mutatis mutandis pursuant to Articles 48 (4), 74 (4), 88 (5), 96 (5), 100 (4), 120 (5), 126 (5), 135 (6), and 140 (4));
2. Revoking registration pursuant to Articles 33 (4), 82 (4), 102 (3), 121 (4), and 154;
3. Revoking approval pursuant to Articles 58 (7) (including cases applicable mutatis mutandis pursuant to Article 59 (2); hereafter in paragraph (2), the same shall apply), 112 (8), and 117 (3);
4. Revoking safety certification referred to in Article 86 (1);
5. Revoking approval of a voluntary inspection program referred to in Article 99 (1);
6. Revoking permission referred to in Article 118 (5);

7. Revoking subsidization or support prescribed in Article 158 (2).

(2) The standards for revocation, suspension, prohibition on use, or corrective measures pursuant to Articles 21 (4) (including cases applicable mutatis mutandis pursuant to Article 33 (4), 48 (4), 74 (4), 82 (4), 88 (5), 96 (5), 100 (4), 120 (5), 121 (4), 126 (5), 135 (6), and 140 (4)), 58 (7), 86 (1), 91 (1), 99 (1), 102 (3), 112 (8), 117 (3), 118 (5), and 154 shall be prescribed by Ordinance of the Ministry of Employment and Labor.

#### **Article 164 (Retention of Documents)**

(1) Each business owner shall retain the following documents for three years (referring to two years in cases of those prescribed in subparagraph 2): Provided, That the period for retention may be extended, as prescribed by Ordinance of the Ministry of Employment and Labor:

1. Documents relating to appointing a person in charge of safety and health management, safety officer, health officer, safety and health manager, or occupational medicine physician;
2. Minutes of meetings referred to in Articles 24 (3) and 75 (4);
3. Documents stating matters prescribed by Ordinance of the Ministry of Employment and Labor with respect to safety and health measures;
4. Records on the causes, etc. of industrial accidents prescribed in Article 57 (2);
5. Documents concerning investigating the hazards and dangers of chemical substances prescribed in the main clause of Article 108 (1) and Article 109 (1);
6. Documents concerning working environment monitoring prescribed in Article 125;
7. Documents concerning health examinations prescribed in Articles 129 through 131.

(2) A safety certification institution or safety inspection institution entrusted with affairs of safety certification or safety inspections shall retain documents prescribed by Ordinance of the Ministry of Employment and Labor regarding safety certification or safety inspection for three years; a person who has obtained safety certification shall retain documents on machinery, etc. subject to safety certification pursuant to Article 84 (5) for three years; a person who manufactures or imports machinery, etc. subject to voluntary safety verification shall retain documents evidencing that such machinery, etc. meet the voluntary safety standards for two years; and a person who undergoes a voluntary safety inspection referred to in Article 98 (1) shall retain documents on the results of the inspection conducted according to a voluntary inspection program for two years.

(3) The owner, etc. of a structure or facility which has undergone a general asbestos inspection shall retain documents on the results of the inspection until the dismantling or removal of the structure or facility is completed, while the owner, etc. of a structure or facility which has undergone an asbestos inspection by a designated institution and an asbestos inspection institute shall retain documents on the results of the inspection for three years.

(4) A working environment monitoring institution shall retain documents stating matters prescribed by Ordinance of the Ministry of Employment and Labor regarding working environment monitoring for three

years.

(5) An instructor shall retain documents on matters prescribed by Ordinance of the Ministry of Employment and Labor regarding their services for five years.

(6) An asbestos dismantler or remover shall retain documents prescribed by Ordinance of the Ministry of Employment and Labor regarding dismantling or removing asbestos prescribed in Article 122 (3) for 30 years.

(7) When documents referred to in any of paragraphs (1) through (6) exist in electronic form, such electronic data may be retained in lieu of the relevant documents.

#### **Article 165 (Delegation and Entrustment of Authority)**

(1) The authority of the Minister of Employment and Labor provided for in this Act may be partially delegated to the head of a regional employment and labor office, as prescribed by Presidential Decree.

