

INDUSTRIAL SAFETY AND HEALTH ACT

Act No. 4220, Jan. 13, 1990

Amended by Act No. 4622, Dec. 27, 1993
Act No. 4826, Dec. 22, 1994
Act No. 4916, Jan. 5, 1995
Act No. 5248, Dec. 31, 1996
Act No. 5453, Dec. 13, 1997
Act No. 5454, Dec. 13, 1997
Act No. 5886, Feb. 8, 1999
Act No. 6104, Jan. 7, 2000
Act No. 6315, Dec. 29, 2000
Act No. 6590, Dec. 31, 2001
Act No. 6847, Dec. 30, 2002

CHAPTER I

General Provisions

Article 1 (Purpose)

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

Article 2 (Definition)

For the purpose of this Act,

1. the term “industrial accidents and diseases” refers to cases when workers die, get injured or contract diseases due to work-related structures, equipment, raw materials, gas, vapor, powder, dust, etc., or work and work-caused reasons;
2. the term “worker” means a worker as prescribed in Article 14 of the Labor Standards Act;
3. the term “business owner” means a person who carries on a business using workers;
4. the term “representative of workers” refers to a trade union, in case a trade union comprising the majority of workers concerned exists, and if such a trade union does not exist, a person who represents the majority of workers concerned.;

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

5. the term “work environment monitoring” means that a

- business owner formulates a monitoring plan on workers or workplaces and gathers, analyzes and evaluates samples for the purpose of understanding the actual conditions of work environment;
6. the term “safety and health diagnosis” means an investigation and evaluation carried out by a person designated by the Minister of Labor for the purpose of preventing industrial accidents and diseases by discovering latent hazards and establishing countermeasures for the improvement of safety; and
 7. the term “serious accidents and diseases” means industrial accidents and diseases such as death, etc., the degree of which is serious, and which are prescribed by the Ordinance of the Ministry of Labor.

Article 3 (Scope of Application)

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

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

Article 4 (Duty of the Government)

(1) In order to accomplish the goals of Article 1, the Government shall fulfill faithfully the following responsibilities:

1. Matters concerning the establishment, execution, coordination and control of the industrial safety and health policy;
2. Matters concerning the support and guidance of accident and disease prevention for workplaces where accidents and diseases occur frequently;
3. Matters concerning the insurance and improvement of the safety of machinery, tools, equipment, etc., related to safety and health;
4. Matters concerning the preparation of criteria for safety and health measures and the guidance and control of hazardous or dangerous machinery, tools, equipment and materials, etc.;
- 4-2. Matters concerning support for the establishment of autonomous safety and health management system by workplaces; *<Newly Inserted by Act No. 5886, Feb. 8, 1999>*
5. Matters concerning the promotion of public relations,

- education, and accident-free campaigns to raise awareness about safety and health;
6. Matters concerning the research and development of technology and the installation and operation of facilities for safety and health;
 7. Matters concerning the maintenance and management of investigations and statistics on industrial accidents and diseases;
 8. Matters concerning the support, guidance and control of organizations related to safety and health; and
 9. Other matters concerning measures for the prevention of danger and health problems for workers. *<Amended by Act No. 5248, Dec. 31, 1996>*

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

Article 5 (Duties of Business Owner)

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

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

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

Article 6 (Duties of Worker)

A worker shall observe the standards for the prevention of industrial accidents and diseases as prescribed by this Act and orders issued under this Act, and are subject to measures for

the prevention of industrial accidents and diseases taken by the business owner or other related organizations.

Article 7 (Industrial Safety and Health Policy Deliberative Committee)

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

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

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

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

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

Article 9 (Request, etc., for Cooperation)

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

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

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

(4) If it is deemed necessary for the prevention of industrial

accidents and diseases, the Minister of Labor may recommend necessary matters or request the cooperation of a business owner, a business owners' organization and other related persons.

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

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

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

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

Article 10 (Duty to Report)

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

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

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

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

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

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

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

(2) The representative of workers may request the business owner to notify him of the contents or results of the following matters, and the business owner shall comply faithfully:

1. Matters decided by the Industrial Safety and Health Committee under Article 19 (2); *<Newly Inserted by Act No. 4916, Jan. 5, 1995>*

2. Matters as prescribed in subparagraphs of Article 20 (1);
<Amended by Act No. 4916, Jan. 5, 1995>
3. Matters as prescribed in subparagraphs of Article 29 (1);
<Amended by Act No. 4916, Jan. 5, 1995>
4. Matters as prescribed in Article 36 (1); <Amended by Act No. 4916, Jan. 5, 1995>
5. Matters as prescribed in Article 41; <Amended by Act No. 4916, Jan. 5, 1995>
- 5-2. Matters concerning work environment monitoring as prescribed in Article 42 (1); and <Amended by Act No. 5886, Feb. 8, 1999>
6. Other matters concerning safety and health as prescribed by the Ordinance of the Ministry of Labor. <Amended by Act No. 4916, Jan. 5, 1995>

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

A business owner shall install or attach safety and health marks, under the conditions as prescribed by the Ordinance of the Ministry of Labor, for warning hazardous or dangerous facilities and places in the workplace, guiding measures at the time of emergency, and raising safety consciousness.

CHAPTER II

Safety and Health Management System

Article 13 (Safety and Health Manager)

(1) A business owner shall assign a person to be in charge of safety and health management (hereinafter referred to as the “safety and health manager”) for the purpose of general control over the following matters:

1. Matters concerning the establishment of an industrial accident and disease prevention plan;
2. Matters concerning the preparation of the safety and health management regulations under Article 20;
3. Matters concerning the safety and health education of employees under Article 31;
4. Matters concerning the inspection and improvement of the work environment, such as the monitoring of the work environment, etc., under Article 42;
5. Matters concerning the management of health, such as health examinations, etc., of workers, under Article 43;

6. Matters concerning the investigation of the causes of industrial accidents and diseases and the establishment of measures to prevent recurrence therefor;
 7. Matters concerning the record and maintenance of statistics on industrial accidents and diseases and diseases;
 8. Matters concerning the determination of whether or not safety devices and personal protective equipments related to safety and health meet product standards at the time of purchase; and
 9. Other matters concerning the prevention of hazard and danger to workers under Chapter IV, and as prescribed by the Ordinance of the Ministry of Labor.
- (2) The safety and health manager shall direct and control the safety managers and health managers as prescribed in Articles 15 and 16.
- (3) The categories and scale of the business to which the safety and health manager is to be assigned, and other necessary matters, shall be determined by the Presidential Decree.

Article 14 (Supervisor, etc.)

(1) A business owner shall have a supervisor of the workplace (this refers to the head of a division within the management structure, who directly manages and supervises business and employees related to production or who takes charge of such a position; hereinafter the same shall apply) with responsibility to carry out measures related to safety and health. For work which particularly requires the prevention of danger, he shall designate the supervisor of the work as a person responsible for safety, and have him perform safety measures.

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

(3) The contents of measures concerning safety and health to be carried out by the supervisor, categories of work for which the person responsible for safety is to be designated, contents of safety measures to be carried out by the person responsible for safety, and other necessary matters shall be prescribed by the Presidential Decree.

