

ENFORCEMENT DECREE OF THE INDUSTRIAL SAFETY AND HEALTH ACT

Presidential Decree No. 13053, Jul. 14, 1990

Amended by Presidential Decree No. 13282, Feb. 1, 1991
Presidential Decree No. 13563, Dec. 31, 1991
Presidential Decree No. 13870, Mar. 6, 1993
Presidential Decree No. 14010, Nov. 20, 1993
Presidential Decree No. 14438, Dec. 23, 1994
Presidential Decree No. 14446, Dec. 23, 1994
Presidential Decree No. 14447, Dec. 23, 1994
Presidential Decree No. 14450, Dec. 23, 1994
Presidential Decree No. 14787, Oct. 19, 1995
Presidential Decree No. 15372, May 16, 1997
Presidential Decree No. 15389, Jun. 11, 1997
Presidential Decree No. 15598, Dec. 31, 1997
Presidential Decree No. 16115, Feb. 8, 1999
Presidential Decree No. 16326, May 24, 1999
Presidential Decree No. 16388, Jun. 8, 1999
Presidential Decree No. 16947, Aug. 5, 2000
Presidential Decree No. 17115, Jan. 29, 2001
Presidential Decree No. 17137, Feb. 24, 2001
Presidential Decree No. 18043, Jun. 30, 2003
Presidential Decree No. 18609, Dec. 28, 2004

Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Industrial Safety and Health Act(hereinafter referred to as “the Act”) and matters necessary for the enforcement thereof.

Article 2 (Definition)

The terms used in this Decree shall be defined as determined by the Act unless otherwise specially provided by this Decree.

Article 2-2 (Scope of Application, etc.)

(1) The scope of businesses or workplaces(hereinafter referred to as “the business”) excluded from a part of this Act pursuant to the proviso of Article 3(1) of the Act, and the scope of the provisions of the Act applied to the business in question shall be as given in the annexed Table 1. *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*

(2) The classification of the businesses under this Decree shall follow the Korea Standard Industrial Classification announced by the Commissioner of the National Statistical Office in accordance

with the Statistics Act. *<Amended by Presidential Decree No. 14010, Nov. 20, 1993>*

Article 3 (Establishment of Measures to Prevent Accidents in Accident-Prone Workplaces)

The Minister of Labor shall devise measures concerning research and distribution of accident prevention method, and support and education for safety and health technology, in a bid to prevent accidents in accident-prone workplaces pursuant to subparagraph 2 of Article 4(1) of the Act. *<Newly Inserted by Presidential Decree No. 16947, Aug. 5, 2000>*

Article 3-2 (Implementation of Safety and Health Management System, etc.)

(1) The Minister of Labor shall conduct a study on the operation method of a business' autonomous safety and health management system and distribute the results of the study to establish a business' safety and health management system in accordance with subparagraph 4-2 of Article 4(1) of the Act.

<Newly Inserted by Presidential Decree No. 16388, Jun. 8, 1999>

(2) The Minister of Labor may implement a system which evaluates the levels of safety management and health management of a business in a bid to build up the safety and health management system of a business. *<Newly Inserted by Presidential Decree No. 16388, Jun. 8, 1999>*

(3) The necessary matters for the operation of evaluation system pursuant to paragraph (2) shall be determined and announced by the Minister of Labor. *<Newly Inserted by Presidential Decree No. 16388, Jun. 8, 1999>*

Article 3-3 (Establishment of Measures to Promote Safety and Health Awareness)

(1) The Minister of Labor shall devise measures in each subparagraph below in a bid to promote safety and health awareness pursuant to subparagraph 5 of Article 4(1)

<Amended by Presidential Decree No. 16388, Jun. 8, 1999>

1. Matters on the designation of industrial safety and health awareness period and its implementation.
2. Matters on the promotion of safety and health education and the activation of public relations.
3. Matters on the promotion of sound and autonomous activities by citizens concerning safety and health.

(2) The necessary matters concerning the measures to promote safety and health awareness pursuant to paragraph (1) shall be

determined by the Minister of Labor. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

Article 3-4 (Implementation of Accident-Free Movement)

(1) The Minister of Labor shall devise measures in each subparagraph below in a bid to effectively carry out the accident-free movement pursuant to subparagraph 5 of Article 4(1) of the Act. *<Amended by Presidential Decree No. 16388, Jun. 8, 1999>*

1. Matters on the spread of accident-free movement at workplaces and the distribution of its implementation method.
2. Matters on the activation of accident-free movement such as the provision of support for workplaces which accomplished the goal of accident-free workplaces.
3. Deleted. *<by Presidential Decree No. 16388, Jun. 8, 1999>*

(2) The necessary matters for carrying out the measures in paragraph (1) such as implementation method of accident-free movement shall be determined by the Minister of Labor.

<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>

Article 3-5 (Maintenance and Management of Investigations and Statistics)

The Minister of Labor shall conduct an investigation concerning industrial accidents and diseases pursuant to subparagraph 7 of Article 4(1) of the Act in a bid to prevent industrial accidents and diseases, and maintain and manage the statistics thereof.

<Newly Inserted by Presidential Decree No. 16388, Jun. 8, 1999>

Article 3-6 (Implementation of Health Promotion Project)

(1) The Minister of Labor shall devise the measures described in the following subparagraphs in order to efficiently implement matters concerning the protection and promotion of workers' health as prescribed in Article 4 (1) 9 of the Act:

1. Measures for the dissemination and spread of projects to promote workers' health; and
2. Measures for the creation of clean work environment.

(2) The matters necessary for the implementation of the measures prescribed in paragraph (1) shall be determined by the Minister of Labor.

<This Article Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>

Article 3-7 (Cooperation by Business Owners, etc.)

Business owners, workers and other related organizations

shall co-operate by actively taking part in the national measures prescribed in Articles 3 through 3-6. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

Article 4 (Organization and Operation of the Policy Deliberative Committee)

(1) The Industrial Safety and Health Policy Deliberative Committee(hereinafter referred to as “the Policy Deliberative Committee”) under Article 7(1) of the Act shall be composed of 30 members or less including the Chairman.

<Amended by Presidential Decree No. 15372, May 16, 1997>

(2) The chairman shall be the Vice Minister of Labor and the members shall be composed of Grade II or III level public officials, each from the Ministry of Finance and Economy, the Ministry of Education and Human Resources Development, the Ministry of Justice, the Ministry of Government Administration and Home Affairs, the Ministry of Commerce, Industry and Energy, the Ministry of Health and Welfare, the Ministry of Environment, the Ministry of Labor, the Ministry of Construction and Transportation, the Ministry of Planning and Budget, the Office for Government Policy Coordination, and National Emergency Management Agency, who is appointed by the head of the authorities concerned at the request of the chairman and those, recommended by the Minister of Labor, who fall under each of the following subparagraphs :

<Amended by Presidential Decree No.18609, Dec. 28, 2004>

1. A person with deep knowledge and experiences on industrial safety and health; *<Newly Inserted by Presidential Decree No. 16947, Aug. 5, 2000>*
2. A person representing workers; *<Newly Inserted by Presidential Decree No. 16947, Aug. 5, 2000>*
3. A person representing business owners; and *<Newly Inserted by Presidential Decree No. 16947, Aug. 5, 2000>*
4. A person recommended by civic organizations(which refer to non-profit non governmental organizations pursuant to Article 2 of the Assistance for Non-Profit Non Governmental Organizations Act.) *<Newly Inserted by Presidential Decree No. 16947, Aug. 5, 2000>*

(3) The Chairman shall represent the Policy Deliberative Committee and preside over meetings of it.

(4) The term of the Policy Deliberative Committee members commissioned shall be two years, and that of substitute members shall be the remaining term of his/her predecessor.

(5) The Chairman shall convene a meeting of the Policy Deliberative Committee, when it is deemed necessary, and preside over the meeting.

(6) The necessary matters for operating the Policy Deliberative Committee shall be determined by the Chairman through consultation at the Policy Deliberative Committee.

Article 5 (Function of the Policy Deliberative Committee)

The Policy Deliberative Committee shall deliberate and coordinate the matters in each subparagraph below:

1. Mid to long-term basic plan on industrial accident and disease prevention pursuant to Article 4(1) of the Act;
2. Key policies on industrial safety and health work which are related to each central administrative organization;
3. Deleted; and <Presidential Decree No. 18043, Jun. 30, 2003>
4. Other matters referred to by the Chairman

Article 6 (Specialist Members)

(1) To carry out an investigation and research on specialized matters on industrial safety and health, the Policy Deliberative Committee may have two specialist members or less for industrial safety engineering, mechanical safety, electric safety, chemical safety, construction safety, civil engineering safety, industrial medicine, industrial health nursing, industrial hygiene, hazardous substance management, laws relating to safety and health, industrial accident statistics and other necessary fields, respectively.

<Amended by Presidential Decree No. 15372, May 16, 1997>

(2) Specialist members shall be appointed by the Minister of Labor among those with deep knowledge and experiences in the concerned fields.

Article 7 (Secretary)

(1) The Policy Deliberative Committee shall have one secretary, and the secretary shall be Grade IV or higher level public officials of the Ministry of Labor designated by the chairman.

<Amended by Presidential Decree No. 18043, Jun. 30, 2003>

(2) The secretary shall administer the matters of the Policy Deliberative Committee at the order of the Chairman.

Article 8 (Allowances and Travel Expenses)

Allowances and travel expenses may be paid to those falling under the following subparagraphs within the limits of budgets : Provided that this does not apply to public servant members directly related to the work concerned:

1. Members who attend a meeting of the Policy Deliberation Committee;
2. Members who attend a meeting of a professional committee prescribed in Article 8-2; and
3. Experts who attend a meeting pursuant to Article 8-3.

Article 8-2 (Composition and Operation of Professional Committees)

(1) Professional committees for each area may be set up to efficiently operate the Policy Deliberation Committee and more professionally deliberate and decide on matters to be deliberated.

(2) Each professional committee prescribed in paragraph (1) shall be composed of less than 20 members, including its chairman, who are either those with plenty of knowledge and experiences in the area concerned or public officials in charge of related work in a relevant central administrative agency.

(3) The head of each professional committee prescribed in paragraph (1) shall make a report to the Policy Deliberation Committee about important matters among those to be deliberated and decided by the professional committee.

(4) Other necessary matters concerning the composition, operation, etc. of a professional committee shall be determined by the chairman of the Policy Deliberation Committee.

<This Article Wholly Amended by Presidential Decree No. 18609 Dec. 28, 2004>

Article 8-3 (Hearing Opinions)

The Policy Deliberation Committee and professional committees prescribed in Article 8-2 may, if it is deemed necessary to deliberate items on the agenda, have experts in the area concerned attend its meeting and hear their opinions.

<This Article Newly Inserted by Presidential Decree No. 18609, Dec. 28, 2004>

Article 8-4 (Workplaces Subject to Public Announcement)

The “workplaces determined by the Presidential Decree” refer to workplaces falling under each of the following subparagraphs:

1. Workplaces within the highest 10 percent of those whose annual industrial accident and disease rate is higher than the average accident rate by workplace size in the same business;
2. Workplaces where the serious accidents prescribed in subparagraph 7 of Article 2 of the Act have occurred;
3. Workplaces which have failed to make a report on the occurrence of industrial accidents and diseases as prescribed

in Article 10 of the Act twice or more over the past three years; and

4. Workplaces where the serious industrial accidents prescribed in Article 49-2 of the Act have occurred.

<This Article Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>

Article 9 (Appointment etc. of Safety and Health Manager)

(1) The category and size of the business which is to have a safety and health manager(hereinafter referred to as “the safety and health manager”) pursuant to Article 13(3) of the Act include businesses using ordinarily 100 workers or more and businesses determined by the Ordinance of the Ministry of Labor among those using ordinarily less than 100 workers.

(2) The safety and health manager under paragraph (1) shall be the one who performs a practically general management of the concerned business.

(3) A business owner shall, when the appointment of a safety and health manager is made, submit the documents attesting to the appointment to the Minister of Labor within 14 days from the date of the appointment as prescribed in the Ordinance of the Ministry of Labor. *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*

Article 10 (Obligations of Supervisor)

(1) The work to be carried out by a supervisor pursuant to Article 14 (3) of the Act is as follows: *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

1. Safety and health check on machines and equipment or facilities related to work(hereinafter referred to as “the concerned work”) which is supervised in a workplace by the supervisor, and verification on whether they are in order;
2. Check on work clothes, personal protective equipment and protective devices of workers belonging to the supervisor, and education and instruction on wearing and use of them;
3. Report on industrial accidents and diseases occurring in the concerned work and emergency measures on them;
4. Arrangement of workplace of the concerned work, and check and supervision on securing passage;
5. Provision of cooperation in the guidance and advice of the occupational physician, safety manager(In case of workplaces which entrust the work of a safety manager

to a safety management service institution pursuant to Article 15(4) of the Act, a person of the safety management service institution in charge of the concerned work) and health manager(In case of workplaces which entrust the work of a health manager to a health management service institution pursuant to Article 16(3) of the Act), a person of the health management service institution in charge of the concerned workplace; *<Amended by Presidential Decree No. 16388, June 8, 1999>*

5-2. Work as prescribed in each subparagraph of Article 11(3) (restricted to construction work); and *<Newly Inserted by Presidential Decree No. 16947, Aug. 5, 2000>*

6. Other matters concerning the safety and health of the concerned work determined by the Minister of Labor

(2) A business owner shall give the necessary authority to the supervisor in a bid to enable him/her to perform the work pursuant to paragraph (1), and provide facility, equipment, budgets and other necessary support for him/her to carry out the work.

