

# ENFORCEMENT DECREE OF THE OCCUPATIONAL SAFETY AND HEALTH ACT

Wholly Amended by Presidential Decree No. 30256, Dec. 24, 2019

Amended by Presidential Decree No. 30509, Mar. 3, 2020

Presidential Decree No. 30979, Aug. 27, 2020

Presidential Decree No. 31004, Sep. 8, 2020

Presidential Decree No. 31380, Jan. 5, 2021

Presidential Decree No. 31387, Jan. 12, 2021

Presidential Decree No. 31576, Mar. 30, 2021

Presidential Decree No. 32051, Oct. 14, 2021

## CHAPTER I GENERAL PROVISIONS

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

The purpose of this Decree is to prescribe matters delegated by the Occupational Safety and Health Act and matters necessary for enforcing the said Act.

### **Article 2 (Scope of Application)**

(1) The scope of businesses or places of business to which the Occupational Safety and Health Act(hereinafter referred to as the “Act”) does not fully or partially apply pursuant to the proviso of Article 3 of the Act, and the provisions of the Act that do not apply to the relevant businesses or places of business are as listed in attached Table 1.

(2) The classification of the businesses subject to this Decree shall be in accordance with the Korean Standard Industrial Classification Table publicly notified by the Commissioner of Statistics Korea pursuant to the Statistics Act.

### **Article 3 (Preparation of Policies for Preventing Industrial Accidents)**

The Minister of Employment and Labor shall prepare policies relating to researching and disseminating techniques of preventing industrial accidents, and safety and health technology support and education, in order to support and guide the prevention of industrial accidents pursuant to Article 4 (1) 2 of the Act.

#### **Article 4 (Support for Establishing Occupational Safety and Health Management System)**

The Minister of Employment and Labor shall prepare policies relating to each of the following to support business owners in establishing a voluntary management system for occupational safety and health referred to in Article 4 (1) 4 of the Act:

1. Researching and disseminating techniques that businesses can apply to operating a voluntary safety and health management system;
2. Enhancing the level of safety management and health management of businesses.

#### **Article 5 (Preparation of Policies for Raising Occupational Safety and Health Awareness)**

The Minister of Employment and Labor shall prepare policies relating to each of the following to raise awareness of occupational safety and health pursuant to Article 4 (1) 5 of the Act:

1. Promoting occupational safety and health education, and publicity campaign therefor;
2. Promoting the public's sound and voluntary activities related to occupational safety and health;
3. Establishing an occupational safety and health awareness campaign period and implementing the campaign.

#### **Article 6 (Investigation into Industrial Accidents and Preservation and Management of Statistics)**

The Minister of Employment and Labor shall investigate industrial accidents and preserve and manage statistics thereon pursuant to Article 4 (1) 7 of the Act in order to prevent industrial accidents, actively reflecting them in establishing and implementing policies for preventing industrial accidents.

#### **Article 7 (Implementation of Health Promotion Projects)**

The Minister of Employment and Labor shall prepare policies relating to each of the following to efficiently protect and improve the safety and health of persons providing labor pursuant to Article 4 (1) 9 of the Act: *<Amended on Sep. 8, 2020>*

1. Disseminating and popularizing projects for improving the safety and health of persons providing labor;
2. Creating a clean working environment.

#### **Article 8 (Cooperation by Business Owners)**

Business owners (limited to this Article, including persons who receive labor from persons in special types of employment referred to in Article 77 of the Act and persons who broker the collection, delivery, etc. of goods referred to in Article 78 of the Act), employees (limited to this Article, including persons in special types of employment referred to in Article 77 of the Act and persons who collect, deliver, etc. goods referred to in Article 78 of the Act), or other related associations shall cooperate by actively participating in policies, etc. referred to in Articles 3 through 7. *<Amended on Sep. 8, 2020>*

## **Article 9 (Establishment and Operation of Integrated Information System on Industrial Accident Prevention)**

(1) Where the Minister of Employment and Labor establishes and operates an integrated information system on industrial accident prevention under Article 9 (1) of the Act, information prescribed in each of the following shall be processed:

1. Information on businesses or places of business governed by the Industrial Accident Compensation Insurance Act under Article 6 of that Act;
2. Information on the occurrence of industrial accidents;
3. Information on safety and health, such as the findings of safety inspections referred to in Article 93 of the Act and the results of work environment monitoring referred to in Article 125 of the Act;
4. Other information determined and publicly notified by the Minister of Employment and Labor to prevent industrial accidents.

(2) Except as provided in paragraph (1), the research and development and technical support for establishing and operating an integrated information system on industrial accidents, and other necessary details regarding establishing, operating, etc. an integrated information system on industrial accident prevention shall be prescribed by the Minister of Employment and Labor.

## **Article 10 (Places of Business Subject to Publication)**

(1) "Places of Business prescribed by Presidential Decree" in Article 10 (1) of the Act means any of the following places of business:

1. Where the number of fatalities caused by industrial accidents (hereinafter referred to as "accident fatalities") is at least two per year;
2. Where the death rate per 10,000 (referring to the rate of accident fatalities per 10,000 full-time employees per year) is equal to or greater than the average death rate per 10,000 of the places of business of the same category and scale;
3. Where a serious industrial accident referred to in the former part of Article 44 (1) of the Act occurs;
4. Which conceal any industrial accident, in violation of Article 57 (1) of the Act;
5. Which fail to make a report on any industrial accident prescribed in Article 57 (3) of the Act at least twice in the last three years.

(2) In cases of a place of business falling under any of subparagraphs 1 through 3 of paragraph (1) which serves as a place of business of a relevant contractor, if any employee of the relevant contractor suffers an industrial accident because a contractee referred to in Article 63 of the Act violates the duty to take measures for preventing industrial accidents of employees of the relevant contractor, the number of occurrences of industrial accidents referred to in Article 10 (1) of the Act in a place of business of the contractee (including places prescribed in the subparagraphs of Article 11 that are controlled and managed by the contractee, among the places provided or designated by the contractee; hereinafter the same shall

apply) shall also be published.

#### **Article 11 (Places Controlled and Managed by Contractees)**

"Places prescribed by Presidential Decree" in Article 10 (2) of the Act means any of the following:

1. Places where there is a risk of collapse of earth and sand, structures, artificial structures, etc.;
2. Places where a machine or equipment may fall or collapse;
3. Places where safety railings need to be installed;
4. Places where a scaffold or formwork is installed or dismantled;
5. Places where construction lifts are operated;
6. Places where ground is excavated or blasting works are conducted;
7. Places where workers may fall, such as elevator halls;
8. Places where asbestos-attached materials are crushed or dismantled;
9. Places close to public power lines, where there is a risk of electric shock when installing, dismantling, inspecting, repairing, etc. facilities;
10. Places where objects may fall or fly over;
11. Places where work is performed using a press or shear;
12. Places where work is performed using vehicle-type cargo handling machinery or vehicle-type construction machinery;
13. Places where work with a risk of electric shock is performed using electric machines or devices;
14. Places where work with a risk of collision or confinement caused by rolling stock (including urban rolling stock defined in the Urban Railroad Act) defined in subparagraph 4 of Article 3 of the Framework Act on Railroad Industry Development is performed;
15. Other places prescribed by Ordinance of the Ministry of Employment and Labor as places with a high risk of accidents such as fire or explosion.

#### **Article 12 (Places of Business Subject to Integrated Publication)**

"Places of business prescribed by Presidential Decree" in Article 10 (2) of the Act means places of business for performing any of the following businesses where the number of full-time employees used by a contractee is at least 500 and the consolidated death rate per 10,000 (referring to the death rate per 10,000 calculated by excluding accident fatalities dying of diseases) calculated by including the number of the employees of a relevant contractor exceeds the death rate per 10,000 only for the place of business of the contractee:

1. Manufacturing business;
2. Railroad transportation business;
3. Urban railroad transportation business;
4. Electricity business.

## CHAPTER II SAFETY AND HEALTH MANAGEMENT SYSTEM

### **Article 13 (Companies Subject to Reporting to and Approval of Board of Directors)**

(1) “Company prescribed by Presidential Decree” in Article 14 (1) of the Act means any of the following companies:

1. Companies employing at least 500 full-time employees;
2. Construction companies listed in the top 1,000 construction companies as publicly notified based on the appraisal of execution capacity prescribed in Article 23 of the Framework Act on the Construction Industry (limited to the appraisal and public notification of civil engineering and construction businesses referred to in subparagraph 3 of the construction business category performing general construction works referred to in attached Table 1 of the Enforcement Decree of that Act).

(2) A representative director of a company referred to in Article 14 (1) of the Act (in cases of a company that cannot have a representative director pursuant to the latter part of Article 408-2 (1) of the Commercial Act, referring to a representative executive director referred to in Article 408-5 of that Act) shall establish a safety and health plan for the company, covering each of the following matters, in accordance with the company's articles of incorporation:

1. Management policies pertaining to safety and health;
2. Composition, human resources and roles of a safety and health management organization;
3. Current status of safety and health-related budget and facilities;
4. Performance of safety and health activities of the preceding year, and an action plan for the following year.

### **Article 14 (Appointment of Persons in Charge of Safety and Health Management)**

(1) The types of business and the number of full-time employees (referring to the amount of construction works in cases of construction works; hereinafter the same shall apply) at a place of business required to have a person in charge of safety and health management referred to in Article 15 (2) of the Act (hereinafter referred to as “person in charge of safety and health management”) are as specified in attached Table 2.

(2) A business owner shall provide necessary support to a person in charge of safety and health management in terms of authority, facilities, equipment, budget, etc. so that he or she can efficiently conduct the duties prescribed in Article 15 (1) of the Act.

(3) Where a business owner has appointed a person in charge of safety and health management, he or she shall keep documents verifying his or her appointment and details regarding the performance of the duties prescribed in the subparagraphs of Article 15 (1) of the Act.

## **Article 15 (Duties of Supervisors)**

- (1) “Duties prescribed by Presidential Decree” in Article 16 (1) of the Act means the following duties:
1. Inspecting safety and health of the machinery, apparatus or equipment related to such work (hereafter in this Article referred to as “relevant work”) as directed and supervised by a supervisor referred to in Article 16 (1) of the Act (hereinafter referred to as “supervisor”) in the place of business, and confirming as to whether any abnormality exists in such machinery, apparatus or equipment;
  2. Inspecting working clothes, protective devices and safeguard devices of employees who are under the supervision of a supervisor, and instructing and guiding on their wearing and use;
  3. Reporting industrial accidents occurring in the relevant work, and emergency measures taken against them;
  4. Arranging work sites of the relevant work, and confirming and supervising securing of passages to such work sites;
  5. Cooperating on the guidance and advice of the following persons in the relevant place of business:
    - (a) A safety officer referred to in Article 17 (1) of the Act (hereinafter referred to as “safety officer”); or in cases of a place of business which entrusts the business affairs of a safety officer pursuant to Article 17 (4) of the Act to a specialized safety management institution referred to in that paragraph (hereinafter referred to as “specialized safety management institution”), referring to the person in charge of the relevant place of business of such specialized safety management institution;
    - (b) A health officer referred to in Article 18 (1) of the Act (hereinafter referred to as “health officer”); or in cases of a place of business which entrusts the business affairs of a health officer pursuant to Article 18 (4) of the Act to a specialized health management institution referred to in that paragraph (hereinafter referred to as “specialized health management institution”), referring to the person in charge of the relevant place of business of such specialized health management institution;
    - (c) A safety and health manager referred to in Article 19 (1) of the Act (hereinafter referred to as “safety and health manager”); or in cases of a place of business which entrusts the business affairs of a safety and health manager to a specialized safety management institution or specialized health management institution pursuant to Article 19 (4) of the Act, referring to the person in charge of the relevant place of business of such specialized safety management institution or specialized health management institution;
    - (d) Occupational medicine doctor referred to in Article 22 (1) of the Act (hereinafter referred to as “occupational medicine doctor”);
  6. Each of the following duties related to risk assessment conducted under Article 36 of the Act:
    - (a) Participation in identifying harmful and dangerous factors;
    - (b) Participation in implementing improvement measures;
  7. Other duties concerning the safety and health of the relevant work prescribed by Ordinance of the Ministry of Employment and Labor.

(2) Article 14 (2) shall apply mutatis mutandis to the support for supervisors. In such cases, “person in charge of safety and health management” shall be construed as “supervisor”, and “Article 15 (1) of the Act” as “paragraph (1)”.

#### **Article 16 (Appointment of Safety Officers)**

(1) The types of business and the number of full-time employees at a place of business required to have a safety officer under Article 17 (1) of the Act, the number of safety officers, and the method of appointing safety officers are as specified in attached Table 3.

(2) From among businesses falling under paragraph (1), a place of business with at least 300 full-time employees [*in cases of construction business, referring to a place of business with the amount of construction works of at least 12 billion won (15 billion won in cases of civil engineering works referred to in subparagraph 1 of the construction business category executing general construction works prescribed in attached Table 1 of the Enforcement Decree of the Framework Act on the Construction Industry)*] shall appoint a safety officer exclusively in charge of the duties stipulated in the subparagraphs of Article 18 (1) of the Act.

(3) In applying paragraphs (1) and (2) to businesses referred to in Article 52, the amount of the contracted construction works which is conducted at the place of business of a contractee or the full-time employees of a relevant contractor shall be deemed the amount of construction works or the full-time employees of the relevant business: Provided, That this shall not apply to the amount of contracted construction works or the full-time employees of a relevant contractor falling under the criteria prescribed in attached Table 3.

(4) Notwithstanding paragraph (1), where at least two places of business run by the same business owner fall under any of the following cases, one joint safety officer may be assigned to the said places of business. In such cases, the total number of full-time employees at the relevant places of business shall not exceed 300 [*in cases of construction business, the total amount of construction works shall be up to 12 billion won (15 billion won in cases of civil engineering works referred to in subparagraph 1 of the construction business category executing general construction works prescribed in attached Table 1 of the Enforcement Decree of the Framework Act on the Construction Industry)*]:

1. Where such places of business are located in the same Si/Gun/Gu (referring to an autonomous Gu);
2. Where such places of business are located within 15 kilometers from the boundary of each place of business.

(5) Notwithstanding paragraphs (1) through (3), where a contractee appoints a safety officer in exclusive charge of safety management for employees of a relevant contractor performing contracted works in a business place of the contractee, as prescribed by Ordinance of the Ministry of Employment and Labor, the relevant contractor of the contracted works may not appoint a safety officer for the relevant contracted works.

(6) Where any business owner appoints a safety officer or entrusts the business affairs of a safety officer to a specialized safety management institution under Article 17 (4) of the Act, he or she shall submit a document attesting such appointment or entrustment to the Minister of Employment and Labor, as

prescribed by Ordinance of the Ministry of Employment and Labor, within 14 days from the date of such appointment or entrustment. The same shall also apply where a safety officer is additionally appointed or replaced pursuant to Article 17 (3) of the Act.

#### **Article 17 (Qualifications for Safety Officers)**

The qualifications for safety officers are as specified in attached Table 4.

#### **Article 18 (Duties of Safety Officers)**

(1) Each safety officer shall perform the following duties:

1. Duties that an occupational safety and health committee established under Article 24 (1) of the Act (hereinafter referred to as “occupational safety and health committee”) or a labor-management council on safety and health established under Article 75 (1) of the Act (hereinafter referred to as “labor-management council”) has deliberated on and determined, and duties prescribed by the safety and health management regulations of the relevant place of work referred to in Article 25 (1) of the Act (hereinafter referred to as "safety and health management regulations") and rules of employment;
  2. Assisting, guiding and advising on risk assessment prescribed in Article 36 of the Act;
  3. Assisting, guiding and advising on selecting appropriate products in purchasing machinery, etc. subject to safety certification prescribed in Article 84 (1) of the Act (hereinafter referred to as "machinery, etc. subject to safety certification") and machinery, etc. subject to voluntary safety verification prescribed in the main clause, with the exception of the subparagraphs, of Article 89 (1) of the Act (hereinafter referred to as "machinery, etc. subject to voluntary safety verification");
  4. Assisting, guiding and advising on formulating a safety education plan for the relevant place of business, and conducting safety education;
  5. Routinely inspecting and guiding the relevant place of business, and presenting opinions on the measures to be taken;
  6. Investigating and analyzing the causes of industrial accidents, and technically assisting, guiding and advising on preventing their recurrence;
  7. Assisting, guiding and advising on maintaining, managing and analyzing statistics on industrial accidents;
  8. Assisting, guiding and advising on implementing safety-related matters prescribed by the Act or an order issued under the Act;
  9. Preparing and preserving a record on performance of duties;
  10. Other matters prescribed by the Minister of Employment and Labor for safety.
- (2) In stationing a safety officer, a business owner shall consider the form of the work in the relevant place of business, such as overtime, night and holiday work.
- (3) In order to perform safety management duties efficiently, a business owner may seek evaluation and instruction from external experts.



(4) A safety officer shall cooperate with health officers in performing any duty provided for in paragraph (1).

(5) Article 14 (2) shall apply mutatis mutandis to the support for safety officers. In such cases, “person in charge of safety and health management” shall be construed as “safety officer”, and “Article 15 (1) of the Act” as “paragraph (1)”.

