

# **ACT ON THE PREVENTION OF PNEUMOCONIOSIS AND PROTECTION, ETC., OF PNEUMOCONIOSIS WORKERS**

Act No. 3784, Dec. 31, 1984

Amended by Act No. 4112, Apr. 1, 1989  
Act No. 4220, Jan. 13, 1990  
Act No. 4541, Mar. 6, 1993  
Act No. 4826, Dec. 22, 1994  
Act No. 5454, Dec. 13, 1997  
Act No. 5883, Feb. 8, 1999  
Act No. 6101, Dec. 31, 1999  
Act No. 6589, Dec. 31, 2001  
Wholly Amended by Act No. 8374, Apr. 11, 2007  
Act No. 8961, Mar. 21, 2008

## *CHAPTER I*

### **General Provisions**

#### **Article 1 (Purpose)**

The purpose of this Act is to contribute to the protection of workers' health and promotion of their welfare by strengthening the prevention of pneumoconiosis and health management for workers engaged in dust work, and by providing for matters concerning the payment of consolation benefits to workers suffering from pneumoconiosis and his/her bereaved family members.

#### **Article 2 (Definitions)**

The terms used in this Act are defined as follows :  
<Amended by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>

1. The term "pneumoconiosis" means a disease the main symptom of which is fibroblastic changes occurring in the lungs as a result of inhaling dust;
2. The term "complication" means pulmonary tuberculosis complicated with pneumoconiosis or other diseases deemed closely related to pneumoconiosis and arising in the process towards pneumoconiosis, which are prescribed by the Ordinance of the Ministry of Labor;
3. The term "dust work" means work prescribed by the

- Ordinance of the Ministry of Labor, which is feared to cause pneumoconiosis to workers engaged therein among work of dealing with earth rocks, rocks or minerals;
4. The term “worker” means a worker defined in Article 2 of the Labor Standards Act, and engaged in dust work; and
  5. The term “employer” means a person who employs workers at a business or workplace (hereinafter referred to as “business”) carrying out dust work.

**Article 3 (Scope of Application)**

This Act shall apply to businesses carrying out the dust work as prescribed by the Presidential Decree.

*CHAPTER II*

**Prevention of Pneumoconiosis**

**Article 4 (Plan for Prevention, etc., of Pneumoconiosis)**

(1) The Minister of Labor shall establish a plan (hereinafter referred to as the “plan on prevention, etc., of pneumoconiosis”) for preventing pneumoconiosis and protecting workers (hereinafter referred to as “pneumoconiosis workers”) suffering from pneumoconiosis.

(2) If the Minister of Labor intends to establish the plan on prevention, etc., of pneumoconiosis under paragraph (1), he/she shall in advance go through deliberation at the Pneumoconiosis Deliberation Committee as prescribed in Article 5.

**Article 5 (Pneumoconiosis Deliberation Committee)**

(1) In order to respond to inquiries by the Minister of Labor concerning the establishment of a plan on prevention, etc., of pneumoconiosis, the Pneumoconiosis Deliberation Committee (hereinafter referred to as the “Committee”) shall be established in the Ministry of Labor.

(2) Expert members may be assigned to the Committee in addition to the regular members.

(3) Necessary matters concerning the composition, function and operation of the Committee shall be prescribed by the Presidential Decree.

**Article 6 (Pneumoconiosis Examining Physician)**

(1) In order to provide advice and suggestions as requested

by the Minister of Labor with regard to a decision on classification for pneumoconiosis control under Article 18 (1), and other professional medical matters relevant to pneumoconiosis, pneumoconiosis examining physicians shall be assigned to the Ministry of Labor. *<Amended by Act No. 8961, Mar. 21, 2008>*  
*<Enforcement Date Sept. 22, 2008>*

(2) Necessary matters concerning the number of, qualifications for, appointment procedures for, duties and allowances, etc., of pneumoconiosis examining physicians shall be prescribed by the Presidential Decree. *<Amended by Act No. 8961, Mar. 21, 2008>*  
*<Enforcement Date Sept. 22, 2008>*

*<Title of This Article Amended by Act No. 8961, Mar. 21, 2008>* *<Enforcement Date Sept. 22, 2008>*

#### **Article 7 (Vicarious Execution of Work Environment Monitoring)**

(1) If an employer fails to conduct work environment monitoring as prescribed in Article 42 of the Occupational Safety and Health Act, the Minister of Labor may designate a work environment monitoring agent from among those with manpower, facilities and equipment needed to conduct the work environment monitoring prescribed by the Presidential Decree, and have him/her conduct work environment monitoring for the purpose of preventing pneumoconiosis.