Article 11 (Designation, etc. of Person in Charge of Safety)

(1) The categories of work(excluding construction work) for which a person in charge of safety is required to be designated pursuant to Article 14 (3) of the Act shall be as shown in the attached Table 2. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

(2) The person in charge of safety under paragraph (1) shall be those who directly give instructions and supervise the concerned work from the position of foreman, etc.

(3) The person in charge of safety shall perform the work as prescribed in each subparagraph below in addition to the work of the supervisor pursuant to Article 10(1).

1. Safety education among the special education which is conducted when workers are used for hazardous or dangerous work pursuant to Article 31(3) of the Act.
2. Self-inspection on hazardous or dangerous machines, equipment and facility related to the concerned work under Article 36 of the Act(Restricted to the cases where the person in charge of safety has qualifications in the concerned field determined by the Minister of Labor).
3. Other work determined by the Minister of Labor which is conducted in a bid to prevent hazard or danger that might be caused due to the nature of the concerned work.

Article 12 (Appointment, etc. of Safety Manager)

(1) Pursuant to Article 15(2) of the Act, the category and size of the business where a safety manager is to be appointed, and the number of safety managers and the appointment methods of them shall be as prescribed in Table 3.

(2) Among the businesses under paragraph (1), workplaces using ordinarily 300 workers or more[In case of construction work, those workplaces whose total construction amount is 12 billion Won or more(15 billion Won or more for construction work belonging to civil engineering work as prescribed in Table 1 of the Enforcement Decree of the Framework Act on the Construction Industry) or workplaces using ordinarily 300 workers or more] shall have a safety manager exclusively for the work as prescribed in Article 15(1) of the Act and Article 13(1) of this Enforcement Decree in the concerned workplace.

<Amended by Presidential Decree No. 16947, Aug. 5, 2000>

(3) In applying paragraph (1) and (2), for the business as prescribed in Article 18(1), the construction amount of contract work conducted in the same place as the concerned business or the workers ordinarily employed by the contractor(including subcontractors. Hereinafter the same applies in this Article) shall be considered as the construction amount or the ordinarily employed workers of the concerned business, respectively: Provided that this will not apply to the construction amount of the contract work or the ordinarily employed workers of the contractor belonging to the criteria under Table 3. *<Newly Inserted by Presidential Decree No. 14010, Nov. 20, 1993>*

(4) Notwithstanding the provisions of paragraph (1), 2 or more workplaces run by the same business owner in the same Eup, Myeon or Dong may jointly have a safety manager. In this case, the total number of ordinarily-employed workers in these workplaces shall be not more than 300. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

(5) Despite the provisions of paragraph (1) through (3), when the business owner who places an order for contract work appoints a safety manager as determined by the Ordinance of the Ministry of Labor for workers of the contractor who receives the contract work, which is conducted in the same place, the contractor who receives the contract work may not appoint a safety manager. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

(6) Business owners shall submit, when they appoint a safety manager or commission the work of a safety manager

to a safety management service institution as prescribed by Article 15(4), the document which shows the evidence of the fact within 14 days from the appointment or the commission date as determined by the Ordinance of the Ministry of Labor. This provision also applies when a safety manager is replaced pursuant to Article 15(3) of the Act. *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*

Article 13 (Duty, etc. of Safety Manager)

(1) As prescribed in Article 15(2) of the Act, the duty of a safety manager shall be those as prescribed in each subparagraph below.

1. Duty deliberated and determined at the Industrial Safety and Health Committee in accordance with Article 19(1) of the Act, and duty as determined by the safety and health management regulations and the employment rules of the concerned business(hereinafter referred to as the “safety and health management regulations”) pursuant to Article 20(1) of the Act. *<Amended by Presidential Decree No. 15372, May 16, 1997>*
2. Selection of appropriate products when purchasing personal protective equipment pursuant to Article 33 of the Act, machines, equipment and facilities pursuant to Article 34 of the Act, and safety-related ones among personal protective equipments pursuant to Article 35 of the Act.
3. Establishment and implementation of safety education plans for the concerned workplaces.
4. Tour of workplaces for checking and guidance, and recommendation of measures.
5. Examination for the causes of industrial accidents and diseases and technical guidance and advice to prevent accidents from recurring. *<Amended by Presidential Decree No. 15372, May 16, 1997>*
- 5-2. Guidance and advice(restricted to safety sector) for maintaining and managing statistics relating to industrial accidents and diseases. *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*
6. Recommendation of measures for workers who violated the Act or the order by the Act, safety and health management regulations and safety-related provisions among employment rules. *<Amended by Presidential Decree No. 14010, Nov. 20, 1993>*
7. Other safety-related matters determined by the Minister of Labor

(2) When a business owner places the safety manager, he/she shall take into account the work arrangements such as overtime, night time and holiday work, etc. *<Newly Inserted by Presidential Decree No. 14010, Nov. 20, 1993>*

(3) The provision of Article 10(2) shall be applied mutatis mutandis to the safety manager. *<Amended by Presidential Decree No. 14010, Nov. 20, 1993>*

Article 14 (Qualification of the Safety Manager)

The qualification of safety manager pursuant to Article 15(2) of the Act shall be as prescribed in Table 4.

Article 15 (Entrustment, etc. of Safety Management Work)

(1) The category and size of the business which may entrust the work of safety manager to the safety management service institution pursuant to Article 15(4) of the Act shall be the business using ordinarily less than 300 workers except construction business. *<Amended by Presidential Decree No. 14010, Nov. 20, 1993>*

(2) In case a business owner entrusts the work of a safety manager to a safety management service institution in accordance with paragraph (1), the safety management service institution shall be regarded as the safety manager prescribed in Article 12 (1). *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

(3) Necessary matters on performance criteria, regions, entrustment forms, documents to be kept, etc. related to the work to be carried out by a safety management service institution shall be prescribed by the Ordinance of the Ministry of Labor. *<Amended by Presidential Decree No. 18609, Dec. 28, 2004>*

Article 15-2 (Requirement for Designation of the Safety Management Service Institution)

Those who may be designated as the safety management service institution as prescribed in Article 15(4) of the Act shall be a corporation which intends to perform safety management work and has workforce, facility and equipment as determined by the Ordinance of the Ministry of Labor. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

Article 15-3 (Application for Designation as the Safety Management Service Institution)

(1) Those who intend to be designated as the safety management service institution in accordance with Article 15(4) of the Act shall submit the application form for designation as the safety management service institution as determined by the Ordinance

of the Ministry of Labor. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

(2) When the safety management service institution intends to change the matters designated, the institution shall submit, as determined by the Ordinance of the Ministry of Labor, the application form for the change of the safety management service institution. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

Article 15-4 (Simultaneous Implementation of Industrial Accident Prevention Work as Sidelines)

Deleted. *<by Presidential Decree No. 15372, May 16, 1997>*

Article 15-5 (Reasons for the Cancellation of Designation for Safety Management Service Institution)

(1) The “other occasions prescribed by Presidential Decree” under subparagraph 4 of Article 15-2(1) of the Act refer to the cases in each subparagraph below. *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*

1. Deleted. *<by Presidential Decree No. 16947, Aug. 5, 2000>*
 2. Deleted. *<by Presidential Decree No. 16947, Aug. 5, 2000>*
 3. Deleted. *<by Presidential Decree No. 16947, Aug. 5, 2000>*
 4. When the safety management service institution receives service fees without performing the safety management work or falsely write up the documents relating to the safety management work vicariously carried out.
<Amended by Presidential Decree No. 15372, May 16, 1997>
 5. When the safety management service institution refuses to perform the safety management work vicariously without justifiable causes.
 6. When the safety management service institution performs wrongly the safety management work or idles in its work. *<Amended by Presidential Decree No. 15372, May 16, 1997>*
 7. Other occasions such as when the safety management service institution violates the Act or the order by this Act.
- (2) Deleted. *<by Presidential Decree No. 16947, Aug. 5, 2000>*

Article 16 (Appointment, etc. of Health Manager)

(1) Pursuant to Article 16(2) of the Act, the category and size of the business and the number and appointment method of the health manager shall be as prescribed in Table 5.

(2) A workplace of the business under paragraph (1) shall have a health manager exclusively engaging in the work prescribed

in Article 16(1) of the Act and each subparagraph of Article 17(1) of this Decree in the concerned workplace. However, a health manager in a workplace of the business using ordinarily less than 300 workers may engage in other work unless it does hinder the health management work. *<Amended by Presidential Decree No. 14010, Nov. 20, 1993>*

(3) The provisions of Article 12(3), (4) and (6) shall be applied mutatis mutandis to the appointment of health manager. In such case, the “Table 3” shall be regarded as the “Table 5”, the “safety manager” as the “health manager”, the “Article 15(4)” of the Act as the “Article 16(3) of the Act”, the “safety management service institution” as the “health management service institution”.

<Amended by Presidential Decree No. 16388, Jun. 8, 1999>

Article 17 (Duty, etc. of Health Manager)

(1) The duties to be conducted by a health manager pursuant to Article 16 (2) of the Act are as follows:

1. Duty deliberated and determined by the Industrial Safety and Health Committee pursuant to Article 19(1) of the Act and duty as prescribed in safety and health regulations and employment rules; *<Amended by Presidential Decree No. 15372, May 16, 1997>*
- 1-2. Work management to prevent the health problems under Article 24 (1) 5 of the Act; *<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>*
2. Selection of qualified products when purchasing health-related protective outfit among protective outfit pursuant to Article 35 of the Act; *<Amended by Presidential Decree No. 16388, June 8, 1999>*
3. Posting or keeping of materials safety data sheets(MSDS) written in accordance with Article 41 of the Act; *<Amended by Presidential Decree No. 14787, Oct. 19, 1995>*
4. Duty of industrial health doctor as prescribed in Article 22(1)(applied only when the health manager belongs to one of each subparagraph in Table 6);
5. Management and education on workers' health and provision of guidance for health promotion; *<Amended by Presidential Decree No. 16388, June 8, 1999>*
6. Medical activities as prescribed in the following items in a bid to protect workers in the concerned workplace(applied only when the health manager belongs to subparagraph 1 and 2-1 in Table 6):
 - A. Treatment of patient for such frequently-occurring cases

- as external wounds;
 - B. Emergency treatment for those who require emergency measures;
 - C. Treatment to prevent worsening of wounds;
 - D. Guidance for care and nursing for diseased person found through health diagnosis; and
 - E. Injection of medicines for medical activities in A through D;
7. Facility check on general ventilation system and local exhaust ventilation system used in a workplace and engineering improvement and guidance on work methods (applied only when the health manager belongs to subparagraph 2-2 through subparagraph 6-1 in Table 6); *<Amended by Presidential Decree No. 15372, May 16, 1997>*
 8. Tour of workplaces for check, provision of guidance and recommendation of measures;
 9. Investigation of the causes of work-related diseases and establishment of countermeasures; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 - 9-2. Provision of guidance and advice (limited to health field) for maintaining and managing industrial accident and disease-related statistics; *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*
 10. Recommendation of penalty measures for workers who violated the Act or orders by the Act, or safety and health management regulations and health-related matters among employment rules; and *<Amended by Presidential Decree No. 14010, Nov. 20, 1993>*
 11. Other matters related to work management and work environment management *<Amended by Presidential Decree No. 16388, June 8, 1999>*

(2) Article 10(2) and Article 13(2) shall be applied mutatis mutandis to the health manager. In such case, the facility and equipment to be provided to the health manager shall be determined by the Ordinance of the Ministry of Labor.

Article 18 (Qualification of Health Manager)

The qualification of the health manager pursuant to Article 16(2) of the Act shall be as prescribed in Table 6.

Article 19 (Entrustment, etc. of Health Management Work)

(1) The health management service institution to which the work of health manager may be entrusted pursuant to Article 16(3) of the Act shall be categorized into the health management

service institution by region and by industry and hazardous agent. *<Amended by Presidential Decree No. 16388, June 8, 1999>*

(2) The business which may entrust the work of the health manager to the health management service institution shall be those using ordinarily less than 300 workers and those located in a region determined by the Minister of Labor such as remote regions. *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*

(3) Among the business under paragraph (2), the category of the business which may entrust the work of the health manager to the health management service institution by industry and hazardous factor shall be determined by the Ordinance of the Ministry of Labor. *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*

(4) Article 15(2) and (3) shall be applied mutatis mutandis to the entrustment of the health management work.

<Amended by Presidential Decree No. 16388, June 8, 1999>

Article 19-2 (Requirements for Designation of Health Management Service Institution)

Those who may be designated as the health management service institution pursuant to Article 16(3) of the Act shall be limited to those belonging to each subparagraph below and possessing the manpower, facility and equipment determined by the Ordinance of the Ministry of Labor. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

1. Organizations belonging to the national or local governments.
2. General hospitals or hospitals pursuant to the Medical Services Law.
3. Universities or their subsidiaries pursuant to the Higher Education Act. *<Amended by Presidential Decree No. 16388, June 8, 1999>*
4. Corporations which intend to engage in health management work.