(2) The Minister of Employment and Labor may entrust the following business affairs, among his or her business affairs provided for in this Act, to the Agency, any non-profit corporation prescribed by Presidential Decree, or a relevant specialized institution, as prescribed by Presidential Decree:

1. Business affairs concerning matters prescribed in Article 4 (1) 2 through 7 and 9;
2. Installing and operating facilities prescribed in subparagraph 3 of Article 11;
3. Organizing and operating a standard formulation committee prescribed in Article 13 (2);
4. Evaluating institutions prescribed in Article 21 (2);
5. Safety and health education related to jobs prescribed in the main clause, with the exception of its subparagraphs, of Article 32 (1);
6. Registering institutions conducting safety and health education prescribed in the main clause of Article 31 (1), pursuant to Article 33 (1);
7. Evaluation referred to in Article 33 (2);
8. Receiving and reviewing a hazard prevention plan referred to in Article 42, and verification prescribed in Article 43 (1) and the main clause of paragraph (2) of that Article;
9. Receiving a process-safety report pursuant to the former part of Article 44 (1), reviewing a process-safety report pursuant to Article 45 (1), and verification prescribed in Article 46 (2);
10. Evaluating safety and health checkup institutions referred to in Article 48 (2);
11. Evaluating safety and health prescribed in Article 58 (3) or the latter part of paragraph (5) of that Article (including cases applicable mutatis mutandis under Article 59 (2));
12. Evaluating specialized guidance institutions for preventing construction industrial accidents referred to in Article 74 (3);
13. Safety certification referred to in Article 84 (1) and (3);
14. Verifying safety certification referred to in the main clause of Article 84 (4);
15. Evaluating safety certification institutions referred to in Article 88 (3);

16. Business affairs concerning reports on voluntary safety verification prescribed in the main clause, with the exception of its subparagraphs, of Article 89 (1);
17. Safety inspections referred to in Article 93 (1);
18. Evaluating safety inspection institutions referred to in Article 96 (3);
19. Approving a voluntary inspection program referred to in Article 98 (1);
20. Providing education on safety-related performance inspections referred to in Article 98 (1) 2, and evaluating voluntary safety inspection institutions referred to in Article 100 (2);
21. Investigation, collection, and performance tests prescribed in Article 101;
22. Subsidization prescribed in Article 102 (1), and registration prescribed in paragraph (2) of that Article;
23. Integrated management of information on the safety of hazardous or dangerous machinery, etc. prescribed in Article 103 (1);
24. Evaluating hazards and dangers prescribed in Article 105 (1);
25. Receiving material safety data sheets, etc. prescribed in Article 110 (1) through (3);
26. Approving partial non-disclosure, etc. of material safety data sheets prescribed in Article 112 (1), (2), and (5) through (7);
27. Providing data relating to material safety data sheets prescribed in Article 116;
28. Verifying the capabilities to conduct asbestos inspections and providing guidance and education to asbestos inspection institutions under Article 120 (2);
29. Evaluating asbestos inspection institutions prescribed in Article 120 (3);
30. Evaluating the safety of asbestos dismantling or removal prescribed in Article 121 (2);
31. Verifying the capabilities to monitor and analyze working environments and providing guidance and education to working environment monitoring institutions under Article 126 (2);
32. Evaluating working environment monitoring institutions prescribed in Article 126 (3);
33. Evaluating the reliability of working environment monitoring results prescribed in Article 127 (1);
34. Verifying the capabilities to conduct examinations and analysis of special health examination institutions and providing guidance and education to them under Article 135 (3);
35. Evaluating special health examination institutions prescribed in Article 135 (4);
36. Designating research institutes specializing in special health examinations by hazardous factor prescribed in Article 136 (1);
37. Business affairs concerning health management cards prescribed in Article 137;
38. Epidemiological investigations prescribed in Article 141 (1);
39. Continuing education for instructors prescribed in the proviso of Article 145 (5);
40. Training and education for instructors prescribed in Article 146;
41. Business affairs concerning providing, revoking, or recovering a subsidy or support, prescribed in Article 158 (1) through (3).

(3) Executive officers or employees of a non-profit corporation or the relevant specialized institution entrusted with business affairs under paragraph (2) shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act.

#### **Article 166 (Fees)**

(1) Any of the following persons shall pay fees, as prescribed by Ordinance of the Ministry of Employment and Labor:

1. A business owner who intends to require any person prescribed in the subparagraphs of Article 32 (1) to complete safety and health education;
2. A person who intends to have a hazard prevention plan reviewed pursuant to the main clause of Article 42 (1);
3. A person who intends to have his or her process-safety report reviewed pursuant to the main clause of Article 44 (1);
4. A person who intends to undergo an evaluation on safety and health pursuant to Article 58 (3) or the latter part of paragraph (5) of that Article (including cases applicable mutatis mutandis pursuant to Article 59 (2));
5. A person who intends to obtain safety certification pursuant to Article 84 (1) and (3);
6. A person who intends to obtain verification prescribed in Article 84 (4);
7. A person who intends to undergo a safety inspection prescribed in Article 93 (1);
8. A person who intends to obtain approval of a voluntary inspection program prescribed in Article 98 (1);
9. A person who intends to obtain approval of partial non-disclosure of material safety data sheets or approval for extension prescribed in Article 112 (1) or (5);
10. A person who intends to obtain permission prescribed in Article 118 (1);
11. A person who intends to undergo education for acquiring the qualification or license referred to in Article 140;
12. A person who intends to apply for a qualification examination for instructors referred to in Article 143;
13. A person who intends to be registered as an instructor pursuant to Article 145;
14. Any other person prescribed by Presidential Decree, who is related to occupational safety and health.