#### **Article 19 (Entrustment of Duties of Safety Officers)**

(1) “Place of business corresponding to the types of business and the number of full-time employees at a place of business prescribed by Presidential Decree” in Article 17 (4) of the Act means places of businesses, except for construction business, with less than 300 full-time employees.

(2) Where any business owner entrusts the duties of a safety officer to a specialized safety management institution under Article 17 (4) of the Act and paragraph (1) of this Article, such specialized safety management institution shall be deemed a safety officer.

#### **Article 20 (Appointment of Health Officers)**

(1) The types of business and the number of full-time employees at a place of business required to have a health officer under Article 18 (1) of the Act, the number of health officers, and the method of appointing health officers are as specified in attached Table 5.

(2) A health officer of a business and a place of business prescribed in paragraph (1) shall take exclusive charge of only the duties prescribed in Article 22 (1) of the Act at the relevant place of business: Provided, That a health officer at a place of business with less than 300 full-time employees may concurrently engage in other business affairs to the extent not interfering with the duties prescribed in the subparagraphs of Article 22 (1).

(3) Article 16 (3) through (6) shall apply mutatis mutandis to appointing, etc. health officers. In such cases, “attached Table 3” shall be construed as “attached Table 5,” “safety officer” as “health officer,” “safety management” as “health management,” “Article 17 (4) of the Act” as “Article 18 (4) of the Act,” and “specialized safety management institution” as “specialized health management institution,” respectively.

#### **Article 21 (Qualifications for Health Officers)**

The qualifications for health officers are as specified in attached Table 6.

#### **Article 22 (Duties of Health Officers)**

(1) Each health officer shall perform each of the following duties:

1. Duties that an occupational safety and health committee or a labor-management council has deliberated on and determined, and duties prescribed in health and safety management regulations and rules of employment;

2. Assisting, guiding and advising on selecting appropriate products in purchasing protectors related to health, among the machinery, etc. subject to safety certification or the machinery, etc. subject to voluntary safety verification;
  3. Assisting, guiding and advising on risk assessment prescribed in Article 36 of the Act;
  4. Assisting, guiding and advising on posting or keeping material safety data sheets prepared pursuant to Article 110 of the Act;
  5. Duties of occupational medicine doctors prescribed in Article 31 (1) (limited to where a health officer falls under subparagraph 2 of attached Table 6);
  6. Assisting, guiding and advising on formulating health education plans for the relevant place of business and conducting health education;
  7. Any of the following medical practices to protect employees at the relevant place of business (limited to cases where a health officer falls under subparagraph 2 or 3 of attached Table 6):
    - (a) Treatment of frequently occurring minor injuries;
    - (b) Emergency treatment, where necessary;
    - (c) Treatment to prevent injuries or diseases from worsening;
    - (d) Recuperation guidance and management for those found to have health trouble after a health examination;
    - (e) Administration of medicines required in performing the medical practices prescribed in items (a) through (d);
  8. Assisting, guiding and advising on inspecting facilities, such as general ventilators and local air exhausters, used inside the place of business, and the technical improvement of working methods;
  9. Routinely inspecting and guiding the relevant place of business, and presenting opinions on the measures to be taken;
  10. Investigating and analyzing the causes of industrial accidents, and technically assisting, guiding and advising on preventing their recurrence;
  11. Assisting, guiding and advising on maintaining, managing and analyzing statistics on industrial accidents;
  12. Assisting, guiding and advising on implementing such affairs concerning health as determined by the Act, or by any order issued under the Act;
  13. Preparing and preserving a record on performance of duties;
  14. Other matters prescribed by the Minister of Employment and Labor concerning managing operations and working environments related to health.
- (2) Each health officer shall cooperate with safety officers in performing any duty provided for in the subparagraphs of paragraph (1).
- (3) A business owner shall provide support to health officers in terms of authority, facilities, equipment, budget, etc. so that health officers can efficiently perform the duties prescribed in paragraph (1). In such cases, if a health officer falls under subparagraph 2 or 3 of attached Table 6, a business owner shall

provide facilities and equipment determined by Ordinance of the Ministry of Employment and Labor.

(4) Articles 18 (2) and (3) shall apply mutatis mutandis to the placement and evaluation of, and guidance to health officers. In such cases, “safety officer” shall be construed as “health officer,” and “safety management” as “health management”.

### **Article 23 (Entrustment of Duties of Health Officers)**

(1) Specialized health management institutions entitled to be entrusted with the business affairs of health officers under Article 18 (4) of the Act may be categorized into specialized health management institutions by region and specialized health management institutions by industry or by harmful factor.

(2) “Places of business corresponding to the types of business and the number of full-time employees at a place of business prescribed by Presidential Decree” in Article 18 (4) of the Act means any of the following:

1. A place of business (in cases of specialized health management institutions by industry or by harmful factor, referring to businesses prescribed by Ordinance of the Ministry of Employment and Labor), other than construction business, with less than 300 full-time employees;
2. A business located in a remote area determined by the Minister of Employment and Labor.

(3) Articles 19 (2) shall apply mutatis mutandis to the entrustment of the duties of health officers. In such cases, “Article 17 (4) of the Act and paragraph (1) of this Article” shall be construed as “Article 18 (4) of the Act and paragraph (2) of this Article,” “safety officer” as “health officer,” and “specialized safety management institutions” as “specialized health management institutions”.

### **Article 24 (Appointment of Safety and Health Managers)**

(1) Pursuant to Article 19 (1) of the Act, a business owner whose business falls under any of the following subparagraphs shall appoint at least one safety and health manager for a place of business with at least 20 but less than 50 full-time employees:

1. Manufacturing business;
2. Forestry;
3. Business of sewage, waste water and excreta disposal;
4. Business of waste collection, transportation, and disposal, and raw material recycling;
5. Business of environment purification and restoration.

(2) A safety and health manager shall be an employee belonging to the relevant place of business and shall meet any of the following requirements:

1. To be qualified as a safety officer under Article 17;
2. To be qualified as a health officer under Article 21;
3. To complete education on safety and health determined and publicly notified by the Minister of Employment and Labor.

(3) A safety and health manager may concurrently perform other duties to the extent not hindering his or her performing the duties prescribed in each subparagraph of Article 25.

(4) Where a business owner appoints a safety and health manager pursuant to paragraph (1), he or she shall keep documents verifying such appointment and the performance by such person of the duties prescribed in each subparagraph of Article 25.

#### **Article 25 (Duties of Safety and Health Managers)**

The duties of a safety and health manager are as follows: *<Amended on Sep. 8, 2020>*

1. Assisting, guiding and advising on providing education on safety and health under Article 29 of the Act;
2. Assisting, guiding and advising on risk assessment prescribed in Article 36 of the Act;
3. Assisting, guiding and advising on work environment monitoring prescribed in Article 125 of the Act, and improving working environment;
4. Assisting, guiding and advising on health examinations of various types prescribed in Articles 129 through 131 of the Act;
5. Assisting, guiding and advising on investigating the causes of industrial accidents, and preparing and keeping statistics on industrial accidents;
6. Assisting, guiding and advising on selecting appropriate products when purchasing safety devices and protective devices related to occupational safety and health.

#### **Article 26 (Entrustment of Duties of Safety and Health Managers)**

(1) “Places of business corresponding to the types of business and the number of full-time employees at a place of business prescribed by Presidential Decree” in Article 19 (4) of the Act means a place of business required to appoint a safety and health manager pursuant to Article 24 (1) of the Act.

(2) Articles 19 (2) shall apply mutatis mutandis to the entrustment of the duties of safety and health managers. In such cases, “Article 17 (4) of the Act and paragraph (1) of this Article” shall be construed as “Article 19 (4) of the Act and paragraph (1) of this Article,” “safety officer” as “safety and health manager,” and “specialized safety management institutions” as “specialized safety management institutions or specialized health management institutions”.

#### **Article 27 (Requirements for Designation of Specialized Safety Management Institutions)**

(1) A person who may be designated as a specialized safety management institution pursuant to Article 21 (1) of the Act shall be any of the following persons meeting the requirements for human resources, facilities, and equipment prescribed in attached Table 7:

1. An occupational safety instructor registered pursuant to Article 145 (1) of the Act (excluding an occupational safety instructor for construction safety);

2. A corporation that intends to provide safety management services.

(2) A person who may be designated as a specialized health management institution pursuant to Article 21 (1) of the Act shall be any of the following persons meeting the requirements for human resources, facilities, and equipment prescribed in attached Table 8:

1. An occupational health instructor registered pursuant to Article 145 (1) of the Act;
2. An institution affiliated with the State or a local government;
3. A general hospital or hospital prescribed in the Medical Service Act;
4. A university or college, or its affiliated institutions referred to in subparagraphs 1 through 6 of Article 2 of the Higher Education Act;
5. A corporation that intends to provide health management services.

#### **Article 28 (Grounds for Revocation of Designation of Specialized Safety Management Institutions)**

“Where any other ground prescribed by Presidential Decree exists” in Article 21 (4) 5 of the Act means any of the following cases:

1. Where falsely preparing documents related to safety management or health management services;
2. Where refusing to be entrusted with safety management or health management services without good cause;
3. Where sabotaging or neglecting the entrusted safety management or health management services;
4. Where receiving entrustment fees without providing safety management or health management services;
5. Where failing to preserve documents kept in relation to safety management or health management services;
6. Where receiving money or goods in addition to payments for safety management or health management services;
7. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

#### **Article 29 (Appointment of Occupational Medicine Doctors)**

(1) The types of business and places of business required to have an occupational medicine doctor under Article 22 (1) of the Act shall be those required to have a health officer under Article 20 and attached Table 5 that have at least 50 full-time employees: Provided, That this shall not apply to any of the following cases:

1. Where a medical doctor is appointed as a health officer;
2. Where the duties of a health officer are entrusted to a specialized health management institution pursuant to Article 18 (4) of the Act.

(2) An occupational medicine doctor may be commissioned from among outside experts.

(3) Where a business owner appoints or commissions an occupational medicine doctor pursuant to paragraph (1) or (2), the business owner shall submit to the Minister of Employment and Labor documents attesting such fact within 14 days after the date of appointment or commission, as prescribed by Ordinance of the Ministry of Employment and Labor.

(4) The number of places of business and the number of employees to be managed by an occupational medicine doctor commissioned pursuant to paragraph (2), and other necessary details shall be prescribed by the Minister of Employment and Labor.

### **Article 30 (Qualifications for Occupational Medicine Doctors)**

In order to be qualified as an occupational medicine doctor, a person shall be a medical doctor defined in the Medical Service Act, who shall be a specialist either in working environments or in preventive medicine or who shall have much knowledge and experience in occupational health.

### **Article 31 (Duties of Occupational Medicine Doctors)**

(1) An occupational medicine doctor shall perform each of the following duties:

1. Reviewing the results of health examinations prescribed in Article 134 of the Act, and taking appropriate measures for employees' health based on the results, including work arrangements, work transfer, and reduction of working hours;
2. Investigating the causes of employees' health problems and providing medical care to prevent recurrence;
3. Other matters concerning medical care necessary for maintaining and promoting employees' health as determined by the Minister of Employment and Labor.

(2) Article 14 (2) shall apply mutatis mutandis to support for occupational medicine doctors. In such cases, "person in charge of safety and health management" shall be construed as "occupational medicine doctor," and "Article 15 (1) of the Act" as "paragraph (1)".

### **Article 32 (Commissioning Honorary Occupational Safety Inspectors)**

(1) The Minister of Employment and Labor may commission honorary occupational safety inspectors referred to in Article 23 (1) of the Act (hereinafter referred to as "honorary occupational safety inspector") among the following persons:

1. Persons recommended by the representative of employees (if an affiliated labor association of a unit trade union is organized at a place of business by a majority of the employees of the place of business, referring to the representative of such affiliated labor association, whether it is called branch, chapter, or otherwise; hereinafter the same shall apply), upon considering a business owner's opinion, from among the employees of a business required to organize an industrial safety and health committee or the employees of construction works required to organize and operate a labor-management council;

2. Persons recommended by a labor union, which is an associated organization, or a regional representative body as referred to in Article 10 of the Trade Union and Labor Relations Adjustment Act, from among the executives and employees of the labor union or the regional representative body;
3. Persons recommended by a nationwide organization of employers or its affiliated organization, from among the executives and employees of such organization or affiliated organization;
4. Persons recommended by an organization engaged in business affairs related to industrial accident prevention or its affiliated organization, from among the executives and employees of such organization or affiliated organization.

(2) The services of honorary occupational safety inspectors are as follows. In such cases, the scope of services of honorary occupational safety inspectors commissioned pursuant to paragraph (1) 1 shall be limited to the services (excluding cases prescribed in subparagraph 8) in the relevant place of business, and that of services of honorary occupational safety inspectors commissioned pursuant to paragraph (1) 2 through 4 shall be limited to the services listed in subparagraphs 8 through 10:

1. Participating in a self-inspection conducted in a place of business and participating in the supervision of a place of business conducted by a labor inspector referred to in Article 101 of the Labor Standards Act (hereinafter referred to as "labor inspector");
2. Participating in the formulation of an industrial accident prevention plan for a place of business and being present at the self-inspection of machinery and apparatus conducted in a place of business;
3. Requesting improvement measures to a business owner and report to the supervisory organ in cases of a violation of statutes or regulations;
4. Requesting a business owner to suspend working when an industrial accident seems imminent;
5. Being present during work environment monitoring and health examinations of employees, and attending the meetings for explaining the results;
6. Requesting a business owner to conduct a provisional health examination if there are multiple employees showing symptoms of occupational diseases or having fallen ill;
7. Guiding employees on observing safety rules;
8. Recommending the improvement of statutes and regulations and industrial accident prevention policies;
9. Participating in and supporting activities for raising awareness of safety and health, etc.;
10. Other services determined by the Minister of Employment and Labor in connection with industrial accident prevention services, such as publicity campaigns on industrial accident prevention.

(3) The term of office of an honorary occupational safety inspector shall be two years, and he or she may be reappointed.

(4) The Minister of Employment and Labor may pay allowances, etc., to honorary occupational safety inspectors to assist their activities.

(5) Except as provided in paragraphs (1) through (4), necessary matters for the commission, management, etc., of honorary occupational safety inspectors shall be prescribed by the Minister of Employment and

Labor.

### **Article 33 (Decommissioning Honorary Occupational Safety Inspectors)**

The Minister of Employment and Labor may decommission an honorary occupational safety inspector in any of the following cases:

1. Where the representative of employees requests that an honorary occupational safety inspector commissioned pursuant to Article 32 (1) 1 be decommissioned, following a business owner's opinions;
2. Where any honorary occupational safety inspector commissioned pursuant to Article 32 (1) 2 through 4 retires or is decommissioned from the relevant organization or its affiliated organization;
3. Where any honorary occupational safety inspector engages in an unjust act in connection with his or her duties;
4. Where it has become impractical for any honorary occupational safety inspector to discharge his or her duties due to a disease or injury.

### **Article 34 (Those Obligated to Establish Occupational Safety and Health Committee)**

The types of business and the number of full-time employees at a place of business required to establish an occupational safety and health committee pursuant to Article 24 (1) of the Act are as listed in attached Table 9.

### **Article 35 (Composition of Occupational Safety and Health Committee)**

(1) The members representing employees of each occupational safety and health committee are as follows:

1. The representative of employees;
2. At least one honorary occupational safety inspector designated by the employees' representative of a place of business where honorary occupational safety supervisors are commissioned;
3. Up to nine employees of a place of business appointed by the employees' representative (where any employee is designated as a member under subparagraph 2, the number gained by subtracting the number of such members from nine).

(2) The members representing employers of an occupational safety and health committee are as follows: Provided, That in a place of business whose full-time employees is at least 50 but less than 100, an occupational safety and health committee may be organized, with those falling under subparagraph 5 excluded:

1. The representative of the relevant business (if the same business has a place of business located in a different area, referring to a person in charge of safety and health management of the place of business; hereinafter the same shall apply);
2. One safety officer (limited to a place of business required to appoint a safety officer pursuant to Article 16 (1); in cases of a place of business that entrusts a specialized safety management institution with the duties of a safety officer, referring to a person in charge of that place of business in the said



specialized safety management institution);

3. One health officer (limited to a place of business required to appoint a health officer pursuant to Article 20 (1); in cases of a place of business that entrusts a specialized health management institution with the duties of a health officer, referring to a person in charge of that place of business in the said specialized health management institution);

4. An occupational medicine doctor (limited to where the relevant place of business has appointed an occupational medicine doctor);

5. Up to nine heads of departments in the relevant place of business, designated by the representative of the relevant business.

(3) Notwithstanding paragraphs (1) and (2), where a contractee for construction works referred to in Article 69 (1) of the Act (hereinafter referred to as “contractee for construction works”) establishes a council on safety and health pursuant to Article 64 (1) 1 of the Act, an occupational safety and health committee may be organized to include the following persons as its member:

1. Members representing employees: The employees’ representative for all projects including contracted and subcontracted works, an honorary occupational safety inspector, and an employee of the relevant place of business who is designated by the employees’ representative;

2. Members representing employers: The representative of a contractee, the representative of each relevant contractor, and a safety officer.

#### **Article 36 (Chairperson of Occupational Safety and Health Committee)**

The chairperson of an occupational safety and health committee shall be elected from among committee members. In such cases, two co-chairpersons may be elected each from among the members representing employees and the members representing employers.