Article 15 (Safety Manager, etc.)

(1) A business owner shall assign a safety manager at the workplace to assist the business owner or the safety and health

manager in technical matters concerning the safety of those as prescribed in subparagraphs of Article 13 (1), and to instruct and advise on such matters to the supervisor and person responsible for safety.

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

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

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

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

Article 15-2 (Cancellation of Designation)

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

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

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

Article 16 (Health Manager, etc.)

(1) A business owner shall assign a health manager to the workplace to assist the business owner or the safety and health manager in technical matters concerning the health of those as prescribed in subparagraphs of Article 13 (1), and to instruct and advise on such matters to the supervisor and person responsible for safety.

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

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

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

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

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

Article 17 (Occupational Physician)

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

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

Article 18 (General Safety and Health Manager)

(1) A business owner a part of whose business is carried out under a contract at the same place, and which is prescribed

by the Presidential Decree, shall designate the safety and health manager for the business as the general safety and health manager for the purpose of the general control over the prevention of industrial accidents and diseases that may take place when workers employed by the business owner and those employed by his contractor (including the subcontractor; hereinafter the same shall apply) work together at the same place. In this case, the business owner whose business is not required to assign a safety and health manager, shall designate the person who exercises general control over the business at the workplace as a general safety and health manager.

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

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

Article 19 (Industrial Safety and Health Committee)

(1) In order to deliberate or resolve matters, etc., as prescribed in subparagraphs of Article 13 (1), a business owner shall establish and operate an industrial safety and health committee composed of an equal number of workers and employers: Provided that in the case of a workplace which ordinarily employs under 1,000 workers, and where a labor-management council is established in accordance with the Act on the Promotion of Worker Participation and Cooperation, such a labor-management council shall be considered as the industrial safety and health committee under this Act. *<Amended by Act No. 5248, Dec. 31, 1996>*

(2) A business owner shall have an industrial safety and health committee deliberate and decide matters under the following subparagraphs: *<Amended by Act No. 5248, Dec. 31, 1996>*

1. Matters concerning Article 13 (1) 1 through 5 and 7;
2. Matters concerning serious industrial accidents and diseases as prescribed in Article 13 (1) 6; and
3. Matters concerning the number, qualification, duty and authority, etc., of the safety manager under Article 15 and of the health manager under Article 16.

(3) If it is deemed necessary for the maintenance and improvement of the safety and health of workers in workplace,

the industrial safety and health committee may determine matters concerning safety and health in workplace. *<Amended by Act No. 5248, Dec. 31, 1996>*

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

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

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

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

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

CHAPTER III

Safety and Health Management Regulations

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

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

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

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

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

(3) Necessary matters concerning the categories and scale of the business required to prepare safety and health management regulations, and the details that should be included in safety and health management regulations shall be determined by the Ordinance of the Ministry of Labor. *<Amended by Act No. 6847, Dec. 30, 2002>*

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

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

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

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

(1) A business owner and workers shall observe safety and health management regulations.

(2) Except as provided by this Act, the provisions of the Labor Standards Act concerning employment regulations shall be applicable to safety and health management regulations, unless they are contrary to the nature thereof.

CHAPTER IV

Measures for Preventing Hazard and Danger

Article 23 (Safety Measures)

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

1. Hazards caused by machines, tools or other equipment;

2. Hazards caused by explosive, combustible or inflammable substances; and
 3. Hazards caused by electricity, heat or other energy.
- (2) A business owner shall take measures necessary for the prevention of hazards caused by improper work methods in excavating, quarrying, stevedoring, timbering, transporting, operating, dismantling, the handing of heavy objects, and other work.
- (3) A business owner shall take measures necessary for the prevention of hazards in places where workers might fall down, sand or structures, etc., might collapse, material objects might fall or come flying off, or any other hazard may be anticipated in the course of carrying out work due to natural disasters or acts of God.
- (4) The safety measures to be taken by the business owner under paragraphs (1) through (3) shall be determined by the Ordinance of the Ministry of Labor.

Article 24 (Health Measures)

- (1) A business owner shall take measures necessary for the prevention of the following health problems caused in operating business:
1. Health problems caused by raw materials, gas, vapor, dust, fume, mist, oxygen-deficient air, pathogens, etc.;
<Amended by Act No. 6847, Dec. 30, 2002>
 2. Health problems caused by radiation, hazardous rays, high temperature, low temperature, ultrasonic waves, noises, vibration, abnormal atmosphere pressure, etc.;
 3. Health problems caused by gas, liquid or remnants, etc. discharged from the workplace;
 4. Health problems caused by monitoring of gauges, operation of computer terminals, precision work, etc.; and
 5. Health problems caused by simple and repetitive work or excessively physically demanding work ; and
<Newly Inserted by Act No. 6847, Dec. 30, 2002>
 6. Health problems caused by failure to maintain the proper standards of ventilation, lighting, illumination, thermal insulation, dampproofing, cleaning, etc.
- (2) The measures for health to be taken by the business owner under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Labor.

Article 25 (Matters to be Observed by Workers)

Workers shall observe the measures taken by a business

owner under Articles 23 and 24, as determined by the Ordinance of the Ministry of Labor.

Article 26 (Suspension, etc., of Work)

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

(2) If any worker suspends work and takes shelter due to any urgent risk of an industrial accident and disease, he shall report it without delay to the immediate superior officer, who shall take appropriate measures to address the situation. *<Newly Inserted by Act No. 4916, Jan. 5, 1995>*

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

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

(4) If a serious accident and disease occurs, the Minister of Labor may have the labor inspector and experts concerned conduct an investigation into the cause of an accident and disease, diagnosis of safety and health, and take other necessary measures. *<Amended by Act No. 5248, Dec. 31, 1996>*

(5) Matters necessary for the measures referred to in paragraph (4) shall be determined by the Minister of Labor. *<Amended by Act No. 4916, Jan. 5, 1995; Act No. 5248, Dec. 31, 1996>*

Article 27 (Technical Guideline and Standards of Work Environment)

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

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

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

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

Article 28 (Prohibition of Contract for Hazardous Work)

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

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

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

Article 29 (Safety and Health Measures for Contractor Business)

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

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

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

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

(4) In case a contractor or his worker violates this Act or any order issued under this Act in connection with the work, the business owner referred to in paragraph (1) may demand the correction of such an offense if deemed necessary for the prevention of an industrial accident and disease. *<Amended by Act No. 4916, Jan. 5, 1995>*

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

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

Article 30 (Appropriation of Industrial Safety and Health Management Expenses)

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

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

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

1. Standards for the disbursement of expenses according to the progress of the construction work;
2. Method and details necessary for the disbursement by the scale and category of the construction work; and

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

3. Other matters necessary for the use of the industrial safety and health management expenses. *<Amended by Act No. 6104, Jan. 7, 2000>*

(3) A contractor or a person operating an independent business, as referred to in paragraph (1), shall not use the industrial safety and health management expenses for any other purpose. In this case, with respect to the industrial safety and health management expenses for which the standards of their use are

determined under paragraph (2), he shall use the expenses according to such standards, and prepare and keep a record of the expenses spent under the conditions prescribed by the Ordinance of the Ministry of Labor. *<Amended by Act No. 6847, Dec. 30, 2002>*

(4) If a contractor or a person executing a business independently as prescribed by the Ordinance of the Ministry of Labor, among those referred to in paragraph (1), desires to use the industrial safety and health management expenses, he shall receive instruction in advance from a specialized institution designated by the Minister of Labor, on the method of their use and accident and disease prevention measures, etc. *<Newly Inserted by Act No. 6104, Jan. 7, 2000>*

(5) The requirements and procedures for designating a specialized institution, the contents of instructions, and other necessary matters pursuant to paragraph (4) shall be determined by the Presidential Decree. *<Amended by Act No. 6104, Jan. 7, 2000>*

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

Article 31 (Safety and Health Education)

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

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

(3) When a business owner employs workers for a hazardous or dangerous job, he shall conduct special education on safety and health related to the work as prescribed by the Ordinance of the Ministry of Labor.

