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** This Act reflects only the amendments made until October 31, 2011*

OCCUPATIONAL SAFETY AND HEALTH ACT

Act No. 3532, Dec. 31, 1981

Amended by Act No. 4220, Jan. 13, 1990
Act No. 4622, Dec. 27, 1993
Act No. 4826, Dec. 22, 1994
Act No. 4916, Jan. 5, 1995
Act No. 5247, Dec. 31, 1996
Act No. 5248, Dec. 31, 1996
Act No. 5453, Dec. 13, 1997
Act No. 5454, Dec. 13, 1997
Act No. 5886, Feb. 8, 1999
Act No. 6104, Jan. 7, 2000
Act No. 6315, Dec. 29, 2000
Act No. 6590, Dec. 31, 2001
Act No. 6847, Dec. 30, 2002
Act No. 7428, Mar. 31, 2005
Act No. 7467, Mar. 31, 2005
Act No. 7920, Mar. 24, 2006
Act No. 8372, Apr. 11, 2007
Act No. 8373, Apr. 11, 2007
Act No. 8475, May 17, 2007
Act No. 8486, May 25, 2007
Act No. 8562, Jul. 27, 2007
Act No. 8694, Dec. 14, 2007
Act No. 9319, Dec. 31, 2008
Act No. 9434, Feb. 6, 2009
Act No. 9796, Oct. 9, 2009
Act No. 9847, Dec. 29, 2009
Act No. 10305, May 20, 2010
Act No. 10339, Jun. 4, 2010
Act No. 10968, Jul. 25, 2011

CHAPTER I

General Provisions

Article 1 (Purpose)

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

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 2 (Definition)

For the purpose of this Act, <Amended by Act No. 10339, Jun. 4, 2010>

1. The term "industrial accidents" refers to cases when workers die, get injured or contract diseases due to work-related structures, equipment, raw materials, gas, vapor, powder, dust, etc., or work and work-caused reasons;
2. The term "worker" means a worker as prescribed in Article 2 (1) 1 of the Labor Standards Act;
3. The term "employer" means a person who carries on business using workers;
4. The term "representative of workers" refers to a trade union, in case a trade union comprising the majority of workers concerned exists, and if such a trade union does not exist, a person who represents the majority of workers concerned.;
5. The term "work environment monitoring" means that a employer formulates a monitoring plan on workers or workplaces, gathers samples, and make an analysis and assessment thereof to find out the actual state of work environment;
6. The term "safety and health diagnosis" means an investigation and evaluation carried out by a person designated by the Minister of Employment and Labor for the purpose of discovering potential hazards and establishing improvement measures in order to prevent industrial accidents; and
7. The term "serious accidents" means industrial accidents such as death, etc., the degree of which is serious, and which are prescribed by the Ordinance of the Ministry of Employment and Labor.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 3 (Scope of Application)

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

(2) This Act and any order issued under this Act shall apply to the State and local governments, and public institutions under Article 5 of the Act on the Management of Public Institutions.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 4 (Duty of Government)

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

1. Establishment, execution, coordination and control of occupational safety and health policy;
2. Support and guidance for the prevention of accidents and diseases for workplaces where accidents and diseases occur frequently;
3. Safety assessment and improvement of harmful and dangerous machines, instruments, and equipment, protective devices, personal protective equipment, etc.;
4. Preparation of criteria for safety and health measures and guidance and inspection on harmful or dangerous machines, instruments, equipment, materials, etc.;
5. Support for the establishment of autonomous safety and health management system by workplaces;
6. Promotion of safety culture through public relations activities, education, accident-free campaigns, etc., to raise awareness about safety and health;
7. Research and development of technology and installation and operation of facilities for safety and health;
8. Maintenance and management of investigations and statistics on industrial accidents;
9. Support, guidance and inspection of organizations related to safety and health; and
10. Other matters concerning the protection and promotion of workers' safety and health.

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

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 5 (Duties of Employer)

(1) An employer shall observe the standards for the prevention of industrial accidents as prescribed by this Act and any order issued under this Act, provide workers with information on safety and health in the workplace, prevent workers' health problems caused by physical fatigue, mental stress, etc., protect the lives of workers, maintain and promote the safety and health of workers

by creating a proper work environment through the improvement of working conditions, and comply with the industrial accident and disease prevention policy of the State.

