

ENFORCEMENT DECREE OF THE OCCUPATIONAL 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
Presidential Decree No. 19203, Dec. 28, 2005
Presidential Decree No. 19513, Jun. 12, 2006
Presidential Decree No. 19691, Sep. 22, 2006
Presidential Decree No. 19804, Dec. 29, 2006
Presidential Decree No. 20483, Dec. 28, 2007
Presidential Decree No. 20681, Feb. 29, 2008
Presidential Decree No. 20973, Aug. 21, 2008

Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Occupational Safety and Health Act and matters necessary for the enforcement thereof. *<Amended by Presidential Decree No. 19691, Sep. 22, 2006>*

Article 2 (Definition)

The terms used in this Decree shall be defined as determined by the Occupational Safety and Health Act (hereinafter referred to as "the Act") unless otherwise specially provided by this Decree. *<Amended by Presidential Decree No. 19691, Sep. 22, 2006>*

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 and Presidential Decree No. 19691, Sep. 22, 2006>*

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 occupational 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 Policy Deliberative Committee)

(1) The Occupational 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 III level public officials or public officials of general duties belonging to senior executive service, each from the Ministry of Strategy and Finance, the Ministry of Education and Science Technology, the Ministry of Justice, the Ministry of Public Administration and Security, the Ministry of Knowledge and Economy, the Ministry for Health, Welfare and Family Affairs, the Ministry of Environment, the Ministry of Labor, the Ministry of Land, Transport and Maritime affairs, the Prime Minister's Office, 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 and Presidential Decree No.19513, Jun. 12, 2006>

1. A person with deep knowledge and experiences on occupational 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 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 occupational 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 occupational safety and health, the Policy Deliberative Committee may have two specialist members or less for occupational 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 or public officials of general

duties belonging to senior executive service, who designated by the chairman.

<Amended by Presidential Decree No. 18043, Jun. 30, 2003 and Presidential Decree No. 19513, Jun. 12 2006>

(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” in Article 9-2 (1) 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) an employer 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 and Presidential Decree No. 19691, Sep. 22, 2006>*

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. Deleted *<Presidential Decree No. 19691, Sep. 22, 2006>*

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

(2) an employer 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.

(3) The “work prescribed by the Presidential Decree” in the proviso of Article 14 (1) refer to the Table 2. *<Newly Inserted by the Presidential Decree No. 19691, Sep. 22, 2006>*

(4) The “measures concerning safety and health prescribed by the Presidential Decree” in Article 14 (1) of the Act refer to measures described in the following subparagraphs:*<Newly Inserted by the Presidential Decree No. 20973, Aug. 21, 2008>*

1. Safety-related education among special education provided pursuant to Article 31 (3) of the Act when an employer employs workers for a hazardous or dangerous job;
2. Performance tests on the safety of hazardous or dangerous machines under Article 36-2 (1) of the Act

- (limited to cases where the manager or supervisor is a person who holds the qualifications, has completed the education and has the experiences prescribed by the Ordinance of the Ministry of Labor under Article 36-2 (2) of the Act); and
3. Other measures to prevent any hazard or danger in the nature of the job concerned and which are determined and announced by the Minister of Labor.

Article 11 Deleted <Presidential Decree No. 19691, Sep. 22, 2006>

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 and Presidential Decree No. 19691, Sep. 22, 2006>

(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) The duties a safety manager shall perform pursuant to Article 15 (2) of the Act are as follows : *<Amended by Presidential Decree No. 20973, Aug. 21, 2008>*

1. Duty deliberated and determined at the Occupational Safety and Health Committee in accordance with Article 19 (1) of the Act, and a labor-management consultative body on safety and health in accordance with Article 29-2 (1) and duty as determined by the safety and health management regulations (hereinafter referred to as the “safety and health management regulations”) and the employment rules of the concerned business pursuant to Article 20 (1) of the Act;
2. Selection of qualified products when purchasing machines, instruments, etc., subject to safety certification under Article 34 of the Act and machines, instruments, etc., subject to self safety confirmation under 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;
- 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; and <Amended by Presidential Decree No. 14010, Nov. 20, 1993>

7. Other safety-related matters determined by the Minister of Labor

(2) When an employer 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 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 an employer 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) Deleted <Presidential Decree No. 19691, Sep. 22, 2006>

Article 15-2 (Requirement for Designation of 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 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 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 15-6 (Calculation Standard of Surcharges)

(1) The calculation standard of surcharges per the period of operation suspension under Article 15-3 (1) refers to the Table 4-2.