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

(5) The requirements and procedures for designating an educational institution and other necessary matters shall be

determined by the Presidential Decree. *<Amended by Act No. 6104, Jan. 7, 2000>*

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

Article 32 (Education for Safety and Health Manager)

(1) A person falling under any of the following subparagraphs shall receive education on safety and health to be conducted by the Minister of Labor: *<Amended by Act No. 5248, Dec. 31, 1996>*

1. A safety and health manager, safety manager, health manager and occupational physician;
2. A person from safety or health management service institution;
3. A person engaged in the specialized institution referred to in Article 30 (4); and
4. A business owner, supervisor or person responsible for the safety of other undertakings determined by the Ordinance of the Ministry of Labor.

(2) The educational institution and contents of education referred to in paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Labor.

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

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

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

(3) Any person (including those who want to continuously manufacture or import protective devices for which the valid period of a performance test prescribed in paragraph (9) has expired) who manufactures or imports protective devices necessary for the protective measures referred to in paragraph (1), shall undergo a performance test on such protective devices administered

by the Minister of Labor: Provided that protective devices falling under any of the following subparagraphs may be excluded from all or part of the performance test under the conditions prescribed by the Minister of Labor: *<Amended by Act No. 6847, Dec. 30, 2002>*

1. Protective devices which, at the time of passing the tests, are attached to machines, instruments and equipment that have passed the design, finish-product or performance inspection under Article 34 (2);
2. Protective devices which have received the safety certifications prescribed in Article 34-2 (including those which, at the time of certification, are attached to machines and instruments that have received the safety certifications under Article 34-2) ; and
3. Protective devices which have received certifications from foreign safety certification institutions recognized by the Minister of Labor or pursuant to other Acts.

(4) A person who manufactures or imports protective devices which have passed the performance test prescribed in paragraph (3) may indicate or publicize that their protective devices have passed the performance test. *<Newly Inserted by Act No. 6847, Dec. 30, 2002>*

(5) To ascertain if the protective devices which have passed the performance test under paragraph (3) continue to maintain their performance, the Minister of Labor may collect the protective devices and conduct a performance test on them, and if as a result of the performance test, the protective devices are found to fall short of the performance level or the standards determined by the Minister of Labor, or to have passed the previous performance test in false or other fraudulent ways, shall cancel their pass in the performance test and publicly announce this fact. *<Newly Inserted by Act No. 6847, Dec. 30, 2002>*

(6) The Minister of Labor may restrict applications for performance tests on products, if the products follow the same standards and forms as do protective devices which have failed the performance test prescribed in paragraph (3) or whose pass status has been cancelled pursuant to paragraph (5).

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

(7) The protective devices which have neither undergone nor passed the performance test prescribed in paragraph (3) (excluding those exempted from performance tests pursuant to the proviso of paragraph (3)) and whose pass status has been cancelled pursuant to paragraph (5) shall not be manufactured, imported,

transferred, leased, installed or used or displayed for the purpose of transfer or lease. <Amended by Act No. 6847, Dec. 30, 2002>

(8) The Minister of Labor may order those who manufacture, import, transfer or lease their products in violation of the provisions of paragraph (7) to collect and destroy such products.

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

(9) Necessary matters concerning the method and valid period of the performance test under paragraph (3), the indication and publicity under paragraph (4), the collection and notification under paragraph (5), the restriction on applications for performance tests under paragraph (6) and the collection and destruction under paragraph (8) shall be determined by the Ordinance of the Ministry of Labor. <Amended by Act No. 6847, Dec. 30, 2002>

Article 34 (Inspection of Hazardous or Dangerous Machines, Instruments and Equipment)

(1) The Minister of Labor may determine manufacturing and safety criteria for the safety of hazardous or dangerous machines, instruments and equipment.

(2) A person who manufactures(This includes installing machines, instruments and equipment or modifying their major structures. The same shall apply in the next paragraphs (5) and (6).) or imports the machines, instruments and equipment determined by the Ordinance of the Ministry of Labor among those prescribed in paragraph (1), shall receive a design, finish-product or performance inspection conducted by the Minister of Labor to ascertain if the machines, instruments and equipment meet the manufacturing and safety criteria.

(3) A person who uses the machines, instruments and equipment prescribed in paragraph (2) shall receive regular inspections of these machines, instruments and equipment conducted by the Minister of Labor.

(4) Machines, instruments and equipment falling under any of the following subparagraphs may be exempted from all or part of the inspection prescribed in paragraphs (2) and (3) under the conditions determined by the Minister of Labor:

1. Machines and instruments which have received the safety certifications under Article 34-2;
2. Machines, instruments and equipment which have undergone a self-inspection by being entrusted to a designated inspection institution under Article 36 (2);
3. Machines, instruments and equipment which have received a safety inspection pursuant to other Acts; and

4. Machines, instruments and equipment which have received certification from foreign safety certification institutions recognized by the Minister of Labor.

(5) A person who manufactures or imports the machines, instruments and equipment which have passed the inspection under paragraph (2) may indicate or publicize that the machines, instruments and equipment have passed the inspection.

(6) The Minister of Labor shall, if a person who manufactures, imports or uses the machines, instruments and equipment is found to have passed the inspection prescribed in paragraphs (2) and (3) in false or other fraudulent ways, cancel their pass, and if he/she has canceled the pass in a design, finish-turn or performance inspection, publicly announce this fact.

(7) Machines, instruments and equipment falling under any of the following subparagraphs shall not be manufactured, imported, transferred, leased, installed, used or displayed for the purpose of transfer or lease:

1. Machines, instruments and equipment which fail to receive the inspections prescribed in paragraph (2)(excluding those exempted from inspections pursuant to paragraph (4));
2. Machines, instruments and equipment which fail to pass the inspections prescribed in paragraphs (2) and (3); and
3. Machines, instruments and equipment whose pass status has been cancelled pursuant to paragraph (6).

(8) The Minister of Labor may order those who manufactures, imports, transfers, leases machines, instruments and equipment in violation of paragraph (7) to collect and destroy such machines, instruments and equipment.