(2) The Agency may require any person who benefits from the services of the Agency to fully or partially bear the expenses incurred in performing such services, with approval of the Minister of Employment and Labor.

#### **Article 166-2 (Special Cases concerning On-The-Job Trainees)**

Notwithstanding subparagraph 3 of Article 2, Articles 5, 29, 38 through 41, 51 through 57, 63, 114 (3), 131, 138 (1), 140, 155 through 157 shall apply mutatis mutandis to a vocational educatee and trainee (hereinafter referred to as "on-the-job trainee") who enters into an on-the-job training contract with the head of an on-the-job training industrial entity to receive on-the-job training referred to in subparagraph 7 of Article 2 of the Vocational Education and Training Promotion Act. In such cases, "business owner" shall be construed as "head of an on-the-job training industrial entity", "work" as "on-the-job training", and "employee" as "on-the-job trainee".

## CHAPTER XII PENALTY PROVISIONS

### Article 167 (Penalty Provisions)

(1) Any person who causes the death of any employee in violation of Article 38 (1) through (3) (including cases applicable mutatis mutandis in Article 166-2), 39 (1) (including cases applicable mutatis mutandis in Article 166-2), or 63 (including cases applicable mutatis mutandis in Article 166-2) shall be punished by imprisonment with labor for up to seven years or by a fine not exceeding 100 million won. <Amended on Mar. 31, 2020>

(2) Any person who is sentenced to a punishment for committing a crime prescribed in paragraph (1) and recommits a crime prescribed in paragraph (1) within five years from the date his or her sentence becomes final and conclusive shall be punished aggravatingly by up to 1/2 of the corresponding punishment. <Amended on May 26, 2020>

### Article 168 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for up to five years or by a fine not exceeding 50 million won: <Amended on Mar. 31, 2020; Jun. 9, 2020>

1. Any person who violates Article 38 (1) through (3) (including cases applicable mutatis mutandis in Article 166-2), 39 (1) (including cases applicable mutatis mutandis in Article 166-2), 51 (including cases applicable mutatis mutandis in Article 166-2), 54 (1) (including cases applicable mutatis mutandis in Article 166-2), 117 (1), 118 (1), 122 (1), or 157 (3) (including cases applicable mutatis mutandis in Article 166-2);
2. Any person who violates any order issued under the latter part of Article 42 (4), or Article 53 (3) (including cases applicable mutatis mutandis in Article 166-2), 55 (1) (including cases applicable mutatis mutandis in Article 166-2) or (2) (including cases applicable mutatis mutandis in Article 166-2), or 118 (5).

### Article 169 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for up to three years or by a fine not exceeding 30 million won: <Amended on Mar. 31, 2020>

1. Any person who violates the latter part of Article 44 (1), or Article 63 (including cases applicable mutatis mutandis in Article 166-2), 76, 81, 82 (2), 84 (1), 87 (1), 118 (3), 123 (1), 139 (1), or 140 (1) (including cases applicable mutatis mutandis in Article 166-2);
2. Any person who violates any order issued under the latter part of Article 45 (1), or Article 46 (5), 53 (1) (including cases applicable mutatis mutandis in Article 166-2), 87 (2), 118 (4), 119 (4), or 131 (1) (including cases applicable mutatis mutandis in Article 166-2);
3. Any person who conducts duties of evaluating safety and health prescribed in Article 58 (3) or the latter part of paragraph (5) of that Article (including cases applicable mutatis mutandis under Article 59 (2)), which are entrusted to him or her under Article 165 (2), by fraud or other improper means;
4. Any person who conducts duties related to safety certification prescribed in Article 84 (1) and (3), which are entrusted to him or her under Article 165 (2), by fraud or other improper means;
5. Any person who conducts duties related to safety inspections prescribed in Article 93 (1), which are entrusted to him or her under Article 165 (2), by fraud or other improper means;
6. Any person who conducts duties related to safety inspections according to voluntary inspection programs prescribed in Article 98, by fraud or other improper means.