(2) A person falling under any of the following subparagraphs shall observe the standards as prescribed by this Act and any order issued under this Act when designing, manufacturing, importing or constructing an object, and strive to prevent the occurrence of industrial accidents caused by the use of the object :

1. A person who designs, manufactures or imports machines, instruments and other equipment;
2. A person who manufactures or imports raw materials, etc.; and
3. A person who designs or constructs a structure

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 6 (Duties of Worker)

A worker shall observe the standards for the prevention of industrial accidents as prescribed by this Act and any order issued under this Act, and are subject to measures for the prevention of industrial accidents taken by the employer or other related organizations.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 7 Deleted. *<Act No. 9796, Oct. 9, 2009>*

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

(1) The Minister of Employment and Labor shall establish a mid- and long-term basic plan for the prevention of industrial accidents. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor shall publish the industrial accident and disease prevention plan established under paragraph (1) after deliberation by the Deliberation Committee for Industrial Accident Compensation Insurance and Prevention under Article 8 (1) of the Industrial Accident Compensation Insurance Act. This provision shall also apply in cases where he/she intends to modify the plan. *<Amended by Act No. 9796, Oct. 9, 2009 and Act No. 10339, Jun. 4, 2010>*

Article 9 (Request, etc., for Cooperation)

(1) If it is deemed necessary for the effective execution of the industrial accident and disease prevention plan, the Minister of Employment and Labor may request any necessary cooperation from the head of the related administrative agency or the head

of a public institution under Article 4 of the Act on the Management of Public Institutions. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) If the head of an administrative agency (excluding the Ministry of Employment and Labor; hereinafter the same shall apply in this Act) intends to regulate safety and health in workplaces, he/she shall consult the Minister of Employment and Labor in advance. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If the Minister of Employment and Labor requests any change in the regulation in the course of consultation as referred to in paragraph (2), the head of the administrative agency shall comply, and the Minister of Employment and Labor, if necessary, may confirm the consulted and coordinated matters by reporting them to the Prime Minister. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) If it is deemed necessary for the prevention of industrial accidents, the Minister of Employment and Labor may recommend necessary matters to or request the cooperation of an employer, an employers' organization and other related persons. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 9-2 (Public Announcement of Number of Industrial Accidents Occurring in Workplaces, etc.)

(1) The Minister of Employment and Labor may, if it is deemed necessary for the prevention of industrial accidents, publicly announce the number of industrial accidents, accident rate and rankings of workplaces as prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Necessary matters concerning procedures for and methods of the announcement prescribed in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 10 (Record and Report of Incidence of Industrial Accidents)

(1) When an industrial accident or disease occurs, the employer shall record the causes, etc. of the accident and disease and preserve the record for three years as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) With regard to the industrial accidents prescribed by the Ordinance of the Ministry of Employment and Labor among those recorded in accordance with paragraph (1), an employer shall report their background, causes, date of report, plans to prevent a recurrence, etc., to the Minister of Employment and

Labor, as prescribed by the Ordinance of the Ministry of Employment and Labor : Provided, that this shall not apply if medical care benefits under Articles 41 and 91-5 of the Industrial Accident Compensation Insurance Act, survivors' benefits under Article 62 of the same Act, or pensions for surviving family members of pneumoconiosis workers under Article 91-4 of the same Act have been applied for. *<Amended by Act No. 10305, May 20, 2010 and Act No. 10339, Jun. 4, 2010>*
<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 10-2 Deleted. *<Act No. 9434, Feb. 6, 2009>*

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

(1) An employer shall keep workers informed of the major contents of this Act and any order issued under this Act by posting or keeping them at all times in each workplace.

(2) A workers' representative may request the employer to notify him/her of the contents or results of the following matters, and the employer shall comply faithfully: *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. Matters decided by the Occupational Safety and Health Committee (referring to the labor-management consultative body if such a body has been set up and operated pursuant to Article 29-2) under Article 19 (2);
2. Matters prescribed in each subparagraph of Article 20 (1);
3. Matters prescribed in each subparagraph of Article 29 (2);
4. Matters prescribed in Article 41;
5. Matters concerning work environment monitoring as prescribed in Article 42 (1); and
6. Other matters concerning safety and health as prescribed by the Ordinance of the Ministry of Employment and Labor.
<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 12 (Attachment, etc., of Safety and Health Marks)

An employer shall install or attach safety and health marks, as prescribed by the Ordinance of the Ministry of Employment and Labor, in order to warn harmful or dangerous facilities and places in the workplace, inform measures in case of emergency, and raise other safety awareness. In this case, an employer who hires a foreign worker according to Article 2 of the Act on the Employment of Foreign Workers, etc. shall make efforts to attach safety and health marks and safety rules in the foreign language as prescribed by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

CHAPTER II

Safety and Health Management System

Article 13 (Safety and Health Manager)