Article 19-3 (Application in Mutatis Mutandis)

Article 15-3 and 15-5 shall be applied mutatis mutandis to the health management service institution. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

Article 20 (Appointment, etc. of Occupational Physician)

(1) The category and size of the business which shall have the occupational physician in accordance with Article 17(2) of the Act shall be the business which uses ordinarily 50 workers

or more and has the health manager who is not medical doctor. However, in case a workplace entrusts the work of the health manager to the health management service institution pursuant to Article 19, the workplace may not have the occupational physician in place. *<Amended by Presidential Decree No. 14787, Oct. 19, 1995>*

(2) The occupational physician under paragraph (1) may be commissioned from outside. And in such case, the commissioned occupational physician shall perform the work of the occupational physician as prescribed in Article 22. *<Amended by Presidential Decree No. 14010, Nov. 20, 1993>*

(3) Article 9(3) shall be applied mutatis mutandis to the appointment of the occupational physician.

(4) The number of workplaces and workers to be placed under the responsibility of the commissioned occupational physician pursuant to paragraph (2), and other matters necessary for the appointment shall be determined by the Minister of Labor.

Article 21 (Qualification of Occupational Physician)

The occupational physician pursuant to Article 17(2) of the Act shall be a medical doctor in accordance with the Medical Services Law who is an industrial medicine doctor, a preventive medicine doctor or has a high level of education and experience in the field of industrial health. *<Amended by Presidential Decree No. 16388, Jun. 8, 1999>*

Article 22 (Duty, etc. of the Occupational Physician)

(1) The duty of the occupational physician pursuant to Article 17(2) of the Act shall be as prescribed in each subparagraph below.

1. Review of health diagnosis results pursuant to Article 43 of the Act and health protection measures for workers following the results such as job assignments, job rearrangement, working-hour reduction, etc.
2. Investigation on the causes of workers' health problem and the medical measures to prevent reoccurrence of the problem.
3. Other necessary medical measures determined by the Minister of Labor to maintain and promote workers' health.

(2) Business owners shall provide the occupational physician with the necessary authority to enable him/her to carry out his/her duty pursuant to paragraph (1).

Article 23 (Business Required to Designate General Safety and Health Manager)

The "business determined by the Presidential Decree" in

Article 18(1) of the Act shall refer to one which belongs to each subparagraph below and whose number of workers ordinarily employed including the workers used by his/her contractors and subcontractors is 50(100 in case the business belongs to subparagraph 4) or more, and the construction business whose total amount of the construction concerned including those of his/her contractors and subcontractors is 2 billion Won or more:

<Amended by Presidential Decree No. 14787, Oct. 19, 1995>

1. The 1st phase metal industry;
2. Ship and boat building; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
3. Earth, sand and rock mining; and *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
4. Manufacturing business(excluding the business under subparagraph 1 and 2)

Article 24 (Duty, etc. of General Safety and Health Manager)

(1) The duties of a general safety and health manager prescribed in Article 18 (3) of the Act are as follows:

<Amended by Presidential Decree No. 18043, Jun. 30, 2003>

1. Suspension and resumption of work pursuant to Article 26 of the Act;
2. Safety and health measures in the contract business pursuant to Article 29(1) of the Act;
3. Supervision on the implementation of the industrial safety and health management expenses of the business which carries out the contract work pursuant to Article 30 of the Act, and consultation and coordination on the use of the expenses between the business which performs the contract work; and *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*
4. Check on whether the machines, facility and equipment pursuant to Article 33 and 34 of the Act are being used.

(2) Article 22(2) shall be applied mutatis mutandis to the general safety and health manager.

Article 25 (Business Required to Establish Industrial Safety and Health Committee)

The businesses required to establish and operate the industrial safety and health committee pursuant to Article 19 (7) are as follows. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

1. Workplaces with 100 full-time workers or more: Provided, That in the case of a workplace in the construction business, its construction costs shall amount to 12 billion

won or more(15 billion won in case the construction is categorized as public works in the attached Table 1 of the Framework Act on the Construction Industry.); and
<Amended by Presidential Decree No. 18043, Jun. 30, 2003>

2. Among workplaces using ordinarily 50 workers or more and less than 100, those hazardous and dangerous businesses (hereinafter referred to as the “hazardous and dangerous business”) with substantially higher rate of industrial accidents and diseases as opposed to the number of workers compared to other industry, as determined by the Ordinance of the Ministry of Labor.

Article 25-2 (Composition of Industrial Safety and Health Committee)

(1) The worker members of the industrial safety and health committee shall consist of the persons in each subparagraph below.

1. Worker representative(a union representative in case there is such union representing the majority of workers, but if such union does not exist, a person who represents the majority of workers, or a person representing a labor organization regardless of its name such as branch, local chapter, etc. if the subsidiary labor organization of a unit labor union in a workplace concerned consists of the majority of workers in the workplace. Hereinafter the same.).
2. One or more of the honorary industrial safety inspector designated by worker representative(Limited to workplaces where the honorary industrial safety inspector is commissioned pursuant to Article 61-2 of the Act. Hereinafter the same in this Article and Article 25-4).
3. Nine workers or less in a concerned workplace designated by worker representative(In case the honorary industrial safety inspector is designated as the worker member, the number of workers excluding the number of the worker member).

(2) The employer members shall consist of those in each subparagraph below. However, in the case of the hazardous and dangerous business, a person belonging to subparagraph 4 may be excluded. <Newly Inserted by Presidential Decree No. 15372, May 16, 1997>

1. A person representing the business concerned(in case a workplace within the same business is located in a different place, the head of the workplace. Hereinafter the same).

2. One safety manager(In case of a workplace which entrusted the work of the safety manager to the vicarious safety management service institution, a person of the vicarious institution in charge of the workplace concerned).
 3. One health manager(In case of a workplace which entrusted the work of the health manager to the vicarious health management service institution, a person of the vicarious institution in charge of the workplace concerned).
 - 3-2. Occupational physician(limited to cases where a person is appointed in the concerned workplace). *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*
 4. Nine heads of department or less designated by the representative of the concerned business. *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*
- (3) Despite paragraphs (1) and (2), if a business owner in construction industry conducts part of his/her business through contract and if an association between business owners regarding the safety and health pursuant to subparagraph 1 of Article 29(1) of the Act has been formed, the persons in each subparagraph below may be added to the association to form the industrial safety and health committee. *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*
1. Safety manager who is an employer member.
 2. Worker representative who is a worker member(refers to a worker representative of all workplaces including the business performing the contract work) and the honorary industrial safety inspector(limited to workplaces where the honorary industrial safety inspector is commissioned pursuant to Article 61-2 of the Act), and a worker of the concerned workplace designated by worker representative. *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*
- (4) The “labor-management council belonging to the criteria as determined by the Presidential Decree” in the proviso of Article 19(1) of the Act shall refer to the labor-management council where a worker representative and a honorary industrial safety inspector are included as worker members, and a safety manager and a health manager as employer members.
<Amended by Presidential Decree No. 16388, June 8, 1999>
- (5) Among the workplaces using ordinarily less than 1,000 workers, those workplaces where worker representative or honorary industrial safety inspector is not included as worker members in the concerned labor-management council may establish an industrial safety and health committee by meeting the requirements

in each subparagraph below. *<Amended by Presidential Decree No. 16388, June 8, 1999>*

1. Work representative or honorary industrial safety inspector who is not included as worker member in the labor-management council shall be added.
2. In case those prescribed in subparagraph 2 and 3 of paragraph (2) are not included as employer members in the labor-management council, they shall be added.
3. In case the numbers of worker members and employer members are different, a worker representative and an employer representative of the concerned business shall designate additional workers or heads of departments of the business concerned until the numbers become the same.

Article 25-3 (Chairman)

The Chairman of the industrial safety and health committee shall be appointed between the members. In such case, each person representing worker members and employer members may be elected as the joint Chairmen. *<Amended by Presidential Decree No. 16388, June 8, 1999>*

Article 25-4 (Meetings, etc.)

(1) The meetings of the industrial safety and health committee shall be composed of regular and extraordinary sessions. The regular sessions shall be convened every three month by the Chairman, while the extraordinary sessions shall be convened when the Chairman deems it necessary. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

(2) The sessions shall be open with the participation of the majority of worker members and employer members, respectively, and the decisions shall be made with the consent of the majority of the attending members. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

(3) Worker representative, honorary industrial safety inspector, the representative of the concerned business, safety manager or health manager may designate one person among those engaged in the concerned business to act as a member in place of them if they are not able to attend a meeting. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

(4) The industrial safety and health committee shall write up and keep the minutes of the meetings containing the items in each subparagraph below. *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*

1. Day, time and place of the meeting.
2. Names of the members who attended the meeting.
3. Matters deliberated and decided.
4. Other matters discussed.

Article 25-5 (Handling of Matters Not Decided)

(1) The industrial safety and health committee shall set up an arbitration body in the Committee with the agreement between worker members and employer members to solve the matters which belong to each subparagraph below, or shall receive the arbitration from the 3rd party. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

1. In case where the industrial safety and health committee was not able to decide concerning the matters as prescribed in Article 19(2) of the Act.
2. In case there are differences of opinions regarding the interpretation or implementation methods of the matters decided at the industrial safety and health committee.

(2) In case the arbitration is awarded pursuant to paragraph (1), it shall be considered that the decision was made by the industrial safety and health committee and employers and workers concerned shall follow the arbitration results.

Article 25-6 (Publicizing, etc. of Meeting Results)

The Chairman of the industrial safety and health committee shall publicize the meeting results such as the matters deliberated and decided at the Committee and the arbitrations determined, via in-company broadcasting, company news bulletin, or regular company morning meetings to the workers quickly. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

Article 26 (Prohibition of Contract, and Safety and Health Measures of the Contract Work)

(1) The “work as prescribed by the Presidential Decree” in Article 28(1) of the Act shall refer to contracting out part of the process in the same workplace and the work belonging to each subparagraph below; *<Amended by Presidential Decree No. 15372, May 16, 1997>*

1. Metal plating work;
2. Refining, pouring, processing and heating of heavy metals such as mercury, lead, cadmium, etc;
3. Work of manufacturing and using or dismantling and removing the substances for which permission shall be obtained pursuant to Article 38 (1) of the Act; and

<Amended by Presidential Decree No. 18043, Jun. 30, 2003>

4. Other hazardous or dangerous work determined by the Minister of Labor after deliberation at the Policy Deliberative Committee.

(2) The “business as prescribed in the Presidential Decree” in Article 29(1) of the Act shall refer to the construction business and the business under each subparagraph of Article 23. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

Article 26-2 (Conditions Hindering the Conducting of Safe and Sanitary Work)

The “conditions that interfere with the safe and sanitary work performance” in Article 29(6) of the Act shall refer to those belonging to each subparagraph below or the similar cases. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

1. Reduction of construction period calculated by the design drawing.
2. In case a dangerous construction method is used in a bid to reduce construction costs, etc., or the construction method is changed without justifiable reasons.
3. In case substantial violations are made against those as prescribed in standard safety specifications of the construction work determined and announced by the Minister of Labor.

Article 26-3 (The Business Required to Appropriate the Industrial Safety and Health Management Expenses)

The “other projects designated by the Presidential Decree” in Article 30(1) shall refer to those which are hazardous and dangerous and as determined by the Minister of Labor after the consultation at the Policy Deliberative Committee. *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*

Article 26-4 (Requirements for Designation of the Specialized Institution Providing Guidance on Accident Prevention)

Those who may be designated as the specialized institution (hereinafter referred to as the “Specialized Institution Providing Guidance On Accident Prevention”) as prescribed in Article 30(4) of the Act shall be the corporations which intend to perform the accident prevention work and have manpower, facility and equipment as determined by the Ordinance of the Ministry of Labor. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

Article 26-5 (Criteria of Guidance Offered by the Specialized Institution Providing Guidance on Accident Prevention)

The specialized institution providing guidance on accident prevention shall provide guidance on accident prevention in accordance with the criteria determined by the Ordinance of the Ministry of Labor such as the type and size of business, or construction amount, etc. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

Article 26-6 (Application in Mutatis Mutandis)

Article 15-3 and 15-5 shall be applied mutatis mutandis to the specialized institution providing guidance on accident prevention.

<Amended by Presidential Decree No. 15372, May 16, 1997>

Article 26-7 (Requirements for Designation of the Designated Educational Institution)

Those who may be designated as the Designated Educational Institution as prescribed in Article 31(4) of the Act shall be the corporations which intend to perform the educational work on industrial safety and health and have manpower, facility and equipment as determined by the Ordinance of the Ministry of Labor. *<Amended by presidential Decree No. 15372, May 16, 1997>*

Article 26-8 (Application in Mutatis Mutandis)

Article 15-3 and 15-5 shall be applied mutatis mutandis to the designated educational institution. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

Article 27 (Hazardous and Dangerous Machines and Equipment to Which Protective Measures are Required)

(1) The machines and equipment which may not be transferred, lent, installed and used without the protective measures taken to prevent hazard or danger or those which may not be displayed for the purpose of transfer and lending as prescribed in Article 33(1) of the Act shall be as prescribed in Table 7.