(2) A person who intends to be designated as a work environment monitoring agent pursuant to paragraph (1) shall apply for such designation to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

(3) Once the Minister of Labor designates a person applying for designation as a work environment monitoring agent pursuant to paragraph (2), he/she shall issue a certificate of designation specifying the matters prescribed by the Ordinance of the Ministry of Labor.

(4) A person (hereinafter referred to as "monitoring agent") designated as a work environment monitoring agent pursuant to paragraph (3) shall, if any change is made to the matters specified in his/her certificate of designation, report such change to the Minister of Labor.

(5) An employer shall pay the expenses required for work environment monitoring as referred to in paragraph (1) to the work environment monitoring agent.

(6) If the Minister of Labor has work environment monitoring conducted vicariously under paragraph (1), he/she shall notify the employer of the result. In this case, the Minister

of Labor may instruct the employer to do things necessary for improving work environments.

(7) An employer shall, if receiving the instruction to improve work environments under paragraph (6), improve work environments, and prepare documents related thereto and keep them for three years.

(8) Necessary matters concerning the vicarious execution of work environment monitoring, such as the procedures for the designation of a monitoring agent and for the report of changes and the method of calculation of expenses for vicariously conducting monitoring as referred to in paragraphs (1) through (7), shall be prescribed by the Ordinance of the Ministry of Labor.

(9) If workers requests the disclosure of data from monitoring conducted under paragraph (1), the employer shall comply with the request.

*<Amended by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

#### **Article 7-2 (Cancellation of Designation of Monitoring Agent)**

If a monitoring agent falls under any of the following subparagraphs, the Minister of Labor may cancel the designation or order its operation to be suspended for a period of less than six months : Provided that the monitoring agent falls under subparagraph 1, the designation shall be cancelled.

1. Where the monitoring agent is designated in a false or other fraudulent ways;

2. Where the monitoring agent falls short of the criteria for designating a monitoring agent as referred to in Article 7 (1);

3. Where the results of monitoring is falsely written or reported; or

4. Where the monitoring agent refuses to conduct work environment monitoring without justifiable reasons

*<This Article Newly Inserted by Act No. 8961, Mar. 21, 2008>*

*<Enforcement Date Sept. 22, 2008>*

#### **Article 8 (Prevention of Pneumoconiosis)**

Employers and workers shall, in order to prevent pneumoconiosis, abide by the matters prescribed by the Ordinance of the Ministry of Labor, such as prevention of dust scattering, in addition to the measures prescribed by the Occupational Safety and Health Act and the Mining Safety Act.

**Article 9 (Education)**

(1) An employer shall provide workers who are ordinarily engaged in dust work with education necessary for pneumoconiosis prevention and health management.

*<Amended by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

(2) The content, frequency and hours of the education referred to in paragraph (1) shall be prescribed by the Presidential Decree. *<Newly Inserted by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

*CHAPTER III*

**Health Management**

**SECTION 1**

**Health Examination**

**Article 10 (Health Examination for Employment)**

(1) When an employer hires a worker to be engaged in dust work, he/she shall conduct a health examination before employment : Provided that such a health examination may not be conducted if less than six months have passed since the worker received a health examination including the examination categories of the health examination for employment, and the worker has submitted documents describing the results of the health examination. *<Amended by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

(2) The contents and method of a health examination for employment as referred to in paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

**Article 11 (Periodical Health Examination)**

(1) An employer shall conduct a periodical health examination at least once a year for workers who are engaged in dust work: Provided that, with respect to a person who has undergone a health examination for employment or an extraordinary health examination under Article 10 or 12, the periodical health examination may not be conducted only in the year concerned.