#### **Article 170 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for up to one year or by a fine not exceeding 10 million won: <Amended on Mar. 31, 2020>

1. A person who has concealed truth or made a false report intentionally in violation of Article 41 (3) ((including cases applicable mutatis mutandis in Article 166-2));
2. Any person who damages a site where a serious accident has occurred or obstructs any investigation into the cause of a serious accident conducted by the Minister of Employment and Labor, in violation of Article 56 (3) (including cases applicable mutatis mutandis in Article 166-2);
3. Any person who conceals the occurrence of an industrial accident in violation of Article 57 (1) (including cases applicable mutatis mutandis in Article 166-2), or who abets or conspires with another person to conceal such occurrence;
4. Any person who violates Article 65 (1), 80 (1), (2), and (4), 85 (2) and (3), 92 (1), 141 (4), or 162;
5. Any person who violates an order issued under Article 85 (4) or 92 (2);
6. Any person who obstructs or refuses an investigation, collection, or a performance test prescribed in Article 101.
7. Any person who permits any third person to perform any duty as an instructor using his or her name or the name of his or her office, or lends his or her qualification certificate or registration certificate to any third person, in violation of Article 153 (1);
8. Any person who performs any duty as an instructor using another instructor's name or the name of his or her office, borrows the qualification certificate or registration certificate, or arranges such lending, in violation of Article 153 (2).

### **Article 170-2 (Penalty Provisions)**

Where a person on whom a program completion order is made pursuant to Article 174 (1) fails to follow an instruction issued by the head of a probation office or the head of a correctional facility regarding compliance with a program completion order and thus receives a warning in accordance with the Act on Probation or the Administration and Treatment of Correctional Institution Inmates Act, but continues to fail to follow such instruction, he or she shall be subject to the following:

1. Where such order is imposed concurrently with a fine, he or she shall be punished by a fine not exceeding five million won;
2. Where such order is imposed concurrently with imprisonment with labor or heavier punishment, he or she shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won.

### **Article 171 (Penalty Provisions)**

Any of the following persons shall be punished by a fine not exceeding 10 million won: <Amended on Mar. 31, 2020>

1. Any person who violates Article 69 (1) and (2), 89 (1), 90 (2) and (3), 108 (2), 109 (2), or 138 (1) (including cases applicable mutatis mutandis in Article 166-2) and (2);
2. Any person who violates an order under Article 90 (4), 108 (4), or 109 (3);
3. Any person who fails to take a measure, such as installing or improving relevant facilities or equipment or providing health examinations, in violation of Article 125 (6);
4. Any person who fails to take an appropriate measures, such as relocating a work site, in violation of Article 132 (4).

### **Article 172 (Penalty Provisions)**

Any person who violates Article 64 (1) or (2) shall be punished by a fine not exceeding five million won.

### **Article 173 (Joint Penalty Provisions)**

If the representative of a corporation or an agent, employee of, or any other person employed by a corporation or individual commits any offence prescribed in Article 167 (1) or 168 through 172 in conducting the business affairs of the corporation or individual, not only shall such offender be punished but the corporation shall be punished by a fine according to the following classifications and an individual shall be punished by a fine under each relevant Article: Provided, That the foregoing shall not apply where such corporation or individual has not neglected to give due attention and supervision concerning the relevant business affairs to prevent such offense:

1. In cases falling under Article 167 (1): A fine of up to one billion won;

2. In cases falling under Articles 168 through 172:A fine under each relevant Article.

#### **Article 174 (Concurrent Imposition of Punishment and Program Attendance Order)**

(1) Where a person is declared guilty by a court (excluding suspension of sentence) for causing the death of an employee in violation of Article 38 (1) through (3) (including cases applicable mutatis mutandis in Article 166-2), 39 (1) (including cases applicable mutatis mutandis in Article 166-2), or 63 (including cases applicable mutatis mutandis in Article 166-2) or becomes subject to a summary order notified by a court, such person may be ordered to attend an educational program necessary for preventing industrial accidents for up to 200 hours or to complete an occupational safety and health program (hereinafter referred to as "program completion order"), concurrently with such sentence. *<Amended on Mar. 31, 2020>*

(2) A program attendance order referred to in paragraph (1) shall be imposed concurrently during the period of suspension of execution where a court declares the suspension of the execution of a sentence, and a program completion order shall be imposed concurrently where a court imposes a fine or heavier punishment or notifies a summary order. *<Newly Inserted on Mar. 31, 2020>*

(3) A program attendance order or a program completion order referred to in paragraph (1) shall be executed during the period of suspension of execution where a court declares the suspension of the execution of a sentence; within six months from the date a sentence becomes final where a court imposes a fine or notifies a summary order; and within the term of punishment where a court imposes a sentence of imprisonment with labor or heavier punishment, respectively. *<Amended on Mar. 31, 2020>*

(4) Where a program attendance order or a program completion order referred to in paragraph (1) is imposed concurrently with a fine or the suspension of the execution of a sentence, it shall be executed by the head of a probation office and where imposed concurrently with imprisonment with labor or heavier punishment, by the head of a correctional facility: Provided, That where a person is released or released on parole before complying with a program completion order imposed concurrently with a sentence of imprisonment with labor or heavier punishment, or the execution of punishment becomes impossible for reasons, such as the inclusion of the number of the days of pre-trial detention, the remainder of such order shall be executed by the head of a probation office. *<Amended on Mar. 31, 2020>*