(2) Pursuant to Article 33(2) of the Act, the machines, equipment, facility, and structures to which the necessary measures shall be taken to prevent hazard or danger as determined by the Ordinance of the Ministry of Labor shall be as prescribed in Table 8.

Article 28 (Protective Outfit to be Tested)

(1) Protective outfits which shall be tested by the Minister of Labor pursuant to Article 35 (1) are as follows:

1. Safety helmet;

2. Safety belt;
 3. Safety shoes;
 4. Safety goggles;
 5. Safety gloves;
 6. Face shield;
 7. Anti-dust mask;
 8. Anti-gas mask;
 9. Ear plug or ear muff;
 10. Air-supplied respirator; <Newly Inserted by Presidential Decree No. 14010, Nov. 20, 1993>
 11. Protective clothes; and <Amended by Presidential Decree No. 18043, Jun. 30, 2003>
 12. Other protective outfit necessitated by workers to perform the work as determined by the Minister of Labor. <Amended by Presidential Decree No. 14010, Nov. 20, 1993>
- (2) Deleted. <Presidential Decree No. 18043, Jun. 30, 2003>

Article 28-2 (Requirements for Designation of Designated Inspection Institution)

Those who may be designated as the designated inspection institution pursuant to Article 36(2) of the Act shall be the corporations which intend to perform the inspection work on machines and equipment and have manpower, facility and equipment as determined by the Ordinance of the Ministry of Labor. <Amended by Presidential Decree No. 15372, May 16, 1997>

Article 28-3 (Application in Mutatis Mutandis)

Articles 15-3 and 15-5 shall be applied mutatis mutandis to the designated inspection institution. <Amended by Presidential Decree No. 18609, Dec. 28, 2004>

Article 29 (Hazardous Substances Prohibited from Being Manufactured, etc.)

(1) Hazardous substances prohibited from being manufactured, imported, transferred, supplied or used under Article 37 of the Act shall be as follows: <Amended by Presidential Decree No. 15372, May 16, 1997; Presidential Decree No. 16388, Jun. 8, 1999>

1. Yellow phosphorous match;
2. Paint containing white lead(excluding those whose volume ratio of white lead is less than two percent); <Amended by Presidential Decree No. 18609, Dec. 28, 2004>
3. Polychlorinated terphenyl (PCT); <Amended by Presidential Decree No. 18043, Jun. 30, 2003>
4. 4-Nitrodiphenyl and its salts;

5. Actinolite asbestos, anthophyllite asbestos and tremolite asbestos; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 6. -Naphthylamine and its salts;
 - 6-2. Crocidolite asbestos and amosite asbestos;
 7. Rubber glue containing benzene (excluding those whose volume ratio of benzene is less than 5 percent);
 8. Preparations containing any of the substances prescribed in subparagraphs 3 through 6-2 (excluding preparations, in which the weight ratio of such substances is less 1 percent); *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 9. Substances prohibited from being manufactured, imported or used under Article 11 (1) of the Toxic Chemicals Control Act; and *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 10. Other substances that are determined to be hazardous to the workers' health by the Minister of Labor after going through review of the Policy Deliberation Committee.
- (2) In case substances are manufactured, imported or used for the purpose of test or research pursuant to the proviso of Article 37 of the Act, approval shall be obtained in advance from the Minister of Labor and the substance shall be manufactured, imported or used in compliance with standards determined by the Ordinance of the Ministry of Labor. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

Article 30 (Hazardous Substances Requiring Permission)

(1) Hazardous substances subject to advance permission for manufacturing and use pursuant to Article 38 (1) shall be as follows: *<Amended by Presidential Decree No. 15372, May 16, 1997>*

1. Dichlorobenzidine and its salts; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
2. α -Naphthylamine and its salts; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
3. Zinc chromates; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
4. Ortho-Tolidine and its salts; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
5. Dianisidine and its salts; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
6. Beryllium; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

7. Arsenic and its inorganic compound; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 8. Chromite ore (limited to the case of plastic treatment by adding heat thereto) *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 9. Deleted. *<Presidential Decree No. 18609, Dec. 28, 2004>*
 10. Coal tar pitch volatiles; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 11. Nickel sulfide; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 12. Vinyl chloride; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 13. Benzotrichloride; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>* and
 14. Asbestos (excluding actinolite asbestos, anthophyllite asbestos, tremolite asbestos, crocidolite asbestos and amosite asbestos); *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 15. Preparations containing any of the substances prescribed in subparagraphs 1 through 12 (excluding preparations, in which the weight ratio of such substances contained is less than 1 percent); *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 16. Preparations containing the substance prescribed in subparagraph 13 (excluding preparations, in which the weight ratio of Benzotrichloride is less than 0.5 percent); and *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 17. Other hazardous substances that are prescribed by the Minister of Labor as hazardous to the workers' health after going through review of the Policy Deliberation Committee. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
- (2) Hazardous substances, whose dismantlement and removal requiring advance permission under Article 38 (1) of the Act, refer to asbestos contained in facilities or buildings (excluding those whose weight ratio of asbestos is less than one percent).
<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>

Article 30-2 (Application for Permission of Hazardous Substances Manufacturing, etc.)

Anyone who intends to obtain permission for manufacturing, using, dismantling or removing of hazardous substances prescribed in each subparagraph of Article 30 (1) or paragraph (2) of the

same Article in accordance with Article 38 (1) of the Act shall submit an application for permission of hazardous substances manufacturing, using, disassembling or removing under the conditions as determined by the Ordinance of the Ministry of Labor. *<This Article Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

Article 30-3

Deleted. *<by Presidential Decree No. 16947, Aug. 5, 2000>*

Article 31

Deleted. *<by Presidential Decree No. 18043, Jun. 30, 2003>*

Article 32 (Chemicals Excluded from Hazard and Risk Evaluation)

The term “chemicals prescribed by the Presidential Decree” in Article 40 (1) of the Act means any of the following chemicals: *<Amended by Presidential Decree No. 14010, Nov. 20, 1993; Presidential Decree No. 14787, Oct. 19, 1995; Presidential Decree No. 16388, Jun. 8, 1999; Presidential Decree No. 18043, Jun. 30, 2003>*

1. Elements;
2. Naturally produced chemicals;
3. Radioactive substances;
4. Substances whose names have been publicly announced by the Minister of Labor pursuant to the provisions of Article 40 (3) of the Act;
5. Substances registered on the Chemical Inventory List which was publicly notified by Minister of Labor in consultation with the Minister of Environment; and
6. Chemicals which fall under Article 4 (5) of the Enforcement Decree of the Toxic Chemicals Control Act.

Article 32-2 (Substances Excepted from Preparing and Maintaining its Material Safety Data Sheet)

The term “such preparations as prescribed by the Presidential Decree” pursuant to the provisions of Article 41 (1) of the Act shall mean the followings: *<Amended by Presidential Decree No. 16388, Jun. 8, 1999>*

1. Radioactive substances pursuant to the Atomic Energy Act;
2. Medicines, non-pharmaceutical drugs and cosmetics pursuant to the Pharmaceutical Affairs Act;
3. Narcotics pursuant to the Narcotics Act;
4. Agriculture chemicals pursuant to the Agrochemicals Control Act;

5. Feeds pursuant to the Control of Livestock and Fish Feeds Act;
6. Fertilizers pursuant to the Fertilizers Control Act;
7. Foods and Food Additives pursuant to the Food Hygiene Act;
8. Psychotropic drugs pursuant to the Psychotropic Drugs Control Act;
9. Explosives pursuant to the Control of Firearms, Swords, Explosives, etc. Act;
- 9-2. Wastes pursuant to the Wastes Control Act;
10. Substances other than those prescribed in subparagraphs 1 through 9-2, which are for general customers and not being used at a workplace; and
11. Other substances considered to have a low degree of hazard possibility on account of their toxicity or explosiveness and notified by the Minister of Labor.
<This Article Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>

Article 32-3 (Types, etc. of Certified Monitoring Institutions)

(1) The types of certified monitoring institutions prescribed in paragraph (6) of Article 42 of the Act and the scope of workplaces whose work environments can be monitored by each type of certified monitoring institutions shall be as follows:

1. Workplace monitoring service institutions may monitor workplaces entrusting the work environment monitoring; and
2. Workplace self-monitoring institutions may monitor its own workplaces (including the workplace of any affiliated companies) or the contractor's workplace in case part of its business is conducted under a contract within the workplace.

(2) The certified monitoring institutions prescribed in paragraph (1) shall receive quality control for work environment monitoring under the conditions determined by the Minister of Labor to secure the accuracy and reliability of work environment monitoring.
<Amended by Presidential Decree No. 18609, Dec. 28, 2004>

Article 32-4 (Designation Requirements for Certified Monitoring Institution)

(1) Those falling under each of the following subparagraphs shall be entitled to be designated as a monitoring service institution under Article 32-3 (1) 1: *<Amended by Presidential Decree No. 15372, May 16, 1997; Presidential Decree No. 16388, Jun.*

8, 1999; *Presidential Decree No. 18043, Jun. 30, 2003; Presidential Decree No. 18043, Jun. 30, 2003*>

1. An institution belonging to the state or local government;
2. A general hospital or a hospital pursuant to the Medical Service Act;
3. A university or its subsidiary institution to the Higher Education Act;
4. A corporation which intends to perform the work environment monitoring services; and
5. Deleted. *<by Presidential Decree No. 18043, Jun. 30, 2003>*.

(2) Those which may be designated as the workplace self-monitoring institution under Article 32-3 (1) 2 shall be limited to subsidiary institutions of workplaces that are subject to the work environment monitoring pursuant to Article 42 (1) of the Act. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

(3) Those which intend to be designated as a certified monitoring institution shall have the manpower, facilities and equipment determined by the Ordinance of the Ministry of Labor according to the types of certified monitoring institutions under Article 32-3 (1). *<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>*

<This Article Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>

Article 32-5 (Designation Application for Certified Monitoring Institution)

(1) Those which intend to be designated as a certified monitoring institution pursuant to the provisions of Article 42 (4) of the Act shall submit the designation application for certified monitoring institution to the Minister of Labor pursuant to the Ordinance of the Ministry of Labor after passing quality control for work environment monitoring administered by the Minister of Labor. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

(2) Provisions of Article 15-3 (2) shall apply mutatis mutandis to the modification of designated matters on the certified monitoring institution.

<This Article Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>

Article 32-6 (Causes for Revoking Designation of Certified Monitoring Institution, etc.)

The term “other occasions prescribed by Presidential Decree”

in Article 15-2 (1) 4 of the Act which applies mutatis mutandis pursuant to Article 42 (8) of the Act shall refer to the occasions falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 15372, May 16, 1997; Presidential Decree No. 16947, Aug. 5, 2000; Presidential Decree No. 18043, Jun. 30, 2003>*

1. through 3. Deleted; *<by Presidential Decree No. 16947, Aug. 5, 2000>*
4. When the institution refuses to perform the work environment monitoring without justifiable reasons;
5. When the institution falsely writes up the documents relating to work environment monitoring;
6. When the institution violates the work environment monitoring methods, etc. determined by the Ordinance of the Ministry of Labor pursuant to the provisions of Article 42 (2) of the Act;
7. When the institution miscarries the work environment monitoring entrusted;
8. When the institution fails the work environment monitoring quality control prescribed in Article 32-3; and
9. When the institution violates the Act or the Order pursuant to the Act.

<This Article Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>

Article 32-7 (Causes of Cancellation, etc. of Designation of Health Examination Institution)

The “other occasions prescribed by Presidential Decree” in Article 15-2 (1) 4 of the Act which applies mutatis mutandis pursuant to Article 43 (9) of the Act shall refer to the occasions falling under any of the following subparagraphs:

1. When the Health Examination Institution omits the examination items determined by the Ordinance of the Ministry of Labor or fails to observe examination methods and procedures when health examination is conducted;
2. When the Health Examination Institution induces the health examination by means of reducing examination charges, etc. or imposes unfair charges for the health examination;
3. When the Health Examination Institution fails the quality control test for health examination institutions prescribed by the Ordinance of the Ministry of Labor;
4. When the Health Examination Institution falsely judges the results of a health examination or falsely writes up

- individual health examination tables determined by the Ordinance of the Ministry of Labor;
5. When an unqualified person or a person who does not meet the designated criteria of health examination institutions determined by the Ordinance of the Ministry of Labor conducts the health examination;
 6. When the Health Examination Institution refuse to conduct or stop conducting health examinations without justifiable reasons; and
 7. Other occasions where the Health Examination Institution violates the Act or the order by the Act
- <This Article Wholly Amended by Presidential Decree No. 18043, Jun. 30, 2003>

Article 32-8 (Restriction, etc. of Working Hours for Hazardous and Dangerous Work)

(1) Pursuant to Article 46 of the Act, the works where working hours are restricted shall refer to those conducted under the high atmospheric pressure such as work in caisson, under water, etc. <Amended by Presidential Decree No. 16947, Aug. 5, 2000>

(2) For the works under paragraph (1), the necessary matters for the concerned worker's safety and health such as hours of work in caisson and under water, pressurization-decompression method, etc. shall be determined by the Ordinance of the Ministry of Labor.

(3) Business owners shall take measures to protect workers' health for hazardous and dangerous work belonging to each subparagraph below by allocating time properly between the work and break and by improving working conditions relating to working hours, on top of the measures to prevent hazard and danger pursuant to Article 23 and 24 of the Act.