(2) Considering the motivation, substance, frequency, etc., the Minister of Labor may raise or reduce a surcharge in the range of a half of the surcharge pursuant to paragraph (1). In this case, when raising the fee, the total amount of the surcharge shall not exceed 50 million won. *<Newly Inserted by Presidential Decree No. 19691, Sep. 22, 2006>*

Article 15-7 (Imposition and Payment of Surcharges)

(1) When imposing a surcharge pursuant to Article 15-3 (1) of the Act, the Minister of Labor shall state the classification of a violation act, the amount of the surcharge, etc. and notify the payment of the surcharge in writing.

(2) A person who receives the notification pursuant to paragraph (1) shall complete the payment to a receiving agency designated by the Minister of Labor within 30 days of the notification day. However, when a person cannot pay a surcharge within the period because of natural disasters and other unavoidable reasons, the person shall pay the surcharge within 15 days of the day when the reason is removed.

(3) The receiving agency that receives the surcharge pursuant to paragraph (2) shall issue a receipt to the payer.

(4) When a receiving agency of surcharges receives a surcharge pursuant to paragraph (2), it shall notify the fact to the Minister of Labor without delay.

(5) A surcharge shall not be paid by installments.

<Newly Inserted by Presidential Decree No. 19691, Sep. 22, 2006>

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 a health manager shall perform pursuant to Article 16 (2) of the Act are as follows: *<Amended by Presidential Decree No. 20973, Aug. 21, 2008>*

1. Duty deliberated and determined by the Occupational Safety and Health Committee pursuant to Article 19 (1) of the Act and duty as prescribed in safety and health regulations and employment rules;
- 1-2. Work management to prevent the health problems under Article 24 (1) 5 of the Act;
2. Selection of qualified products when purchasing health-related protective equipment among machines, instruments, etc., subject to safety certification under Article 34 of the Act and machines, instruments, etc., subject to self safety confirmation under Article 35 of the Act
3. Posting or keeping of materials safety data sheets(MSDS) written in accordance with Article 41 of the Act;
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;
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);
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;
- 9-2. Provision of guidance and advice (limited to health field) for maintaining and managing industrial accident and disease-related statistics;
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
11. Other matters related to work management and work environment management

(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. <Amended by Presidential Decree No. 14010, Nov. 20, 1993>

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) shall be applied *mutatis mutandis* to the entrustment of the health management work.

<Amended by Presidential Decree No. 19691, Sep. 22, 2006>

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, 15-5 through 15-7 shall be applied *mutatis mutandis* to the health management service institution. *<Amended by Presidential Decree No. 15372, May 16, 1997 and Presidential Decree No. 19691, Sep. 22, 2006>*

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 and Presidential Decree No. 19691, Sep. 22, 2006>*

Article 22 (Duty, etc. of 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. 20973, Aug. 21, 2008>

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 occupational 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
4. Check on whether machines, instruments, etc., subject to safety certification under Article 34 of the Act and machines, instruments, etc., subject to self safety confirmation under Article 35 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 Occupational Safety and Health Committee)

The businesses required to establish and operate the occupational safety and health committee pursuant to Article 19 (7) are as follows. <Amended by Presidential Decree No. 15372, May 16, 1997 and Presidential Decree No. 19691, Sep. 22, 2006>

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 Occupational Safety and Health Committee)

(1) The worker members of the occupational 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 occupational safety inspector designated by worker representative(Limited to workplaces where the honorary occupational 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 occupational 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 an employer in construction industry conducts part of his/her business through contract and if a consultative body 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 occupational safety and health committee. *<Newly Inserted by Presidential Decree No. 16388, June 8, 1999 and Presidential Decree No. 19691, Sep. 22, 2006>*

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 occupational safety inspector(limited to workplaces where the honorary occupational 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) Deleted *<Presidential Decree No. 19691, Sep. 22, 2006>*

(5) Deleted *<Presidential Decree No. 19691, Sep. 22, 2006>*

Article 25-3 (Chairman)