(5) A program attendance order or a program completion order referred to in paragraph (1) shall be executed as follows: *<Amended on Mar. 31, 2020>*

1. Education on safety and health;
2. Other necessary matters to prevent industrial accidents.

(6) Except as provided in this Act, the Act on Probation shall apply mutatis mutandis to a program attendance order and a program completion order. *<Amended on Mar. 31, 2020>*

#### **Article 175 (Administrative Fines)**

(1) Any of the following persons shall be punished by an administrative fine not exceeding 50 million won:

1. A person who removes or dismantles a structure or facility without undergoing an asbestos inspection by a designated institute under Article 119 (2);

2. A person who removes or dismantles a structure or facility, in violation of Article 124 (3).

(2) Any of the following persons shall be punished by an administrative fine not exceeding 30 million won: <Amended on Mar. 31, 2020>

1. A person who violates Article 29 (3) (including cases applicable mutatis mutandis in Article 166-2) or 79 (1);

2. A person who fails to report or falsely reports the occurrence of a serious accident, in violation of Article 54 (2) (including cases applicable mutatis mutandis in Article 166-2).

(3) Any of the following persons shall be punished by an administrative fine not exceeding 15 million won: <Amended on Mar. 31, 2020>

1. A person who refuses, obstructs, or evades a safety and health checkup in violation of the former part of Article 47 (3) or who fails to allow the representative of employees to participate in a safety and health checkup in violation of the latter part of that paragraph;

2. A person who fails to make a report prescribed in Article 57 (3) (including cases applicable mutatis mutandis in Article 166-2) or falsely reports;

3. A person who refuses, obstructs, or evades an epidemiological investigation without good cause, in violation of Article 141 (2);

4. A person who refuses or obstructs the participation in an epidemiological investigation by a person permitted to participate in the epidemiological investigation, in violation of Article 141 (3).

(4) Any of the following persons shall be punished by an administrative fine not exceeding 10 million won: <Amended by Mar. 31, 2020; Jun. 9, 2020>

1. A person who fails to submit or falsely submits data concerning a relevant contractor, in violation of the latter part of Article 10 (3);

2. A person who fails to report a plan for safety and health to the board of directors or to obtain approval thereof, in violation of Article 14 (1);

3. A person who violates Article 41 (2) (including cases applicable mutatis mutandis in Article 166-2) or 42 (1), (5), or (6), the former part of Article 44 (1), Article 45 (2), 46 (1), 67 (1), or 70 (1), the latter part of Article 70 (2), the latter part of Article 71 (3), Article 71 (4), 72 (1), (3), or (5) (applicable only to a contractee for construction works), 77 (1), 78, or 85 (1), the former part of Article 93 (1), Article 95, or 99 (2), or the main clause, with the exception of its subparagraphs, of Article 107 (1);

4. A person who violates an order referred to in Article 47 (1) or 49 (1);

5. A person who installs or dismantles a tower crane without registration, in violation of the former part of Article 82 (1);

6. A person who fails to monitor working environments under Article 125 (1) and (2);

7. A person who fails to provide a health examination of employees under Article 129 (1) or 130 (1) through (3);

8. A person who refuses, obstructs, or evades an inspection, checkup, or collection by a labor inspector prescribed in Article 155 (1) (including cases applicable mutatis mutandis in Article 166-2) or (2) (including cases applicable mutatis mutandis in Article 166-2).

(5) Any of the following persons shall be punished by an administrative fine not exceeding five million won: <Amended on Mar. 31, 2020>

