

# Project Summary

## A Study on the Limitation of Re-Subcontract for Hazardous and Dangerous work

### 1. Objectives

Indoor contract employees are in general use in the various industries. The incidence of industrial accidents, especially serious accidents is high among indoor contract employees. This study aims to the legal interpretation of indoor-contract and limitation of subcontract for hazardous and dangerous work. Moreover, for the study of the permission and prohibition of indoor-contract for harmful work, we select the several cases from hazardous work in the Korean Industrial Safety and Health Act

### 2. Methods

First, previous researches and the domestic and foreign laws related to this study were investigated and analyzed.

Secondly, 10 cases were selected from hazardous and dangerous work and interviews of experts related health and safety persons in the company.

Thirdly, the Article 28 and the Article 29 of the Industrial Safety and Health Act were analyzed in the shipbuilding industry by RIA (Regulatory

Impact Analysis). Lastly, it suggested an alternative policy of the permission and prohibition of indoor-contract for harmful work and further research.

### 3. Results

Results of this study were summarized as follow,

1) The legal interpretation of contract in the Korean Industrial Safety and Health Act

Definition of the legal sense of contract and the relationship between worker dispatching act and contract is interpreted.

Presentation of the problem on permission of indoor-contract for harmful work. Necessity of responsibility of main contract and subcontract, to reinforce for reduction of subcontractors accidents.

2) The results of in interviews

Further studies are needed on the relationship between hazardous substance requiring permission and the amount of those.

The responsibility of main contract in chemical company needs to be reinforced.

Further studies are also needed on the confined spaces since the confined spaces exists in many different forms.

Further studies are also needed on the problem of screen door after revising of Railroad Safety Act.

It is recommended that the subcontract system in shipbuilding industry might be legally accepted.

3) The results of RIA (Regulatory Impact Analysis) on the shipbuilding industry

RIA result in the Article 28 of the Industrial Safety and Health Act showed that cost was greater than the benefit.

However, RIA result in the Article 29 of the Industrial Safety and Health Act showed that benefit was greater than the cost.

#### **4. Conclusions**

Based on the this results this study can be used for the improvement of the system for the safety and health of the employees, the subcontractors. We also thought that the results come from this research could be suitable to prepare the revision of Article 28 and 29 of Industrial Safety and Health Act.

#### **Keywords**

Hazardous and Dangerous work, Indoor-contract, Industrial Safety and Health Act, Legal interpretation, Regulatory Impact Analysis, Subcontract