(9) Necessary matters concerning the method of the inspection under paragraphs (2) and (3), the indication and publicity under paragraph (5), the notification under paragraph (6) and the collection and destruction under (8) shall be determined by the Ordinance of the Ministry of Labor. *<This Article Wholly Amended by Act No. 6847, Dec. 30, 2002>*

Article 34-2 (Safety Certification of Machines, Instruments, etc.)

(1) The Minister of Labor may certify the safety of machines, instruments and their parts, protective devices and personal protective equipment(hereinafter referred to as “machines, instruments, etc.”) which meet the safety and health criteria determined by the Ordinance of the Ministry of Labor. *<Amended by Act No. 6847, Dec. 30, 2002>*

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

(3) Those regulated to receive the safety certification under paragraph (1), their application procedures, and other necessary matters shall be determined by the Ordinance of the Ministry of Labor. *<Amended by Act No. 6847, Dec. 30, 2002>*

Article 34-3 (Use of Safety Certificate)

A person who manufactures or imports machines, instruments, etc. whose safety has been certified under Article 34-2 may display on the packages, containers, etc. of the machines, instruments, etc. a certificate indicating that they have received safety certification (hereinafter referred to as the “safety certificate”) or publicize this fact under the conditions prescribed by the Ordinance of the Ministry of Labor. *<This Article Wholly Amended by Act No. 6847, Dec. 30, 2002>*

Article 34-4 (Prohibition of Use of Safety Certificate)

A person who has not received safety certification pursuant to Article 34-2 shall neither display on the packages, containers, etc. of the machines, instruments, etc. the safety certificate prescribed in Article 34-3 or any other similar certificates nor use the safety certification for publicity. *<Amended by Act No. 6847, Dec. 30, 2002>*

Article 34-5 (Revocation of Safety Certification)

If a person who has received the certification as prescribed in Article 34-2 falls under any of the following subparagraphs, the Minister of Labor shall revoke the safety certification and make public notice thereof under the conditions prescribed by the Ordinance of the Ministry of Labor: *<Amended by Act No. 6847, Dec. 30, 2002>*

1. If a person has received the certification in a false or other unfair manner; and
2. If machines, instruments, etc. in circulation, on which a safety certificate is displayed, become inconsistent with the criteria under Article 34-2 (1). *<Amended by Act No. 6847, Dec. 30, 2002>*

Article 34-6 (Removal, etc. of Safety Certificate)

If machines, instruments, etc. which have a safety certificate or other similar certificates on them without receiving the safety certification under Article 34-2, or whose safety certification has been revoked pursuant to Article 34-5, are in circulation, the Minister of Labor shall take necessary measures, such as ordering the removal of the safety certificate. *<This Article Wholly Amended by Act No. 6847, Dec. 30, 2002>*

Article 35 (Test of Personal Protective Equipment)

(1) A person who desires to manufacture or import the personal protective equipment determined by the Presidential Decree and necessary for certain jobs performed by workers (including those who want to continuously manufacture or import personal protective equipment whose valid test period prescribed in paragraph (7) has expired), shall undergo a test on personal protective equipment, conducted by the Minister of Labor: Provided that the personal protective equipment falling under any of the following subparagraphs may be exempted from all or part of the tests as determined by the Minister of Labor:

1. personal protective equipment which have passed the safety inspection under Article 9 of the Quality Management and Industrial Products Safety Control Act;
2. personal protective equipment which have been certified under Articles 11 (1) and 13 (1) of the Industrial Standardization Act; and
3. personal protective equipment which have been certified by a foreign safety certification institution recognized by the Minister of Labor.

(2) A person who manufactures or imports the personal protective equipment which have passed the tests prescribed in paragraph (1) may indicate or publicize that the personal protective equipment have passed the tests.

(3) To ascertain if the personal protective equipment which have passed the test under paragraph (1) continue to maintain their performance, the Minister of Labor may collect the personal protective equipment and conduct a test on it, and if as a result of the test, the personal protective equipment is found to fall short of the performance level or the standards determined by the Minister of Labor, or to have passed the previous test in false or other fraudulent ways, shall cancel the pass in the test and publicly announce this fact.

(4) The Minister of Labor may restrict applications for tests on products, if the products follow the same standards and forms as do personal protective equipment which have failed to pass the test prescribed in paragraph (1) or whose pass status has been cancelled under paragraph (3).

(5) The personal protective equipment which have neither undergone nor passed the test prescribed in paragraph (1) and whose pass status has been cancelled pursuant to paragraph (3) shall not be manufactured, imported, transferred, leased, or used

or displayed for the purpose of transfer or lease.

(6) The Minister of Labor may order those who manufacture, import, transfer or lease their products in violation of paragraph (5) to collect and destroy such products.

(7) Necessary matters concerning the method and valid period of the test under paragraph (1), the indication and publicity under paragraph (2), the collection and announcement under paragraph (3), the restriction on applications for tests under paragraph (4) and the collection and destruction under paragraph (6) shall be determined by the Ordinance of the Ministry of Labor.

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

Article 35-2 (Support for Manufacturing of Protective Devices, etc.)

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

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

(3) If a person who has registered under paragraph (2) is found to have registered in false or other fraudulent ways, the Minister of Labor may cancel the registration. *<Newly Inserted by Act No. 6847, Dec. 30, 2002>*

(4) The details of the support, registration and cancellation procedures prescribed in paragraphs (1) through (3) and other necessary matters shall be determined by the Ordinance of the Ministry of Labor. *<Amended by Act No. 6847, Dec. 30, 2002>*

Article 36 (Self-Inspection)

(1) A business owner shall have a person holding the qualifications prescribed by the Ordinance of the Ministry of Labor conduct a self-inspection periodically on machines and instruments as prescribed by the Ordinance of the Ministry of Labor, and record and keep the results. In case of request by the representative of the workers, the business owner shall allow the representative of the workers to attend the self-inspection.

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

(2) A business owner may conduct the self-inspection referred to in paragraph (1) by entrusting it to an inspection

institution designated by the Minister of Labor (hereinafter referred to as the “designated inspection institution”).

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

(4) The method and standards of the self-inspection referred to in paragraphs (1) and (2) and other necessary matters shall be determined by the Minister of Labor.

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

Article 37 (Prohibition of Manufacturing, etc.)

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

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

Article 38 (Permission of Manufacturing, etc.)

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

(2) Equipment for manufacturing, using, dismantling or removing the substances prescribed in paragraph (1), working methods

and other standards for permission shall be determined by the Minister of Labor. *<Amended by Act No. 6847, Dec. 30, 2002>*

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

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

(5) If a hazardous substance manufacturer, user, etc. falls under any of the following subparagraphs, the Minister of Labor may revoke the permission, or order the suspension of business for a fixed period not exceeding six months: Provided that in the case of subparagraph 1, the permission shall be revoked. *<Amended by Act No. 6847, Dec. 30, 2002>*

1. When those concerned were designated in false or other illegal ways;
2. When those concerned do not meet the permission standards pursuant to paragraph (2);
3. When those concerned violate the provisions of paragraph (3);
4. When the orders under paragraph (4) are violated;
5. When immediate repairs and necessary measures are not taken after problems are discovered as a result of self-inspection; and
6. When other provisions of this Act or the orders under this Act are violated.