#### **Article 37 (Meetings of Occupational Safety and Health Committees)**

(1) Meetings of an occupational safety and health committee shall be classified into regular meetings and special meetings pursuant to Article 24 (3) of the Act; and a regular meeting shall be convened by the chairperson of an occupational safety and health committee on a quarterly basis, while a special meeting shall be convened by the chairperson whenever deemed necessary.

(2) A majority of the members representing employees and the members representing employers, respectively, shall constitute a quorum, and any decision thereof shall require the concurring vote of at least a majority of those present.

(3) Where the representative of employees, an honorary occupational safety inspector, the representative of a relevant business, a safety officer or a health officer is unable to attend a meeting, he or she may designate one person from among those engaged in the relevant business to act for him or her.

(4) An occupational safety and health committee shall prepare and keep minutes containing the following matters:

1. The date, time and venue of session;
2. The number of members present;
3. Details of deliberation, resolutions and decisions;
4. Other matters discussed.

#### **Article 38 (Handling of Undecided Matters)**

(1) In any of the following cases, an occupational safety and health committee shall resolve undecided matters by establishing an arbitration body under the occupational safety and health committee by mutual agreement between the members representing employees and members representing employers or have them arbitrated by a third party:

1. Where the occupational safety and health committee fails to determine any matter referred to in the subparagraphs of Article 24 (2) of the Act;
2. Where disagreement arises about the interpretation, implementing methods, etc. of matters decided by the occupational safety and health committee.

(2) Where any arbitral award under paragraph (1) is issued, it shall be deemed determined by the occupational safety and health committee, and the business owner and employees shall abide thereby.

#### **Article 39 (Publicity of Results of Meetings)**

The chairperson of an occupational safety and health committee shall promptly make the results of meetings and the details of arbitral awards, such as the details deliberated on and decided by the occupational safety and health committee, available to the employees through internal company broadcasts, employment magazines, notices or its own regular morning meetings and by other appropriate methods.

### **CHAPTER III SAFETY AND HEALTH EDUCATION**

#### **Article 40 (Registration of Safety and Health Educational Institutions and Revocation Thereof)**

(1) An entity who intends to be registered as a safety and health educational institution for safety and health education prescribed in Article 29 (1) through (3) of the Act (hereinafter referred to as “employee safety and health educational institution”) pursuant to the former part of Article 33 (1) of the Act shall be a juristic person or, a school defined in Article 2 of the Higher Education Act in which a department related to occupational safety and health is established, and shall meet the standards for human resources, facilities and equipment specified in attached Table 10.

(2) An entity who intends to be registered as a safety and health educational institution for safety and health education referred to in the main clause of Article 31 (1) of the Act pursuant to the former part of Article 33 (1) of the Act shall be a juristic person or, a school defined in Article 2 of the Higher Education Act in which a department related to occupational safety and health is established, and shall meet

standards for human resources, facilities and equipment specified in attached Table 11.

(3) Each of the following entities shall be eligible to be registered as a safety and health educational institution for safety and health education referred to in the main clause, with the exception of the subparagraphs, of Article 32 (1) of the Act (hereinafter referred to as “safety and health educational institution”) pursuant to the former part of Article 33 (1) of the Act:

1. The Korea Occupational Safety and Health Agency established under the Korea Occupational Safety and Health Agency Act (hereinafter referred to as the “Agency”);

2. Any of the following entities that meet the standards for human resources, facilities and equipment specified in attached Table 12:

- (a) A school defined in Article 2 of the Higher Education Act in which a department related to occupational safety and health is established;

- (b) A non-profit corporation.

- (4) “Important registered matters prescribed by Presidential Decree” in the latter part of Article 33 (1) of the Act means each of the following matters:

1. The name of an educational institution (business name);

2. The location of an educational institution;

3. The name of a representative.

- (5) “Any other ground prescribed by Presidential Decree” in Article 21 (4) 5 of the Act which, pursuant to Article 33 (4) of the Act, shall apply mutatis mutandis to safety and health educational institutions referred to in paragraphs (1) through (3) means any of the following:

1. Falsely preparing a document related to the education;

2. Refusing to provide the education without good cause;

3. Receiving fees without providing the education;

4. Failing to follow the curriculum or method of the education prescribed in Article 29 (1) through (3) of the Act; the main clause of Article 31 (1); or the main clause, with the exception of the subparagraphs, of Article 32 (1).

## CHAPTER IV MEASURES FOR PREVENTING HARM AND DANGER

### **Article 41 (Measures concerning Occurrence of Health Problems Due to Verbal Abuse of Third Party)**

“Necessary measures prescribed by Presidential Decree, such as temporarily suspending his or her duties or transferring him or her to another position” in Article 41 (2) of the Act means any of the following measures: <Amended on Oct. 14, 2021>

1. Temporary suspension or change of duties;

2. Extension of recess hours prescribed in Article 54 (1) of the Labor Standards Act;

3. Assistance in medical treatment or counseling related to health problems resulting from verbal abuse, etc. prescribed in Article 41 (2) of the Act;
4. Assistance in filing a criminal complaint, a criminal charge, or a claim for damages due to verbal abuse, etc. prescribed in Article 41 (2) of the Act, such as submitting evidence or evidentiary materials to the relevant investigation agency or court.

#### **Article 42 (Businesses Subject to Submission of Hazard Prevention Plans)**

(1) "Business of a type and scale prescribed by Presidential Decree" in Article 42 (1) 1 of the Act means any of the following businesses whose agreed electric capacity is not less than 300 kilowatts:

1. Manufacturing fabricated metal products (excluding machinery and furniture);
2. Manufacturing non-metallic mineral products;
3. Manufacturing other machinery or equipment;
4. Manufacturing motor vehicles and trailers;
5. Manufacturing food products;
6. Manufacturing rubber or plastic products;
7. Manufacturing wood and products of wood and cork;
8. Manufacturing other products;
9. Manufacturing basic metal products;
10. Manufacturing furniture;
11. Manufacturing chemical substances and chemical products;
12. Manufacturing semiconductors;
13. Manufacturing electronic components.

(2) "Machines, apparatus or equipment prescribed by Presidential Decree" in Article 42 (1) 2 of the Act means any of the following machines, apparatus or equipment. In such cases, the specific scope of machines, apparatus or equipment prescribed in the following shall be determined and publicly notified by the Minister of Employment and Labor:

1. Metal or other mineral melting furnace;
2. Chemical equipment;
3. Drying equipment;
4. Gas gathering welding equipment;
5. Facilities related to substances prohibited from manufacturing referred to in Article 117 (1) of the Act or substances subject to permission referred to in Article 118 (1) of the Act;
6. Equipment related to dust work.

(3) "Construction works of the scale, height, etc. prescribed by Presidential Decree" in Article 42 (1) 3 of the Act means any of the following works:

1. Construction, remodeling or dismantling (hereinafter referred to as "construction, etc.") of any of the following buildings or facilities:

- (a) Buildings or artificial structures with a height of at least 31 meters;
- (b) Buildings with a total floor area of at least 30,000 square meters;
- (c) Any of the following facilities with a total floor area of at least 5,000 square meters:
  - 2. Facility construction and insulation work for refrigeration and cold storage warehouse facilities with a total floor area of at least 5,000 square meters;
  - 3. Construction, etc. of bridges with a maximum span length (the distance between the column of a bridge and the center of the column) of at least 50 meters;
  - 4. Construction, etc. of tunnels;
  - 5. Construction, etc. of multi-purpose dams, power generation dams, water reservoir dams with a storage capacity of at least 20 million tons, and local water supply dams;
  - 6. Excavation works for a depth of at least 10 meters.

#### **Article 43 (Facilities Subject to Submission of Process Safety Reports)**

(1) "A harmful or dangerous facility specified by Presidential Decree" in the former part of Article 44 (1) of the Act means facilities possessed by a place of business if the place of business is for any of the following businesses, while it means any facility for manufacturing, handling, and storing one or more harmful or dangerous substances listed on attached Table 13 in the quantity not less than the quantity specified in the aforesaid Table or any facility related to the operation of the aforesaid facility if the place of business is for any business other than those specified in the following subparagraphs:

- 1. The petroleum refining business;
  - 2. The business of reprocessing other fractionated petroleum;
  - 3. The business of manufacturing basic organic petrochemicals or the business of manufacturing synthetic resin and other plastic materials: Provided, That the business of manufacturing synthetic resin and other plastic materials is limited to where it falls under subparagraph 1 or 2 of attached Table 13;
  - 4. The business of manufacturing nitrogenous chemical fertilizers, among businesses of manufacturing nitrogen compounds, and nitrogenous, phosphatic and potassic chemical fertilizers;
  - 5. The business of manufacturing compound fertilizers (excluding cases by simple mixing or blending) among businesses of manufacturing compound fertilizers and other chemical fertilizers;
  - 6. The business of manufacturing chemical fungi-insecticides, and agricultural chemical products (limited to manufacture of raw materials of agricultural chemical products);
  - 7. The business of manufacturing explosives and pyrotechnic products.
- (2) Notwithstanding paragraph (1), none of the following facilities shall be deemed a harmful or dangerous facility:
- 1. Atomic energy equipment;
  - 2. Military installations;
  - 3. Facilities for storing and using heating fuel that a business owner intends to use in the place of his or her business;

4. Wholesale and retail facilities;
  5. Transportation equipment, such as vehicles;
  6. Charging and storage facilities for liquefied petroleum gas prescribed in the Safety Control and Business of Liquefied Petroleum Gas Act;
  7. Gas supply facilities prescribed in the Urban Gas Business Act;
  8. Other equipment publicly notified by the Minister of Employment and Labor where the degree of damage due to leaking, fire, exploding, etc. is not deemed serious.
- (3) "Any other accident specified by Presidential Decree" in the former part of Article 44 (1) of the Act means any of the following:

1. A leakage, fire, or explosion that occurs in a facility prescribed in paragraph (1) (excluding facilities prescribed in paragraph (2); hereafter in subparagraph 2 the same shall apply) with a risk of killing or injuring employees;
2. A leakage, fire, or explosion that occurs in a facility prescribed in paragraph (1) with a risk of inflicting bodily injuries upon residents in the neighborhood.

#### **Article 44 (Contents of Process Safety Reports)**

Any process safety report referred to in the former part of Article 44 (1) of the Act shall include the following matters:

1. Process safety information;
  2. Process safety evaluation report;
  3. Safety operation plan;
  4. Emergency control plan;
  5. Other matters deemed necessary and publicly notified by the Minister of Employment and Labor regarding process safety.
- (2) Necessary details under paragraphs (1) 1 through 4 shall be determined by Ordinance of the Ministry of Employment and Labor.

#### **Article 45 (Submission of Process Safety Reports)**

(1) Where a business owner establishes (including cases where the manufactured, handled, or stored substances of an existing facility change or the manufactured, handled, or stored quantity increases to a level corresponding to the prescribed quantity of harmful or dangerous substances specified in attached Table 13) or moves a harmful and dangerous facility referred to in Article 43 or alters its major structural part determined by the Minister of Employment and Labor, he or she shall prepare a process-safety report referred to in the former part of Article 44 (1) of the Act and submit it to the Minister of Employment and Labor, as determined by Ordinance of the Ministry of Employment and Labor. In such cases, if the content of a chemical accident prevention management plan referred to in Article 23 of the Chemical Substances Control Act to be submitted by a business owner to the Minister of Environment pursuant to that Act

amounts to the subject matters to be included in a process safety report referred to in Article 44, a copy of the chemical accident prevention management plan referred to in Article 23 of that Act may be provided in lieu of such matters. <Amended on Sep. 8, 2020>

(2) Notwithstanding the former part of paragraph (1), where a process safety report to be submitted by a business owner relates to the unit process equipment which uses high pressure gas referred to in Article 2 of the High-Pressure Gas Safety Control Act, and the relevant business owner prepares safety control regulations under Article 11 of that Act and a safety improvement plan under Article 13-2 of that Act and submits them to the permission-granting agency accompanied by a written opinion jointly reviewed and prepared by the Agency and the Korea Gas Safety Corporation referred to in Article 28 of that Act, such business owner shall be deemed to have submitted a process-safety report on the unit process equipment.

#### **Article 46 (Types and Details of Safety and Health Checkups)**

(1) The types and details of a safety and health checkup referred to in Article 47 (1) of the Act (hereinafter referred to as “safety and health checkup”) are as specified in attached Table 14.

(2) Where the Minister of Employment and Labor orders a safety and health checkup under Article 47 (1) of the Act, he or she may order a place of business to undergo a checkup in the limited fields of machinery, chemical engineering, electricity, construction, etc.

(3) Any report on the findings of a safety and health checkup shall include the causes of accidents or industrial accidents, and evaluations of working conditions and work methods.

#### **Article 47 (Requirements for Designation of Safety and Health Checkup Institutions)**

A person who intends to be designated as a safety and health checkup institution referred to in Article 48 (1) of the Act shall be a juristic person and meet the requirements for the respective types of safety and health checkups specified Article 46 (1) and attached Table 14: a general checkup institution, a safety checkup institution, and a health checkup institution shall meet the requirements for human resources, facilities, equipment, etc., respectively prescribed in attached Table 15, attached Table 16, and attached Table 17.

#### **Article 48 (Grounds for Revocation of Designation of Safety and Health Checkup Institutions)**

“Where any other ground prescribed by Presidential Decree exists” in Article 21 (4) 5 of the Act, which is applied mutatis mutandis under Article 48 (4) of the Act, means the following cases:

1. Where falsely preparing documents related to a safety and health checkup;
2. Where refusing to be entrusted with safety and health checkup services without good cause;
3. Where having any person failing to meet the human resources requirements referred to in Article 47 perform safety and health checkup services;
4. Where receiving entrustment fees without providing safety and health checkup services;

5. Where failing to preserve documents kept in relation to safety and health checkup services;
6. Where receiving money or goods in addition to payments for safety and health checkup services;
7. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

#### **Article 49 (Places of Business Required to Formulate Safety and Health Improvement Plans after Safety and Health Checkups)**

“Places of business prescribed by Presidential Decree” in the latter part, with the exception of the subparagraphs, of Article 49 (1) of the Act means the following places of business:

1. A place of business with an industrial accident rate at least twice as high as the average industrial accident rate for the same category of business;
2. A place of business falling under Article 49 (1) 2 of the Act;
3. A place of business where at least two employees develop an occupational disease a year (at least three employees in cases of a place of business with 1,000 or more full-time employees);
4. Other places of business prescribed by Ordinance of the Ministry of Employment and Labor among the places of business where damage occurs and spreads to its vicinity due to poor working environments, fire, explosion, leakage, etc.

#### **Article 50 (Places of Business Required to Formulate Safety and Health Improvement Plans)**

“Place of business where the number of persons with occupational diseases exceeds the number prescribed by Presidential Decree” in Article 49 (1) 3 of the Act means a place of business where at least two employees develop an occupational disease per year.

## **CHAPTER V PREVENTION OF INDUSTRIAL ACCIDENTS WHEN CONTRACTING**

#### **Article 51 (Tasks Subject to Approval of Contracts)**

“Tasks prescribed by Presidential Decree such as handling of substances with risks of acute toxicity, skin corrosion, etc.” in the former part of Article 59 (1) of the Act means any of the following:

1. Remodeling, disassembling, dismantling, or demolishing facilities handling materials containing at least one percent by weight of sulfuric acid, hydrogen fluoride, nitric acid or hydrogen chloride, or any task performed inside such facilities: Provided, That this shall not apply where a contractor removes all the relevant chemical substances and reports it to the Minister of Employment and Labor with evidential documents attached;
2. Other tasks determined by the Minister of Employment and Labor after deliberation by the Industrial Accident Compensation Insurance and Prevention Deliberation Committee established under Article 8 (1) of the Industrial Accident Compensation Insurance Act (hereinafter referred to as "Industrial



Accident Compensation Insurance and Prevention Deliberation Committee").

#### **Article 52 (Projects Requiring Designation of Persons in General Charge of Safety and Health)**

The types of business and the number of full-time employees at a place of business required to designate a person in general charge of health and safety referred to in Article 62 (1) of the Act (hereinafter referred to as "person in general charge of health and safety") shall be as follows: a business whose full-time employees, including employees employed by a relevant contractor, is at least 100 persons (50 persons in cases of the business of building ships and boats, the business of primary metal industry, and the business of mining earth, sand and stones) or a construction business, the total construction cost of which, including the cost of construction works awarded to relevant contractors, amounts to at least two billion won.

#### **Article 53 (Duties of Persons in General Charge of Safety and Health)**

(1) A person in general charge of safety and health shall perform the following duties:

1. Conducting risk assessment prescribed in Article 36 of the Act;
2. Suspending work prescribed in Articles 51 and 54 of the Act;
3. Measures for preventing industrial accidents when awarding a contract prescribed in Article 64 of the Act;
4. Supervising the consultation, coordination and execution between relevant contractors regarding the use of funds for occupational safety and health management referred to in Article 72 (1) of the Act;
5. Confirming as to whether machinery, etc. subject to safety certification and machinery, etc. subject to voluntary safety verification are used.

(2) Article 14 (2) shall apply mutatis mutandis to the support for persons in general charge of safety and health. In such cases, "person in charge of safety and health management" shall be construed as "persons in general charge of safety and health," and "Article 15 (1) of the Act" as "paragraph (1)".