The Chairman of the occupational 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 occupational 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 occupational 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 occupational 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 occupational 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 occupational 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 occupational 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 occupational 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 occupational 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 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 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 (Target Group Required to Establish Labor-Management Consultative Body)

A "business which falls under type and size determined by the

Presidential Decree" under Article 29-2 (1) of the Act refers to a construction industry whose construction fees are 12 billion won or more. (1.5 billion won as for engineering work in the attached table in the Enforcement Decree of the Framework Act on the Construction Industry)

Article 26-4 (Constitution of Labor-Management Consultative Body)

(1) Worker members of a labor-management consultative body on safety and health (hereinafter referred to as a "labor-management consultative body") under Article 29-2 (1) of the Act shall be composed of those in the following subparagraphs:

1. A representative of workers of the entire business including contracted or subcontracted business;
2. One honorary occupational safety inspector who is designated by workers' representative: Provided that, if an honorary occupational safety inspector is not entrusted, one worker of the workplace concerned who is designated by workers' representative; and
3. A representative of workers of contracted or subcontracted business whose construction fees are two billion won or more.

(2) Employer members shall be composed of those in the following subparagraphs:

1. A representative of the business concerned;
2. One safety manager; and
3. An employer of contracted or subcontracted business whose construction fees are two billion won or more.

(3) Worker members and employer members of a labor-management consultative body may entrust an employer and workers' representative of contracted or subcontracted business whose construction fees are less than two billion won to the consultative body.

Article 26-5 (Operation, etc. of Labor-Management Consultative Body)

(1) Meetings of a labor-management consultative body shall be divided into regular meetings and special meetings: regular meetings shall be convened by the chairman of a labor-management consultative body (hereinafter referred to as "chairman" in this Article) every two months, and special meetings shall be convened

deemed necessary by the chairman.

(2) Article 25-3, 25-4(2) through (4), 25-5 and 25-6 shall be applied mutatis mutandis electing of the chairman, meetings of a labor-management consultative body, the method to handle matters that are not concluded at a labor-management consultative body, and knowing of a meeting result, etc., respectively. In this case, "the Occupational Safety and Health Committee" shall be regarded as "a labor-management consultative body", and "safety manager or health manager" as "safety manager."

Article 26-6 (Business Required to Appropriate Occupational 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 26-7 (Requirements for Designation of Specialized Institution Providing Guidance on Accident Prevention

<Revised by Presidential Decree No. 19691, Sep. 22, 2006>)

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 and Presidential Decree No. 19691, Sep. 22, 2006>*

Article 26-8 (Criteria of Guidance Offered by Specialized Institution Providing Guidance on Accident Prevention

<Revised by Presidential Decree No. 19691, Sep. 22, 2006>)

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 and Presidential Decree No. 19691, Sep. 22, 2006>*

Article 26-9 (Application in Mutatis Mutandis)

Article 15-3, 15-5 through 15-7 shall be applied mutatis mutandis to the specialized institution providing guidance on accident prevention.

<Amended by Presidential Decree No. 19691, Sep. 22, 2006>

Article 26-10 (Requirements for Designation of 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 occupational 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 26-11 (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 for 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 (Machines, Instruments, etc., Subject to Mandatory Safety Certification)

(1) "Machines, instruments, etc., subject to safety certification deemed necessary for safety and health of workers and prescribed by the Presidential Decree" in Article 34 (2) of the Act are as follows :

1. Machines, instruments and equipment described in the following items

- A. Presses;
- B. Shearing machines;
- C. Cranes;
- D. Lifts;
- E. Pressure vessels;
- F. Rollers;

- G. Injection molding machines; and
- H. Aerial work platforms
- 2. Protective devices described in the following items
 - A. Protective devices for presses and shearing machines;
 - B. Over load limiters for hoisting machines;
 - C. Pressure relief valves for boilers;
 - D. Pressure relief valves for pressure vessels;
 - E. Rupture disks for pressure vessels;
 - F. Insulation devices and apparatuses for live line work;
 - G. Explosion-proof electrical machines, apparatuses and parts; and
 - H. Temporary equipment and materials needed to protect against the danger of fall, drop, collapse, etc., and determined and announced by the Minister of Labor
- 3. Protective equipment described in the following items
 - A. Safety helmet to protect against the danger of fall or electrification;
 - B. Safety shoes;
 - C. Safety gloves;
 - D. Anti-dust masks;
 - E. Gas masks;
 - F. Air-supplied respirators;
 - G. Powered air-purifying respirators;
 - H. Protective clothes;
 - I. Safety belts;
 - J. Protective goggles to block light and protect against flying debris;
 - K. Face shields for welding;
 - L. Ear plugs or ear muffs for sound proofing;

(2) The detailed types or sizes and forms of the machines, instruments, etc., subject to mandatory safety certification under paragraph (1) shall be determined and announced by the Minister of Labor.