1. Work conducted inside a mining pit.
2. Work dealing with lots of high-heat materials and work conducted in a highly hot place.
3. Work dealing with lots of low-heat materials and work conducted in a highly cold place.
4. Work dealing with radium radioactive rays, X-rays, and other hazardous radioactive rays.
5. Work conducted in a place where the dusts of glass, earth and rocks and minerals are flying.
6. Work conducted in a place where loud noises are present.
7. Work involving rock drill, etc. which causes strong vibration to a human body.

8. Work involving hauling of heavy materials by human power.
9. Work conducted in a place where the dusts, steam, or gases of heavy metals such as lead, mercury, chrome, manganese, cadmium, etc., or carbon bisulfide, organic solvent, or specific chemicals determined by the Ordinance of the Ministry of Labor are generated.

Article 33 (Causes of Cancellation, etc. of Designation of the Educational Institution)

The “other occasions prescribed by Presidential Decree” in subparagraph 4 of Article 15-2(1) which is applied mutatis mutandis pursuant to Article 47(4) of the Act shall refer to those in each subparagraph below. *<Newly Inserted by Presidential Decree No. 16947, Aug. 5, 2000>*

1. When the Institution refuses to carry out the education for a specific person without justifiable reasons.
2. When the Institution miscarries the education work entrusted due to business shutdown for one month or more without justifiable reasons.
3. Other occasions when the Institution violates the Act or the order by the Act.

Article 33-2 (Requirement for Designation of the Safety and Health Diagnosis Institution)

Those who may be designated as the safety and health diagnosis institution(hereinafter referred to as the “safety and health diagnosis institution”) pursuant to Article 49(1) of the Act shall be the corporations which intend to perform the safety and health diagnosis work and have manpower, facility and equipment as determined by the Ordinance of the Ministry of Labor. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

Article 33-3 (Application in Mutatis Mutandis)

Articles 15-3 and 15-5 shall be applied mutatis mutandis to the safety and health diagnosis institution. *<Amended by Presidential Decree No. 18609, Dec. 28, 2004>*

Article 33-4 (Type and Content of the Safety and Health Diagnosis)

The Minister of Labor may order the workplaces under Article 49(1) of the Act to take the safety and health diagnosis pursuant to Table 9-2. In such case, the Minister of Labor may order the diagnosis to be carried out in a specific field such as machines, chemical engineering, electricity, construction, etc.

<Amended by Presidential Decree No. 15372, May 16, 1997>

Article 33-5 (Those Subject to Process Safety Report)

(1) The “hazardous or dangerous equipment as prescribed by the Presidential Decree” under Article 49-2(1) of the Act refers to equipment of a workplace in case the workplace conducts the business falling under any of the following subparagraphs, and, in case the workplaces conduct any other business, equipment which manufactures, handles, uses and stores one or more of the hazardous or dangerous substances listed in the Table 10 in excess of the amounts prescribed in said Table, and all the process equipment relating to the operation of the equipment concerned:

<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>

1. Processing and refining of crude oil;
2. Reprocessing of other fractionated petroleum; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
3. Manufacture of basic organic petrochemicals or manufacture of synthetic resins and other plastic materials: Provided that the manufacture of synthetic resins and other plastic materials is limited to cases where it falls under subparagraph 1 or 2 of the Table 10. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
4. Manufacture of nitrogenous, phosphatic and potassic fertilizers (excluding manufacture of phosphatic and potassic fertilizers); *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
5. Manufacture of composite fertilizers(excluding those produced by simple mixing or compounding); *<Amended by Presidential Decree No. 18609, Dec. 28, 2004>*
6. Manufacture of agricultural chemical products(limited to the raw materials); and
7. Manufacture of explosives and pyrotechnic products

(2) Despite paragraph (1), the following facilities in each subparagraph below shall not considered to be hazardous or dangerous facilities. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

1. Atomic power facilities.
2. Military facilities.
3. Storage facility for heating fuels to be directly used within the workplace concerned by the business owner. *<Amended by Presidential Decree No. Aug. 5, 2000>*
4. Wholesale and retail facilities.
5. Transportation facilities such as vehicles, etc.
6. Charge and storage facility for liquefied petroleum gas under the LPG Safety and Business Control Law.

7. Gas supply facility under the City Gas Business Law.
8. Other facility recognized and announced by the Minister of Labor to have low degree of inflicting damages resulting from its leakage, fire, explosion, etc.

Article 33-6 (Contents of the Process Safety Report)

The process safety report under Article 49-2 of the Act shall contain the items in each subparagraph below. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

1. Process safety data
2. Process risk evaluation report
3. Safety operation plan
4. Emergency measures plan
5. Other matters recognized and announced by the Minister of Labor to be necessary for the process safety.

Article 33-7 (Submission of the Process Safety Report)

(1) A business owner shall prepare and submit the process safety report pursuant to Article 49-2(1) of the Act as determined by the Ordinance of the Ministry of Labor when he/she installs or moves the hazardous and dangerous facility as prescribed in Article 33-5 or makes changes to the major structural part as determined by the Minister of Labor. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

(2) A business owner shall, when the changes in the contents of the process safety report as prescribed in Article 33-6 occur after submitting the process safety report in accordance with paragraph (1), supplement the report and then keep it.

<Amended by Presidential Decree No. 16947, Aug. 5, 2000>

(3) In the case of paragraph (1), if the process safety report to be submitted is in relation to unit process facility using high-pressure gas pursuant to Article 2 of the High Pressure Gas Safety Control Law and the concerned business owner prepared and submitted the safety management regulation and safety enhancement plan pursuant to Article 1 and 13-2 of the same Act together with the comment paper reviewed and written jointly by the Korea Occupational Safety and Health Agency and the Korea Gas Safety Corporation to the authorities concerned, then the business owner shall be considered to have submitted the process safety report regarding the unit process facilities concerned. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

(4) Deleted. *<by Presidential Decree No. 16947, Aug. 5, 2000>*

Article 33-8 (Exemption of Submission Requirement for the Hazard and Risk Prevention Plan)

When a business owner submits the process safety report pursuant to Article 49-2 of the Act, he/she shall be considered to have submitted the hazard and risk prevention plan pursuant to Article 48 of the Act for the concerned the hazardous and dangerous facility. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

Article 33-9 (Those Subject to Request for Suspension of Business)

The "accident designated by the Presidential Decree" in subparagraph 1 of Article 51-2 (1) of the Act refers to the case described in each of the following subparagraphs.

<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>

1. When an accident happens in which two workers or more simultaneously die; and *<Amended by Presidential Decree No. 18609, Dec. 28, 2004>*
2. When a serious industrial accident occurs pursuant to Article 49-2(1) of the Act

Article 33-10 (Duties of Consultant)

(1) The "other matters determined by the Presidential Decree" in subparagraph 4 of Article 52-2(1) of the Act shall refer to the matters in each subparagraph below. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

1. Drawing-up of the safety and health improvement plan pursuant to Article 50 of the Act.
2. Provision of advice on other industrial safety-related matters.

(2) The "other matters determined by the Presidential Decree" in subparagraph 4 of Article 52-2(2) of the Act shall refer to the matters in each subparagraph below. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

1. Drawing-up of the safety and health improvement plan pursuant to Article 50 of the Act.
2. Provision of other advice on industrial hygiene-related matters.

Article 33-11 (Duty of Consultant by Field)

(1) The area of work of industrial safety consultant pursuant to Article 52-2 of the Act shall be classified into mechanical safety, electricity safety, chemical safety, and construction safety, and that of industrial hygiene instructor shall be in the field of industrial hygiene. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

(2) The industrial safety consultant and the industrial hygiene consultant(hereinafter referred to as the “consultant”) may carry out the work as prescribed in paragraph (1), and the scope of work within the area of work shall be as prescribed in Table 11. <Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>

Article 33-12 (Testing Agency)

(1) The “professional agency determined by the Presidential Decree” in Article 52-3(3) of the Act shall refer to the Korea Occupational Safety and Health Agency. <Amended by Presidential Decree No. 15372, May 16, 1997>

(2) The Minister of Labor, when he/she has the Korea Occupational Safety and Health Agency execute the examination for the consultant pursuant to Article 52-3(3) of the Act, may have the Agency form and operate the examination committee if deemed necessary. <Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>

(3) The necessary matters regarding the composition and operation, etc. of the examination committee shall be determined by the Minister of Labor. <Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>

Article 33-13 (Execution, etc. of Examination)

(1) The examination for the consultant pursuant to Article 52-3(1) of the Act shall be executed in both written and oral test. <Amended by Presidential Decree No. 16388, June 8, 1999>

(2) The written test shall consist of the 1st and 2nd test, and the 1st test shall be multiple choices format, and the 2nd test shall be essay-style in principle. However, short-answer type questions may be added for the tests, respectively. <Amended by Presidential Decree No. 16388, June 8, 1999>

(3) The test subjects and the scope of the 1st test shall consist of the common-requirement subjects I and II and their scope, and those of the 2nd test shall be the major-related required subjects and their scope as prescribed in Table 12.

<Amended by Presidential Decree No. 16388, June 8, 1999>

(4) The 2nd test shall be offered to only those who passed the 1st test. <Newly Inserted by Presidential Decree No. 16388, June 8, 1999>

(5) The oral test shall be offered to only those who passed the written test or those who are exempt from the written test, and it shall evaluate the following items in each subparagraph below. <Amended by Presidential Decree No. 16388, June 8, 1999>

1. Professional knowledge and application ability.
2. Degree of understanding and knowledge on industrial safety and health system.
- (6) Announcement of the consultant examination, application procedure, and other necessary matters shall be determined by the Ordinance of the Ministry of Labor. *<Amended by Presidential Decree No. 16388, June 8, 1999>*

Article 33-14 (Partial Exemption of Examination)

- (1) The exemption of consultant examination for those who hold other qualifications pursuant to Article 52-3(5) of the Act shall be restricted to the written test in the related subjects of the instructor examination in the concerned field. *<Amended by Presidential Decree No. 15372, May 16, 1997>*
- (2) The qualifications and the subjects for each qualification whose holders are exempt from the examination shall be determined by the Ordinance of the Ministry of Labor. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

Article 33-15 (Exam Pass Criteria)

- (1) The total point for the written test is 100 for each subject, and those who score at least 40 point for each subject and average 60 point for all subjects shall pass the examination. *<Amended by Presidential Decree No. 15372, May 16, 1997>*
- (2) The oral test shall evaluate the items in each subparagraph of Article 33-13(4), and its total point shall be 10, and those who score at least 6 point shall pass the oral test. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

Article 33-16 (Measures Against Exam Cheaters)

Those who cheat at the consultant examination shall be disqualified, and prevented from taking the examination for 5 years from the date of the examination concerned. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

Article 33-17 (Subscribing Insurance for the Damages Compensation)

- (1) The consultant(In case a corporation is established pursuant to Article 52-4(2) of the Act, then the corporation. Hereinafter the same in this Article) registered at the Ministry of Labor pursuant to Article 52-4(1) of the Act shall subscribe to the guarantee insurance to guarantee the damages compensation responsibility pursuant to Article 52-7(2) of the Act. *<Amended by Presidential Decree No. 15372, May 16, 1997>*
- (2) The guarantee insurance under paragraph (1) shall be

the one whose insurance money is 20 million Won or more(In case of a corporation pursuant to Article 52-4(2) of the Act, an amount produced by multiplying 20 million Won by the number of consultants who are the staff of the corporation).

<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>

(3) The consultant, when he/she pays the damages compensation using the insurance money under paragraph (1), shall again subscribe to the guarantee insurance within 10 days from the payment date. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*

Article 33-18 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 34 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 35 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 36 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 37 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 38 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 39 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 40 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 41 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 42 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 43 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 44 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 45 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 45-2 (Those to be Commissioned as the Honorary Inspector)

(1) The Minister of Labor may commission honorary industrial safety inspectors (hereinafter referred to as the “honorary inspectors”) from those falling under any of the following subparagraphs pursuant to Article 61-2(1) of the Act: *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

1. A worker of a workplace required to establish the industrial safety and health committee pursuant to Article 25, who is recommended by the workers’ representative following the opinion of the business owner; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
2. A person among executives or employees who belong to a trade union which is a federation pursuant to Article

- 10 of the Trade Union and Labor Relations Adjustment Act or a regional representative body who is recommended by the trade union concerned or the regional representative body;
3. A person among executives and employees who belong to a national level employer organization or its subsidiaries who is recommended by the national level organization or its subsidiaries; and
 4. A person among executives and employees of an organization engaging in industrial accident and disease-related work or its subsidiaries who is recommended by the organization or its subsidiaries.
- (2) The work of the honorary inspector shall be as prescribed in each subparagraph below. In such case, the scope of the work of the honorary inspector commissioned pursuant to subparagraph 1 of paragraph (1) shall be limited to the work in the concerned workplace(excluding the case under subparagraph 8), and the scope of work of the honorary inspector commissioned pursuant to subparagraph 2 through 4 of paragraph (1) shall be limited to the work as prescribed in subparagraph 8 through 10. <Newly Inserted by Presidential Decree No. 15372, May 16, 1997>
1. Participating in in-house inspection conducted in a workplace and in inspection of a workplace conducted by labor inspector.
 2. Participating in the establishment of industrial accident and disease prevention plan in a workplace and attending in-house inspection of machines and equipment conducted in a workplace.
 3. Making request for improvement to business owners and notifying to the inspection institution in case of law violations.
 4. Making request for suspension of work to business owners in case imminent danger of industrial accident and disease exists.
 5. Attending the work environment monitoring and health diagnosis of workers and participating in the explanatory session on the results.
 6. Making request that a business owner conduct extraordinary health diagnosis in case the symptom of work-related illnesses exists or many workers contract the diseases.
<Amended by Presidential Decree No. 18043, Jun. 30, 2003>
 7. Providing guidance to workers to abide by safety regulations.