(3) Where a business owner has appointed a person in general charge of safety and health, he or she shall keep documents verifying his or her appointment and details regarding the performance of the duties prescribed in the subparagraphs of paragraph (1).

#### **Article 54 (Work with Risks of Suffocation or Collapse)**

"Work prescribed by Presidential Decree" in Article 65 (1) 3 of the Act means any of the following:

1. Work performed in a place prescribed by Ordinance of the Ministry of Employment and Labor as a place where there is a risk of suffocation due to lack of oxygen, harmful gas, etc.;
2. Work conducted in a place where there is a risk of collapse of soil, structures, artificial structures, etc.

#### **Article 55 (Construction Works Subject to Measures for Industrial Accident Prevention)**

"Construction works prescribed by Presidential Decree" in the part, with the exception of the subparagraphs, of Article 67 (1) of the Act means construction works with a total construction amount of

at least five billion won.

#### **Article 56 (Appointment of Safety and Health Coordinators)**

(1) In cases of construction works costing a total of at least five billion won, a safety and health coordinator referred to in Article 68 (1) of the Act (hereinafter referred to as “safety and health coordinator”) shall be appointed.

(2) A person placing an order for construction works required to appoint a safety and health coordinator pursuant to paragraph (1) shall appoint a safety and health coordinator from among persons falling under subparagraph 1 or 4 through 7 or designate a safety and health coordinator from among persons falling under subparagraph 2 or 3: <Amended on Sep. 8, 2020>

1. A person holding a license as an occupational safety instructor referred to in Article 143 (1) of the Act;
  2. A construction supervisor appointed by the contracting authority pursuant to Article 49 (1) of the Construction Technology Promotion Act in cases of construction works under a contract awarded by a contracting authority under subparagraph 6 of Article 2 of that Act;
  3. Any of the following supervisors responsible for the main part of the relevant construction works:
    - (a) A project supervisor designated pursuant to Article 25 of the Building Act;
    - (b) A person who performs supervision services under subparagraph 5 of Article 2 of the Construction Technology Promotion Act;
    - (c) A consulting engineer designated pursuant to Article 43 of the Housing Act;
    - (d) A supervision service provider referred to in Article 12-2 of the Electric Technology Management Act;
    - (e) A supervisor who performs supervision for the relevant construction works pursuant to Article 8 (2) of the Information and Communications Construction Business Act;
  4. A person who has served as a person in charge of safety and health management for at least three years at the site of any construction corresponding to general construction works prescribed in Article 8 of the Framework Act on the Construction Industry;
  5. A construction safety technician referred to in the National Technical Qualifications Act;
  6. A person who has at least five years of practical experience working in the field of construction safety after obtaining qualification as a construction safety engineer under the National Technical Qualifications Act;
  7. A person who has at least seven years of practical experience working in the field of construction safety after obtaining qualification as an industrial engineer for construction safety under the National Technical Qualifications Act.
- (3) A person placing an order for construction works required to appoint a safety and health coordinator pursuant to paragraph (1) shall appoint or designate a safety and health coordinator pursuant to paragraph (2) by the date immediately before the commencement date of a work the contract for which is separately

awarded and inform such fact to the contractees of respective construction works.

#### **Article 57 (Duties of Safety and Health Coordinators)**

(1) Duties of a safety and health coordinator are as follows:

1. Identifying the combination of works among the respective construction works performed at the same place pursuant to Article 68 (1) of the Act;
2. Identifying the risk of industrial accidents due to the combination of works prescribed in subparagraph 1;
3. Coordinating the timing and contents of respective works, and safety and health measures in order to prevent industrial accidents due to the combination of works prescribed in subparagraph 1;
4. Verifying whether persons in charge of safety and health management assigned by the contractees of respective works share information on the contents of works.

(2) If necessary for performing duties prescribed in paragraph (1), a safety and health coordinator may require contractees and relevant contractors to submit materials.

#### **Article 58 (Objects of Requests for Design Modification and Scope of Experts)**

(1) “Temporary structure prescribed by Presidential Decree” in the main clause of Article 71 (1) of the Act means any of the following:

1. A scaffold which is at least 31 meters high;
2. A work plate-integrated mould or a mould strut which is at least six meters high [*a member installed to support loads, etc. up to a certain strength of concrete cast*];
3. Tunnel support (a structure for preventing collapse) or an earth anchor which is at least two meters high;
4. A temporary structure which can be moved using power.

(2) “Experts prescribed by Presidential Decree, including experts in architecture or civil engineering” in the main clause of Article 71 (1) of the Act means the Agency or any of the following persons who are not employed by the contractee of a relevant construction works or a relevant contractor:

1. Professional Engineer Architecture Structures under the National Technical Qualifications Act (excluding civil engineering works and structures referred to in paragraph (1) 3);
2. Professional Engineer Civil Engineering Structures under the National Technical Qualifications Act (limited to civil engineering works);
3. Professional Engineer Soil Mechanics Foundations under the National Technical Qualifications Act (limited to structures referred to in paragraph (1) 3);
4. Professional Engineer Construction Equipment under the National Technical Qualifications Act (limited to structures referred to in paragraph (1) 4).

## **Article 59 (Construction Works' Contractees Subject to Guidance on Construction Accident Prevention)**

“Contractee of construction works prescribed by Presidential Decree” in Article 73 (1) of the Act means a person who conducts construction works, the construction amount of which is at least 100 million won but less than 12 billion won (15 billion won in cases of civil engineering works referred to in subparagraph 1 of the construction business category executing general construction works prescribed in attached Table 1 of the Enforcement Decree of the Framework Act on the Construction Industry)], and a person who conducts construction works subject to building permission referred to in Article 11 of the Building Act: Provided, That any person who conducts any of the following construction works shall be excluded herefrom:

1. Construction works with a construction period of less than one month;
2. Construction works conducted in an island not connected to land (excluding Jeju Special Self-Governing Province);
3. Construction works where a business owner appoints a person holding the qualification as a safety officer pursuant to attached Table 4 (including cases where one person holding the qualification as a safety officer is appointed for up to three construction works under construction by the same business owner within the same metropolitan city area) to be in exclusive charge of the duties of a safety officer prescribed in the subparagraphs of Article 18 (1);
4. Construction works required to submit a hazard prevention plan referred to in Article 42 (1) of the Act.

## **Article 60 (Criteria for Guidance by Specialized Guidance Institutions for Construction Accident Prevention)**

The contents of the guidance work of a specialized guidance institution for construction accident prevention referred to in Article 73 (1) of the Act (hereinafter referred to as "specialized guidance institution for construction accident prevention"), the subject matters subject to guidance, the method of providing guidance, and other necessary details are specified in attached Table 18.

## **Article 61 (Requirements for Designation as Specialized Guidance Institutions for Construction Accident Prevention)**

A person eligible to be designated as a specialized guidance institution for construction accident prevention under Article 74 (1) of the Act shall be any of the following persons who meet the requirements for human resources, facilities and equipment specified in attached Table 19:

1. An occupational safety instructor registered pursuant to Article 145 of the Act (limited only to occupational safety instructors in safety in electrical works or construction works);
2. A corporation that intends to provide services for preventing construction industrial accidents.

## **Article 62 (Application for Designation as Specialized Guidance Institutions for Construction Accident Prevention)**

(1) Any person intending to be designated as a specialized guidance institution for construction accident prevention under Article 74 (1) of the Act shall submit an application for designation as a specialized guidance institution for construction accident prevention to the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) The re-issuance of a certificate of designation as a specialized guidance institution for construction accident prevention, and other necessary details shall be determined by Ordinance of the Ministry of Employment and Labor.

(3) “Any other ground prescribed by Presidential Decree” in Article 21 (4) 5 of the Act, which is applied mutatis mutandis pursuant to Article 74 (4) of the Act, means any of the following:

1. Where falsely preparing documents related to guidance services;
2. Where refusing to provide guidance services without good cause;
3. Where neglecting or sabotaging guidance services;
4. Where failing to comply with the contents of guidance services, subject matters subject to guidance, or method of providing guidance specified in attached Table 18;
5. Where failing to enter the results of providing guidance more than three times in the computer system determined by the Minister of Employment and Labor after conducting guidance;
6. Where failing to preserve documents kept in relation to guidance services;
7. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

## **Article 63 (Construction Works Required to Organize Labor-Management Council)**

“Construction works of scale prescribed by Presidential Decree” in Article 75 (1) of the Act means construction works costing business, construction cost of which is at least 12 billion won (15 billion won in cases of civil engineering works referred to in subparagraph 1 of the construction business category executing general construction works as shown in attached Table 1 of the Enforcement Decree of the Framework Act on the Construction Industry)].

## **Article 64 (Composition of Labor-Management Councils)**

(1) A labor-management council shall be comprised of members representing employees and members representing employers as follows:

1. Members representing employees:
  - (a) A labor representative for all projects including contracted or subcontracted works;
  - (b) One honorary occupational safety inspector designated by a labor representative: Provided, That, this refers to an employee of a relevant place of business designated by the labor representative, if no

honorary occupational safety inspector has been commissioned;

(c) The labor representative of each relevant contractor of construction costing at least two billion won;

2. Members representing employers:

(a) A representative for all projects including contracted or subcontracted works;

(b) One safety officer;

(c) One health officer (limited to a construction business required to appoint a health officer under subparagraph 44 of attached Table 5);

(d) The representative of each relevant contractor of construction costing at least two billion won.

(2) Members representing employees and members representing employers of a labor-management council may agree to appoint as members thereof, relevant contractors and the employees' representatives of relevant contractors, the construction cost of which is less than two billion won.

(3) Members representing employees and members representing employers of a labor-management council may make a person referred to in subparagraph 2 of Article 67 participate in the labor-management council by agreement.

#### **Article 65 (Operation of Labor-Management Councils)**

(1) The meetings of a labor-management council shall be classified into regular meetings and special meetings; a regular meeting shall be convened by the chairperson of a labor-management council bimonthly, and a special meeting may be convened by the chairperson whenever deemed necessary.

(2) Articles 36, 37 (2) through (4), 38, and 39 shall, respectively, apply mutatis mutandis to electing a chairperson of a labor-management council, the meetings of a labor-management council, the methods of handling matters not resolved by a labor-management council, and making public results, etc. of the meetings.

#### **Article 66 (Machinery and Apparatus)**

"Machinery, appliances, equipment, etc. prescribed by Presidential Decree, such as tower cranes" in Article 76 of the Act means any of the following machines, appliances, or equipment:

1. Tower cranes;

2. Construction lifts;

3. Pile drivers (a machine that drives piles using a hammer or power) and pile extractors (a machine that pulls out piles).

#### **Article 67 (Scope of Persons in Special Types of Employment)**

A person who meets the requirements prescribed in Article 77 (1) 1 of the Act shall be any of the following persons:

1. Insurance solicitors falling under any of the following:

- (a) An insurance solicitor referred to in Article 83 (1) 1 of the Insurance Business Act;
- (b) A full-time postal insurance solicitor referred to in the Postal Savings and Insurance Act;

2. A person who directly operates construction machines registered pursuant to Article 3 (1) of the Construction Machinery Management Act;

3. A visiting teacher according to the sub-class system of the standard classification of occupations publicly notified by the Commissioner of the Statistics Korea pursuant to Article 22 of the Statistics Act (hereinafter referred to as "Korean Standard Classification of Occupations");

4. A golf course caddy assisting golf games at a golf course installed as a workplace sports facility pursuant to Article 7 of the Installation and Utilization of Sports Facilities Act or at a golf course registered as a sports facility business pursuant to Article 19 of that Act;

5. A person who is a courier according to the class system of the Korean Standard Classification of Occupations, performing collection or delivery services for a courier business (referring to a business that delivers small cargo through a collection and transport process);

6. A person who is a courier according to the class system of the Korean Standard Classification of Occupations, performing delivery services by receiving work requests mainly from one quick service company in accordance with the criteria determined by the Minister of Employment and Labor;

7. Loan solicitors referred to in the proviso of Article 3 (1) of the Act on Registration of Credit Business and Protection of Finance Users;

8. Credit card holder solicitors referred to in Article 14-2 (1) 2 of the Specialized Credit Finance Business Act;

9. A person who works as a designated driver by receiving work requests mainly from one designated driver service company in accordance with the criteria determined by the Minister of Employment and Labor.

#### **Article 68 (Persons in Special Types of Employment Subject to Safety and Health Education)**

“Person provided with labor of any person in special types of employment prescribed by Presidential Decree” in Article 77 (2) of the Act means any person falling under subparagraphs 2, 4 through 6, and 9 of Article 67.

#### **Article 69 (Franchisers Subject to Industrial Accident Prevention Measures)**

“Franchiser prescribed by Presidential Decree” in the part, with the exception of the subparagraphs, of Article 79 (1) of the Act, means a franchiser with at least 200 franchisees engaged in any of the following business categories as indicated on an information disclosure statement (referring to an information disclosure statement registered as of the end of the immediately preceding business year) registered under Article 6-2 of the Fair Transactions in Franchise Business Act: <Amended on Sep. 8, 2020>

1. Where the section classification is the food service business;
2. Where the section classification is the whole sale or retail business, and the division classification is the convenience store business.

## CHAPTER VI MEASURES AGAINST HARMFUL AND DANGEROUS MACHINERY

### **Article 70 (Harmful or Dangerous Machinery and Apparatus Requiring Protective Measures)**

“Power-operated machinery or apparatus prescribed by Presidential Decree” in Article 80 (1) of the Act means the machinery and apparatus listed in attached Table 20.

### **Article 71 (Harmful or Dangerous Machinery and Apparatus Requiring Protective Measures of Lenders)**

“Machinery, apparatus, equipment, structure, etc. prescribed by Presidential Decree” in Article 81 of the Act means the machinery, apparatus, equipment, structure, etc. listed in attached Table 21.

### **Article 72 (Requirements for Registering Business of Installing and Dismantling Tower Cranes)**

(1) The criteria for human resources, facilities and equipment that any person intending to install or dismantle a tower crane shall meet pursuant to the former part of Article 82 (1) of the Act are as specified in attached Table 22.

(2) “Important matters prescribed by Presidential Decree” in the latter part of Article 82 (1) of the Act means the following:

1. Name of the company (business name);
2. Location of the company;
3. The name of a representative.

### **Article 73 (Grounds for Revoking Registration of Business of Installing and Dismantling Tower Cranes)**

“Where any other ground prescribed by Presidential Decree exists” in Article 21 (4) 5 of the Act, which is applied mutatis mutandis under Article 82 (4) of the Act means any of the following cases:

1. Where the person is sentenced to a fine or imprisonment without labor or greater punishment for failing to implement safety measures prescribed in Article 38 of the Act;
2. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

### **Article 74 (Machinery Subject to Safety Certification)**



(1) "Machinery, etc. prescribed by Presidential Decree" in Article 84 (1) of the Act means any of the following:

1. Any of the following machinery or equipment:

- (a) Presses;
- (b) Shearing machines and bending machines;
- (c) Cranes;
- (d) Lifts;
- (e) Pressure vessels;
- (f) Roller machines;
- (g) Injection molding machines;
- (h) High place working benches;
- (i) Wall maintenance lifts;

2. Any of the following protective devices:

- (a) Protective devices of presses and shearing machines;
- (b) Overload limiters for lifting machines;
- (c) Safety pressure valves on boilers;
- (d) Safety pressure valves on pressure vessels;
- (e) Rupture disks for releasing pressure from pressure vessels;
- (f) Insulation devices and tools for live-wire operations;
- (g) Explosion-proof electric machines, tools and parts;
- (h) Temporary equipment and materials for preventing hazards, such as crashing, falling, and collapse, and protecting people from such hazards, as determined and publicly notified by the Minister of Employment and Labor;
- (i) An industrial protective robot necessary to prevent dangers such as collisions and strictures, as determined and publicly notified by the Minister of Employment and Labor;

3. Any of the following protective equipment:

- (a) Safety helmets for preventing risks of falling and electric shock;
- (b) Safety shoes;
- (c) Safety gloves;
- (d) Dustproof masks;
- (e) Gas masks;
- (f) Air-line masks;
- (g) Electric respiratory protective equipment;
- (h) Protective clothes;
- (i) Safety belts;
- (j) Protective goggles for shielding light or preventing risks of flying debris;

- (k) Welding masks;
  - (l) Soundproof earplugs or earmuffs.
- (2) The specific types, specifications, and models of machinery, etc. subject to safety certification shall be determined and publicly notified by the Minister of Employment and Labor.

#### **Article 75 (Requirements for Designation of Safety Certification Institutions)**

In order for an institution to qualify to be designated as a safety certification institution referred to in Article 88 (1) of the Act (hereinafter referred to as “safety certification institution”), it shall be any of the following:

1. The Agency;
2. Any of the following entities that meet the standards for human resources, facilities and equipment specified in attached Table 23:
  - (a) A nonprofit corporation established to promote occupational safety and health or prevent industrial accidents;
  - (b) A public institution, defined in the Act on the Management of Public Institutions and established to certify and test machinery, equipment, etc. or for the research, development, education, and evaluation of manufacturing technology.