(1) An employer shall assign a safety and health manager (hereinafter referred to as "safety and health manager") who is responsible for the overall management and control of the following matters: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Matters concerning the establishment of an industrial accident and disease prevention plan;
2. Matters concerning the preparation and modification of the safety and health management regulations under Article 20;
3. Matters concerning the safety and health education of employees under Article 31;
4. Matters concerning the inspection and improvement of the work environment, such as work environment monitoring, etc., under Article 42;
5. Matters concerning the management of health, such as health examinations, etc., of workers, under Article 43;
6. Matters concerning the investigation of the causes of industrial accidents and the establishment of measures to prevent a recurrence;
7. Matters concerning the record and maintenance of statistics on industrial accidents;
8. Matters concerning decisions on whether or not safety devices and personal protective equipment related to safety and health meet product standards at the time of purchase; and
9. Other matters concerning the prevention of harm and hazard to workers under Chapter IV, and as prescribed by the Ordinance of the Ministry of Employment and Labor.

(2) The safety and health manager shall direct and supervise a safety manager under Article 15 and a health managers under Article 16.

(3) The type and scale of the business to which a safety and health manager is to be assigned, and other necessary matters shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 14 (Supervisor)

(1) An employer shall have a supervisor of the workplace (this refers to the head of a division within the management structure, who directly manages and supervises production work and employees involved therein or who takes charge of such a position; hereinafter the same shall apply) carry out the safety- and health-related duties prescribed by the Presidential Decree, such as safety and health inspection : Provided, that with regard to work prescribed by the Presidential Decree and particularly requiring the prevention of danger, the safety- and health-related duties prescribed by the Presidential Decree, such as special education for employees involved in such work, shall be performed additionally.

(2) If an employer has a supervisor under paragraph (1), he/she shall be deemed to have a manager and a person in charge of safety management under Article 26-3 (1) 2 and 3 of the Construction Technology Management Act.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 15 (Safety Manager, etc.)

(1) An employer shall assign a safety manager at the workplace to assist the employer or the safety and health manager in technical matters concerning safety among the matters referred to in each subparagraph of Article 13 (1), and to instruct and advise the supervisor on such matters.

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

(3) If it is deemed necessary for the prevention of industrial accidents, the Minister of Employment and Labor may appoint more than the fixed number of safety managers, or order a safety manager to be replaced. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) The employer of a business of the type and scale prescribed by the Presidential Decree may entrust the duties of a safety manager to a professional institution (hereinafter referred to as the "safety management service institution") to perform the safety management measures designated by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) Matters concerning the requirements and procedures for

designating a safety management service institution shall be prescribed by the Presidential Decree and other necessary matters concerning the performance standard and service areas of a safety management service institution shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

<Amended by Act No. 10339, Jun. 4, 2010>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 15-2 (Cancellation, etc. of Designation)

(1) The Minister of Employment and Labor may cancel the designation of a safety management service institution or suspend its services for up to 6 months if the institution falls under any of the following subparagraphs: Provided that if the safety management service institution falls under subparagraph 1 or 2, the designation shall be cancelled. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. Where the institution is designated in a false or other fraudulent ways;
2. Where the institution carries out its services during the period of suspension;
3. Where the institution fails to meet the requirements for designation;
4. Where the institution carries out its services in violation of the designated matters and;
5. Where there is any other reason prescribed by the Presidential Decree.

(2) A safety management service institution whose designation has been cancelled pursuant to paragraph (1) shall not be designated as a safety management service institution within 2 years from the date of cancellation.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 15-3 (Penalty Surcharge)

(1) When the Minister of Employment and Labor needs to order suspension of business pursuant to Article 15-2, he/she may impose a penalty surcharge of not more than 100 million won in lieu of the suspension if such suspension is deemed to cause severe inconvenience to the service users or undermine the public interests. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(2) If a person imposed with a penalty surcharge pursuant to paragraph (1) fails to pay the penalty surcharge until the deadline, the penalty surcharge shall be collected according to the process

of the recovery of national taxes in arrears.

(3) The imposition standards of the penalty surcharges under paragraph (1) and other necessary matters shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 16 (Health Manager, etc.)

(1) An employer shall assign a health manager in the workplace to assist the employer or the safety and health manager in technical matters concerning health among the matters referred to in each subparagraph of Article 13 (1), and to instruct and advise the supervisor on such matters.