<Wholly Amended by Presidential Decree No. 20973, Aug. 21, 2008>

Article 28-2 (Machines, Instruments, etc., Subject to Self Safety Confirmation)

(1) "Machines, instruments, etc. subject to safety certification prescribed by the Presidential Decree which are not machines, instruments, etc. subject to mandatory safety certification" in Article 35 (1) of the Act are as follows :

- 1. Machines, instruments and equipment described in the

following items;

- A. Centrifugal machines;
- B. Air compressors; and
- C. Gondolas
- 2. Protective devices described in the following items
 - A. Safety devices for acetylene or mixed gas welding equipment;
 - B. Automatic electric shock prevention apparatuses for alternate current arc welders;
 - C. Quick stop devices for rollers;
 - D. Covers for grinding machines;
 - E. Reaction proof devices and blade guards for wood working circular saws;
 - F. Knife guards for power-driven hand-operated planers;
 - G. Safety mats for industrial robots; and
 - H. Temporary equipment and materials (excluding the temporary equipment and materials under Article 28 (1) 2 H) needed to protect against the danger of fall, drop, collapse, etc., and determined and announced by the Minister of Labor
- 3. Protective equipment described in the following items
 - A. Safety helmets (excluding the safety helmets under Article 28 (1) 3 A);
 - B. Protective goggles (excluding the protective goggles under Article 28 (1) 3 J); and
 - C. Face Shields (excluding the face shields under Article 28 (1) 3 K)
- (2) The detailed types or sizes and forms of the machines, instruments, etc., subject to self safety confirmation under paragraph (1) shall be determined and announced by the Minister of Labor.

<Wholly Amended by Presidential Decree No. 20973, Aug. 21, 2008>

Article 28-3 (Hazardous or Dangerous Machines, etc., Subject to Safety Inspection)

- "Hazardous or dangerous machines, instruments and equipment prescribed by the Presidential Decree" in Article 36 (1) of the Act are as follows :
- 1. Presses;
 - 2. Shearing machines;
 - 3. Cranes (excluding movable cranes and hoists with rated load of less than two tons);

4. Lifts;
 5. Pressure vessels;
 6. Gondolas;
 7. Local exhaust ventilation systems (excluding movable ones)
 8. Centrifugal machines (limited to those for industrial use)
 9. Chemical equipment and related accessories;
 10. Drying equipment and related accessories;
 11. Rollers (excluding closed-type ones); and
 12. Injection molding machines (excluding those with cramping force of less than 294 killo newtons)
- <Wholly Amended by Presidential Decree No. 20973, Aug. 21, 2008>*

Article 28-4 (Reasons for Cancellation, etc., of Designation of Inspection Institution)

(1) "Occasions prescribed by the Presidential Decree" in Article 15-2 (1) 4 of the Act which applies mutatis mutandis pursuant to Article 36-2 (7) of the Act refer to any of the following cases:

1. Where the designated inspection institution receives fees without conducting inspection;
2. Where the designated inspection institution draws up documents relating to inspection in a false way;
3. Where the designated inspection institution refuses to conduct inspection without any justifiable reasons; or
4. Where the designated inspection institution fails to comply with standards for judging inspection results or to present opinions on safety measures based on inspection results.