#### **Article 76 (Grounds for Revocation of Designation of Safety Certification Institution)**

“Where any other ground prescribed by Presidential Decree exists” in Article 21 (4) 5 of the Act, which is applied mutatis mutandis under Article 88 (5) of the Act, means the following cases:

1. Where an institution falsely prepares documents related to safety certification;
2. Where an institution refuses to provide safety certification services without good cause;
3. Where an institution neglects or sabotages safety certification services;
4. Where an institution violates the methods or procedures for safety certification or verification;
5. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

#### **Article 77 (Machinery Subject to Voluntary Safety Verification)**

(1) “Machinery, etc. prescribed by Presidential Decree” in the main clause, with the exception of the subparagraphs, of Article 89 (1) of the Act is as follows:

1. Any of the following machinery or equipment:
  - (a) Grinding machines or abraders. In this case, mobile ones shall be excluded herefrom;
  - (b) Industrial robots;
  - (c) Mixers;
  - (d) Crushers or comminutors;

- (e) Machinery for processing food (limited to machines for crushing, cutting, mixing, and noodle-making);
- (f) Conveyors;
- (g) Lifts for servicing automobiles;
- (h) Machine tools (limited to lathes, drills, planing machines, sharpening machines, and milling machines);
- (i) Fixed machines for processing timber (limited to circular saws, planes, routers, belt saws, and chamfering machines);
- (j) Printing machines;

2. Any of the following protective devices:

- (a) Safety devices for acetylene welding equipment or gas welding equipment;
- (b) Automatic voltage transformers for AC Arc welding machines;
- (c) Emergency stop devices of roller machines;
- (d) Grinding machine covers;
- (e) Reaction-proof devices of circular saws for wood processing and blade guards;
- (f) Blade guards of motorized hand-held planes;
- (g) Temporary equipment and materials necessary for preventing hazards, such as crashing, falling, and collapse, and protecting people for such hazards (excluding temporary equipment and materials specified in Article 74 (1) 2 (h)), as determined and publicly notified by the Minister of Employment and Labor;

3. Any of the following protective equipment:

- (a) Safety helmets (excluding safety helmets specified in Article 74 (1) 3 (a));
- (b) Protective goggles (excluding protective goggles specified in Article 74 (1) 3 (j));
- (c) Face shields (excluding face shields specified in Article 74 (1) 3 (k)).

(2) The specific types, specifications, and models of machinery, etc. subject to voluntary safety verification shall be determined and publicly notified by the Minister of Employment and Labor.

## **Article 78 (Machinery Subject to Safety Inspection)**

(1) "Machinery, apparatus, or equipment prescribed by Presidential Decree" in the former part of Article 93 (1) of the Act means as follows:

1. Presses;
2. Shearing machines;
3. Cranes (excluding those with a rated load of less than two tons);
4. Lifts;
5. Pressure vessels;
6. Wall maintenance lifts;

7. Local ventilation equipment (excluding mobile equipment);
8. Centrifugal machines (limited to industrial machines);
9. Roller machines (excluding sealed structures);
10. Injection molding machines (excluding those with clamping force of less than 294 KN);
11. Mobile elevated work platforms (limited to those loaded to a freight motor vehicle or a special motor vehicle referred to in subparagraph 3 or 4 of Article 3 of the Motor Vehicle Management Act);
12. Conveyors;
13. Industrial robot.

(2) The specific types, specifications, and models of machinery, etc. subject to safety inspections under Article 93 (1) of the Act shall be determined and publicly notified by the Minister of Employment and Labor.

#### **Article 79 (Requirements for Designation of Safety Inspection Institutions)**

In order for an institution to qualify to be designated as a safety inspection institution referred to in Article 96 (1) of the Act (hereinafter referred to as “safety inspection institution”), it shall be any of the following:

1. The Agency;
2. Any of the following entities that meet the standards for human resources, facilities and equipment specified in attached Table 24:
  - (a) A nonprofit corporation established to promote occupational safety and health or prevent industrial accidents;
  - (b) A public institution, defined in the Act on the Management of Public Institutions and established to certify and test machinery, equipment, etc. or for the research, development, education, and evaluation of manufacturing technology.

#### **Article 80 (Grounds for Revocation of Designation of Safety Inspection Institutions)**

“Where any other ground prescribed by Presidential Decree exists” in Article 21 (4) 5 of the Act, which is applied mutatis mutandis under Article 96 (5) of the Act means the following cases:

1. Where an institution falsely prepares documents related to safety inspection;
2. Where an institution refuses to provide safety inspection services without good cause;
3. Where an institution neglects or sabotages safety inspection services;
4. Where an institution violates the methods or procedures for safety inspection or verification;
5. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

#### **Article 81 (Requirements for Designation of Voluntary Safety Inspection Institutions)**

Any person intending to be designated as a voluntary safety inspection institution referred to in Article 100 (1) of the Act (hereinafter referred to as “voluntary safety inspection institution”) shall meet the

requirements for human resources, facilities, and equipment specified in attached Table 25.

#### **Article 82 (Grounds for Revocation of Designation of Voluntary Safety Inspection Institutions)**

“Where any other ground prescribed by Presidential Decree exists” in Article 21 (4) 5 of the Act, which is applied mutatis mutandis under Article 100 (4) of the Act means any of the following cases:

1. Where an institution falsely prepares documents related to inspections;
2. Where an institution refuses to be entrusted with inspection services without good cause;
3. Where an institution receives entrustment fees without conducting inspections;
4. Where an institution omits any item subject to inspection or fails to observe the method for inspections;
5. Where an institution fails to observe the guidelines for determining outcomes of an inspection or fails to present an opinion on safety measures according to the results of an inspection.

#### **Article 83 (Performance Tests)**

(1) The investigation of manufacturing processes referred to in Article 101 of the Act is performed to test as to whether machinery, etc. subject to safety certification or machinery, etc. subject to voluntary safety verification has been manufactured according to the safety certification standards prescribed in Article 83 (1) of the Act or the voluntary safety standards prescribed in Article 89 (1) of the Act.

(2) Where the Minister of Employment and Labor tests the performance of harmful or dangerous machinery, etc. referred to in Article 83 (1) of the Act (hereinafter referred to as “harmful or dangerous machinery, etc.”) pursuant to Article 101 of the Act, he or she shall conduct performance test by collecting samples of harmful or dangerous machinery, etc. manufactured, imported, transferred, lent, or displayed for transfer or rent.

(3) Necessary matters concerning the procedures and methods for product manufacturing process investigation and performance test prescribed in paragraphs (1) and (2), and other relevant details shall be determined by Ordinance of the Ministry of Employment and Labor.

## **CHAPTER VII MEASURES AGAINST HARMFUL OR DANGEROUS SUBSTANCES**

#### **Article 84 (Harmful Factors to Be Maintained at or Below Permissible Levels)**

“Harmful factors determined by Presidential Decree” in the main clause, with the exception of the subparagraph, of Article 107 (1) of the Act means harmful factors specified in the subparagraphs of attached Table 26.

#### **Article 85 (Chemical Substances Excluded from Investigation of Harm and Danger)**

"Chemical substances prescribed by Presidential Decree" in the main clause, with the exception of the subparagraphs, of Article 108 (1) of the Act means any of the following:

1. Chemical elements;
2. Naturally produced chemical substances;
3. Health functional foods defined in subparagraph 1 of Article 3 of the Health Functional Foods Act;
4. Military supplies defined in Article 2 of the Act on the Management of Military Supplies and in subparagraph 2 of Article 3 of the Defense Acquisition Program Act *[excluding conventional items referred to in Article 3 of the Act on the Management of Military Supplies]*;
5. Pesticides and technical concentrate defined in subparagraphs 1 and 3 of Article 2 of the Pesticide Control Act;
6. Narcotics defined in subparagraph 1 of Article 2 of the Narcotics Control Act;
7. Fertilizers defined in subparagraph 1 of Article 2 of the Fertilizer Control Act;
8. Feed defined in subparagraph 1 of Article 2 of the Control of Livestock and Fish Feed Act;
9. Biocidal substances and biocidal products defined in subparagraphs 7 and 8 of Article 3 of the Consumer Chemical Products and Biocides Safety Control Act;
10. Foods and food additives defined in subparagraphs 1 and 2 of Article 2 of the Food Sanitation Act;
11. Drugs and quasi-drugs defined in subparagraphs 4 and 7 of Article 2 of the Pharmaceutical Affairs Act;
12. Radioactive substances defined in subparagraph 5 of Article 2 of the Nuclear Safety Act;
13. Cleansing and Hygiene Products defined in subparagraph 1 of Article 2 of the Control Act Cleansing and Hygiene Products Control Act;
14. Medical devices defined in Article 2 (1) of the Medical Devices Act;
15. Explosives defined in Article 2 (3) of the Act on the Safety Management of Guns, Swords and Explosives;
16. Cosmetics defined in subparagraph 1 of Article 2 of the Cosmetics Act and raw materials used for cosmetics;
17. Substances on which publication is made by the Minister of Employment and Labor pursuant to Article 108 (3) of the Act with respect to the denomination thereof, harm or danger thereof, measures thereagainst for preventing health problems of employees, and annual manufacturing volume and importing volume thereof, which have been manufactured or imported in the volume at or below the published annual manufacturing or importing volume;
18. Substances registered on the list of chemical substances publicly notified by the Minister of Employment and Labor in consultation with the Minister of Environment.

**Article 86 (Chemical Substances Excluded from Preparation and Submission of Material Safety Data Sheets)**

"Those prescribed by Presidential Decree" in the former part, with the exception of the subparagraphs, of Article 110 (1) of the Act means any of the following: <Amended on Aug. 27, 2020>

1. Health functional foods defined in subparagraph 1 of Article 3 of the Health Functional Foods Act;
2. Pesticides defined in subparagraph 1 of Article 2 of the Pesticide Control Act;
3. Narcotics and psychotropic drugs defined in subparagraphs 2 and 3 of Article 2 of the Narcotics Control Act;
4. Fertilizers defined in subparagraph 1 of Article 2 of the Fertilizer Control Act;
5. Feed defined in subparagraph 1 of Article 2 of the Control of Livestock and Fish Feed Act;
6. Source materials defined in subparagraph 2 of Article 2 of the Act on Protective Action Guidelines against Radiation in the Natural Environment;
7. Products provided for daily use by general consumers, among the household chemical products and biocidal products subject to safety verification defined in subparagraphs 4 and 8 of Article 3 of the Consumer Chemical Products and Biocides Safety Control Act;
8. Foods and food additives defined in subparagraphs 1 and 2 of Article 2 of the Food Sanitation Act;
9. Drugs and quasi-drugs defined in subparagraphs 4 and 7 of Article 2 of the Pharmaceutical Affairs Act;
10. Radioactive substances defined in subparagraph 5 of Article 2 of the Nuclear Safety Act;
11. Cleansing and Hygiene Products defined in subparagraph 1 of Article 2 of the Control Act Cleansing and Hygiene Products Control Act;
12. Medical devices defined in Article 2 (1) of the Medical Devices Act;
- 12-2. Advanced biopharmaceuticals defined in subparagraph 5 of Article 2 of the Advanced Regenerative Medicine and Advanced Biopharmaceutical Safety and Support Act;
13. Explosives defined in Article 2 (3) of the Act on the Safety Management of Guns, Swords and Explosives;
14. Wastes defined in subparagraph 1 of Article 2 of the Wastes Control Act;
15. Cosmetics defined in subparagraph 1 of Article 2 of the Cosmetics Act;
16. Chemical substances or mixtures other than those specified in subparagraphs 1 through 15 that are provided for daily use by general consumers (including cases where chemical substances or mixtures provided for daily use by general consumers are handled in a place of business);
17. Chemical substances or chemical products for research and development purposes determined and publicly notified by the Minister of Employment and Labor. In such cases, only the submission of data pursuant to Article 110 (1) through (3) of the Act shall be excluded;
18. Other chemical substances publicly notified by the Minister of Employment and Labor as the degree of danger due to their toxicity and explosiveness is deemed insignificant.

#### **Article 87 (Harmful Substances Prohibited from Being Manufactured)**

“Substances prescribed by Presidential Decree” in the part, with the exception of the subparagraphs, of Article 117 (1) of the Act means the following substances: <Amended on Sep. 8, 2020>

1. -Naphthylamine [91-59-8] and its salts;
2. 4-Nitrodiphenyl [92-93-3] and its salts;
3. Paint containing white lead [1319-46-6] (excluding any paint to which the weight ratio of such white lead does not exceed two percent);
4. Rubber glue containing benzene [71-43-2] (excluding any rubber glue to which the weight ratio of such benzene does not exceed five percent);
5. Asbestos (1332-21-4, etc.);
6. Polychlorinated terphenyls (61788-33-8, etc.);
7. Yellow phosphorus [12185-10-3] match;
8. Mixtures containing a substance referred to in subparagraphs 1, 2, 5 or 6 (excluding any mixture to which the weight ratio of such substance does not exceed one percent);
9. Prohibited substances referred to in subparagraph 5 of Article 2 of the Chemical Substances Control Act (excluding chemical substances falling under Article 3 (1) 1 through 12 of that Act);
10. Other harmful substances prescribed by the Minister of Employment and Labor as harmful to human health after undergoing deliberation by the Industrial Accident Compensation Insurance and Prevention Deliberation Committee.

#### **Article 88 (Harmful Substances Subject to Permission)**

“Substance prescribed by Presidential Decree, such as a substance for which no substitute has been developed” in the former part of Article 118 (1) of the Act means the following substances: <Amended on Sep. 8, 2020>

1. -Naphthylamine [134-32-7] and its salts;
2. Dianisidine [119-90-4] and its salts;
3. Dichlorobenzidine [91-94-1] and its salts;
4. Beryllium [7440-41-7];
5. Benzotrichloride [98-07-7];
6. Arsenic [7440-38-2] and its inorganic compounds;
7. Vinyl chloride [75-01-4];
8. Coal tar pitch [65996-93-2] volatiles;
9. Chromite ore processing (limited to cases of adding heat to plastic treatment);
10. Zinc chromates [13530-65-9, etc.];
11. o-Tolidine [119-93-7] and its salts;
12. Nickel sulfides [12035-72-2 and 16812-54-7];
13. Mixtures containing one of the substances referred to in subparagraphs 1 through 4 or 6 through 12 (excluding any mixture to which the weight ratio of such contained substances is not more than one



percent);

14. Mixtures containing the substance referred to in subparagraph 5 (excluding any mixture to which the weight ratio of such contained substance is not more than 0.5 percent);

15. Other harmful substances prescribed by the Minister of Employment and Labor as harmful to human health after undergoing deliberation by the Industrial Accident Compensation Insurance and Prevention Deliberation Committee.

#### **Article 89 (Matters Subject to Asbestos Inspection by Designated Institute)**

(1) "Structure or facility of at least the size specified by Presidential Decree" in the main clause, with the exception of the subparagraphs, of Article 119 (2) of the Act means any of the following cases:

1. Buildings (excluding the housing referred to in subparagraph 2; hereafter in this subparagraph the same shall apply) with a total floor area of at least 50 square meters and with a total area to be removed or dismantled of at least 50 square meters;

2. Housing (including accessory buildings defined in subparagraph 12 of Article 2 of the Enforcement Decree of the Building Act; hereafter in this subparagraph the same shall apply) with a total floor area of at least 200 square meters and with a total area to be removed or dismantled of at least 200 square meters;

3. Where the total area using materials (including substances; hereinafter the same shall apply) falling under any of the following in the part to be removed or dismantled of a facility is at least 15 square meters, or cases where a total volume of such materials is at least one cubic meter:

(a) Heat insulating materials;

(b) Thermal insulating materials;

(c) Spray materials;

(d) Fireproof materials;

(e) Gasket;

(f) Packing materials;

(g) Sealing materials;

(h) Other materials determined and publicly notified by the Minister of Employment and Labor among the materials used for similar purposes to those prescribed in items (a) through (g);

4. Where the total length of pipes is at least 80 meters and where a total length of pipes used as thermal insulating materials in the part to be removed or dismantled is at least 80 meters.

(2) "If it is obvious that a structure or facility contains asbestos, or if it is confirmed that a ground prescribed by Presidential Decree for omitting such inspection exists" in the proviso, with the exception of the subparagraphs, of Article 119 (2) of the Act means any of the following cases: <Amended on Sep. 8, 2020>

1. Where materials used in the removed or dismantled part of a building or facility are clearly proven not to contain asbestos by relevant data including design drawings and material history;

2. Where it is clearly proven that materials containing more than one weight percent of asbestos were used in the removed or dismantled part of a building or facility.

#### **Article 90 (Requirements for Designation of Asbestos Inspection Institutions)**

A person eligible to be designated as an asbestos inspection institution referred to in Article 120 (1) of the Act shall be limited to any of the following persons who satisfies the requirements for human resources, facilities and equipment specified in attached Table 27 and is determined suitable in the evaluation of its capability to conduct an asbestos inspection as an asbestos inspection institution performed by the Minister of Employment and Labor under Article 120 (2) of the Act:

1. An institution affiliated with the State or a local government;
2. A general hospital or hospital prescribed in the Medical Service Act;
3. A university or college, or its affiliated institutions referred to in subparagraphs 1 through 6 of Article 2 of the Higher Education Act;
4. A corporation that intends to provide asbestos inspection services.