(2) The contents and method of a periodical health

examination as referred to in paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

**Article 12 (Extraordinary Health Examination)**

(1) If a worker falls under any of the following subparagraphs, the employer shall conduct an extraordinary health examination for the worker :

1. Where a worker who has retired temporarily from office for medical care for one or more years due to a complication applies for a return to work after presenting a written opinion of a physician to the effect that the worker is able to return to work; and
2. Where there occur the causes prescribed by the Ordinance of the Ministry of Labor.

(2) The contents and method of an extraordinary health examination as referred to in paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

**Article 13 (Health Examination for Retired Workers)**

(1) If a worker who has been engaged in dust work for not less than the period as prescribed by the Ordinance of the Ministry of Labor applies for a health examination for retired workers after retiring from his/her work, the Minister of Labor shall conduct a health examination for retired workers: Provided that with respect to a worker who retires from his/her work within one year after he/she underwent a periodical or extraordinary health examination under Article 11 or 12 and received a decision on classification for pneumoconiosis control under Article 18, the health examination for retired workers may not be conducted.

(2) The application procedures for and the contents and method of a health examination for retired workers under paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

**Article 14 (Obligation of Workers to Undergo Health Examination)**

A worker shall undergo a health examination as prescribed in Articles 10 through 12, except in cases where there is any justifiable reason prescribed by the Presidential Decree, such as when he/she has received a health examination at a different health examination service and submitted the results. *<Amended*

*by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

**Article 15 (Health Examination Service)**

(1) The health examination prescribed in Articles 10 through 13 shall be conducted by a medical institution (hereinafter referred to as the "health examination service") which has such manpower and facilities as prescribed by the Ordinance of the Ministry of Labor, and is designated by the Minister of Labor.

(2) A person who intends to be designated pursuant to paragraph (1) shall apply for such designation to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

(3) Once the Minister of Labor designates a person applying for designation as a health examination service pursuant to paragraph (2), he/she shall issue a certificate of designation specifying the matters prescribed by the Ordinance of the Ministry of Labor.

(4) The Minister of Labor may, if a health examination service falls under any of the following subparagraphs, cancel the designation or order its operation to be suspended for a period of less than six months:

1. Where the service is designated in a false or other fraudulent ways;
2. Where the service does not meet the conditions for designation referred to in paragraph (1);
3. Where the service carries out health examination services in violation of the matters designated under paragraph (3);
4. Where the service makes and submits false entries on the results of a health examination;
5. Where the service makes a false claim for expenses for a health examination;
6. Where the service fails twice or more to undergo the evaluation referred to in Article 15-2 and fails to pass as a result of the evaluation; or
7. Where the service falls under other circumstances prescribed by the Ordinance of the Ministry of Labor, such as when its ways of conducting a health examination are inappropriate.

(5) A person whose designation as a health examination service has been cancelled shall not be designated again as a health examination service for two years after the date of the

cancellation.

(6) A health examination service shall, if any change is made to the matters specified in the certificate of designation referred to in paragraph (3), report such change to the Minister of Labor.

(3) The procedures for the designation of a health examination service, the cancellation of designation and for the report of changes referred to in paragraphs (1) through (6) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor. *<Wholly Amended by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

**Article 15-2 (Evaluation, etc., of Health Examination Services)**

(1) The Minister of Labor may evaluate health examination services over their ability to conduct a health examination and analysis in order to ensure the accuracy and reliability of health examinations.

(2) The Minister of Labor may provide guidance and education for officers and employees of health examination services based on the results of the evaluation referred to in paragraph (1).

(3) Necessary matters concerning the methods of and procedures for the evaluation, guidance and education referred to in paragraphs (1) and (2) shall be prescribed by the Ordinance of the Ministry of Labor.

*<This Article Newly Inserted by Act No. 8961, Mar. 21, 2008>  
<Enforcement Date Sept. 22, 2008>*

**Article 16 (Submission, etc., of Results of Health Examination)**

(1) If a health examination service has conducted a health examination pursuant to Articles 10 to 12, it shall send the employer the chest X-ray photographs and individual health examination results. In this case, if there is a worker thought to be suffering from pneumoconiosis as a result of conducting a health examination pursuant to Articles 11 and 12, the worker's chest X-ray photograph and individual health examination results and documents prescribed by the Ordinance of the Ministry of Labor shall be submitted to the Minister of Labor.