8. Recommending improvement on laws and industrial accident and disease prevention policy.
9. Participating in activities promoting safety and health awareness and participating in and providing support for accident-free movements, etc.
10. Other work determined by the Minister of Labor in regard to industrial accident prevention work such as engaging in public relations, education, etc. about industrial accident and disease prevention.

(3) The term of the honorary inspector shall be two years and renewable. *<Amended by Presidential Decree No. 16388, June 8, 1999>*

(4) The Minister of Labor may provide the honorary inspector with allowances to support their activities. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

(5) The necessary matters in regard to the commissioning and running of the honorary inspector shall be determined by the Minister of Labor. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

Article 45-3 (Cancellation of the Commissioning of the Honorary Inspector)

The Minister of Labor may cancel the commissioning of the honorary inspector when one of each subparagraph below occurs. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

1. When the worker representative requests for cancellation of the commissioning of the honorary inspector who was commissioned after hearing the opinions of business owners pursuant to subparagraph 1 of Article 45-2(1).
2. When the honorary inspector who was commissioned pursuant to subparagraph 2 through 4 of Article 45-2(1) retires or is dismissed from the concerned organization or its subsidiaries.
3. When the honorary inspector commits fraudulent activities in regard to his/her work.
4. When the honorary inspector is made difficult to execute his/her work due to disease, injury, etc.

Article 45-4 (Support for the Industrial Accident Prevention Project)

The “project designated by Presidential Decree” in Article 62(1) shall refer to the one related to the work which belongs to each subparagraph below: *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*

1. Work such as manufacturing, purchasing, repairing, testing, researching, publicizing, providing information on personal protective equipment, protective outfits and safety facilities for preventing industrial accidents and diseases and facilities and equipment for improving work environment, etc; <Amended by Presidential Decree No. 18043, Jun. 30, 2003>
2. Technical support for the safety and health management of workplaces;
3. Education on the industrial safety and health and fostering of professional workforce;
4. Research and technology development for industrial accident and disease prevention;
5. Work such as conducting an epidemiological survey or research to find out the causes of work-related illnesses, or purchasing facilities, equipment, etc. which are deemed necessary for prevention of work-related illnesses; <Amended by Presidential Decree No. 18043, Jun. 30, 2003>
6. Promotion of safety and health awareness and implementation of accident-free movement
7. Work of purchasing facilities, equipment, etc. necessary for quality control of work environment monitoring and health examination institutions; <Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>
8. Work of supporting academic activities and manpower fostering in the field of industrial medicine; <Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>
9. Work related to occupational exposure limits to hazardous elements, and examination and assessment on hazard and dangerousness; and <Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>
10. Other work related to industrial accident and disease prevention determined by the Minister of Labor after deliberation at the Policy Deliberative Committee

Article 45-5 (Holding of Hearing)

Deleted. <by Presidential Decree No. 15598, Dec. 31, 1997>

Article 46 (Delegation of Administrative Authority)

(1) The Minister of Labor shall delegate the authority as prescribed in each subparagraph below pursuant to Article 6 of the Government Organization Act to heads of regional labor offices. <Amended by Presidential Decree No. 16947, Aug. 5, 2000>

1. Request for the report pursuant to Article 10 of the Act. <Amended by Presidential Decree No. 14787, Oct. 19, 1995>

2. Order of appointment or replacement of more than the fixed number of safety managers and health managers pursuant to Articles 15(3) and 16(3) of the Act.
3. Designation of the safety management service institution and the health management service institution pursuant to Articles 15(4) and 16(3) of the Act. However, it does not apply to the designation of the health management service institution by industry and hazardous agent. *<Amended by Presidential Decree No. 16388, June 8, 1999>*
4. Cancellation of designation of a safety management service institution or an order to suspend its business under Article 15-2 of the Act(including the cancellation of designation or an order to suspend business for any health management service institution, any designated inspection institution, any certified monitoring institution and any health examination institution subject, mutatis mutandis, to Articles 16 (3), 36 (5), 42 (8) and 43 (9) of the Act): Provided that this does not apply to the cancellation of designation or order of work suspense for the health management service institution by industry and hazardous agent. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
5. Approval of contracting out of hazardous or dangerous work pursuant to Article 28(1) of the Act. *<Amended by Presidential Decree No. 13563, Dec. 31, 1991>*
- 5-2. Cancellation of the pass of protective devices in a test pursuant to Article 33 (5) of the Act. *<Amended by Presidential Decree No. 18609, Dec. 28, 2004>*
- 5-3. Orders to collect and destroy the protective devices which fails to undergo a test, which fails a test or whose success in a test is cancelled pursuant to Article 33 (8). *<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>*
- 5-4. Cancellation of success in a test of machines, instruments and equipment pursuant to Article 34 (6). *<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>*
- 5-5. Orders to collect and destroy the machines, instruments and equipment which fails to undergo a test, which fails a test or whose success in a test is cancelled pursuant to Article 34 (8). *<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>*
- 5-6. Revocation of safety certification and removal of safety certificate pursuant to Article 34-5 and 34-6 of the Act. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

- 5-7. Cancellation of the pass of protective outfits in a test pursuant to Article 35 (3) of the Act. *<Amended by Presidential Decree No. 18609, Dec. 28, 2004>*
- 5-8. Orders to collect and destroy the protective outfits which fails to undergo a test, which fails a test or whose success in a test is cancelled pursuant to Article 35 (6). *<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>*
- 5-9. Cancellation of registration of a protective device manufacturing business, etc. pursuant to Article 35-2 (3). *<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>*
- 6. Designation of the designated inspection institution pursuant to Article 36(2) of the Act. *<Amended by Presidential Decree No. 13563, Dec. 31, 1991>*
- 6-2. Approval of manufacturing, importing or using of materials whose manufacturing, etc. is prohibited pursuant to the proviso of Article 37 of the Act and Article 29(2) of this Decree. *<Newly Inserted by Presidential Decree No. 14010, Nov. 20, 1993>*
- 7. Permission to manufacture and use or dismantle and remove hazardous substances, permission for modification, cancellation of the permission or orders of business suspension, repair, remodeling, etc. pursuant to Article 38(1), (4) and (5) of the Act. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
- 7-2. Order for submission or modification of the materials safety data sheet pursuant to Article 41(4) of the Act. *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*
- 7-3. Receipt of the outcome report on the work environment monitoring pursuant to Article 42(1) of the Act. *<Newly Inserted by Presidential Decree No. 16947, Aug. 5, 2000>*
- 8. Designation of a certified monitoring institution pursuant to Article 42 (4) of the Act. *<Amended by Presidential Decree No. 18609, Dec. 28, 2004>*
- 9. Receipt of the report on the results of health diagnosis and order for extraordinary health diagnosis pursuant to Article 43 of the Act. *<Amended by Presidential Decree No. 13563, Dec. 31, 1991>*
- 9-2. Designation and cancellation of designation of educational institution for fostering of qualification and license acquirers or for skill acquisitions pursuant to Article 47

- of the Act. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*
10. Deleted. *<by Presidential Decree No. 14010, Nov. 20, 1993>*
 11. Order for suspense of work start or order for the changes in the hazard and risk prevention plan pursuant to Article 48(4) of the Act. *<Amended by Presidential Decree No. 14010, Nov. 20, 1993>*
 12. Order for safety and health diagnosis pursuant to Article 49 of the Act. *<Amended by Presidential Decree No. 13563, Dec. 31, 1991>*
 - 12-2. Order for the changes in process safety report pursuant to Article 49-2(3) of the Act. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*
 13. Order for the establishment, implementation, etc. of the safety and health improvement plan pursuant to Article 50(1) and (2) of the Act. *<Amended by Presidential Decree No. 13563, Dec. 31, 1991>*
 - 13-2. Request for the report and attendance pursuant to Article 51(2) of the Act. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*
 14. Order for the necessary measures such as replacement, suspense of use, removal, facility improvement, etc. pursuant to Article 51(6) of the Act. *<Amended by Presidential Decree No. 14787, Oct. 19, 1995>*
 15. Order for the suspense of work pursuant to Article 51(7) of the Act. *<Amended by Presidential Decree No. 14787, Oct. 19, 1995>*
 16. Order for compliance, etc. with the safety and health management regulations pursuant to Article 51(8) of the Act. *<Amended by Presidential Decree No. 14787, Oct. 19, 1995>*
 17. Receiving and handling of the report on legal violations pursuant to Article 52 of the Act. *<Amended by Presidential Decree No. 13563, Dec. 31, 1991>*
 - 17-2. Receipt of the consultant registration application pursuant to Article 52-4(1) of the Act and the cancellation of registration or order for work suspense pursuant to Article 52-4(4) of the Act. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>*
 - 17-3. Commissioning and canceling the commissioning of the honorary inspector pursuant to Article 61-2(1) of the Act. *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>*
 - 17-4. Hearing about the authority which is entrusted among

- the authority prescribed in each subparagraph of Article 63-2(1) of the Act. *<Amended by Presidential Decree No. June 8, 1999>*
18. Charge and collection of fees for negligence pursuant to Article 72 of the Act. *<Amended by Presidential Decree No. 13563, Dec. 31, 1991>*
 19. Receipt of the documents pursuant to Article 9(3), 12(6), 16(3) and 20(3). *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*
 - 19-2. Receipt of an application form pursuant to Articles 15-3, 19-3, 28-3 and 32-5: Provided that this does not apply to the receipt of an application form for the designation of a health management service institution by industry and hazardous agent. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
 - 19-3. Deleted. *<by Presidential Decree No. 16947, Aug. 5, 2000>*
 20. Supervisory measures in exercising the authority pursuant to subparagraph 1 through 19-2. *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*
- (2) The Minister of Labor shall delegate the authority under each subparagraph below to the heads of regional labor administrations. *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*
1. Designation of specialized institution providing guidance on preventing accident pursuant to Article 30(4) of the Act.
 2. Designation of the designated educational institution pursuant to Article 31(4) of the Act.
 3. Designation of the safety and health diagnosis institution pursuant to Article 49(1) of the Act.
 4. Cancellation of designation or order for work suspense of specialized institution, designated educational institution and safety and health diagnosis institution pursuant to Article 30(6), 31(6) and 49(4) of the Act. *<Newly Inserted by Presidential Decree No. 16947, Aug. 5, 2000>*
 5. Hearing in regard to the authority which is entrusted among the authority in each subparagraph of Article 63-2(1). *<Amended by Presidential Decree No. 15598, Dec. 31, 1997>*
 6. Receipt of the application form pursuant to Article 26-6, 26-8 and 33-3.
 7. Deleted. *<by Presidential Decree No. 16947, Aug. 5, 2000>*
 8. Supervisory measures in exercising the authority pursuant

to subparagraph 1 through 6. *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*

Article 47 (Entrustment of Administrative Authority)

(1) The authority which may be entrusted to the Korea Occupational Safety and Health Agency, non-profit corporations, related special organizations pursuant to Article 65 of the Act is as follows: *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

1. Formation and operation of the standard formulation committee by field which is installed to formulate and revise the technical guidelines or the work environment standards pursuant to Article 27(1) of the Act; *<Amended by Presidential Decree No. 15372, May 16, 1997>*
2. Safety and health evaluation pursuant to Article 28(3) of the Act;
3. Education for person in charge of management pursuant to Article 32(1) of the Act;
4. Performance inspection pursuant to Article 33(3) of the Act;
- 4-2. Collection and test of protective devices pursuant to Article 33 (5) of the Act. *<Newly Inserted by Presidential Decree No. 18609, Dec. 28, 2004>*
5. Design, finish-turn or performance inspection pursuant to Article 34(2) of the Act; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
6. Periodical inspections pursuant to Article 34 (3) of the Act; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
- 6-2. Receipt, screening and certification of the application form for safety certification pursuant to Article 34-2 of the Act; *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*
7. Test of protective outfit pursuant to Article 35(1) of the Act.
- 7-2. Collection and test of protective outfits pursuant to Article 35 (3) of the Act. *<Newly Inserted by Presidential Decree No. 18609, Dec. 28, 2004>*
- 7-3. Support pursuant to Article 35-2(1) of the Act and registration pursuant to paragraph (2) of the same Article; *<Newly Inserted by Presidential Decree No. 15372, May 16, 1997>*
- 7-4. Submission of data related to materials safety data sheets pursuant to Article 41(6) of the Act; *<Amended by Presidential Decree No. 15372, May 16, 1997>*