#### **Article 91 (Grounds for Revocation of Designation of Asbestos Inspection Institutions)**

“Where any other ground prescribed by Presidential Decree exists” in Article 21 (4) 5 of the Act, which is applied mutatis mutandis under Article 120 (5) of the Act, means the following cases:

1. Where an institution falsely prepare documents with regard to an asbestos inspection conducted by a designated institute prescribed in Article 119 (2) of the Act or asbestos concentration in the air prescribed in Article 124 (1) of the Act;
2. Where an institution refuses to provide asbestos inspection services without good cause;
3. Where an institution instructs any person failing to meet the human resources requirements referred to in Article 90 to perform asbestos inspection services;
4. Where an institution violates the inspection methods or other relevant matters prescribed by Ordinance of the Ministry of Employment and Labor prescribed in Article 119 (5) of the Act;
5. Where an institution fails to undergo an evaluation conducted by the Minister of Employment and Labor with regard to its capability to perform asbestos inspections as an asbestos inspection institution pursuant to Article 120 (2) of the Act or fails to pass such evaluation;
6. Where an institution instructs a person not qualified under Article 124 (2) of the Act to measure the asbestos concentration;
7. Where an institution violates the method for measuring asbestos concentration prescribed in 124 (2) of the Act;
8. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

## **Article 92 (Requirements for Registration of Asbestos Dismantlers or Removers)**

A person who intends to be registered as an asbestos dismantler or remover referred to in Article 121 (1) of the Act shall meet the requirements for human resources, facilities, and equipment specified in attached Table 28.

## **Article 93 (Grounds for Revocation of Registration of Asbestos Dismantlers or Removers)**

“Where any other ground prescribed by Presidential Decree exists” in Article 21 (4) 5 of the Act, which is applied mutatis mutandis under Article 121 (4) of the Act means any of the following cases:

1. Where an asbestos dismantler or remover prepares documents prescribed in Article 122 (3) of the Act by fraud or other improper means;
2. Where an asbestos dismantler or remover fails to comply with the obligation to file a report (excluding reports on modified matters) or preserve documents prescribed in Article 122 (3) of the Act;
3. Where an asbestos dismantler or remover is sentenced to a fine or imprisonment without labor or greater punishment due to its failure to meet the standards for asbestos dismantling or removal works prescribed by Ordinance of the Ministry of Employment and Labor under Article 123 (1) of the Act;
4. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

## **Article 94 (Cases Subject to Asbestos Dismantling or Removal by Asbestos Dismantlers or Removers)**

(1) “Where the amount and area of asbestos contained in a structure or facility are not less than the amount and area prescribed by Presidential Decree” in the main clause of Article 122 (1) of the Act means any of the following cases: <Amended on Sep. 8, 2020>

1. Where asbestos is contained in a material, such as wall, floor, ceiling and roof materials, to be removed and dismantled at a rate exceeding one weight percent, and the area of such material is at least 50 square meters;
  2. Where spray materials or fireproofing materials containing asbestos at a rate exceeding one weight percent are used;
  3. Where the total area of any material prescribed in the items (excluding items (c) and (d)) of Article 89 (1) 3 containing asbestos at a rate exceeding one weight percent is at least 15 square meters or where the total volume of such material is at least one cubic meter;
  4. Where thermal insulating materials used in pipes contain asbestos at a rate exceeding one weight percent, and the total length of the thermal insulating materials is at least 80 meters.
- (2) “Grounds prescribed by Presidential Decree, such as capabilities equivalent to an asbestos dismantler or remover” in the proviso of Article 122 (1) of the Act mean where a person who intends to perform asbestos dismantling or removal works oneself proves that the person meets the requirements for human resources, facilities and equipment prescribed in Article 92 and attached Table 28, as prescribed by Ordinance of the Ministry of Employment and Labor.

## CHAPTER VIII MANAGEMENT OF EMPLOYEES' HEALTH

### **Article 95 (Requirements for Designation of Work Environment Monitoring Institutions)**

A person eligible to be designated as a work environment monitoring institution referred to in Article 126 (1) of the Act is any of the following persons who meet the requirements for human resources, facilities and equipment specified in attached Table 29 according to the types of work environment monitoring institutions and is determined suitable in the evaluation of its measurement and analysis capability as a work environment monitoring institution conducted by the Minister of Employment and Labor pursuant to Article 126 (2) of the Act:

1. An institution affiliated with the State or a local government;
2. A general hospital or hospital prescribed in the Medical Service Act;
3. A university or college, or its affiliated institutions referred to in subparagraphs 1 through 6 of Article 2 of the Higher Education Act;
4. A juristic person intending to provide work environment monitoring services;
5. An organization affiliated with a place of business subject to work environment monitoring (limited to cases where the affiliated organization intends to be designated within the scope prescribed by Ordinance of the Ministry of Employment and Labor, such as the place of business to which it belongs).

### **Article 96 (Grounds for Revocation of Designation of Work Environment Monitoring Institutions)**

“Where any other ground prescribed by Presidential Decree exists” in Article 21 (4) 5 of the Act, which is applied mutatis mutandis under Article 126 (5) of the Act, means the following cases:

1. Where an institution prepares false documents concerning work environment monitoring;
2. Where an institution refuses to provide work environment monitoring services without good cause;
3. Where an institution causes disruption to the entrusted work environment monitoring services;
4. Where an institution violates the methods, etc. of work environment monitoring determined by Ordinance of the Ministry of Employment and Labor pursuant to Article 125 (8) of the Act;
5. Where an institution fails to undergo evaluation of its capability to measure and analyze working environments conducted by the Minister of Employment and Labor pursuant to Article 126 (2) of the Act for at least one year, or it fails to pass such evaluation;
6. Where an institution fails to preserve documents kept in relation to work environment monitoring services;
7. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

### **Article 97 (Requirements for Designation of Special Health Examination Institutions)**

(1) A person eligible to be designated as a special health examination institution referred to in Article 135 (1) of the Act shall be any medical institution referred to in the Medical Service Act, who meets the requirements for human resources, facilities and equipment specified in attached Table 30 and is determined suitable in the evaluation of its capabilities to conduct health examination and analysis as a special health examination institutions conducted by the Minister of Employment and Labor under Article 135 (3) of the Act.

(2) Notwithstanding paragraph (1), in cases of a Si/Gun (excluding Sis in the Seoul metropolitan area defined in subparagraph 1 of Article 2 of the Seoul Metropolitan Area Readjustment Planning Act) without a special health examination institution referred to in Article 135 (1) of the Act or an administrative Si referred to in Article 10 of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City, with respect to harmful factors prescribed by Ordinance of the Ministry of Employment and Labor, the Minister of Employment and Labor may designate, as a special health examination institution for the relevant area, a medical institution having at least one medical doctor (referring to a medical doctor who has completed the education prescribed by the Minister of Employment and Labor in relation to special health examinations) and at least one nurse referred to in the Medical Service Act, among the health examination institutions determined by Ordinance of the Ministry of Employment and Labor from among the health examination institutions referred to in subparagraph 2 of Article 3 of the Framework Act on Health Examination.

#### **Article 98 (Grounds for Revocation of Designation of Special Health Examination Institutions)**

"Where any other ground prescribed by Presidential Decree exists" in Article 21 (4) 5 of the Act, which is applied mutatis mutandis pursuant to Article 135 (6) of the Act, means the following cases:

1. Where an institution omits any of the health examination items prescribed by Ordinance of the Ministry of Employment and Labor, or fails to comply with the methods and procedures for health examinations in performing the examinations;
2. Where an institution solicits health examinations by reducing expenses for health examinations prescribed by Ordinance of the Ministry of Employment and Labor or unfairly collects health examination expenses;
3. Where an institution is determined unsuitable in the assessment of its capability to perform health examination and analysis conducted by the Minister of Employment and Labor pursuant to Article 135 (3) of the Act;
4. Where an institution falsely determines the findings of a health examination or falsely prepares health examination-related documents, including individual health examination tables prescribed by Ordinance of the Ministry of Employment and Labor;
5. Where any person who has no qualification or fails to meet the standards for designation of a special health examination prescribed in Article 97 performs a health examination;

6. Where an institution refuses to perform a health examination or suspends a health examination without good cause;
7. Where an institution refuses to undergo the evaluation of a special health examination institution prescribed in Article 135 (4) of the Act without good cause;
8. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

#### **Article 99 (Restriction of Working Hours on Harmful or Dangerous Work)**

(1) "Harmful or dangerous work prescribed by Presidential Decree, such as work performed at high pressure" in Article 139 (1) of the Act means work performed at high pressure, such as submarining or diving.

(2) In performing work provided for in paragraph (1), necessary matters for maintaining the safety and health of relevant employees, including working hours in submarining or diving, and methods of reducing or increasing pressure shall be prescribed by Ordinance of the Ministry of Employment and Labor.

(3) "Harmful or dangerous work prescribed by Presidential Decree" in Article 139 (2) of the Act means any of the following:

1. Work conducted in mining pits;
2. Work handling large quantities of high temperature materials and work performed in very hot and heated places;
3. Work handling large quantities of low temperature materials and work performed in very cold and frozen places;
4. Work handling radium rays, X-rays or other harmful radioactive rays;
5. Work conducted in places with a considerable amount of dust from glass, earth and rocks, or minerals;
6. Work conducted where tremendous noise is produced;
7. Work using rock drills (a machine that drills holes in the rock), etc., which have an intense vibrating effect on employees;
8. Work of handling heavy objects by human power;
9. Work conducted where there are considerable amounts of dust, vapors or gases of heavy metals, such as lead, mercury, chrome, manganese and cadmium, or of carbon bisulfide, organic solvent, or other specific chemical substances determined by Ordinance of the Ministry of Employment and Labor.

#### **Article 100 (Grounds for Revocation of Designation of Educational Institutions)**

"Where any other ground prescribed by Presidential Decree exists" in Article 21 (4) 5 of the Act, which is applied mutatis mutandis pursuant to Article 140 (4) of the Act, means the following cases:

1. Where an institution falsely prepares documents related to education;

2. Where an institution refuses to provide education to a particular person without good cause;
3. Where an institution suspends its service for at least one month without good cause, causing disruption to the education services entrusted to it;
4. Where an institution fails to preserve documents kept in relation to education services;
5. Where an institution receives money or goods other than fees, etc. for education services;
6. Where refusing, obstructing or evading guidance or supervision of related public officials provided under the Act.

## **CHAPTER IX OCCUPATIONAL SAFETY INSTRUCTORS AND OCCUPATIONAL HEALTH INSTRUCTORS**

### **Article 101 (Duties of Occupational Safety Instructors)**

(1) "Other matters related to occupational safety prescribed by Presidential Decree" in Article 142 (1) 4 of the Act means the following:

1. Instructing on risk assessment prescribed in Article 36 of the Act;
2. Preparing a safety and health improvement plan referred to in Article 49 of the Act;
3. Consulting and advising on other matters relating to occupational safety.

(2) "Matters determined by Presidential Decree" in Article 142 (2) 6 of the Act means the following matters:

1. Instructing on risk assessment prescribed in Article 36 of the Act;
2. Preparing a safety and health improvement plan referred to in Article 49 of the Act;
3. Consulting and advising on other matters concerning occupational health.

### **Article 102 (Categories of Occupational Safety Instructors by Service Field)**

(1) The service fields of occupational safety instructors registered under Article 145 (1) of the Act shall be classified into the fields of machinery safety, electric safety, chemical engineering safety, and construction safety, and the service fields of occupational health instructors registered under that paragraph shall be classified into occupational and environment medicine and industrial hygiene.

(2) The scope of duties, by service field, of occupational safety instructors and occupational health instructors (hereinafter referred to as "instructors") registered under Article 145 (1) of the Act is as specified in attached Table 31.

### **Article 103 (Conducting Qualification Examinations)**

(1) Qualification examinations for instructors referred to in Article 143 (1) of the Act (hereinafter referred to as "instructor qualification examination") are classified into a written examination and an oral examination which shall be conducted separately.

(2) Of the instructor qualification examination, the subjects and scope of a written examination by service field are as specified in attached Table 32.

(3) Of the instructor qualification examination, a written examination shall be conducted by classifying it into first and second examinations; the first written examination shall be a multiple-choice test and the second written examination shall be an essay in principle, and a subjective short-answer test may be added to both.

(4) Of the instructor qualification examination, the subjects and scope of the first written examination shall be the compulsory common subject I, compulsory common subject II, and compulsory common subject III as specified in attached Table 32, and the subjects and scope of the second written examination shall be the compulsory major subjects as specified in attached Table 32.

(5) Of the instructor qualification examination, the second written examination shall be conducted only for those who have passed the first written examination.

(6) Of the instructor qualification examination, the oral examination shall be conducted only for successful applicants in the written examination, or those exempt from the written examination, and shall evaluate the following matters:

1. Expert knowledge and aptitude;
2. How much the applicant understands and knows about the industrial safety and health system;
3. Ability for counseling and instructing.

(7) The public announcement and application procedures for instructor qualification examinations, and other matters necessary for the examinations shall be determined by Ordinance of the Ministry of Employment and Labor.

#### **Article 104 (Partial Exemption from Qualification Examinations)**

(1) The qualifications required to be partially exempt from the instructor qualification examination under Article 143 (2) of the Act and the extent of exemption are as follows:

1. Professional Engineer Construction Safety, Professional Engineer Machine Safety, Professional Engineer Industrial Hygiene Management, Professional Engineer Ergonomics, Professional Engineer Electric Safety, and Professional Engineer Chemical Safety under the National Technical Qualifications Act: The compulsory major subject, the compulsory common subject I, and the compulsory common subject II specified in attached Table 32;
2. Persons holding the qualification for professional engineer in the job field “construction” (limited to job fields of “building” and “civil engineering”), the job field “machine,” the job field “chemistry,” and the job field “electricity and electronics” (limited to job fields of “electricity”) under the National Technical Qualifications Act: The compulsory major subject specified in attached Table 32;
3. Medical doctors specialized in occupational and environmental medicine referred to in the Medical Services Act: The compulsory major subject, the compulsory common subject I and the compulsory common subject II specified in attached Table 32;



4. Persons holding a doctor's degree in engineering (limited to majors in the fields of construction safety, machine safety, electric safety and chemical safety), medicine (limited to the major in occupational and environmental medicine), or health science (limited to the major in the field of occupational health): The compulsory major subject specified in attached Table 32;
  5. Persons falling under subparagraph 2 or 4 who have at least three years' experience working in occupational safety or health affairs after obtaining the relevant qualification or academic degree: The compulsory major subject and the compulsory common subject II specified in attached Table 32;
  6. Certified public labor attorneys under the Certified Public Labor Attorney Act: The compulsory common subject I specified in attached Table 32;
  7. Persons qualified as an instructor under Article 143 (1) of the Act, who apply for an examination for an instructor of another type: Common compulsory subject I and common compulsory subject III specified in attached Table 32;
  8. Persons qualified as an instructor under Article 143 (1) of the Act, who apply for an examination for any other field of such instructor: Common compulsory subject I, common compulsory subject II and common compulsory subject III specified in attached Table 32.
- (2) A person who passes the first or second written examination pursuant to Article 103 (3) shall be exempted only from passing the next first or second written examination.
- (3) Necessary matters concerning applying for partial exemption from instructor qualification examinations pursuant to paragraph (1) shall be determined by Ordinance of the Ministry of Employment and Labor.

#### **Article 105 (Decision on Successful Applicants)**

- (1) In the written examination of an instructor qualification examination, any person who gains at least 40 points out of 100 in each subject and at least an average of 60 points shall be a successful applicant.
- (2) The oral examination of an instructor qualification examination shall evaluate the matters listed in each subparagraph of Article 103 (6), and any person who gains at least 6 points out of 10 shall be a successful applicant.

#### **Article 106 (Institutions for Conducting Qualification Examinations)**

- (1) "Specialized agency prescribed by Presidential Decree" in the former part of Article 143 (3) of the Act means the Human Resources Development Service of Korea established under the Human Resources Development Service of Korea Act (hereinafter referred to as "Human Resources Development Service of Korea").
- (2) Where the Minister of Employment and Labor has the Human Resources Development Service of Korea conduct instructor qualification examinations on his or her behalf under Article 143 (3) of the Act, he or she may require the Human Resources Development Service of Korea to organize and operate a qualification examination committee, if deemed necessary.

(3) Necessary matters concerning the organization, operation, etc. of a qualification examination committee shall be prescribed by the Minister of Employment and Labor.

#### **Article 107 (Persons Exempted from Training Education)**

“Persons having practical experience prescribed by Presidential Decree” in Article 146 of the Act means persons who have at least five years of practical experience in the field of occupational safety or occupational health.

#### **Article 108 (Subscription to Insurance for Compensation for Damage)**

(1) Any instructor registered pursuant to Article 145 (1) of the Act (referring to a corporation where the corporation is established pursuant to paragraph (2) of that Article; hereafter in this Article, the same shall apply) shall subscribe to guarantee insurance with the insurance amount of at least 20 million won under Article 148 (2) of the Act (in cases of a corporation referred to in Article 145 (2) of the Act, the amount gained by multiplying 20 million won by the number of instructors who are employees).

(2) Where any instructor compensates for loss with guarantee insurance money prescribed in paragraph (1), he or she shall subscribe to guarantee insurance again within 10 days from the date of compensation.

(3) Necessary matters concerning subscribing to guarantee insurance for compensation for loss and making payments shall be prescribed by Ordinance of the Ministry of Employment and Labor.