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

Article 39 (Management, etc. of Hazardous Agents)

- (1) The Minister of Labor shall classify and manage chemicals,

physical agents, etc. causing health problems to workers (hereinafter referred to as the “hazardous agents”) according to the classification standards determined by the Ordinance of the Ministry of Labor.

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

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

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

Article 40 (Hazard and Risk Evaluation of New Chemical)

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

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

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

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

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

(4) The Minister of Labor may order the business owner to take necessary preventive measures, such as the installation or

maintenance of facilities and equipment, the provision of personal protective equipment, etc., if it is deemed necessary to prevent workers' health problems according to the hazard and risk evaluation report submitted under paragraph (1). *<Amended by Act No. 6847, Dec. 30, 2002>*

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

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

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

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

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

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

(4) If it is deemed necessary for maintaining the safety and health of workers handling the chemical or preparations containing chemicals as referred to in paragraph (1), the Minister of Labor may order the business owner to submit the material safety data sheet, or to modify the precautionary measures in handling described in the material safety data sheet.

(5) A business owner shall post the management method for handling chemical or preparations containing chemicals at each stage of working process.

(6) If it is required for maintaining the safety and health of the workers, the Minister of Labor may provide the workers and the business owner with information related to the material safety data sheet.

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

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

CHAPTER V

Health Management of Workers

Article 42 (Work Environment Monitoring, etc.)

(1) A business owner shall have the person holding the qualification determined by the Ordinance of the Ministry of Labor monitor and evaluate the work environment of workplaces where hazardous work to the workers' health is being carried out and determined by the Ordinance of the Ministry of Labor, and then record and keep the results and report them to the Minister of Labor as determined by the Ordinance of the Ministry of Labor. In this case, if the workers representative requests, he/she shall allow the workers' representative to observe the work environment monitoring. *<Amended by Act No. 6847, Dec. 30, 2002>*

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

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

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

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

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

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

(7) The Minister of Labor may, if deemed necessary to improve the level of the work environment monitoring, assess the certified monitoring institutions under paragraph (4) and publicly announce the results of the assessment. *<Newly Inserted by Act No. 6847, Dec. 30, 2002>*

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

Article 43 (Health Examination)

(1) A business owner shall conduct health examinations for workers to protect and maintain workers’ health. In case there is a request from a workers’ representative, the business owner shall allow the workers’ representative to attend the health examinations. *<Amended by Act No. 6847, Dec. 30, 2002>*

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

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

etc. and submit to the business owner a document certifying the result. *<Newly Inserted by Act No. 6847, Dec. 30, 2002>*

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

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

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

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

(8) The types, time, frequency, items and costs of the health examination under paragraph (1), the implementation of the tentative health examination under paragraph (2), the qualifications and management of the doctor and dentist and the designation and management of the health examination institution under paragraph (3), the notification and report of the result of health examinations under paragraph (4), the proper measures under paragraph (5) and other matters needed to conduct the health examinations shall be prescribed by the Ordinance of the Ministry of Labor. *<Amended by Act No. 6847, Dec. 30, 2002>*

(9) The provisions of Article 15-2 shall be applied mutatis mutandis to the health examination institution referred to in paragraph (3). In this case, the “safety management service institution” shall be construed as the “health examination institution.” *<Amended by Act No. 6847, Dec. 30, 2002>*

Article 43-2 (Disease Investigation)

(1) The Minister of Labor may, if deemed necessary to diagnose occupational diseases and identify the causes of the

diseases or to prevent occupational diseases, conduct an occupational disease investigation (hereinafter referred to as the “disease investigation”) on correlations between workers’ diseases and hazardous elements of the workplace. *<Amended by Act No. 6847, Dec. 30, 2002>*

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

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

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

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

Article 44 (Health Management Pocketbook)

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

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

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

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

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

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

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

Article 46 (Restriction on Extension of Working Hours)

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

Article 47 (Restriction on Employment by Qualification)

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

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

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

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

CHAPTER VI

Supervision and Order

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

(1) If a business owner, operating a business of the category and scale as prescribed by the Ordinance of the Ministry of Labor, installs, moves any structure, machinery, instrument and equipment related to the business concerned, or alters major structural parts thereof, he shall prepare and submit to the Minister of Labor a plan for preventing any hazard and danger prescribed by this Act or orders issued under this Act(hereinafter referred to as the “hazard and danger prevention plan”) as prescribed by the Ordinance of the Ministry of Labor. *<Amended by Act No. 6104, Jan. 7, 2000>*

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

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

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

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

Article 49 (Safety and Health Diagnosis)

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

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

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

(3) The contents of diagnosis, the requirements and procedures of the designation, and other necessary matters shall be determined by the Presidential Decree. *<Amended by Act No. 6104, Jan. 7, 2000>*

(4) The provisions of Article 15-2 shall be applied mutatis mutandis to the safety and health diagnosis institution referred to in paragraph (1). In this case, the “safety management service institution” shall be construed as the “safety and health diagnosis institution”.

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

(1) The business owner of a workplace with hazardous or dangerous equipment as prescribed by the Presidential Decree

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

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

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

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

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

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

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

Article 50 (Safety and Health Improvement Plan)

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

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

(3) When a business owner formulates a safety and health improvement plan under paragraph (1), he shall do so through deliberation of the industrial safety and health committee:

Provided that for a workplace where the industrial safety and health committee is not established, he shall hear the opinion of the representative of workers.

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

Article 51 (Supervisory Measures)

(1) The labor inspector as referred to in Article 104 of the Labor Standards Act may, when it is necessary to execute this Act or any orders issued under this Act as determined by the Ordinance of the Ministry of Labor, enter the workplace concerned or the office of an instructor registered under Article 52-4 to ask questions to the persons concerned, carry out an inspection on books, documents and other materials, check out safety and health situation, and take out products, raw materials or apparatus from the workplace to the extent necessary for the inspection without being charged. *<Amended by Act No. 6104, Jan. 7, 2000>*

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

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

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

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

(6) If it is deemed necessary as a result of the inspection, etc. referred to in paragraphs (1) and (4), the Minister of Labor

may order the business owner to replace, stop using or remove any construction, annex, machinery, apparatus, equipment or raw materials or to improve facilities and take other necessary health and safety measures. In this case, the business owner ordered to do so by the Minister of Labor shall post what he/she is ordered to do in a place easily seen by workers.

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

(7) If there exists any imminent danger that an industrial accident and disease may occur, or if the Minister of Labor judges that the order as referred to in paragraph (6) is not obeyed or a dangerous condition has not been removed or improved, he may order the suspension in part or in whole of work related to the machinery and equipment. *<Amended by Act No. 4916, Jan. 5, 1995>*

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

Article 51-2 (Request for Suspension of Business)

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

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

(2) The head of the administrative agency concerned or government-invested institution, who has received a request as prescribed in paragraph (1), shall be agreeable thereto, unless there is due cause, and inform the Minister of Labor of the result

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

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

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

Article 52 (Report to Supervisory Body)

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

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

CHAPTER VI-2

Industrial Safety Consultant and Industrial Hygiene Consultant

Article 52-2 (Duties of Consultant)

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

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

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

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

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

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

Article 52-3 (Qualification and Examination of Consultant)

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

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

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

(4) The officers and employees of the testing agency entrusted to administer the examination for consultant under paragraph (3), shall be considered as public officials in the application of the provisions of Articles 129 through 132 of the Criminal Act.