(2) If an employer has conducted a health examination pursuant to Article 11, he/she shall submit an aggregate health examination result list to the Minister of Labor.

(3) If a health examination service has conducted a health examination pursuant to Article 13, it shall submit individual



health examination results to the Minister of Labor. In this case, if there is a worker thought to be suffering from pneumoconiosis, the worker's chest X-ray photograph and individual health examination results and documents prescribed by the Ordinance of the Ministry of Labor shall be submitted.

(4) The forms of individual health examination results and aggregate health examination lists as referred to in paragraphs (1) through (3) and the period for the submission thereof and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

**Article 17 (Relation to Health Examinations under the Occupational Safety and Health Act)**

If the employer of a business subject to the provisions of this Act has conducted a health examination, to the extent that he/she has done, he/she may be exempted from the obligation to conduct the health examination prescribed in Article 43 of the Occupational Safety and Health Act.

## SECTION 2

### Protection of Pneumoconiosis Workers

#### **Article 18 (Decision on and Notification of Classification for Pneumoconiosis Control)**

(1) The Minister of Labor shall, upon receiving a chest X-ray photograph, individual health examination results and documents prescribed by the Ordinance of the Ministry of Labor pursuant to Article 16 (1) and (3), decide whether the person who has undergone the health examination falls under any of categories 1 to 4 in the annexed Table (hereinafter referred to as a “decision on classification for pneumoconiosis control”), and then notify the health examination service and the employer of the results : Provided that in the case of Article 16 (3), the result shall be notified to the health examination service and the person who underwent the health examination.

(2) An employer shall, upon receiving a notification of the result of a decision on classification for pneumoconiosis control pursuant to paragraph (1), notify without delay the worker concerned of the fact.

(3) The Minister of Labor shall, when notifying an employer of the result of a decision on classification for pneumoconiosis control pursuant to paragraph (1), send the chest X-ray photograph and individual health examination results.

(4) The detailed criteria, method and procedures for making a decision on classification for pneumoconiosis control and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

#### **Article 19 (Request for Examination on Decision on Classification for Pneumoconiosis Control)**

(1) A person who is dissatisfied with a decision of the Minister of Labor on classification for pneumoconiosis control under Article 18 (1) may make a request for examination to the Minister of Labor within 90 days of the date of the notification of the decision. *<Amended by Act No. 8961, Mar. 21, 2008>*  
*<Enforcement Date Sept. 22, 2008>*

(2) The Minister of Labor shall, upon receiving a request for examination under paragraph (1), make a decision thereon after taking advice of three or more pneumoconiosis examining physicians as prescribed in Article 6. *<Amended by Act No. 8961, Mar. 21, 2008>* *<Enforcement Date Sept. 22, 2008>*

(3) The method and procedures for the request for examination as referred to in paragraphs (1) and (2) and other necessary matters concerning the examination shall be prescribed by the Ordinance of the Ministry of Labor. *<Amended by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

*<Title of This Article Amended by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

**Article 20 (Issuance of Health Care Pocketbook)**

(1) For a person who has undergone a health examination for retired workers pursuant to Article 13 (1), the Minister of Labor shall issue a health care pocketbook. *<Amended by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

(2) Necessary matters regarding the procedures for the issuance of a health care pocketbook pursuant to paragraph (1) shall be prescribed by the Ordinance of the Ministry of Labor.

**Article 21 (Measures for Pneumoconiosis Workers)**

(1) An employer shall not employ a person who is suffering from a complication, or falls under the category 3 or 4 of the classification for pneumoconiosis control as prescribed in the annexed Table and whom a health examination service recognizes as meeting the criteria prescribed by the Presidential Decree, to have him/her be engaged in dust work.

(2) The Minister of Labor may recommend or instruct an employer to take measures (hereinafter referred to as the "work reassignment measures") to have pneumoconiosis workers meeting the criteria prescribed by the Ordinance of the Ministry of Labor be engaged in work other than dust work .

(3) An employer shall change the working place of pneumoconiosis workers, reduce their working hours, and take other necessary measures, under the conditions as prescribed by the Ordinance of the Ministry of Labor.

(4) The government shall devise policies necessary for employment security, such as providing vocational training, for workers retired from office due to pneumoconiosis.