1. A person who violates Article 15 (1), 16 (1), 17 (1), or 18 (1), the main clause of Article 19 (1), the main clause of Article 22 (1), Article 24 (1) or (4), 25 (1), 26, 29 (1) or (2) (including cases applicable mutatis mutandis in Article 166-2), 31 (1), 32 (1) (applicable only to subparagraphs 1 through 4), 37 (1), 44 (2), 49 (2), 50 (3), 62 (1), 66, 68 (1), 75 (6), 77 (2), 90 (1), 94 (2), 122 (2), 124 (1) (excluding submission of evidentiary data), 125 (7), 132 (2), 137 (3), or 145 (1);
2. A person who violates an order referred to in Article 17 (3), 18 (3), or 19 (3);
3. A person who fails to post or keep a document on the essential provisions of this Act and of the orders issued pursuant to this Act, safety and health management regulations, or material safety data sheets, in violation of Article 34 or 114 (1);
4. A person who fails to post a list of matters subject to an order issued by the Minister of Employment and Labor, in violation of Article 53 (2) (including cases applicable mutatis mutandis in Article 166-2);
5. A person who fails to submit material safety data sheets, the names and content of chemical substances, or amended material safety data sheets, in violation of Article 110 (1) through (3);
6. A person who falsely submits a document verifying that there is no chemical substance falling under the classification standards referred to in Article 104, except the chemical substances stated in a material safety data sheet provided by an overseas manufacturer, in violation of Article 110 (2) 2;
7. A person who fails to provide material safety data sheets, in violation of Article 111 (1);
8. A person who provides alternative data for the names and content of chemical substances without obtaining approval therefor, in violation of the main clause of Article 112 (1);
9. A person who applies for approval for non-disclosure or approval for extension prescribed in Article 112 (1) or (5) by falsely stating the reasons for protecting the actual information on the grounds of trade secrets;
10. A person who fails to provide the actual names and content of chemical substances, for which alternative data have been submitted, in violation of the latter part, with the exception of its subparagraphs of Article 112 (10);
11. A person appointed under Article 113 (1) who conducts any duty prescribed in the subparagraphs of that paragraph by fraud;
12. A person appointed under Article 113 (1) who fails to provide material safety data sheets that he or she has submitted to the Minister of Environment and Labor pursuant to paragraph (2) of that Article to the person who imports substances subject to material safety data sheet preparation;
13. A business owner who fails to comply with the methods for measuring working environments prescribed by Ordinance of the Ministry of Employment and Labor during working environment

monitoring referred to in Article 125 (1) and (2) (excluding where a business owner entrusts working environment monitoring to a working environment monitoring institution pursuant to paragraph (3) of that Article);

14. A person who fails to allow the participation of the representative of employees despite his or her request therefor, in violation of Article 125 (4) or 132 (1);

15. A person who fails to inform the results of working environment monitoring to the employees at the relevant workplace, in violation of Article 125 (6);

16. A person who fails to report or appear in violation of an order referred to in Article 155 (3) (including cases applicable mutatis mutandis in Article 166-2), or who makes a false report.

(6) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended on Mar. 31, 2020>

1. A person who fails to have his or her employees complete safety and health education referred to in the main clause, with the exception of its subparagraphs, of Article 32 (1) in violation of that paragraph (applicable only to cases falling under subparagraph 5);

2. A person who fails to provide notification to the representative of employees, in violation of Article 35;

3. A person who violates Article 40 (including cases applicable mutatis mutandis in Article 166-2), 108 (5), 123 (2), 132 (3), 133, or 149;

4. A person who prepares and submits a hazard prevention plan without hearing opinions of qualified persons, in violation of Article 42 (2);

5. A person who fails to obtain verification, in violation of Article 43 (1) or 46 (2);

6. A person who fails to receive guidance, in violation of Article 73 (1);

7. A person who fails to comply with an order to submit data referred to in Article 84 (6);

8. A person who fails to submit an investigative report on hazards and dangers referred to in Article 108 (1), or who fails to submit the results of an investigation of hazards and dangers or data necessary for an assessment of hazards and dangers referred to in Article 109 (1);

9. A person who fails to provide material safety data sheets by reflecting amended matters, in violation of Article 111 (2) or (3);

10. A person who fails to take appropriate measures, such as educating the relevant employees, in violation of Article 114 (3) (including cases applicable mutatis mutandis in Article 166-2);

11. A person who fails to place a warning, in violation of Article 115 (1) or the main clause of paragraph (2) of that Article;

12. A person who removes or dismantles a structure or facility without conducting a general asbestos inspection referred to in Article 119 (1);

13. A person who fails to report to the Minister of Employment and Labor, in violation of Article 122 (3);

14. A person who fails to submit evidentiary data referred to in Article 124 (1);
  15. A person who fails to make a report, submission, or notification prescribed in Article 125 (5), 132 (5), or 134 (1) or (2), or who falsely makes a report, submission, or notification;
  16. A person who refuses, obstructs, or evades provision of a reply to any question prescribed in Article 155 (1) (including cases applicable mutatis mutandis in Article 166-2), or who falsely replies to such question;
  17. A person who refuses, obstructs, or evades inspection, guidance, etc. prescribed Article 156 (1) (including cases applicable mutatis mutandis in Article 166-2);
  18. A person who fails to retain documents, in violation of Article 164 (1) through (6).
- (7) Administrative fines prescribed in paragraphs (1) through (6) shall be imposed and collected by the Minister of Employment and Labor, as prescribed by Presidential Decree.