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

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

Article 52-4 (Registration of Consultant)

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

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

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

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

1. A person who is minor, incompetent or quasi incompetent;
2. A person who is declared bankrupt and who is not yet rehabilitated;
3. A person who was sentenced to a penalty heavier than imprisonment, and for whom two years have not passed since the conclusion of the execution of the sentence or since the decision not to execute the same; *<Amended by Act No. 6847, Dec. 30, 2002>*
4. A person who received a probationary sentence with respect to a penalty heavier than imprisonment and is still under probation; *<Amended by Act No. 6847, Dec. 30, 2002>*

5. A person who was sentenced to a fine in violation of this Act and for whom one year has not passed since the issuance of the sentence; and *<Amended by Act No. 6847, Dec. 30, 2002>*
 6. A person for whom two years have not passed since the registration was cancelled under paragraph (4).
- (4) If a consultant falls under any of paragraphs (3) 1 through 5, the Minister of Labor may cancel the registration, and if a consultant violates the provisions of Article 52-6, the Minister of Labor may cancel the registration, or order a suspension of business with a fixed period not exceeding six months. *<Newly Inserted by Act No. 4916, Jan. 5, 1995>*
- (5) With respect to the agency referred to in paragraph (2), the provisions of the Commercial Act concerning unlimited partnerships shall be applicable. *<Newly Inserted by Act No. 4916, Jan. 5, 1995>*

Article 52-5 (Direction for Consultant)

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

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

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

Article 52-6 (Keeping Secrets)

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

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

Article 52-7 (Liability for Damages)

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

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

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

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

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

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

Article 52-9 (Education of Consultant)

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

CHAPTER VII Deleted.

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

CHAPTER VIII

Supplementary Provisions

Article 61 (Industrial Accident and Disease Prevention Facilities)

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

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

Article 61-2 (Honorary Industrial Safety Inspector)

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

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

(3) The details of the appointment of an honorary industrial safety inspector under paragraph (1), the scope of his work

and other necessary matters shall be determined by the Presidential Decree. <Amended by Act No. 5886, Feb. 8, 1999>

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

The financial resources to be appropriated to any of the following subparagraphs shall be provided from the Industrial Accident Compensation Insurance and Prevention Fund under Article 80 (1) of the Industrial Accident Compensation Insurance Act:

1. Expenses necessary for facilities related to accident and disease prevention and the operation thereof;
2. Expenses necessary for accident and disease prevention projects, work entrusted to nonprofit corporations and the operation and management of the Fund; and
3. Business expenses for other projects necessary for accident and disease prevention which are approved by the Minister of Labor. <This Article Newly Inserted by Act No. 6590, Dec. 31, 2001>

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

(1) The Government may assist in whole or in part with the expenses needed by business owners, organizations of business owners or workers, professional industrial accident and disease prevention agencies, research institutions, etc. to carry out industrial accident and disease prevention projects designated by the Presidential Decree within the limits of the budget, or give other necessary support.

(2) The objects, method, procedure of the assistance and support referred to in paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Labor.

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

Article 63 (Keeping Secrets)

A person who conducts the performance test under Article 33, who conducts the inspection under Article 34, who provides the safety certification under Article 34-2, who conducts the test under Article 35, who reviews the hazard and risk evaluation report submitted under Article 40 (1), who reviews the material safety and health data sheet submitted under 41 (4), who conducts the health examination or disease investigation under Article 43, who reviews the hazard and danger prevention plan under Article 48, or who performs the process safety report under Article 49-2, shall not divulge any secrets which have been obtained in the course of his/her duties: Provided that when

the Minister of Labor deems it necessary for the prevention of workers' health problems, this provision shall not apply.

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

Article 63-2 (Hearing and Criteria for Disposition)

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

1. Revocation of designation as prescribed in Articles 15-2, 16, 30, 31, 36, 42, 43, 47 or 49; *<Amended by Act No. 6104, Jan. 7, 2000>*
2. Revocation of certification as prescribed in Article 34-5;
3. Revocation of permission as prescribed in Article 38; and
4. Revocation of registration as prescribed in Articles 35-2 and 52-4. *<Amended by Act No. 6847, Dec. 30, 2002>*

(2) Criteria for the revocation or suspension as prescribed in Articles 15-2, 16, 30, 31, 34-5, 35-2, 36, 38, 42, 43, 47, 49 or 52-4 shall be determined by the Ordinance of the Ministry of Labor.

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

Article 64 (Keeping of Documents)

(1) A business owner shall keep, for three years, the documents on the appointment of a safety and health manager, a safety manager, a health manager, an occupational physician as prescribed in Article 13, 15, 16, and 17, the documents on hazard and risk evaluation of new chemicals as prescribed in Article 40, the documents on work environment monitoring as prescribed in Article 42, and the documents on health examinations as prescribed in Article 43, and for two years the documents on self-inspection as prescribed in Article 36: Provided that if the Minister of Labor deems it necessary, the keeping period may be extended pursuant to the Ordinance of the Ministry of Labor. *<Amended by Act No. 6847, Dec. 30, 2002>*

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

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

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

Article 65 (Entrustment of Authority)

The Minister of Labor may entrust a non-profit corporation, a non-profit organization or a related special organization with part of his authority prescribed in this Act under the conditions determined by the Ordinance of the Ministry of Labor.

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

Article 66 (Fee, etc.)

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

1. A person who desires to receive the safety and health evaluation under Article 28 (3); *<Amended by Act No. 4916, Jan. 5, 1995>*
2. A person who desires to receive the education under Article 32 (1);
3. A person who desires to receive the performance test under Article 33 (3); *<Amended by Act No. 4916, Jan. 5, 1995>*
4. A person who desires to receive the design, finish-turn, performance or periodic inspection under Article 34 (2) and (3); *<Amended by Act No. 6847, Dec. 30, 2002>*
- 4-2. A person who desires to receive the safety certificate under Article 34-2; *<Amended by Act No. 6847, Dec. 30, 2002>*
5. A person who desires to take the official examination under Article 35 (1);
6. A person who desires to obtain the permission under Article 38 (1);
7. A person who desires to receive the education for acquiring the qualification and license under Article 47;
8. A person who desires to receive the examination of the hazard and danger prevention plan under Article 48 (1) through (3);
9. A person who desires to undergo the examination of the process safety report as prescribed in Article 49-2; *<Newly Inserted by Act No. 4916, Jan. 5, 1995>*
10. A person who desires to apply for the examination for consultant as prescribed in Article 52-3; *<Newly inserted by Act No. 4916, Jan. 5, 1995>*
11. A person who desires to make the registration as prescribed in Article 52-4; *<Amended by Act No. 5248, Dec. 31, 1996>*
12. Deleted; and *<Act No. 6104, Jan. 7, 2000>*

13. Other persons related to industrial safety and health as prescribed by the Presidential Decree. *<Amended by Act No. 4916, Jan. 5, 1995>*

(2) The Agency may make any person who benefits from the services of the Agency, bear all or part of expenses needed for carrying out its services with the approval of the Minister of Labor.