**Article 22 (Protection of Person under Work Reassignment Measure)**

(1) If a person who is subject to a work reassignment measure following a recommendation or an instruction under Article 21 (2) asks for retirement pay for the service period prior to the work reassignment measure under the conditions as prescribed by the Ordinance of the Ministry of Labor, the employer shall give retirement pay pursuant to Article 34 of the

Labor Standards Act.

(2) An employer shall not dismiss a worker by reason of the payment of retirement pay as referred to in paragraph (1).

(3) An employer shall not treat a worker unfavorably in calculating the number of consecutive service years by reason of the payment of retirement pay under paragraph (1) : Provided that this shall not apply in the case of the calculation of retirement pay.

## *CHAPTER IV*

### **Projects for Protection of Pneumoconiosis Workers**

#### **SECTION 1**

#### **Projects for Protection of Pneumoconiosis Workers**

##### **Article 23 (Projects for Protection of Pneumoconiosis Workers)**

(1) The Minister of Labor may conduct projects necessary for the prevention of pneumoconiosis and the protection of a pneumoconiosis worker's living and health.

(2) The contents, implementation methods and other necessary matters concerning the projects prescribed in paragraph (1) shall be prescribed by the Presidential Decree.

#### **SECTION 2**

#### **Payment of Pneumoconiosis Consolation Benefits**

##### **Article 24 (Types of Pneumoconiosis Consolation Benefits and Reasons for Their Payment)**

(1) The types of pneumoconiosis consolation benefits under this Act are as follows:

1. Work reassignment allowances;
2. Disability consolation benefits; and
3. Bereaved family members' consolation benefits.

(2) The work reassignment allowances as referred to in paragraph (1) shall be paid in case where the work of a worker is changed under Article 21 (2).

(3) The disability consolation benefits as referred to in

paragraph (1) 2 shall be paid in case where a worker entitled to disability benefits under the Industrial Accident Compensation Insurance Act retires, or where a retired worker becomes entitled to disability benefits under the Industrial Accident Compensation Insurance Act due to pneumoconiosis.

(4) The bereaved family members' consolation benefits as referred to in paragraph (1) 3 shall be paid in case where a worker is dead due to pneumoconiosis, leaving his/her bereaved family members entitled to survivors' benefits under the Industrial Accident Compensation Insurance Act.

(5) The consolation benefits as referred to in paragraph (1) 1 through 3 shall be paid to a worker or his/her bereaved family members, and with respect to the determination of bereaved family members, the provisions of subparagraph 3 of Article 5 of the Industrial Accident Compensation Insurance Act and of Article 46 of the same Act shall apply *mutatis mutandis*.

#### **Article 25 (Standards of Payment of Consolation Benefits)**

(1) The work reassignment allowances as prescribed in Article 24 (1) 1 shall be an amount as determined by the Ordinance of the Ministry of Labor within the limits of seventy days of the average wages of the worker concerned under the Labor Standards Act.

(2) The disability consolation benefits as prescribed in Article 24 (1) 2 shall be an amount equivalent to 60/100 of the lump-sum disability compensation to be paid due to pneumoconiosis under the Industrial Accident Compensation Insurance Act, which is calculated on the basis of the average wages at the time of the worker's retirement under subparagraph 2 of Article 5 and Article 35 (5) of the Industrial Accident Compensation Insurance Act.

(3) The bereaved family members' consolation benefits as prescribed in Article 24 (1) 3 shall be an amount equivalent to 60/100 of the lump-sum survivors' compensation under the Industrial Accident Compensation Insurance Act.

#### **Article 26 (Relation to Claim for Damages, etc.)**

The consolation benefits as prescribed in Article 24 (1) 2 and 3 shall be paid only in case where the worker concerned or his/her bereaved family members demand the payment of consolation benefits in lieu of a claim for damages under the Civil Act or other Acts and subordinate statutes: Provided that the payment cannot be demanded in the following cases:

1. Where special disability or bereaved family members'

- benefits have been paid pursuant to Article 50 or 51 of the Industrial Accident Compensation Insurance Act; and
2. Where any compensation for disability, retirement or death caused by pneumoconiosis has been paid under an agreement with the employer : Provided that this shall not apply in case where an aggravated disability occurs.