ADDENDUM <Act No. 16272, Jan. 15, 2019>

#### **Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 14 and 175 (4) 2 shall enter into force on January 1 of the year following the year in which the first anniversary of the date of its promulgation falls; the amended provisions of subparagraph 5 of Article 35, Articles 110 through 116, subparagraphs 9 and 10 of Article 162, Article 163 (1) 3 and (2) (limited to the part pertaining to Article 112 (8)), Articles 165 (2) 25 through 27, 166 (1) 9, 175 (5) 3 (limited to the part pertaining to Article 114 (1)) and 5 through 12 and (6) 2 (limited to the part pertaining to subparagraph 5 of Article 35) and 9 through 11 shall enter into force two years after the date of its promulgation.

#### **Article 2 (Applicability to Publication of Number of Industrial Accidents)**

The amended provisions of Article 10 (2) and (3) shall begin to apply to industrial accidents that occur on and after January 1 of the year following the year in which the date this Act enters into force falls.

#### **Article 3 (Applicability to Measures for Preventing Industrial Accidents by Persons Placing Orders for Construction Works)**

The amended provisions of Article 67 shall begin to apply to contracts for design of construction works concluded by a person placing an order for construction works on or after the date this Act enters into force.

#### **Article 4 (Applicability to Installing or Dismantling Tower Cranes)**

The amended provisions of Article 82 (2) shall begin to apply to contracts for installing or dismantling tower cranes concluded by a business owner on or after the date this Act enters into force.

#### **Article 5 (Applicability to Submission of Results of Measures after Health Examinations)**

The amended provisions of Article 132 (5) shall begin to apply to health examinations conducted on or after the date this Act enters into force.

#### **Article 6 (Applicability to Participation in Epidemiological Investigations)**

The amended provisions of the latter part of Article 141 (1), and paragraphs (3) and (4) of that Article shall begin to apply to epidemiological investigations conducted on or after the date this Act enters into force.

#### **Article 7 (Special Cases concerning Preparation and Submission of Material Safety Data Sheets)**

Notwithstanding the amended provisions of Article 110 (1) or (2), any person who prepares or amends material safety data sheets pursuant to the previous Article 41 (1) or (6) (limited to persons who manufacture or import controlled chemical substances, among those who transfer or provide the relevant controlled chemical substances) as at the enforcement date prescribed in the proviso of Article 1 of these Addenda shall submit the material safety data sheets and the data concerning the names and content of chemical substances prescribed in the main clause of Article 110 (2) (where it is verified that there is no chemical substance falling under the classification standards referred to in Article 104, except the chemical substances stated in a material safety data sheet pursuant to subparagraph 2 of that paragraph, referring to the document verifying such fact) to the Minister of Employment and Labor by such date as may be prescribed by Ordinance of the Ministry of Employment and Labor within five years from the enforcement date prescribed in the proviso of Article 1 of these Addenda.

#### **Article 8 (Special Cases concerning Provision of Material Safety Data Sheets)**

Notwithstanding the amended provisions of Article 111 (1), a person who have submitted material safety data sheets to the Minister of Employment and Labor pursuant to Article 7 of these Addenda shall provide the material safety data sheets to a person to whom substances subject to material safety data sheet preparation have been transferred or provided by such date as may be prescribed by Ordinance of the Ministry of Employment and Labor within five years from the enforcement date prescribed in the proviso of Article 1 of these Addenda (excluding where no change is made to the matters stated in the material safety data sheets that have been submitted pursuant to the previous Article 41 (1) or (6)).

#### **Article 9 (Special Cases concerning Approval for Partial Non-Disclosure of Material Safety Data Sheets)**

Notwithstanding the amended provisions of Article 112, a person who has provided material safety data sheets referred to in the previous Article 41 (2) without stating a chemical substance deemed worth protecting as a trade secret and a product containing such chemical substance pursuant to paragraph (1) of that Article as at the enforcement date prescribed in the proviso of Article 1 of these Addenda (limited to persons who have manufactured or imported controlled chemical substances, among those who have transferred or provided the relevant controlled chemical substances) shall obtain approval from the Minister of Employment and Labor for providing alternative data by such date as may be prescribed by Ordinance of the Ministry of Employment and Labor within five years from the enforcement date prescribed in the proviso of Article 1 of these Addenda.

#### **Article 10 (Transitional Measures concerning Prohibition on Contracting Hazardous Work)**

Notwithstanding the amended provisions of Article 58 (1), with respect to business owners who have obtained authorization for contracts under the previous provisions as at the time this Act enters into force, the previous provisions shall apply during the remaining period of the authorization if such period is less than three years, and for three years from the date this Act enters into force if such period exceeds three years or has not been determined.

#### **Article 11 (Transitional Measures concerning Appointment of Safety and Health Coordinators)**

Notwithstanding the amended provisions of Article 68 (1), the previous provisions shall apply where a contract for construction works is concluded before this Act enters into force and the relevant construction works are underway.