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

(3) Article 15 (3) through (5) and Articles 15-2 and 15-3 shall apply mutatis mutandis to health managers.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

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

Where the safety manager under Article 15 or health manager under Article 16 proposes technical matters concerning safety or health as prescribed in each subparagraph of Article 13 (1) to the employer or the safety and health manager, or instructs and advises the supervisor on such matters, the employer, the safety and health manager and the supervisor shall take pertinent measures corresponding thereto.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 17 (Occupational Physician)

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

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

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 18 (General Safety and Health Manager)

(1) The employer of any business prescribed by the Presidential Decree, which is carried out at the same place and

falls under any of the following subparagraphs, shall designate the safety and health manager for the business as a general safety and health manager in order to generally manage and control work aimed at preventing industrial accidents that may occur when workers employed by the employer and workers employed by his/her contractor (including subcontractors; hereinafter the same shall apply) work together at the same place. In this case, an employer whose business is not required to assign a safety and health manager shall designate the person who generally manage and control the business in the workplace as the general safety and health manager: *<Amended by Act No. 10968, Jul. 25, 2011>*

1. Business from which a part is separated and carried out under a contract; and
2. Business which is conducted under a construction consisting of special works and each of the special works is carried out under a contract.

(2) If a general safety and health manager is designated pursuant to paragraph (1), the general safety manager prescribed in Article 26-3 (1) 1 of the Construction Technology Management Act shall be deemed to have been designated.

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

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 19 (Occupational Safety and Health Committee)

(1) In order to deliberate or decide on important matters concerning occupational safety and health, an employer shall establish and operate an occupational safety and health committee composed of an equal number of workers and employers.

(2) An employer shall have the occupational safety and health committee deliberate and decided on the matters described in each of the following subparagraphs:

1. Matters concerning Article 13 (1) 1 through 5 and 7;
2. Matters concerning the serious industrial accidents as prescribed in Article 13 (1) 6; and
3. Matters concerning safety and health measures to be taken in case of introducing harmful and dangerous machines, instruments and other equipment.

(3) A meeting of an occupational safety and health committee shall be held as prescribed by the Presidential Decree and the minutes of the meeting shall be taken and kept.

(4) An occupational safety and health committee may determine the matters necessary to maintain and improve the safety and health of workers in the workplace.

(5) An employer and workers shall faithfully fulfill the matters deliberated, decided or determined by the occupational safety and health committee pursuant to paragraphs (2) and (4).

(6) The deliberation, decision or determination by the occupational safety and health committee under paragraphs (2) and (4) shall not be contrary to this Act and the order, collective agreements, and employment rules under this Act, and the safety and health management regulations under Article 20.

(7) An employer shall not treat a member of the occupational safety and health committee unfavorably by reason of his/her legitimate activities as a member of the Committee.

(8) Necessary matters concerning the type and scale of the business for which an occupational safety and health committee is to be established, the composition and operation of an occupational safety and health committee and how to deal with cases where a decision is not reached shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

CHAPTER III

Safety and Health Management Regulations

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

(1) In order to maintain safety and health in the workplace, an employer shall prepare safety and health management regulations including the following matters, post or keep them in the workplace, and notify workers thereof:

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

(2) The safety and health management regulations as referred to in paragraph (1) shall not be contrary to the collective

agreement and the employment rules which are applicable to the workplace concerned. In case any part of the safety and health management regulations is contrary to the collective agreement or employment rules, it shall be subject to the standards set by the collective agreement or employment rules.

(3) Necessary matters concerning the type and scale of the business required to prepare safety and health management regulations, and the details that should be included in safety and health management regulations shall be prescribed by the Ordinance of the Ministry of Employment and Labor.
<Amended by Act No. 10339, Jun. 4, 2010>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

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

If an employer prepares or modifies safety and health management regulations pursuant to Article 20, he/she shall do so through the deliberation of the occupational safety and health committee as prescribed in Article 19: Provided that for a workplace where an occupational safety and health committee is not established, the employer shall obtain the consent of the representative of workers.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

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

(1) An employer and workers shall observe safety and health management regulations.

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

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

CHAPTER IV

Measures for Preventing Harm and Hazard

Article 23 (Safety Measures)

(1) An employer shall take measures necessary for the prevention of the following hazards when carrying on business:

1. Hazards caused by machines, instruments or other equipment;
2. Hazards caused by explosive, combustible or inflammable substances; and
3. Hazards caused by electricity, heat or other energy.

(2) An employer shall take measures necessary for the prevention of hazards caused by improper work methods during excavating, quarrying, stevedoring, timbering, transporting, operating, dismantling, the handling of heavy objects, and other work.

(3) An employer shall take measures necessary for the prevention of hazards in places where workers might fall down, places where sand or structures, etc., might collapse, places where objects might fall or come flying off, or other places where a hazard, caused by natural disasters, is anticipated in the course of carrying out work.