## *CHAPTER V*

### **Supplementary Provisions**

#### **Article 27 (Prohibition of Transfer, etc.)**

The right to receive consolation benefits pursuant to Article 24 shall not be transferred, used as collateral or seized.

#### **Article 28 (Prescription)**

If the right to receive consolation benefits pursuant to Article 24 is not exercised for three years, the extinctive prescription thereof shall be completed.

#### **Article 29 (Report)**

If an employer violates this Act or any order issued under this Act, his/her worker may report this to the Minister of Labor. In this case, the employer shall not dismiss the worker or unfavorably treat the worker in other ways by reason of such a report.

#### **Article 30 (Keeping of Record)**

An employer shall keep for seven years health examination results and chest X-ray photographs as prescribed in Articles 10 through 12, and documents about the instruction of the Minister of Labor to take a work reassignment measure as prescribed in Article 21 (2) and the results thereof : Provided that in case of chest X-ray photographs, during a period in which they are being kept by a health examination service pursuant to medical service-related Acts, it shall be considered that the employer is keeping them.

#### **Article 31 (Obligation of Report, Attendance, etc.)**

An employer or a worker shall, if the Minister of Labor demands it with regard to the enforcement of this Act, report without delay necessary matters, attend and answer.

**Article 31-2 (Duty of Confidentiality)**

An pneumoconiosis examining physician referred to in Article 6 shall not disclose any confidential information acquired while performing his/her duties.

*<This Article Newly Inserted by Act No. 8961, Mar. 21, 2008>  
<Enforcement Date Sept. 22, 2008>*

**Article 31-3 (Hearing)**

In any of the following cases, the Minister of Labor shall hold a hearing:

1. Cancellation of designation of a monitoring agent under Article 7-2; or
2. Cancellation of designation of a health examination service under Article 15 (4)

*<This Article Newly Inserted by Act No. 8961, Mar. 21, 2008>  
<Enforcement Date Sept. 22, 2008>*

**Article 32 (Delegation and Entrustment of Authority)**

The Minister of Labor may delegate part of his/her authority as prescribed by this Act to the head of an agency under his/her control, or entrust it to the Korea Workers' Compensation and Welfare Service under the Industrial Accident Compensation Insurance Act and the Korea Occupational Safety and Health Agency under the Korea Occupational Safety and Health Agency Act, under the conditions as prescribed by the Presidential Decree.*<Amended by Act No. 8961, Mar. 21, 2008>  
<Enforcement Date Sept. 22, 2008>*

*<Title of This Article Amended by No. 8961, Mar. 21, 2008>  
<Enforcement Date Sept. 22, 2008>*

**Article 32-2 (Legal Fiction of Public Officials in Application of Penal Provisions)**

The pneumoconiosis examining physician under Article 6 and officers and employees of the Agencies under Article 32 shall be considered public officials in the application of Article 127 and Articles 129 through 132 of the Criminal Act.

*<This Article Newly Inserted by Act No. 8961, Mar. 21, 2008>  
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**CHAPTER VI**

**Penal Provisions**

**Article 33 (Penal Provisions)**

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

1. A person who fails to conduct a health examination in contravention of the provisions of Articles 10 through 12;
2. A person who employs a person suffering from pneumoconiosis to make him/her be engaged in dust work in contravention of the provisions of Article 21 (1) or who violates an instruction of the Minister of Labor to take a measure for work reassignment under Article 21 (2);
3. A person who fails to pay retirement pay in spite of a worker's claim for it or a person who dismisses a worker or treats a worker unfavorably in the calculation of the number of consecutive service years by reason of the payment of retirement pay, in contravention of the provisions of Article 22; and
4. A person who dismisses a worker or unfavorably treats a worker in other ways by reason of the report as prescribed in Article 29.

**Article 34 (Penal Provisions)**

A person who falls under any of the following subparagraphs shall be punished by a fine not exceeding five million won: *<Amended by Act No. 8961, Mar. 21, 2008>*  
*<Enforcement Date Sept. 22, 2008>*

1. A person who refuses, interferes with or evades work environment monitoring conducted by an monitoring agent pursuant to Article 7 (1), or violates an instruction to improve work environments under paragraph (6) of the same Article;
2. A person who prepares falsely the results of a health examination or fails to submit or send it to the Minister of Labor or employer, in contravention of the provisions of Article 16 (1) and (3); and
3. A person who fails to take measures, such as the reduction of working hours, a change of working place, etc., in contravention of the provisions of Article 21 (3).