CHAPTER IX

Penal Provisions

Article 67 (Penal Provisions)

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

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

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

Article 67-2 (Penal Provisions)

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

1. A person who violates the provisions of Article 33 (2), (3) and (7), 34 (2) and (7), 35 (1) and (5), 38 (3), 46 or 47 (1); and
2. A person who violates any order issued under Article 33 (8), 34 (8), 35 (6), 38 (4), 43 (2), 49-2 (3) or 51 (6).

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

Article 68 (Penal Provisions)

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

1. A person who violates the provisions of Article 29 (2), 34-4, 48 (1) through (3) (excluding those who have prepared and submitted the plan without seeking the opinion of a qualified person), 49-2 (1), 52-6 or 63; and

2. A person who violates any order issued under Article 34-6.
<This Article Wholly Amended by Act No. 6847, Dec. 30, 2002>

Article 69 (Penal Provisions)

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

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

1. A person who has not reported as prescribed in Article 10 or has made a false report;
2. A person who violates the provisions of Article 29 (6), 40 (2), 42 (3), 43 (5), 45 (1) and (2), 49 (2) or 49-2 (5);
3. A person who violates any order issued under Article 40 (4); <Amended by No. 6847, Dec. 30, 2002>
4. Deleted; and <Act No. 5886, Feb. 8, 1999>
5. Deleted. <Act No. 5886, Feb. 8, 1999>

Article 70 (Penal Provisions)

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

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

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

Article 71 (Joint Penal Provisions)

If a representative of a juristic person or an agent, servant (including supervisor) or other employee of a juristic or private person commits any of offenses as prescribed in Articles 67 to 70 in relation to the affairs of the juridical or private person, the fine as prescribed in the respective Articles shall also be imposed on the juristic or private person in addition to punishment of the offender, unless the supervisor knows the plot of offense and takes measures necessary for preventing it, or he knows the offense and takes measures necessary for correcting it.

Article 72 (Fine for Negligence)

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won. <Amended by Act No. 6104, Jan. 7, 2000>

1. A person who violates the provisions of Article 30 (1) and (3) or 34 (3); <Amended by No. 6847, Dec. 30, 2002>
2. A person who violates any order issued under Article 41 (4), 49 (1) or 50 (1) and (2); <Amended by No. 6847, Dec. 30, 2002>
3. A person who fails to conduct the work environment monitoring under Article 42 (1); and <Amended by No. 6847, Dec. 30, 2002>
4. A person who fails to conduct the health examination for workers under Article 43 (1). <Amended by No. 6847, Dec. 30, 2002>

(2) Any 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. 5248, Dec. 31, 1996>

1. A person who fails to keep and post the summary of this Act or any order issued under this Act, the safety and health management regulations, or the material safety data sheet in violation of the provisions of Article 11 (1), 20 (1) or 41 (1);
2. A person who violates the provisions of Article 12, 13 (1), 14 (1), 15 (1), 16 (1), 17 (1), 18 (1), 19 (1) and (4), 21 (1), 29 (5), 31 (1) through (3), 32 (1)(excluding those falling under subparagraphs (2) and (3)), 36 (1), 42 (5), 43 (6), 44 (2), 49-2 (2), 50 (3) and (4) or 52-4 (1); <Amended by No. 6847, Dec. 30, 2002>
3. A person who violates any order issued under Article 15 (3) or 51 (8); and <Amended by No. 6847, Dec. 30, 2002>
4. A person who, when conducting the work environment monitoring under Article 42 (1) or the health examination under 43 (1), does not allow the workers' representative to attend the work environment monitoring or the health examination in spite of the request from the workers' representative. <Amended by No. 6847, Dec. 30, 2002>

(3) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding three million won: <Newly Inserted by Act No. 5248, Dec. 31, 1996>

1. A person who fails to notify to the representative of

- workers in violation of the provisions of Article 11 (2);
2. A person who violates the provisions of Article 10-2, 25, 40 (5), 43 (3) and (7), 43-2 (4) or 52-8 ; <Amended by No. 6847, Dec. 30, 2002>
 3. A person who violates the provisions of Article 30 (4);
 4. A person who violates the provisions of Article 32 (1) (excluding those falling under subparagraphs 1 and 4);
 5. Deleted; <Act No. 6104, Jan. 7, 2000>
 6. A person who fails to submit a report on hazard and risk evaluation in violation of the provisions of Article 40 (1); <Amended by No. 6847, Dec. 30, 2002>
 7. A person who fails to attach the warning sign, or to conduct the education, or to transfer or furnish the material safety data sheet in violation of the provisions of Article 41 (2) or (3);
 8. A person who fails to make a report as prescribed in Article 42 (1) or 43 (4) or makes a false report; <Amended by No. 6847, Dec. 30, 2002>
 9. A person who has drawn up and submitted the hazard and danger prevention plan without seeking opinion of a qualified person, in violation of the provisions of Article 48(3); <Amended by Act No. 6104, Jan. 7, 2000>
 10. A person who fails to obtain the confirmation of the Minister of Labor in violation of the provisions of Article 48 (5) or 49-2 (4);
 11. A person who refuses, interferes with, evades an answer or makes a false answer to any question as prescribed in Article 51 (1); and
 12. A person who violates the provisions of Article 64(1) through (3). <Amended by Act No. 5886, Feb. 8, 1999>
- (4) The fine for negligence as referred to in paragraphs (1) through (3) shall be imposed and collected by the Minister of Labor as prescribed by the Presidential Decree. <Amended by Act No. 5248, Dec. 31, 1996>
- (5) Any person who is dissatisfied with a disposition of the fine for negligence under paragraph (4), may raise an objection against the Minister of Labor within thirty days after he is informed of the disposition. <Amended by Act No. 5248, Dec. 31, 1996>
- (6) If a person who is subject to a disposition of a fine for negligence as referred to in paragraph (4), raises an objection under paragraph (5), the Minister of Labor shall notify the competent court without delay. The court shall, upon receiving

the notification, bring the case of fine for negligence to a trial under the Non-Contentious Litigation Case Procedure Act.

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

(7) If no objection is made or no fine for negligence is paid in the period referred to in paragraph (5), it shall be collected according to the example of the disposition of the national taxes in arrears. *<Amended by Act No. 5248, Dec. 31, 1996>*

Addenda

Article 1 (Enforcement Date)

This Act shall enter into force at the expiration of six months after its promulgation.

Article 2 (Transitional Measures Concerning Safety Management service institution, etc.)

(1) The safety management service institution and the health management service institution designated by the Minister of Labor at the time of the enforcement of this Act shall be considered to have been designated by the Minister of Labor under Articles 15 and 16.

(2) The Agency shall be considered to have been designated as a designated educational, inspection, or monitoring institution designated by the Minister of Labor under this Act.

Article 3 (Transitional Measures Concerning Manufacturer, Importer, etc., of Protective Outfits)

(1) Any person who manufactures and imports protective outfits at the time of the enforcement of this Act, shall provide the manpower and facilities as prescribed in Article 35 (2) within six months as of the enforcement date of this Act.