- 7-5. Work related to the quality control of health examination institutions pursuant to Article 43 (8) of the Act;
<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>
 - 7-6. Work on conducting of disease investigation pursuant to Article 43-2(1) of the Act; <Newly Inserted by Presidential Decree No. 16388, June 8, 1999>
 - 7-7. Delivery of the health management pocketbook pursuant to Article 44(1) of the Act; <Amended by Presidential Decree No. 16388, June 8, 1999>
 8. Receipt and screening of the hazard and risk prevention plan pursuant to Article 48(1) through (3) of the Act;
<Amended by Presidential Decree No. 14010, Nov. 20, 1993>
 9. Confirmation pursuant to Article 48(5) of the Act;
 10. Receipt and screening of the process safety report pursuant to Article 49-2(1) and (3) of the Act; <Amended by Presidential Decree No. 14787, Oct. 19, 1995>
 11. Confirmation pursuant to Article 49-2(4) of the Act;
<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995>
 12. Help with and Support for expenses for industrial accident and disease prevention projects pursuant to Article 62 (1) of the Act; <Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>
 13. Research on and spreading of the operation method of the autonomous safety and health management system by the business pursuant to Article 3-2(1) of the Act;
<Newly Inserted by Presidential Decree No. 16388, June 8, 1999>
 14. Implementation of accident-free movement pursuant to Article 3-4; <Amended by Presidential Decree No. 18609, Dec. 28, 2004>
 15. Maintaining and keeping the industrial accident and disease-related statistics pursuant to Article 3-5; <Newly Inserted by Presidential Decree No. 16388, June 8, 1999>
 16. Health promotion projects under Article 3-6; and
<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>
 17. Work related to quality control of work environment monitoring pursuant to Article 32-3. <Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>
- (2) The scope of non-profit corporations or related special organizations which can be entrusted with the authority

pursuant to paragraph (1), the scope of work entrusted to the Korea Occupational Safety and Health Agency, non-profit corporations or related special organizations, and other matters necessary for the entrustment shall be separately determined by the Minister of Labor. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

(3) The Minister of Labor shall, when entrusting the authority to the Korea Occupational Safety and Health Agency, a non-profit corporation or a related special organization pursuant to paragraph (2), announce matters concerning the name of the entrusted organization and the entrusted work. *<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>*

Article 47-2 (Fees)

The “persons as prescribed by the Presidential Decree” in subparagraph 13 of Article 66(1) of the Act refer to those who intend to receive the education pursuant to subparagraph 7 and 8 in Table 4 and subparagraph 6 in Table 6. *<Amended by Presidential Decree No. 15372, May 16, 1997>*

Article 48 (Charging the Fines for Negligence)

(1) The Minister of Labor, when he/she charges the fines for negligence pursuant to Article 72(1) through (3) of the Act, shall investigate and verify the violations, and then clearly state the violations and the fines for negligence in writing and then notify this to the person liable to pay the fines. *<Amended by Presidential Decree No. 16947, Aug. 5, 2000>*

(2) The Minister of Labor, when he/she intends to charge the fines for negligence pursuant to paragraph (1), shall provide the person liable for the payment of the fines with opportunities for 10 days or more to allow the person to state his/her opinions orally or in writing. In such case, if there are no statements of opinions by the designated date, it shall be considered that there are no opinions.

(3) The criteria for imposing fines for negligence according to types of offenses are described in the Table 13. In this case, the Minister of Labor may cut the amounts of fines for negligence by up to a half in consideration of the degree and frequency of offense. *<Amended by Presidential Decree No. 18043, Jun. 30, 2003>*

(4) The procedures for levying fines for negligence shall be determined by the Ordinance of the Ministry of Labor.

<Newly Inserted by Presidential Decree No. 18043, Jun. 30, 2003>

Addenda

Article 1 (Enforcement Date)

This Decree shall take effect from the date of its promulgation. However, Article 26, subparagraph 8 of Article 28(1) and Article 29(2) shall enter into force from Jan. 1, 1992.

Article 2 (Revision of Other Laws)

(1) Following revisions shall be made of the entrustment and delegation of the administrative authority regulation. Subparagraph 6 of Article 44(1) shall be deleted.

(2) Following revision shall be made of the Enforcement Decree of the Labor Standards Act. "Proviso of Article 43 of the Act" shall be deleted in subparagraph 7 of Article 16(1), and "Article 42 and 43 of the Act" shall be revised to "Article 42 of the Act or", and Article 26 shall be deleted, and "Article 43 of the Act" in Article 27(1) shall be revised to "Article 46 of the Industrial Safety and Health Act", and Article 27(2) and Article 28 shall be deleted respectively, and "Body of Article 43 of the Act" in Article 31(3) shall be revised to "Article 46 of the Industrial Safety and Health Act".

(3) Following revisions shall be made of the Enforcement Decree of the Korea Occupational Safety and Health Agency Act. The "Special Account for Industrial Accident Compensation Insurance" in Article 8(1) shall be revised to the "industrial accident prevention fund".

Article 3 (Transitional Measures for the Incumbent Safety Manager)

(1) A person who is employed as the safety manager pursuant to previous regulation at the time of implementation of this Decree and does not meet the qualification criteria for the safety manager in accordance with this Decree shall be considered to be the safety manager appointed by this Decree until Dec. 31, 1991.

(2) A person who has been notified as the safety manager pursuant to previous regulation at the time of implementation of this Decree shall be considered to have been notified in accordance with Article 12(3) of this Decree.

Article 4 (Transitional Measures for the Incumbent Health Manager)

A person who has been notified as the exclusive health manager pursuant to previous regulations at the time of implementation of this Decree shall be considered to have been notified by Article 16(3) of this Decree.

Article 5 (Transitional Measures for the Incumbent Person In Charge of Health)

(1) A person who is employed as the industrial hygiene and health person pursuant to previous regulations at the time of implementation of this Decree and does not meet the qualifications of the health manager pursuant to this Decree shall be considered to be the health manager appointed by this Decree until Dec. 31, 1991.

(2) A person who is employed as the person in charge of health management pursuant to previous regulations at the time of implementation of this Decree shall be considered as the health manager appointed by this Decree until he/she is newly appointed by the qualification criteria pursuant to this Decree.

Article 6 (Transitional Measures Following Reduction of Working Hour for Hazardous and Dangerous Work)

In applying Article 46 of the Act and Article 33 of this Decree, among the work pursuant to each subparagraph of Article 33(3) of this Decree, the previous working conditions for those whose daily working hours are limited to 6 hours pursuant to the Article 43 of the previous Labor Standards Act and Article 26 of the Enforcement Decree of the same Act, or those where overtime pay is provided for the hours exceeding 6 hours pursuant to Article 46 of the Labor Standards Act, or those where hazardous and dangerous work-related allowances are paid, shall not be lowered in relation to the payment of wages such as working hours, all the allowances, etc. on grounds of Article 46 of the Act and Article 33 of this Decree until preventive measures for the hazardous and dangerous work are completed pursuant to Article 23 and 24 of the Act.

Article 7 (Limited Application of the Regulation on the Implementation of the Safety Manager Education)

Pursuant to subparagraph 7 and 8 in Table 4, the education conducted by the institutions designated by the Minister of Labor shall be implemented until Dec. 31, 1998. *<Amended by Presidential Decree No. 14787, Oct. 19, 1995>*

Addenda *<Presidential Decree No. 13282, Feb. 1, 1991: Revision of organizational regulations of the Ministry of Education and its subsidiaries>*

Article 1 (Enforcement Date)

This Decree shall take effect from the date of its promulgation.

Article 2 through 5
Omitted

Addenda <Presidential Decree No. 13563, Dec. 31, 1991: Revision of the Regulation on the Delegation and Entrustment of the Administrative Authority>

Article 1 (Enforcement Date)
This Decree shall take effect from the date of its promulgation.

Article 2
Omitted

Addenda <Presidential Decree No. 13870, Mar. 6, 1993: Revision of the Organizational Regulation of the Ministry of Commerce, Industry and Energy and its subsidiaries>

Article 1 (Enforcement Date)
This Decree shall take effect from the date of its promulgation.

Article 2 through 4
Omitted

Addenda <Presidential Decree No. 14010, Nov. 20, 1993>

(1) (Enforcement Date)
This Decree shall take effect from the date of its promulgation. However, the revised provisions of subparagraph 10 and 11 of Article 46 and subparagraph 7-2 and 8 of Article 47(1) shall enter into force from July 1, 1994. And the revised provisions of subparagraph 10 and 11 of Article 28(1) shall take effect from July 1, 1995.

(2) (Transitional Measures regarding the appointment of safety manager and health manager)
Business owners who are required to appoint newly or additionally the safety manager or the health manager pursuant to revised provisions in Table 3 or 5 shall appoint by Dec. 31, 1994.

(3) (Transitional Measures regarding the changes in the criteria of entrustment of health management work)
A business owner who has been entrusting the work of the health manager pursuant to previous regulations at the time of

implementation of this Decree and is required to appoint newly the health manager pursuant to the revised provision of Article 19(1) shall make the appointment by Dec. 31, 1994.

Addenda <Presidential Decree No. 14438, Dec. 23, 1994 : Revision of the Organizational Regulation of the Ministry of Finance and Economy and its subsidiaries>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of its promulgation.

Article 2 through 5

Omitted

Addenda <Presidential Decree No. 14446, Dec. 23, 1994 : Revision of the Organizational Regulation of the Ministry of Health and Welfare and its subsidiaries>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of its promulgation.
(proviso omitted)

Article 3 through 3

Omitted

Addenda <Presidential Decree No. 14447, Dec. 23, 1994: Revision of the Organizational Regulation of the Ministry of Construction and Transportation and its subsidiaries>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of its promulgation.

Article 2 through 5

Omitted

Addenda <Presidential Decree No. 14450, Dec. 23, 1994: Revision of the Organizational Regulation of the Environmental Administration and its subsidiaries>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of its promulgation.
(Proviso omitted)

Article 2

Omitted

Addenda *<Presidential Decree No. 14787, Oct. 19, 1995>*

Article 1 (Enforcement Date)

This Decree shall take effect from the date of its promulgation. However, the revised provisions of Article 33-5 through 33-8 shall take effect from Jan. 1, 1996, and those of subparagraph 3 of Article 17(3), 32-2, 33-11 through 33-15 shall take effect from July 1, 1996, and the revised provisions of Article 33-9, 33-10 and 33-16 shall enter into force from Jan. 1, 1997.

Article 2 (Transitional Measures Regarding the Existing Hazardous and Dangerous Facility)

(1) Business owners of workplaces who have the hazardous and dangerous facility pursuant to the revised provisions of Article 33-5 at the time of the implementation of this Decree shall prepare the process safety report for the facility which corresponds to one-fourth of the total facility for 4 years from 1996 and submit the report to the Minister of Labor by Sept. 30 of every year.

(2) Deleted. *<by Presidential Decree No. 16947, Aug. 5, 2000>*

Article 3 (Transitional Measures Regarding the Health Management Service Institution, etc.)

Those designated as the health management service institution, certified monitoring institution or the specialized institution for prevention of construction accidents in accordance with the previous regulations at the time of implementation of this Decree shall be considered to have been designated as the health management service institution, the certified monitoring institution or the specialized institution for prevention of construction accidents, respectively, in accordance with this Decree.

Addenda *<presidential Decree No. 15372, May 16, 1997>*

Article 1 (Enforcement Date)

This Decree shall take effect from the date of its promulgation. However, the revised provision of subparagraph 12 in Table 4 shall enter into force from July 1, 1997, and the revised provision of subparagraph 1 of Article 26-3 shall take effect from Jan. 1,

1999, and those of subparagraph 2 of Article 29(1) and subparagraph 7 of Article 30 shall take effect from Jan. 1, 2000.

Article 2 (Transitional Measures Regarding the Qualification of the Health Manager)

A person who is employed as the health manager pursuant to the previous regulations at the time of implementation of this Decree and does not meet the qualifications criteria pursuant to the revised provision of subparagraph 5 and 6 in Table 6 shall be considered to be the health manager only for the period of his/her employment at the workplace concerned.

Article 3 (Transitional Measures Regarding the Establishment of the Industrial Safety and Health Committee)

A workplace which has established and been operating the industrial safety and health committee pursuant to the previous regulations at the time of implementation of this Decree and does not meet the revised provision of Article 25-2 shall establish the industrial safety and health committee conforming to the revised provision of the same Article by July 31, 1997.

Article 4 (Transitional Measures Regarding the Specialized Institution for the Prevention of Construction Accidents, etc.)

(1) The specialized institution for prevention of construction accidents, the designated educational institution, the educational institution for workers in gaining skills or the safety and health diagnosis institution shall be considered to have been designated by this Decree. In such case, the head of administrative organization concerned shall reissue the designation within 2 months after the implementation of this Decree.

(2) If a branch office, etc. of the specialized institution for prevention of construction accidents applies for the provision of the designation within 2 months after the implementation of this Decree to execute continuously the concerned work, the head of administrative organization concerned shall provide the branch concerned with the designation on the condition that the branch have the workforce, facility and equipment in place within the period determined by the Ordinance of the Ministry of Labor.

Article 5 (Transitional Measures regarding the Administrative Rulings)

The previous provisions shall be used when applying the criteria of administrative decisions for the violations committed before the implementation of this Decree.