#### **Article 12 (Transitional Measures concerning Registration of Business of Installing or Dismantling Tower Cranes)**

(1) A person engaged in the business of installing or dismantling a tower crane as at the time this Act enters into force may continue to conduct the business of installing or dismantling a tower crane without registration for up to three months from the date this Act enters into force.

(2) Notwithstanding the amended provisions of Article 82 (2), a business owner may have any person not registered for the business of installing or dismantling a tower crane install or dismantle a tower crane for up to three months from the date this Act enters into force.

#### **Article 13 (Transitional Measures concerning Application for Safety Certification)**

Notwithstanding the amended provisions of Article 86 (3), the previous provisions shall apply to a person who becomes subject to revocation of safety certification under the previous Article 34-3 before this Act enters into force.

#### **Article 14 (Transitional Measures concerning Preparation and Keeping of Material Safety Data Sheets)**

With respect to preparation, keeping, etc. of material safety data sheets on or after the date this Act enters into force, the previous Articles 11 (2) 4, 41, 63 (limited to the part pertaining to Article 41), 65 (2) 12, and 72 (4) 3 (limited to the part pertaining to Article 41), paragraph (5) 1 (limited to the part pertaining to Article 41) and 2 of that Article, paragraph (6) 1 (limited to the part pertaining to Article 11 (2) 4) and 8 of that Article shall apply until the date the amended provisions of Articles 110 through 116 enter into force.

#### **Article 15 (Transitional Measures concerning Penalty Surcharges)**

The previous provisions shall apply to penalty surcharges for violations of the previous Article 15-3 (including cases applicable mutatis mutandis under the previous Articles 16 (3), 30-2 (3), 34-5 (4), 36 (10), 42 (10), and 43 (11)), which are committed before this Act enters into force.

#### **Article 16 (Transitional Measures concerning Safety Management Agencies)**

(1) The safety management agencies and health management agencies designated by the Minister of Labor as at July 14, 1990 when the Occupational Safety and Health Act (Act No. 4220) entered into

force shall be deemed designated by the Minister of Employment and Labor under the amended provisions of Article 21.

(2) The Agency shall be deemed designated as a designated institution for education, inspection, measurement, or checkup, which is to be designated by the Minister of Labor under the Occupational Safety and Health Act (Act No. 4220).

**Article 17 (Transitional Measures concerning Occupational Hygiene Instructors)**

Occupational hygiene instructors under the previous provisions as at March 13, 2014 when the Occupational Safety and Health Act (Act No. 11882) entered into force shall be deemed occupational health instructors prescribed in this Act.

**Article 18 (Transitional Measures concerning Training and Education for Instructors)**

Instructors registered before March 13, 2014 when the Occupational Safety and Health Act (Act No. 11882) entered into force shall be deemed to have undergone training and education prescribed in the amended provisions of Article 146.

**Article 19 (Transitional Measures concerning Penalty Provisions and Administrative Fines)**

Any violation committed before this Act enters into force shall be governed by the previous penalty provisions and the previous provisions regarding administrative fines: Provided, That any violation committed before the amended provisions of Articles 110 through 116 enter into force shall be governed by the previous provisions of Article 175 (5) 3 (limited to the part pertaining to Article 114 (1)) and 5 through 12, and (6) 2 (limited to the part pertaining to subparagraph 5 of Article 35) and 9 through 11 of that Article.

**Article 20 Omitted.**

**Article 21 (Relationship to Other Statutes or Regulations)**

Where any provision of the previous Occupational Safety and Health Act is cited by other statutes or regulations as at the time this Act enters into force, if any provision corresponding thereto exists herein, the relevant provision of this Act shall be deemed cited in lieu of such previous provision.

**ADDENDUM <Act No. 17187, Mar. 31, 2020>**

This Act shall enter into force on the date of its promulgation: Provided, That Articles 166-2, 167 (1), 168, 169, subparagraphs 1 through 3 of Article 170, subparagraph 1 of Article 171, the main clause of Article 174 (1) (limited to cases applicable mutatis mutandis in Article 166-2) and the amended provisions of Article 175 shall enter into force six months after the date of its promulgation.

**ADDENDUM <Act No. 17326, May 26, 2020>**

This Act shall enter into force on the date of its promulgation: Provided, That the following matters shall enter into force according to the following classifications:

1 through 5 Omitted;

6. The amended provisions in the former part, with the exception of the subparagraphs, of Article 110 (1) of the Occupational Safety and Health Act, as wholly amended by Act No. 16272, among the provisions of Article 57: January 16, 2021.

ADDENDUM <Act No. 17433, Jun. 9, 2020>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 2 of Article 168 and Article 175 (4) 6 shall enter into force three months after the date of its promulgation, and the amended provisions of subparagraph 2 of Article 168 of the Occupational Safety and Health Act, as partially amended by Act No. 17187, shall enter into force on October 1.

Last updated : 2021-11-01