<This Article Newly Inserted by Presidential Decree No. 20973, Aug. 21, 2008>

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

(1) Hazardous substances prohibited from being manufactured, imported, transferred, supplied or used under Article 37 (1) of the Act shall be as follows: *<Amended by Presidential Decree No. 15372, May 16, 1997; Presidential Decree No. 16388, Jun. 8, 1999 and Presidential Decree No. 19691, Sep. 22, 2006>*

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, sold, kept and stored, delivered or used pursuant to Article 32 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) Deleted *<Presidential Decree No. 19691, Sep. 22, 2006>*

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 and Presidential Decree No. 19691, Sep. 22, 2006>*

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 asbestos pursuant to Article 29 (1)); <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 (Hazardous Agents Required to Be Kept Below Permission Levels)

"Hazardous agents prescribed by the Presidential Decree, which could cause serious health problems to workers, such as carcinogens" in Article 39-2 (1) of the Act are as follows :

1. Lead and its inorganic compounds;
2. Nickel (limited to insoluble inorganic compounds);
3. Dimethylformamide;
4. Benzene;
5. 2-bromopropane;
6. Asbestos;
7. Hexavalent chromium compounds;
8. Carbon disulfide;
9. Cadmium and its compounds;
10. Toluene-2,4-diisocyanate;
11. Trichloroethylene;
12. Formaldehyde; and
13. Normal hexane

<This Article Newly Inserted by Presidential Decree No. 20973, Aug. 21, 2008>

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. Deleted <Presidential Decree No. 19203, Dec. 28, 2005>

Article 32-2 (Substances Exempted from Preparing and Maintaining 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. Deleted <Presidential Decree No. 19691, Sep. 22, 2006>;
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) Deleted <Presidential Decree No. 19691, Sep. 22, 2006>

<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 and Presidential Decree No. 19691, Sep. 22, 2006>*

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 Article 42 (4) of the Act shall submit a 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 and analysis capacity assessment administered by the Minister of Labor pursuant to Article 42 (7) of the Act. *<Newly Inserted by Presidential Decree No. 14787, Oct. 19, 1995 and Presidential Decree No. 19691, Sep. 22, 2006>*

(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 (9) 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 and analysis capacity assessment of a certified monitoring institute administered by the Minister of Labor pursuant to Article 42 (7); 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 (10) 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 health examination and analysis capacity test for health examination institutions administered by the Minister of Labor pursuant to Article 43 (9) of the Act;
 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 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 (Workplace Required to Submit Hazard and Danger Prevention Plan)

"Business of the category and scale as prescribed by the Presidential Decree" refers to a business falling under any of the following subparagraphs, and whose electricity-consuming facilities have a total rated capacity of 300 kw or more:

1. Businesses manufacturing non-metal processed products (excluding machines and furniture); and

2. Businesses manufacturing non-metal mineral products
<This Article Newly Inserted by Presidential Decree No. 20973,
Aug. 21, 2008>

**Article 33-3 (Requirement for Designation of 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 33-4 (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 33-5 (Type and Content of 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 33-6 (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 and Presidential Decree No. 19691, Sep. 22, 2006>*
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 33-7 (Contents of 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 33-8 (Submission of Process Safety Report)

(1) An employer shall prepare and submit the process safety report under Article 49-2 (1) of the Act under the conditions prescribed by the Ordinance of the Ministry of Labor when he/she installs or moves the hazardous and dangerous facility as prescribed in Article 33-6 or makes changes to the major structural part as determined by the Minister of Labor. *<Amended by Presidential Decree No. 20973, Aug. 21, 2008>*

(2) Deleted *<Presidential Decree No. 19691, Sep. 22, 2006>*

(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 33-9 (Exemption of Submission Requirement for Hazard and Risk Prevention Plan)

When an employer 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 33-10 (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 33-11 (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 33-12 (Duty of Consultant by Field)

(1) The area of work of occupational 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 occupational 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 33-13 (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 pursuant to the Act on the Korea Occupational Safety and Health Agency (hereinafter referred to as “Korea Occupational Safety and Health Agency”).

(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.

(3) The necessary matters regarding the composition, operation, etc. of the examination committee shall be determined by the Minister of Labor.

Article 33-14 (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 occupational 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 33-15 (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 33-16 (Exam Pass Criteria)

(1) The total point for the written test is 100 for each subject, and those who score at least 40 points for each subject and average 60 points for all subjects shall pass the examination.

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

(2) The oral test shall evaluate the items described in each subparagraph of Article 33-14 (5), and its total point shall be 10, and those who score at least 6 points shall pass the oral test.