**Article 35 (Joint Penal Provisions)**

- (1) If the representative, an agent, a servant or other employees of a juristic person commits an offense prescribed in



Articles 33 and 34 in connection with the juristic person's affairs, a fine prescribed in the respective Articles shall be imposed on the juristic person, in addition to the punishment of the offender.

(2) If an agent, a servant or other employees of an individual commits an offense prescribed in Articles 33 and 34 in connection with the individual's affairs, a fine prescribed in the respective Articles shall be imposed on the individual, in addition to the punishment of the offender.

**Article 36 (Fine for Negligence)**

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding five million won: *<Amended by Act No. 8961, Mar. 21, 2008> <Enforcement Date Sept. 22, 2008>*

1. A person who prepares falsely or fails to keep for three years documents concerning the improvement of work environments as prescribed in Article 7 (7);
2. A person who fails to submit an aggregate health examination result list in contravention of the provisions of Article 16 (2); and
3. A person who fails to keep for seven years individual health examination results, chest X-ray photographs and documents concerning work reassignment in contravention of the provision of Article 30.

(2) A person who refuses, interferes with, evades the reporting, attendance or answering as prescribed in Article 31, or makes a false report shall be punished by a fine for negligence not exceeding three million won.

**Article 37 (Fine for Negligence)**

(1) The fine for negligence as prescribed in Article 36 shall be imposed and collected by the Minister of Labor under the conditions as prescribed by the Presidential Decree.

(2) A person who is dissatisfied with the imposition of a fine for negligence under paragraph (1) may make an objection against the Minister of Labor within thirty days after the date of the notification of the imposition.

(3) If a person imposed with a fine for negligence under paragraph (1) has made an objection under paragraph (2), the Minister of Labor shall notify the competent court of it without delay, and the competent court so notified shall try the case of a fine for negligence in accordance with the Non-Contentious Case Litigation Procedure Act.

(4) If a person imposed with a fine for negligence neither make an objection within the period as referred to in paragraph (2), nor pays the fine for negligence, it shall be collected according to the process of recovery of national taxes in arrears.

**Addendum** <Act No. 8961, Mar. 21, 2008>

This Act shall enter into force six months after its promulgation.

[Table]

### Criteria for Decision on Classification for Pneumoconiosis Control

Classification for Pneumoconiosis Control	Decision Criteria
Class 1	A person the image of whose chest X-ray photograph is Type 1, and who is recognized to have no remarkable lesion in the pulmonary function due to the pneumoconiosis
Class 2	A person the image of whose chest X-ray photograph is Type 2, and who is recognized to have no remarkable lesion in the pulmonary function due to the pneumoconiosis
Class 3	A person of those falling under any of the following Subparagraphs, who is recognized to have no remarkable lesion in the pulmonary function due to the pneumoconiosis 1. A person the image of whose chest X-ray photograph is Type 3 2. A person the image of whose chest X-ray photograph is Type 4, and the size of the large opacities is less than 1/3 of one lung field
Class 4	1. A person the image of whose chest X-ray photograph is Type 4, and the size of the large opacities is more than 1/3 of one lung field 2. A person the image of whose chest X-ray photograph is Type 1,2,3or 4(limited to only in case where the size of the large opacities is less than 1/3 of one lung field), and who is recognized to have a remarkable lesion in pulmonary function due to the pneumoconiosis

Note : The definitions of terms used in the above Table are as follows:

1. Type 1 : That which is recognized there exist in both lung fields a small number of rounded or irregular small opacities caused by the pneumoconiosis and no large opacity due to the pneumoconiosis
2. Type 2 : That which is recognized there exist in both lung fields a large number of rounded or irregular small opacities caused by the pneumoconiosis and no large opacity due to the pneumoconiosis
3. Type 3 : That which is recognized there exist in both lung a significantly large number of rounded or irregular small opacities caused by the pneumoconiosis and no large opacity due to the pneumoconiosis
4. Type 4 : That which is recognized there exists a large opacity due to the pneumoconiosis