Addenda <Presidential Decree No. 15389, June 11, 1997 : Revision of the Enforcement Decree of the Act on Special Measures for the Deregulation of Corporate Activities>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of promulgation.
(Proviso omitted)

Article 2

Omitted

Addenda <Presidential Decree No. 15598, Dec. 31, 1997>

This Decree shall take effect from Jan. 1, 1998.

Addenda <Presidential Decree No. 16115, Feb. 8, 1999 : Revision of the Enforcement Decree of the Traffic Safety Act>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of promulgation.

Article 2

Omitted

Addenda <Presidential Decree No. 16326, May 24, 1999>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of promulgation.

Article 2 through 4

Omitted

Addenda <Presidential Decree No. 16388, June 8, 1999>

This Decree shall take effect from the date of promulgation.
However, the revised provision of Article 25-3 shall enter into force one year after the promulgation.

Addenda <Presidential Decree No. 16947, Aug. 5, 2000>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of promulgation.

However, the revised provisions of subparagraph 5-2 of Article 10(1), Article 1(1), Article 12(2) shall enter into force from Jan. 1, 2001, and the revised provision of subparagraph 7 in Table 1(Limited to the matters related to the application of Article 42, 43(1) through (3) and (6)) shall take effect from Jan. 1, 2002.

Article 2 (Application Cases of the Appointment Criteria for the Safety Manager in Construction Industry)

The revised provision of Article 12(2) shall be applied to the construction work started from Jan. 1, 2001.

Article 3 (Application Cases Regarding the Hazard Examination of the New Chemical)

The provision of Article 40 of the Act regarding the hazard examination on new chemical which are newly applied pursuant to the revised provisions of subparagraph 1 and 2 in Table 1 shall begin to apply from the new chemical which the business as prescribed in the same subparagraph of the same table intends to manufacture and import after the implementation of this Decree.

Article 4 (Application Cases Regarding the Prevention of Contracting-out of Hazardous Work)

The provision of Article 28 of the Act regarding the permission of contracting-out of hazardous work which is newly applied pursuant to the revised provision of subparagraph 1, 2 and 4 through 6 in Table 1 shall begin to apply from the work which the business concerned as prescribed in the same subparagraph of the same table contracts or subcontracts.

Article 5 (Application Cases Regarding the Draw-up and Posting of the Materials Safety Data Sheet)

The provision of Article 41 of the Act regarding the preparation and posting of the materials safety data sheets which are newly applied pursuant to the revised provision of subparagraph 1, 2 and 7 in Table 1 shall be applied from the chemicals or the preparations containing the chemicals which the business concerned pursuant to the same subparagraph of the same table intends to manufacture, import, use, transport or store.

Article 6 (Transitional Measures Regarding the Submission of the Process Safety Report)

A person who has the storage facility which is not the storage facility for heating fuel among the fuel storage facility pursuant to the previous subparagraph 3 of Article 33-5(2) at

the time of the implementation of this Decree shall draw up the process safety report regarding the facility concerned until 6 months after the implementation of this Decree and submit it to the Minister of Labor.

Article 7 (Transitional Measures Regarding the Permission of Manufacturing and Use of the Hazardous Materials)

Businesses concerned pursuant to subparagraph 1 in Table 1 which are manufacturing and using the hazardous materials for which the permission is required for the manufacturing and use of them in accordance with Article 38(1) of the Act shall receive the permission for the manufacturing and use of the hazardous materials concerned until 6 months after the implementation of this Decree.

Article 8 (Transitional Measures Regarding the Safety and Health Measures Required)

Businesses concerned pursuant to subparagraph 7 in Table 1 which are not taking safety and health measures pursuant to Article 23 and 24 of the Act shall take the necessary safety and health measures until 6 months after the implementation of this Decree.

Article 9 (Transitional Measures Regarding the Restriction on Employment Due to the Qualifications)

Businesses concerned pursuant to subparagraph 7 in Table 1 which are having those other than workers holding the qualification, license, experiences or skills necessary to perform the work as prescribed in Article 47 of the Act engage in the work at the time of the implementation of this Decree shall make those with qualification, licenses, experiences or skills perform the work concerned until 6 months after the implementation of this Decree.

Article 10 (Transitional Measures Regarding the Machines etc. which Require the Measures to Prevent Hazard and Danger)

Among those who lend to or borrow from others the machines, equipment, etc. pursuant to the revised provision of subparagraph 20 through 23 in Table 8 at the time of the implementation of this Decree, a person who intends to continuously lend or borrow them shall take the necessary measures to prevent the hazard and danger determined by the Ordinance of the Ministry of Labor in accordance with the Article 33(2) of the Act until 3 months after the implementation of this Decree.

Addenda <Presidential Decree No. 17115, Jan. 29, 2001>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of promulgation.

Article 2 through 5

Omitted

Addenda <Presidential Decree No. 17137, Feb. 24, 2001>

Article 1 (Enforcement Date)

This Decree shall take effect from the date of promulgation.

Article 2 through 7

Omitted

Addenda <Presidential Decree No. 18043, Jun. 30, 2003>

Article 1 (Enforcement Date)

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

Article 2 (Application Cases Concerning Workplaces Subject to Public Announcement)

The amended provisions of Article 8-3 shall apply from workplaces where industrial accidents occur after the enforcement of this Decree.

Article 3 (Application Cases Concerning Prohibition of Contract)

The amended provisions of Article 26 (1) 3 shall apply from cases where the work of dismantling and removing the substances required to get permission under Article 38 of the Act is done through contract(including subcontract) for the first time after the enforcement of this Decree.

Article 4 (Application Cases Concerning Permission to Dismantle and Remove Hazardous Substances Subject to Permission)

The amended provisions of Article 30 (2) shall apply from the work of dismantling and removing hazardous substances which is done for the first time after the enforcement of this Decree.

Article 5 (Transitional Measures Concerning Hazardous Substances Prohibited from Being Manufactured, etc.)

(1) A person who, at the time of implementation of this Decree, manufactures, imports, transfers, supplies or uses the

hazardous substances prohibited from being manufactured, imported, transferred, supplied or used pursuant to the amended provisions of subparagraphs 2, 3, 5 and 8 of Article 29 (1) may manufacture, import, transfer, supply or use the substances for up to 6 months after the enforcement of this Decree.

(2) A person who manufactures, imports or uses the hazardous substances prohibited under paragraph (1) for the purpose of test and research shall obtain permission to manufacture, import or use the prohibited hazardous substances no later than 3 months after the enforcement of this Decree.

Article 6 (Transitional Measures Concerning Hazardous Substances Subject to Permission)

A person who, at the time of implementation of this Decree, manufactures or uses hazardous substances required to get permission for manufacturing or use pursuant to the amended provisions of subparagraphs 3, 7 through 12 and 15 of Article 30 (1) shall obtain permission to manufacture or use the hazardous substances no later than 6 months after the enforcement of this Decree.

Addenda <Presidential Decree No. 18609, Dec. 28, 2004>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2005 :
Provided that the revised provisions of Article 33-9 shall enter into force on January 1, 2006.

Article 2 (Application Cases Concerning Expansion of Scope of Those Subject to Request for Suspension of Business)

The revised provisions of subparagraph 1 of Article 33-9 shall apply to cases where the industrial accident concerned occurs after the enforcement of this Decree.

Article 3 (Transitional Measures Concerning Hazardous Substances Prohibited from Being Manufactured, etc.)

(1) A person who is manufacturing, importing, transferring, supplying or using hazardous substances prohibited from being manufactured, imported, transferred, supplied or used under the revised provisions of subparagraph 2 of Article 29 (1) at the time of implementation of this Decree may manufacture, import, transfer, supply or use them until six months after the enforcement of this Decree.

(2) A person who is manufacturing, importing or using the

prohibited hazardous substances referred to in paragraph (1) for the purpose of tests or researches shall obtain approval for the manufacture, import or use of the prohibited hazardous substances from the Minister of Labor no later than three months after the enforcement of this Decree.

[Table 1] <Amended by Presidential Decree No. 18043, Jun. 30, 2003>

The business where the Act applies partially and the provisions partially applied
(Relating to Article 2-2(1))

The business where the Act applies partially	The provisions partially applied
1. The business (excluding the business under subparagraph 3, 6 or 7) categorized as renting of machinery/equipment & personal/household goods, computer & related activities, and professional, scientific & technological services (excluding photograph processing)	Chapter 1 of the Act, Article 23 through 28 of the Act, Article 33 through 35 of the Act, Article 37 through 41 of the Act, Chapter 5 through 9 of the Act
2. The business (excluding the business under subparagraph 6 or 7) categorized as agriculture, fishing, manufacture of sewn wearing apparel, and manufacture of wigs & similar articles	Chapter 1 of the Act, Article 14 of the Act, Article 23 through 28 of the Act, Article 31 of the Act (limited to the rank of supervisor), Article 33 through 35 of the Act, Article 37 through 41 of the Act, Chapter 5 through 9 of the Act
3. The business falling under any of the following items (excluding the business under subparagraph 6 or 7) A. The business where the Mining Safety Act applies (limited to the process of digging, exploiting, separating or refining, and excluding manufacturing process in the mining and quarrying industry) B. The business where the Atomic Energy Law applies (limited to workplaces which produce electricity using the atomic energy electricity generation facility among the electricity generation business) C. The business where the Aviation Act applies (excluding aviation-related business among manufacture of aircraft, spacecraft & its parts, supporting & auxiliary transport activities, and travel agency activities) D. The business where the Ship Safety Act applies (excluding building of ships and boats)	Chapter 1 of the Act, Article 16 of the Act, Article 17 of the Act, Article 24 of the Act, Article 25 of the Act, health-related matters in Article 26 and 31 of the Act, Article 27 of the Act, Article 32 through 35 of the Act, Article 37 of the Act, Article 38 of the Act, Article 40 of the Act, Chapter 5 through 9 of the Act

The business where the Act applies partially	The provisions partially applied
<p>4. The business(excluding the business under subparagraph 7) falling under any of the following items, which is categorized as wholesale & retail trade, hotels and restaurants, real estate activities, research & development, other community, repair & personal service activities (excluding hazardous waste collection, hazardous waste disposal, general repair services of motor vehicles, repair services of motor vehicles specializing in parts, and washing & dry cleaning services), recreational, cultural & sporting activities:</p> <p>A. The business using steam boiler whose maximum use pressure is less than 7 kilograms per cm²</p> <p>B. The business using electricity of less than one million kilo watt per year</p> <p>C. The business where the sum of regular capacity or contract capacity of its electricity using facility is less than 300 kilo watt</p> <p>D. The business which uses energy corresponding to less than 250 ton of petroleum per year</p> <p>E. The business which uses less than 4000m³ of city gas in monthly average</p> <p>F. The business which uses high pressure gas or liquefied petroleum gas less than 250 kilogram in storage capacity</p>	<p>Chapter 1 of the Act, Article 23 through 28 of the Act, Article 33 through 41 of the Act, Chapter 5 through 9 of the Act</p>
<p>5. Financial institutions & insurance, public administration, defence & compulsory social security, education, health & social work(excluding hospitals), private households with employed persons, extra-territorial organizations & bodies(excluding the business under subparagraph 7)</p>	
<p>6. The business which uses only office workers(includes workplaces which are separately located and use only office workers, and excludes the business under subparagraph 7)</p>	
<p>7. The business using less than 5 full-time workers</p>	<p>Chapter 1 of the Act, Article 23 through 27 of the Act, Article 30 of the Act, Article 33 through 35 of the Act, Article 37 through 41 of the Act, Chapter 5 of the Act, Article 51 of the Act, Article 52 of the Act, Chapters 8 and 9 of the Act</p>

[Table 7] <Amended by Presidential Decree No. 15372, May 16, 1997>

**Machines and Equipment where Protective Measures are
necessary to prevent hazard and danger**
(relating to Article 27(1))

1. Presses or shearing machines(excluding those designed to prevent any part of workers bodies from coming into the dangerous section)
2. Acetylene and Mixed Gas welding equipment
3. Anti-explosion electric machines or appliances
4. Alternate current arc welders
5. Cranes
6. Elevators
7. Gondolas
8. Lifts
9. Pressure vessels
10. Boilers
11. Rollers(excluding those designed to prevent any part of workers bodies from coming into the dangerous section)
12. Grinding machines
13. Circular saw
14. Power-driven hand operated planes
15. Industrial robots capable of complex movement
16. Insulating tools necessary for the works on static or live wire
17. Temporary facilities and installations as determined by the Minister of Labor to be installed to guard against the danger of fall and collapse

[Table 8] <Amended by Presidential Decree No. 16947, Aug. 5, 2000>

**Machines and Equipment where the necessary measures
shall be taken to prevent hazard or danger**

(relating to Article 27(2))

1. Office and factory buildings
2. Traveling cranes
3. Tower cranes
4. Bulldozers
5. Motor graders
6. Loaders
7. Scrapers
8. Scraper dozers
9. Power shovels
10. Drag lines
11. Clamshells
12. Bucket rock drilling rigs
13. Trenches
14. Pile drivers
15. Pile extractors
16. Earth drills
17. Drilling machines
18. Earth augers
19. Paper drain machines
20. Lifts
21. Fork lifts
22. Rollers
23. Concrete pump
24. Other machines, instruments, facilities and structures determined
by the Minister of Labor after deliberation at the Policy Deliberative
Committee

[Table 9] Deleted. <Presidential Decree No. 18043, Jun. 30, 2003>