<Amended by Presidential Decree No. 20973, Aug. 21, 2008>

Article 33-17 (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 33-18 (Subscribing Insurance for 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 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 Honorary Inspector)

(1) The Minister of Labor may commission honorary occupational 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: <Amended by Presidential Decree No. 20483, Dec. 28, 2007>

1. A worker of a workplace required to establish the occupational safety and health committee or a labor-management consultative body, who is recommended by the workers' representative following the opinion of the business owner;
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 an employer 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 Commissioning of 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 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 protective devices, protective equipment 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 occupational 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 may delegate the authority described in the following subparagraphs to the head of a regional or district labor office pursuant to Article 65 (1) of the Act :

1. Request for a report under Article 10 of the Act;
2. Order for the appointment or replacement of more than the fixed number of safety managers and health managers under Articles 15 (3) and 16 (3) of the Act;
3. Authorization, and cancellation of authorization, for the contracting out of hazardous or dangerous work under Article 28 (1) and (4) of the Act;
4. Order for a removal of marks under Article 34-2 (4) of the Act;
5. Revocation of safety certification, prohibition of the use of safety certification marks, and order for improvement under Article 34-3 (1) of the Act;
6. Order for collection and destruction under Article 34-4 (2) of the Act;
7. Order for a removal of marks under Article 35-2 (4) of the Act;
8. Prohibition of the use of self safety confirmation marks, and order for improvement under Article 35-3 of the Act;
9. Order for collection and destruction under Article 35-4 (2) of the Act;
10. Designation, cancellation of designation, and order for

- suspension of business relating to designated inspection institutions under Article 36-2 (3) and (7) of the Act;
11. Cancellation of authorization for, and order for improvement of, self inspection programs under Article 36-2 (4);
 12. Cancellation of registration of protective device manufacturing businesses, etc. under Article 36-3 (3) of the Act;
 13. Approval of the manufacturing, import or use of materials whose manufacturing, etc. is prohibited pursuant to the proviso of Article 37 (2) of the Act;
 14. Permission for the manufacturing, use, dismantlement and removal of hazardous substances, permission for modification, order of repair, remodeling, etc., cancellation of permission for the manufacturing, etc., of hazardous substances, and order for suspension of business under Article 38 (1), (4) and (5) of the Act;
 15. Order for the submission of materials safety data sheet and order for the modification of precautionary measures in handling described in materials safety data sheet under Article 41 (5) of the Act;
 16. Receipt of a report on the results of work environment monitoring under Article 42 (1) of the Act;
 17. Designation, cancellation of designation, and order for suspension of business relating to designated monitoring institutions under Article 42 (4) and (9) of the Act;
 18. Evaluation of the reliability of work environment monitoring under Article 42-2 (1) of the Act;
 19. Designation, cancellation of designation, and order for suspension of business relating to health examination institutions under Article 43 (1) and (10) of the Act;
 20. Order for the conducting, etc., of extraordinary health examination, and receipt of a report on the results of a health examination under Article 43 (2) and (4) of the Act;
 21. Designation, cancellation of designation, and order for suspension of business relating to educational institutions aimed at fostering those acquiring qualifications and licenses or at helping workers acquire skills under Article 47 (2) and (4) of the Act;
 22. Order for suspension of construction commencement, or order for modification of hazard and risk prevention plans under Article 48 (4) of the Act;

23. Order for safety and health diagnosis under Article 49 of the Act;
 24. Order for modification of process safety reports, assessment of the implementation status of process safety reports, and order for the re-submission of process safety reports under Article 49-2 (3), (7) and (8);
 25. Order for the establishment, implementation, etc. of safety and health improvement plans under Article 50 (1) and (2) of the Act;
 26. Order for reporting and attendance under Article 51 (2) of the Act;
 27. Order for necessary measures, such as replacement, suspension of use, removal, facility improvement, etc. under Article 51 (6) of the Act;
 28. Order for suspension of work under Article 51 (7) of the Act;
 29. Order for compliance, etc. with safety and health management regulations under Article 51 (8) of the Act;
 30. Receipt and handling of reported legal violations under Article 52 of the Act;
 31. Receipt of applications for registration, cancellation of registration, and order for suspension of work relating to consultants under Article 52-4 (1) and (4) of the Act;
 32. Work concerning the appointment of an honorary occupational safety inspector under Article 61-2 (1) of the Act;
 33. Hearing about delegated authority among the authority prescribed in each subparagraph of Article 63-2 (1) of the Act;
 34. Imposition and collection of fines for negligence under Article 72 of the Act;
 35. Receipt of documents under Articles 9 (3), 12 (6), 16 (3) and 20 (3);
 36. Receipt of applications under Article 32-5; and
 37. Supervisory measures required to exercise the authority referred to in subparagraphs 1 through 36.
- (2) The Minister of Labor may delegate the authority described in the following subparagraphs to the head of a regional labor office :
1. Designation of safety management service institutions under Article 15 (4) of the Act and cancellation of designation of, and order for suspension of business for, safety management service institutions under Article 15-2