## **CHAPTER X SUPPLEMENTARY PROVISIONS**

#### **Article 109 (Assistance for Industrial Accident Prevention Projects)**

“Projects designated by Presidential Decree” in the former part of Article 158 (1) of the Act means projects related to any of the following businesses: *<Amended on Sep. 8, 2020>*

1. The business of manufacturing, purchasing, repairing, testing and researching protective devices, protective outfits and safety facilities, which are intended to prevent industrial accidents, and facilities and equipment, which are intended to improve a working environment, and conducting publicity campaigns and providing information in relation thereto;
2. The business of providing technical assistance in safety and health management of places of business;
3. The business of conducting education related to occupational safety and health, and nurturing experts in such fields;
4. The business of conducting research and developing technology to prevent industrial accidents;
5. The business of supporting the operation of facilities for maintaining and promoting the health of persons providing labor referred to in subparagraph 3 of Article 11 of the Act;
6. The business of raising safety and health awareness;
7. The business of supporting the risk assessment prescribed in Article 36 of the Act;

8. The business of supporting safety inspections;
9. The business related to the standards on exposure to harmful factors, and investigation and assessment of harm and danger;
10. The business of purchasing facilities and equipment deemed necessary for the epidemiological survey and research on the underlying causes of occupational diseases, or the prevention of occupational diseases;
11. The business of facilitating work environment monitoring or health examinations;
12. The business of purchasing facilities, equipment, etc. necessary for assessing the measurement and analysis capabilities of work environment monitoring institutions pursuant to Article 126 (2) of the Act and for assessing the examination and analysis capabilities of special health examination institutions pursuant to Article 135 (3) of the Act;
13. The business of assisting academic activities and nurturing human resources in the field of industrial medicine;
14. Other businesses of preventing industrial accidents, which are determined by the Minister of Employment and Labor after undergoing deliberation by the Industrial Accident Compensation Insurance and Prevention Deliberation Committee.

#### **Article 110 (Cases Subject to Request for Sanctions)**

“Accidents prescribed by Presidential Decree, such as the death of multiple employees or areas adjacent to a place of business being seriously damaged” in Article 159 (1) 1 of the Act means any of the following accidents:

1. Accidents in which at least two employees die at the same time;
2. Accidents prescribed in the subparagraphs of Article 43 (3).

#### **Article 111 (Criteria for Imposing Penalty Surcharges)**

The criteria for imposing penalty surcharges pursuant to Article 160 (1) of the Act are as specified in attached Table 33.

#### **Article 112 (Imposition and Payment of Penalty Surcharges)**

(1) Where the Minister of Employment and Labor intends to impose a penalty surcharge pursuant to Article 160 (1) of the Act, he or she shall provide written notice thereof detailing the kind of the relevant violation, the amount of the relevant penalty surcharge, etc., as prescribed by Ordinance of the Ministry of Employment and Labor.

(2) A person who receives notice pursuant to paragraph (1) shall pay a penalty surcharge to a receiving agency designated by the Minister of Employment and Labor within 30 days from the date of receiving such notice: Provided, That where it is impossible to pay the penalty surcharge within the specified period due to natural disasters or other extenuating circumstance, he or she shall pay it within 15 days from the

date such circumstance ceases to exist.

(3) A receiving agency which has received the penalty surcharge pursuant to paragraph (2) shall issue a receipt to the payer and notify the Minister of Employment and Labor of the fact, without delay, of receiving the penalty surcharge.

(4) Where it is deemed difficult for a person on whom a penalty surcharge has been imposed pursuant to Article 160 (1) of the Act to pay the penalty surcharge in full at once for any of the following reasons, the Minister of Employment and Labor may extend the payment deadline or allow him or her to pay the penalty surcharge in installments. In such cases, when it is deemed necessary, the Minister of Employment and Labor may have him or her furnish a security:

1. Where he or she suffers a significant property loss due to disasters, etc.;
2. Where his or her business is in a serious crisis due to deteriorating economic or business conditions;
3. Where he or she is expected to suffer significant financial difficulties if the penalty surcharge is paid at once;
4. Where the Minister of Employment and Labor acknowledges that there are other reasons corresponding to those prescribed in subparagraphs 1 through 3.

(5) A person intending to have the payment deadline extended or to make payment in installments pursuant to paragraph (4) shall apply to the Minister of Employment and Labor by submitting documents attesting the reasons for such extension or payment in installments.

(6) The extension of a payment deadline referred to in paragraph (4) shall be up to one year from the day following the payment deadline; and the interval between payment deadlines for each installment shall be up to four months, with the total number of installments not exceeding three times.

(7) Where the person obligated to pay the penalty surcharge falls under any of the following after the decision is made to extend his or her payment deadline or to allow him or her pay the penalty surcharge in installments under paragraph (4), the Minister of Employment and Labor may revoke his or her decision to extend the payment deadline or allow payment in installments and collect the surcharge penalty at once:

1. Where he or she fails to pay the penalty surcharge to be paid in installments by the relevant payment deadline;
2. Where it is deemed that it would be impossible to collect all or the remainder of the penalty surcharge, due to such cases as compulsory execution, commencement of an auction, dissolution of a corporation, a disposition on default of national or local taxes, etc.

(8) Except as provided in paragraphs (1) through (7), necessary matters concerning the imposition and collection of penalty surcharges shall be determined by Ordinance of the Ministry of Employment and Labor.

### **Article 113 (Penalty Surcharges and Additional Dues for Violations of Obligations, such as Ban on Contracting)**

(1) The amount of penalty surcharges imposed pursuant to Article 161 (1) of the Act shall be calculated by applying the criteria for calculating penalty surcharges specified in attached Table 34, taking into account the matters prescribed in the subparagraphs of paragraph (2) of that Article.

(2) “Additional due prescribed by Presidential Decree” in the former part of Article 161 (3) of the Act means the amount equivalent to 5/1,000 of a penalty surcharge in arrears for every one month from the expiration date of the payment deadline.

#### **Article 114 (Imposition and Payment of Penalty Surcharges for Violations of Obligations, such as Ban on Contracting)**

@Article 112 shall apply mutatis mutandis to the imposition and payment of penalty surcharges and additional dues prescribed in Article 161 (1) and (3) of the Act.

#### **Article 115 (Delegation of Authority)**

(1) Pursuant to Article 165 (1) of the Act, the Minister of Employment and Labor shall delegate his or her authority over the following affairs to the head of each regional employment and labor office:

1. Requesting submission of data prescribed in Article 10 (3) of the Act;
2. Issuing an order to appoint or replace a safety officer, health officer, or safety and health manager referred to in Article 17 (3), 18 (3) or 19 (3) of the Act;
3. Designating, or revoking the designation of, a specialized safety management institution or specialized health management institution (excluding specialized health management institutions by industry or by harmful factor referred to in Article 23 (1) of this Decree) of the Act, and issuing an order to suspend its business pursuant to Article 21 (1) and (4);
4. Commissioning an honorary occupational safety inspector referred to in Article 23 (1) of the Act;
5. Registering, or revoking the registration of, a safety and health educational institution, and issuing an order to suspend its business pursuant to Article 33 (1) and (4) of the Act;
6. Issuing an order to suspend work or construction or to amend a plan for preventing harm and danger pursuant to the latter part of Article 42 (4) of the Act;
7. Issuing an order to amend a process safety report referred to in the latter part of Article 45 (1); and evaluating the implementation of a process safety report or issuing an order to re-submit a process safety report pursuant to Article 46 (4) and (5) of the Act;
8. Issuing an order to conduct a safety and health checkup and receiving a report on the results of the safety and health checkup pursuant to Article 47 (1) and (4) of the Act;
9. Designating, or revoking the designation of, a safety and health inspection institution, and issuing an order to suspend its business pursuant to Article 48 (1) and (4) of the Act;
10. Issuing an order to formulate and execute a safety and health improvement plan referred to in Article 49 (1) of the Act;

11. Receiving and reviewing a safety and health improvement plan; and providing written notice on the results of review, and issuing an order to supplement a safety and health improvement plan pursuant to Article 50 (1) and (2) of the Act;
12. Issuing an order for corrective measures prescribed in Article 53 (1) of the Act;
13. Issuing an order to suspend work pursuant to Articles 53 (3) and 55 (1) and (2) of the Act;
14. Lifting the suspension of use or the suspension of work pursuant to Article 53 (5) or 55 (3) of the Act;
15. Receiving and processing a report on occurrence of industrial accidents submitted by a business owner pursuant to Article 57 (3) of the Act;
16. Approving an approval, extension of approval, or approval of modifications and the revocation of an approval, extension of approval, or approval of modifications prescribed in Article 58 (2) 2, (5), (6) and (7) of the Act; and approving a contract pursuant to Article 59 (1) of the Act;
17. Designating, or revoking the designation of, a specialized guidance institution for preventing construction industrial accidents, and issuing an order to suspend its business pursuant to Article 74 (1) and (4) of the Act;
18. Registering, or revoking the registration of, a business of installing or dismantling a tower crane, and issuing an order to suspend its business pursuant to Article 82 (1) and (4) of the Act;
19. Issuing an order to submit data prescribed in Article 84 (6) of the Act;
20. Issuing an order to remove a mark prescribed in Article 85 (4) of the Act;
21. Issuing an order to revoke safety certification, to prohibit the use of a safety certificate, or to make necessary corrections prescribed in Article 86 (1) of the Act;
22. Issuing an order for collection or destruction prescribed in Article 87 (2) of the Act;
23. Issuing an order to remove a mark prescribed in Article 90 (4) of the Act;
24. Issuing an order to prohibit the use or to make necessary corrections pursuant to Article 91 (1) of the Act;
25. Issuing an order for collection or destruction prescribed in Article 92 (2) of the Act;
26. Revoking approval of a voluntary inspection program referred to in Article 99 (1) of the Act, and issuing an order to make corrections;
27. Designating, or revoking the designation of, a voluntary safety inspection institution, and issuing an order to suspend its business pursuant to Article 100 (1) and (4) of the Act;
28. Revoking registration or restricting support pursuant to Article 102 (3) of the Act;
29. Revoking an approval or extension of approval prescribed in Article 112 (8) of the Act;
30. Receiving and processing a report on the appointment or dismissal pursuant to Article 113 (3) of the Act;
31. Approving, or revoking the approval of, the manufacture, import or use of substances prohibited from manufacturing, etc. prescribed in Article 117 (2) 1 and (3) of the Act;

32. Permitting the manufacture and use of substances subject to permission or modifications thereto, issuing an order for repair, renovation, etc.; revoking permission for the manufacture and use of substances subject to permission; and issuing an order to suspend business pursuant to Article 118 (1), (4), and (5) of the Act;
33. Issuing an order to conduct a general asbestos inspection or an asbestos inspection by a designated institute pursuant to Article 119 (4) of the Act; and issuing an order to suspend business until the results of implementation in compliance with such order are reported;
34. Designating, or revoking the designation of, an asbestos inspection institution, and issuing an order to suspend its business pursuant to Article 120 (1) and (5) of the Act;
35. Registering, or revoking the registration of, the business of dismantling or removing asbestos, and issuing an order to suspend business pursuant to under Article 121 (1) and (4) of the Act;
36. Evaluating the safety of asbestos dismantling or removal works and disclosing the results of such evaluation pursuant to Article 121 (2) of the Act;
37. Receiving and accepting a report on asbestos dismantling or removal works pursuant to Article 122 (3) and (4) of the Act;
38. Receiving evidentiary data of asbestos concentration submitted pursuant to Article 124 (1) of the Act;
39. Receiving and processing a report on the results of measuring working environments pursuant to Article 125 (5) of the Act;
40. Designating, or revoking the designation of, a work environment monitoring institution, and issuing an order to suspend its business pursuant to Article 126 (1) and (5) of the Act;
41. Issuing an order to conduct provisional health examinations, etc. referred to in Article 131 (1) of the Act;
42. Receiving reports on the results of taking measures pursuant to Article 132 (5) of the Act;
43. Receiving reports on the results of health examinations pursuant to Article 134 (1) of the Act;
44. Designating, or revoking the designation of, a special health examination institution, and issuing an order to suspend its business pursuant to Article 135 (1) and (6) of the Act;
45. Designating, or revoking the designation of, an educational institution, and issuing an order to suspend its business pursuant to Article 140 (2) and (4) of the Act;
46. Registering, or revoking the registration of, an instructor, and issuing an order to suspend his or her services pursuant to Articles 145 (1) and 154 of the Act;
47. Receiving and processing a report referred to in Article 157 (1) and (2) of the Act;
48. Imposing and collecting penalty surcharges (limited to matters regarding entrusted authority) pursuant to Article 160 of the Act;
49. Imposing and collecting penalty surcharges and additional dues pursuant to Article 161 of the Act;
50. Hearings (limited to matters regarding entrusted authority) referred to in Article 163 (1) of the Act;

51. Imposing and collecting penalty surcharges (limited to matters regarding entrusted authority) pursuant to Article 175 of the Act;
52. Receiving documents pursuant to Articles 16 (6), 20 (3), and 29 (3) of the Act;
53. Supervisory measures necessary in exercising the authority prescribed in subparagraphs 1 through 52.

#### **Article 116 (Entrustment of Business Affairs)**

(1) The Minister of Employment and Labor shall entrust the Agency with the business affairs prescribed in Article 165 (2) 2 through 4, 6 through 10, 12, 15, 16, 18 through 30, 32, 33, and 35 through 41 of the Act.

(2) The Minister of Employment and Labor shall entrust the business affairs prescribed in Article 165 (2) 1, 11, 13, 14, 17, 31, and 34 to the Agency or a corporation or institution, designated and publicly notified by the Minister of Employment and Labor or registered with the Minister of Employment and Labor, from among the following corporations or institutions satisfying the requirements for human resources, facilities, and equipment to perform the entrusted business affairs:

1. Corporations that meet all the following requirements:

- (a) Nonprofit corporations;

- (b) The objective of incorporation shall be to promote occupational safety and health or to prevent industrial accidents;

2. Corporations or institutions designated by the Minister of Employment and Labor pursuant to Article 21 (1), 48 (1), 74 (1), 120 (1), 126 (1), 135 (1), or 140 (2) of the Act;

3. Public institutions established under the Act on the Management of Public Institutions for the purpose of certifying and inspecting machinery, apparatus, equipment, etc. and for the research and development of manufacturing technology, education, assessment, and so forth;

4. Schools, defined in Article 2 of the Higher Education Act, with a department relating to occupational safety and health.

(3) Where the Minister of Employment and Labor entrusts business affairs to the Agency, corporations or institutions under paragraph (2), he or she shall publicly announce matters concerning the names of entrusted institutions and entrusted business affairs in the Official Gazette or the Website of the Ministry of Employment and Labor.

#### **Article 117 (Processing Sensitive Information and Personally Identifiable Information)**

The Minister of Employment and Labor (including those to whom any authority of the Minister of Employment and Labor is delegated or any affair thereof is entrusted pursuant to Article 165 of the Act) may, if essential for performing any of the following matters, process any information on health prescribed in Article 23 of the Personal Information Protection Act, information equivalent to criminal background data prescribed in subparagraph 2 of Article 18 of the Enforcement Decree of that Act, and data containing resident registration numbers or foreigner registration numbers prescribed in subparagraph 1 or 4 of



Article 19 of that Decree:

1. Affairs the Minister of Employment and Labor requests cooperation on pursuant to Article 8 of the Act with respect to processing data regarding industrial accidents or health examinations;
2. Affairs regarding records, reports, etc. on the occurrence of industrial accidents prescribed in Article 57 of the Act;
3. Affairs regarding health examinations prescribed in Articles 129 through 136 of the Act;
4. Affairs regarding issuing health management cards referred to in Article 137 of the Act;
5. Affairs regarding guidance and supervision regarding prohibiting or restricting persons suffering from diseases from working pursuant to Article 138 of the Act;
6. Affairs regarding epidemiological inspections referred to in Article 141 of the Act;
7. Affairs regarding instructor qualification examinations referred to in Article 143 of the Act;
8. Affairs regarding registration of instructors prescribed in Article 145 of the Act.

#### **Article 118 (Re-Examination of Regulation)**

(1) The Minister of Employment and Labor shall examine the appropriateness of each of the following matters every three years, counting from each of the following base dates (referring to the day before every third anniversary from the base date) and shall take measures, such as making improvements:

1. The scope of businesses referred to in Article 2 (1) and subparagraph 3 of attached Table 1: January 1, 2019;
2. Businesses required to appoint a safety and health manager referred to in Article 24: January 1, 2019;
3. Deleted; <Mar. 3, 2020>
4. Projects requiring designation of persons in general charge of safety and health referred to in Article 52: January 1, 2020;
5. The requirement for designating work environment monitoring institutions referred to in Article 95: January 1, 2020;
6. Deleted; <Mar. 3, 2020>
7. The grounds for revoking, etc. designation of educational institutions referred to in Article 100, the purpose of which is to foster qualified or licensed persons, or for employees to acquire skills: January 1, 2020.

## **CHAPTER XI PENALTY PROVISIONS**

#### **Article 119 (Criteria for Imposing Administrative Fines)**

The criteria for imposing an administrative fine pursuant to Article 175 (1) through (6) of the Act are as specified in attached Table 35.

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on January 16, 2020: Provided, That the amended provisions of Article 13 and subparagraph 4 (b) of attached Table 35 shall enter into force on January 1, 2021; and the amended provisions of Article 86 and subparagraph 4 (r) (limited to the part pertaining to subparagraph 5 of Article 35 of the Act) and items (bp) through (ca) of attached Table 35 shall enter into force on January 16, 2021.