(2) Any person who manufactures and uses any hazardous substance at the time of the enforcement of this Act, shall obtain permission for manufacturing and using said hazardous substance under Article 38 (1) within six months as of the enforcement date of this Act.

Article 4 (Transitional Measures Concerning Weekly Working Hours)

The thirty-four working hours per week as prescribed in Article 46 of this Act shall be thirty-five hours up to September 30, 1991 with respect to any hazardous or dangerous work of enterprises employing three hundred or less persons, which is designated by the Minister of Labor, and up to September 30, 1990 with respect to other enterprises.

Article 5 (Transitional Measures Concerning Penal Provisions)

In application of the penal provisions to any act committed before the enforcement of this Act, such act shall be subject to the previous provisions.

Article 6 (Amendment of Other Acts)

(1) The Special Accounts Act of the Industrial Accident Compensation Insurance shall be revised as follows: In the text of Article 3, the “Contribution to the Korea Industrial Safety Corporation Management Fund” shall be changed to the “Contribution to the Industrial Accident Prevention Fund pursuant to the Industrial Safety and Health Act”.

(2) The Korea Industrial Safety Agency Act shall be revised as follows : In subparagraph 2 of Article 13 (2), the “Contribution from the Special Accounts of the Industrial Accident Compensation Insurance” shall be changed to the “Contribution from the Industrial Accident Prevention Fund pursuant to the Industrial Safety and Health Act”.

(3) The Labor Standards Act shall be revised as follows : Article 43 and Article 3 (2) of Addenda of the Labor Standards Act amended by Act No. 4099 shall be deleted and Chapter 6 shall be as follows: CHAPTER VI Safety and Health

Article 64 (Safety and Health)

The workers’ safety and health shall be subject to provisions of the Industrial Safety and Health Act. In Article 109, “Articles 51, 58 or 67” shall be changed to “Article 51 or 58”. In subparagraph 1 of Article 110, “Article 43” and “Articles 64(1), 65, 66 and 68” shall be deleted, and in subparagraph 2 of Article 110, “Article 73(2) and (4)” shall also be deleted. In subparagraph 1 of Article 111, “Article 64(2), 69, 70, 71(1) and (2), 72 (1) and 73 (1)” and in subparagraph 3 of Article 111, “rticle 72(3)” shall be also deleted.

(4) The Act on the Prevention of Pneumoconiosis and Protection, etc., of Pneumoconiosis Workers shall be revised as follows: In the text of Article 16, “Article 32 of the Industrial Safety and Health Act” shall be changed to “Article 43 of the Industrial Safety and Health Act”

Article 7 (Relations to Other Acts)

Any provisions of the previous Industrial Safety and Health Act cited in other Acts before this Act enters into force, shall be considered to be cited from the corresponding Articles of this Act.

Addenda <Act No. 4622, Dec. 27, 1993 :
Revision of the Industrial Products Quality Control Act>

Article 1 (Enforcement Date)

This Act shall enter into force at the expiration of six months after it is promulgated.

Articles 2 through 7

Omitted.

Addenda <Act No. 4826, Dec. 22, 1994 ;
Revision of the Industrial Accident Compensation Insurance Act>

Article 1 (Enforcement Date)

This Act shall enter into force on May 1, 1995. Provided that provisions of Article 3, 4, and 8 of the Addenda shall take effect from the date of its promulgation.

Articles 2 through 11

Omitted.

Addenda <Act No. 4916, Jan. 5, 1995>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided that the provisions of Articles 41 (5) and 42 (5) shall enter into force on July 1, 1995; the provisions of Article 49-2, on January 1, 1996; the provisions of Articles 41 (excluding paragraph (5)) and 52-3, on July 1, 1996; and the provisions of Articles 52-2 and 52-4 to 52-8, on Jan. 1, 1997.

Article 2 (Transitional Measures Concerning Designation, Cancellation of Designation of Safety Management Service Institution, etc.)

The requirements, etc. for designation or permission of the safety management service institution as prescribed in Articles 15 (5), 30 (5), 31 (5), 36 (3), 38 (6), 42 (6) and 49 (3), shall be subject to the previous provisions until such requirements, etc. are determined and enforced by the Presidential Decree.

Article 3 (Transitional Measures Concerning Time Limit for Submission of Hazard and Danger Prevention Plan)

The time limit for submission of the hazard and danger prevention plan as prescribed in Article 48 (1) and (3), shall be

subject to the previous provisions until it is determined and enforced by the Ordinance of the Ministry of Labor.

Article 4 (Transitional Measures Concerning Hazardous and Dangerous Equipment)

Any business owner of a workplace holding any hazardous and dangerous equipment as prescribed in Article 49-2 (1), at the time this Act enters into force, shall prepare the process safety report on all hazardous and dangerous equipment, and submit it to the Minister of Labor, within such period as determined by the Presidential Decree.

Article 5 (Transitional Measures Concerning Penal Provisions)

The application of the penal provisions to any act committed before this Act enters into force, shall be subject to the previous provisions.

Addenda <Act No. 5247, Dec. 31, 1996 : Revision of the Act Concerning the Promotion of Worker Participation and Cooperation>

Article 1 (Enforcement Date)

This Act shall enter into force on March 1, 1997.

Articles 2 through 5

Omitted.

Addenda <Act No. 5248, Dec. 31, 1996>

(1) (Enforcement Date)

This Act shall enter into force at the expiration of four months after its promulgation.

(2) (Transitional Measures Concerning Penal Provisions, etc.)

In application of the penal provisions to any act committed before the enforcement of this Act, such act shall be subject to the previous provisions.

Addenda <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall take effect from Jan 1, 1998. (Proviso Omitted)

Articles 2

Omitted.

Addenda <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on Jan 1, 1998. (Proviso Omitted)

Addenda <Act No. 5886, Feb 8, 1999>

(1) (Enforcement Date)

This Act shall enter into force from three months after its promulgation.

(2) (Transitional Measures Concerning Penalties, etc.)

The application of penalties or fines for negligence for acts committed prior to the enforcement of this Act shall be pursuant to the previous provisions.

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

(1) (Enforcement Date)

This Act shall take effect from six months after its promulgation.

(2) (Transitional Measures Concerning Fine for Negligence, etc.)

The application of fines for negligence for acts committed prior to the enforcement of this Act shall be pursuant to the previous provisions.

Addenda <Act No. 6315, Dec. 29, 2000 : Revision of the Quality Management Promotion Act>

Article 1 (Enforcement Date)

This Act shall take effect from July 1, 2001.

Article 2 through 7

Omitted

Addenda <Act No. 6590, Dec. 31, 2001 : Revision of the Basic Act on Fund Management>

Article 1 (Enforcement Date)

This Act shall enter into force on March 1, 2002. (Proviso Omitted)

Articles 2 through 6

Omitted

Addenda <Act No. 6847, Dec. 30, 2002>

(1) (Enforcement Date)

This Act shall enter into force on July 1, 2003.

(2) (Transitional Measures Concerning Penal Provisions, etc.)

In application of the penal provisions or a fine for negligence to any act committed before the enforcement of this Act, the previous provisions shall apply.