- of the Act;
2. Work related to the imposition and collection of surcharges for safety management service institutions under Article 15 (3) of the Act;
 3. Designation, cancellation of designation, and order for suspension of business relating to health management service institutions (excluding those which provide services by industry or hazardous agent) under Article 16 (3) of the Act;
 4. Work related to the imposition and collection of surcharges for health management service institutions under Article 16 (3) of the Act;
 5. Designation, cancellation of designation, and order for suspension of business relating to specialized institutions providing guidance on accident prevention under health management service institutions, under Article 30 (4) and (6) of the Act;
 6. Work related to the imposition and collection of surcharges for specialized institutions providing guidance on accident prevention, under Article 30 (6) of the Act;
 7. Designation, cancellation of designation, and order for suspension of business relating to designated educational institutions under Article 31 (4) and (6) of the Act;
 8. Designation, cancellation of designation, and order for suspension of business relating to safety and health diagnosis institutions under Article 49 (1) and (4) of the Act;
 9. Hearing on delegated authority among the authority in each subparagraph of Article 63-2 (1) of the Act;
 10. Receipt of applications under Articles 15-3, 19-3 (excluding applications for the designation of a health management service institution which provides services by industry or hazardous agent), 26-9, 26-11 and 33-4; and
 11. Supervisory measures required to exercise the authority referred to in subparagraphs 1 through 10.
- <This Article Wholly Amended by Presidential Decree No. 20973, Aug. 21, 2008>*

Article 47 (Entrustment of Administrative Authority)

- (1) The Minister of Labor may entrust the work described in Article 65 (2) 2, 10, 13 through 16 of the Act to the Korea Occupational Safety and Health Agency pursuant to Article 65

(2) of the Act. *<Amended by Presidential Decree No. 19691, Sep. 22, 2006>*

(2) The Minister of Labor may entrust the work described in Article 65 (2) 1, 3 through 8, 8-2, 9, 11, 12 and 17 of the Act to the Korea Occupational Safety and Health Agency or a corporation or an organization designated and announced by the Minister of Labor from among non-profit corporations or relevant special organizations which fall under any of the following subparagraphs and have workforce, facilities and equipment to perform the entrusted work, pursuant to Article 65 (2) of the Act: *<Amended by Presidential Decree No. 20973, Aug. 21, 2008>*

1. Non-profit organizations established under the law for the purpose of industrial safety and health or industrial accident prevention;
2. Organizations designated by the Minister of Labor pursuant to Article 15 (4), 16 (3), 30 (4), 31 (4), 42 (4), 43 (1), 47 (2) and 49 (1) of the Act; and
3. Public organizations under the Act on the Operation, etc., of Public Organizations, which were established for the purpose of the authorization and testing of machines, instrument, equipment, etc., research, development, education and assessment on production technologies, etc.

(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 (Imposition of Fines for Negligence)

The criteria for imposing fines for negligence pursuant to Article 72 (1) through (3) of the Act are described in Table 13 : Provided that the Minister of Labor may cut the amount of fines for negligence by up to half in consideration of the degree and frequency of offenses.

<This Article Wholly Amended by Presidential Decree No. 20973,

Aug. 21, 2008>

Addenda *<Presidential Decree No. 20973, Aug. 21, 2008>*

Article 1 (Enforcement Date)

This Act shall take effect on January 1, 2009.

**Article 2 (Application Concerning Submission of Hazard and
Danger Prevention Plans)**

The amended provisions of Article 33-2 shall apply to construction work which is commenced one month after the enforcement date of this Decree to install or move constructed structures, machines, instruments, equipment, etc., related to the business concerned or to make changes to their main part.

[Table 1]

Businesses to which the Act partially applies and relevant provisions
(Relating to Article 2-2 (1))

Business where the Act applies partially	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]

**Machines, instruments, etc., for which protective measures
are needed 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]

**Machines and instruments for which necessary measures
should 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