### **Article 2 (General Applicability to Application of Facilities Subject to Submission of Process Safety Reports)**

(1) The amended provisions of Articles 43 and 45 (limited to the part pertaining to attached Table 13) and attached Table 13 shall start to apply from the dates according to the following classifications:

1. A places of business employing at least five full-time employees: January 16, 2021;
2. A places of business employing less than five full-time employees: July 16, 2021.

(2) The amended provisions of Article 71 (limited to the part pertaining to subparagraph 24 of attached Table 21) and subparagraph 24 of attached Table 21 shall start to apply from July 16, 2020.

(3) The amended provisions of Articles 74 (1) 2 (i) and 77 (1) 2 shall start to apply from January 16, 2021.

(4) The amended provisions of subparagraph 46 of attached Table 3 shall start to apply from the dates according to the following classifications:

1. In cases of construction works costing at least 10 billion won: July 1, 2020;
2. In cases of construction works costing at least eight billion won and less than 10 billion won: July 1, 2021;
3. In cases of construction works costing at least six billion won and less than eight billion won: July 1, 2022;
4. In cases of construction works costing at least five billion won and less than six billion won: July 1, 2023.

### **Article 3 (Period of Validity)**

(1) The amended provisions of Article 97 (2) shall remain valid until January 31, 2023.

(2) A health examination institution designated as a special health examination institution before January 1, 2021 under the amended provisions of Article 97 (2) shall be deemed to lose its effect of designation on January 18, 2021: Provided, That where the Minister of Employment and Labor designates a relevant institution as a special health examination institution again from January 1, 2021 to January 17, 2021, the designation effect shall be deemed to be lost on February 1, 2023.

### **Article 4 (Applicability to Publication of Number of Industrial Accidents)**

(1) The amended provisions of Articles 10 and 12 shall apply to industrial accidents occurring on or after January 1 of the year following the year where the date this Decree enters into force falls.

(2) Until the amended provisions of Articles 10 and 12 start to apply pursuant to paragraph (1), Article 8-4 of the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being amended by Presidential Decree No. 30256) shall apply.

#### **Article 5 (Applicability to Appointment of Safety Officers in Construction Business)**

(1) The amended provisions of Article 12 (2) of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 16947, shall apply to construction works commencing on or after January 1, 2001.

(2) The amended provisions of attached Table 3 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 19804, shall apply to construction works commencing on or after July 1, 2007.

(3) The amended provisions of the note to attached Table 3 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 21653, shall apply to construction works contracted on or after August 7, 2009.

(4) The amended provisions of subparagraph 41 of attached Table 3 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 26985, shall apply to construction works commencing on or after August 18, 2016.

#### **Article 6 (Applicability to Submission of Harm and Danger Prevention Plans)**

(1) The amended provisions of Article 33-2 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 20973, shall apply to works commencing on or after February 1, 2009 for installing or relocating buildings, machines, equipment, facilities, etc. related to the relevant project or for altering major structural parts thereof.

(2) The amended provisions of subparagraphs 3 through 10 of Article 33-2 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 23545, shall apply to works commencing on or after July 1, 2012 for installing or relocating buildings, machines, equipment, facilities, etc. in relation to a project prescribed in such amended provisions or for altering major structural parts thereof.

#### **Article 7 (Applicability to Machinery and Apparatus Requiring Safety Measures of Lenders)**

The amended provisions of Article 71 and attached Tables 21 and 24 shall apply to persons who lend or rent mobile elevated work platforms on or after July 16, 2020.

#### **Article 8 (Applicability to Machinery Subject to Safety Certification)**

The amended provisions of Article 74 (1) 2 (i) shall apply to industrial protective robots manufactured or imported on or after January 16, 2021.

#### **Article 9 (Applicability to Grounds for Revocation of Designation of Special Health Examination Institutions)**

The amended provisions of subparagraph 7 of Article 98 shall apply where a special health examination institution refuses assessment conducted by the Minister of Employment and Labor pursuant to Article

135 (4) of the Act without good cause after this Decree enters into force.

**Article 10 (Applicability to Expansion of Cases Subject to Requests for Sanctions)**

The amended provisions of subparagraph 1 of Article 33-9 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 18609, shall apply to the relevant industrial accidents that occur on or after January 1, 2006.

**Article 11 (Applicability to Payment of Penalty Surcharges in Installments)**

The amended provisions of Article 112 (4) through (7) shall apply to penalty surcharges imposed after this Decree enters into force.

**Article 12 (Applicability to Contractees' Safety and Health Measures in Public Administration)**

The amended provisions of subparagraph 4 of attached Table 1 pertaining to the safety and health measures of contractees shall apply to contracts concluded after this Decree enters into force.

**Article 13 (Applicability to Appointment of Safety Officers in Construction Business)**

The amended provisions of subparagraph 46 of and the note to attached Table 3 shall apply to construction works commencing on or after the dates according to the classifications prescribed in the subparagraphs of Article 2 (4) of the Addenda.

**Article 14 (Applicability to Appointment of Health Officers in Construction Business)**

The amended provisions of subparagraph 40 of attached Table 5 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 24684, shall apply to construction works commencing on or after January 1, 2015.

**Article 15 (Applicability to Penalty Surcharges)**

The amended provisions of attached Table 4-2 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 23545, shall apply where any ground for revoking a disposition to suspend business arises on or after January 26, 2012.

**Article 16 (Applicability to Prohibition on Contracting Harmful Work)**

Article 28 of the Occupational Safety and Health Act (referring to the Occupational Safety and Health Act prior to being amended by Act No. 6315) pertaining to authorizing the contracting of harmful work newly applied under the amended provisions of subparagraphs 1, 2, and 4 through 6 of attached Table 1 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 16947, shall apply where any project falling under the amended provisions of subparagraphs 1, 2, and 4 through 6 of attached Table 1 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 16947, contracts or subcontracts work on or after August 5, 2000.

**Article 17 (Places of Business Subject to Publication)**

Notwithstanding the amended provisions of Article 8-4 (3) of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 28368, "at least 500" employees referred to in the amended provisions, with the exception of the subparagraphs, of Article 12 shall be construed as "at least 1,000" employees until December 31, 2019.

#### **Article 18 (Transitional Measures concerning Safety Officer in Office)**

(1) Where any business owner has reported the appointment of a safety officer pursuant to the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being wholly amended by Presidential Decree No. 13053) as at the time the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 13053, entered into force, such business owner shall be deemed to have submitted documents attesting the appointment of the safety officer pursuant to the amended provisions of Article 16 (6).

(2) Where any business owner has reported the appointment of a health officer pursuant to the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being wholly amended by Presidential Decree No. 13053) as at the time the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 13053 entered into force, such business owner shall be deemed to have submitted documents attesting the appointment of the health officer pursuant to the amended provisions of Article 16 (6) which is applied mutatis mutandis pursuant to the amended provisions of Article 20 (3).

(3) Any person employed as a health officer in charge of health management under the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being wholly amended by Presidential Decree No. 13053) as of July 14, 1990, when the Enforcement Decree of the Occupational Safety and Health Act as amended by Presidential Decree No. 13053 enter into force, shall be deemed a health officer appointed under the amended provisions of Article 20 until he or she is newly appointed in accordance with the standards for qualifications prescribed in this Decree.

#### **Article 19 (Transitional Measures concerning Health Management Agencies)**

(1) Any person designated as a health management agency, designated measurement institution, or specialized institution for construction accident prevention under the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being amended by Presidential Decree No. 14787), as at the time the Enforcement Decree of the Occupational Safety and Health Act as amended by Presidential Decree No. 14787 entered into force, shall be deemed designated as a health management agency, designated measurement institution or specialized institution for construction accident prevention under this Decree, respectively.

(2) Any specialized institution for construction accident prevention, designated educational institution, educational institution for employees' skill acquisition, or safety and health diagnosis institution designated under the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being amended by Presidential Decree No. 15372), as at the time the Enforcement Decree of the Occupational Safety and

Health Act as amended by Presidential Decree No. 15372 entered into force, shall be deemed designated as a specialized institution for construction accident prevention, educational institution for employees' skill acquisition, or safety and health diagnosis institution under this Decree, respectively.

**Article 20 (Transitional Measures concerning Facilities Subject to Submission of Process Safety Reports)**

(1) Notwithstanding the amended provisions of Articles 43 and 45 (limited to the part pertaining to attached Table 13) and attached Table 13, where any facility not required to submit a process safety report under the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being wholly amended by Presidential Decree No. 30256) before the dates according to the classifications prescribed in the subparagraphs of Article 2 (1) of these Addenda becomes subject to submission of a process safety report under the amended provisions of attached Table 13, the business owner of the relevant facility shall submit a process safety report within three months from the dates according to the classifications prescribed in the subparagraphs of Article 2 (1) of these Addenda.

(2) Until the amended provisions of Articles 43 and 45 (limited to the part pertaining to attached Table 13) and attached Table 13 start to apply pursuant to Article 2 (1) of these Addenda, Articles 33-6 and 33-8 (limited to the part pertaining to attached Table 10) and attached Table 10 of the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being wholly amended by Presidential Decree No. 30256) shall apply.

**Article 21 (Transitional Measures concerning Machinery Subject to Safety Certification)**

Until the amended provisions of Articles 77 (1) 2 start to apply pursuant to Article 2 (3) of these Addenda, Article 28-5 (1) 2 of the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being wholly amended by Presidential Decree No. 30256) shall apply.

**Article 22 (Transitional Measures concerning Revocation of Designation of Asbestos Inspection Institutions)**

Article 30-6 of the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being amended by Presidential Decree No. 23545) shall apply to revoking, etc. the designation of an asbestos inspection institution on any ground that arose before the Enforcement Decree of the Occupational Safety and Health Act prior to being amended by Presidential Decree No. 23545 entered into force.

**Article 23 (Transitional Measures concerning Appointment of Safety Officers by Business Owners Engaged in Power Generation Business)**

Any owner of a power generation business (limited to cases where the number of full-time employees is at least 500 and less than 1,000) who has not appointed a safety officer referred to in the amended provisions of subparagraph 23 of attached Table 3, as at the time this Decree enters into force, shall

appoint a safety officer pursuant to the amended provisions of subparagraph 23 of attached Table 3 within six months from the date this Decree enters into force.

**Article 24 (Transitional Measures concerning Appointment of Safety Officers in Construction Business)**

Until the amended provisions of subparagraph 46 of attached Table 3 start to apply pursuant to Article 2 (4) of these Addenda, subparagraph 41 of and the note to attached Table 3 of the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being wholly amended by Presidential Decree No. 30256) shall apply.

**Article 25 (Transitional Measures concerning Appointment of Health Officers by Business Owners Engaged in Land Transportation or Pipeline Transportation Business)**

Any owner of land transportation or pipeline transportation business (excluding urban railroad transportation business), as at the time this Decree enters into force, shall appoint a health officer within six months from the date this Decree enters into force pursuant to the amended provisions of subparagraph 27 of attached Table 5.

**Article 26 (Transitional Measures concerning Qualifications for Health Officers)**

(1) Among the persons employed as a health officer pursuant to the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being amended by Presidential Decree No. 15372), as at the time the Enforcement Decree of the Occupational Safety and Health Act as amended by Presidential Decree No. 15372 entered into force, any person failing to meet the qualification criteria specified in the amended provisions of subparagraph 6 of attached Table 6 shall be deemed to be a health officer pursuant to this Decree only for the period of him or her staying in office at the relevant place of business.

(2) Any person appointed as a health officer pursuant to attached Table 6 of the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being amended by Presidential Decree No. 28368), as at the time the Enforcement Decree of the Occupational Safety and Health Act as amended by Presidential Decree No. 28368 entered into force, shall be deemed to be qualified as a health officer pursuant to the amended provisions of attached Table 6.

**Article 27 (Transitional Measures concerning Persons in Office at Specialized Safety Management Institutions)**

(1) Any person employed by a specialized safety management institution, as at the time this Decree enters into force, who fails to meet the criteria for human resources specified in the amended provisions of attached Table 7 shall be deemed to meet the criteria for human resources specified in the amended provisions of attached Table 7 only for the period of him or her staying in office at the relevant institution.

(2) Any person employed by a specialized health management institution, as at the time this Decree enters into force, who fails to meet the criteria for human resources specified in the amended provisions of attached Table 8 shall be deemed to meet the criteria for human resources specified in the amended provisions of attached Table 8 only for the period of him or her staying in office at the relevant institution.

(3) Any person employed by a general checkup institution, as at the time this Decree enters into force, who fails to meet the criteria for human resources specified in the amended provisions of attached Table 15 shall be deemed to meet the criteria for human resources specified in the amended provisions of attached Table 15 only for the period of him or her staying in office at the relevant institution.

(4) Any person employed by a health checkup institution, as at the time this Decree enters into force, who fails to meet the criteria for human resources specified in the amended provisions of attached Table 17 shall be deemed to meet the criteria for human resources specified in the amended provisions of attached Table 17 only for the period of him or her staying in office at the relevant institution.

(5) Any person employed by a specialized guidance institution for construction accident prevention, as at the time this Decree enters into force, who fails to meet the criteria for human resources specified in the amended provisions of attached Table 19 shall be deemed to meet the criteria for human resources specified in the amended provisions of attached Table 19 only for the period of him or her staying in office at the relevant institution.

(6) Any person employed by a working environment monitoring institution, as at the time this Decree enters into force, who fails to meet the criteria for human resources specified in the amended provisions of attached Table 29 shall be deemed to meet the criteria for human resources specified in the amended provisions of attached Table 29 only for the period of him or her staying in office at the relevant institution.

(7) Any person employed by a special health examination institution, as at the time this Decree enters into force, who fails to meet the criteria for human resources specified in the amended provisions of attached Table 30 shall be deemed to meet the criteria for human resources specified in the amended provisions of attached Table 30 only for the period of him or her staying in office at the relevant institution.

#### **Article 28 (Transitional Measures concerning Requirements for Registration of Safety and Health Educational Institutions)**

(1) Any safety and health educational institution registered pursuant to Article 26-10 of the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being wholly amended by Presidential Decree No. 30256), as at the time this Decree enters into force, shall be deemed a safety and health educational institution pursuant to this Decree.

(2) Any institution entrusted with safety and health education registered pursuant to the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of



the Occupational Safety and Health Act prior to being wholly amended by Presidential Decree No. 30256), as at the time this Decree enters into force, shall acquire educational materials for office workers and non-office workers within three months from the date this Decree enters into force pursuant to the amended provisions of subparagraph 4 of attached Table 10.

**Article 29 (Transitional Measures concerning Criteria for Imposing Penalty Surcharges)**

Attached Table 4-2 of the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being amended by Presidential Decree No. 28368) shall apply when applying the criteria for imposing penalty surcharges for any violation committed before the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 28368, entered into force.

**Article 30 (Transitional Measures concerning Criteria for Imposing Administrative Fines)**

Subparagraph 4 (ak) and (al) of attached Table 13 of the former Enforcement Decree of the Occupational Safety and Health Act (referring to the Enforcement Decree of the Occupational Safety and Health Act prior to being amended by Presidential Decree No. 26985) shall apply when applying the criteria for imposing administrative fines for any violation committed before the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 26985, entered into force.

**Article 31 (Transitional Measures concerning Scope of Application of Former Addenda)**

The former Addenda prescribed pursuant to the previous amendments to the Enforcement Decree of the Occupational Safety and Health Act shall continue to apply even after this Decree enters into force to the extent that doing so does not violate any provision of this Decree, except where they have already become null and void before this Decree enters into force.

**Article 32 Omitted.**

**Article 33 (Relationship to Other Statutes and Regulations)**

Where any provision of the former Enforcement Decree of the Occupational Safety and Health Act is cited by other statutes or regulations as at the time this Act enters into force, if any provision corresponding thereto exists herein, the relevant provision of this Act shall be deemed cited in lieu of such former provision.

ADDENDUM <Presidential Decree No. 30509, Mar. 3, 2020>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 30979, Aug. 27, 2020>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on August 28, 2020.

**Articles 2 through 4 Omitted.**

*ADDENDA <Presidential Decree No. 31004, Sep. 8, 2020>*

This Decree shall enter into force on the date of its promulgation: Provided, That the following amended provisions shall enter into force on the dates according to the following classifications:

1. The amended provisions of the latter part of Article 45 (1): April 1, 2021;
2. The amended provisions of subparagraph 4 (cj) of attached Table 35: September 10, 2020;
3. The amended provisions of subparagraph 4 (excluding item (cj)) of attached Table 35: October 1, 2020;
4. The amended provisions of subparagraph 4 (bz) of attached Table 35 of the Enforcement Decree of the Occupational Safety and Health Act, as amended by Presidential Decree No. 30256: January 16, 2021.

*ADDENDUM <Presidential Decree No. 31380, Jan. 5, 2021>*

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

*ADDENDUM <Presidential Decree No. 31387, Jan. 12, 2021>*

This Decree shall enter into force on the date of its promulgation.

*ADDENDA <Presidential Decree No. 31576, Mar. 30, 2021>*

**Article 1 (Enforcement Date)**

This Decree shall enter into force on April 1, 2021. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

*ADDENDUM <Presidential Decree No. 32051, Oct. 14, 2021>*

This Decree shall enter into force on October 14, 2021.

Last updated : 2022-08-16