(4) The safety measures to be taken by an employer under paragraphs (1) through (3) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 24 (Health Measures)

(1) An employer shall take measures necessary for the prevention of the following health problems when carrying on business:

1. Health problems caused by raw materials, gas, vapor, dust, fume, mist, oxygen-deficient air, pathogens, etc.;
2. Health problems caused by radiation, harmful rays, high temperature, low temperature, ultrasonic waves, noise, vibration, abnormal air pressure, etc.;
3. Health problems caused by gas, liquid, residue, etc. discharged from the workplace;
4. Health problems caused by the monitoring of gauges, the operation of computer terminals, precision work, etc.; and
5. Health problems caused by simple and repetitive work or work which requires excessive physical labor ; and
6. Health problems caused by failures to maintain the proper standards of ventilation, lighting, illumination, thermal insulation, dampproofing, cleaning, etc.

(2) The health measures to be taken by an employer under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 25 (Matters to be Observed by Workers)

Workers shall observe the measures taken by an employer pursuant to Articles 23 and 24, and as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 26 (Suspension, etc., of Work)

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

(2) If a worker suspends work and takes shelter due to any urgent risk of an industrial accident and disease, he/she shall report it without delay to the immediate superior officer, who shall take appropriate measures to address the situation.

(3) If there are reasonable grounds to believe that there exists any imminent danger of an industrial accident and disease, the employer shall not dismiss or give other unfavorable treatments to workers who have suspended work and taken shelter pursuant to paragraph (2), because they have done so.

(4) If a serious accident and disease occurs, the Minister of Employment and Labor may investigate the accident to find out the cause or establish preventive measures, and may have a labor inspector and related experts make a safety and health diagnosis, and take other necessary measures as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) No person shall interfere in the investigation to find out the cause as prescribed in paragraph (4) by impairing the site where the serious accident has occurred.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 27 (Technical Guidelines and Work Environment Standards)

(1) The Minister of Employment and Labor may set technical guidelines and work environment standards on the following matters and instruct and recommend them to employers : *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. Measures to be taken by an employer pursuant to the latter part of Article 5 (1) and Articles 23, 24 and 26; and
2. Measures to be taken by a person falling under Article 5 (2) 1 in order to prevent industrial accidents pursuant to

Article 5 (2).

(2) If it is deemed necessary for setting the guidelines and standards referred to in paragraph (1), the Minister of Employment and Labor may organize and operate a standard-setting committee by field. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The composition and operation of a standard setting committee and other necessary matters shall be determined by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*
<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 28 (Prohibition of Contract for Harmful Work)

(1) Work harmful or hazardous to safety and health and prescribed by the Presidential Decree shall not be separated and contracted out (including subcontracting) without obtaining authorization from the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The standards of the safety and health measures to be observed when harmful or hazardous work is contracted out pursuant to paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If the Minister of Employment and Labor gives the authorization as referred to in paragraph (1), he/she shall conduct a safety and health evaluation pursuant to Article 49. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) If a person who has received the authorization as referred to in paragraph (1) is short of the standard as referred to in paragraph (2), the Minister of Employment and Labor shall cancel the authorization. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 29 (Safety and Health Measures for Contract Business)

(1) The employer of any business prescribed by the Presidential Decree, which is carried out at the same place and falls under any of the following subparagraphs, shall take measures to prevent industrial accidents which may occur when workers employed by him/her and workers employed by his/her contractor work together at the same place: *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. Business from which a part is separated and carried out under a contract; and
2. Business which is conducted under a construction consisting of special works and each of the special works is carried out under a contract.

(2) Measures to be taken to prevent industrial accidents pursuant to parts other than each subparagraph of paragraph (1) shall be as follows : <Newly Inserted by Act No. 10968, Jul. 25, 2011>

1. Organization and operation of a consultative body concerning safety and health;
2. Safety and health management, such as an inspection tour of the workplace;
3. Guidance and support for the safety and health education for workers conducted by the contractor;
4. Work environment monitoring under Article 42 (1); and
5. Operation of alarms to cope with any of the following cases and notification to the contractor and workers employed by the contractor of matters on the operation of alarms :
 - A. Where blasting work is conducted at the worksite; and
 - B. Where a fire breaks out or an accident involving the collapse of soils and rocks occurs at the worksite.

(3) An employer referred to in paragraph (1) shall, if workers employed by his/her contractor work in a place which is designated by the Ordinance of the Ministry of Employment and Labor as an area at risk of industrial accidents, take measures for the prevention of industrial accidents, prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

(4) An employer referred to in paragraph (1) shall conduct safety and health inspections for the workplace periodically or whenever necessary, together with his/her workers, his/her contractors and workers employed by his/her contractors, as prescribed by the Ordinance of the Ministry of Employment and Labor, <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

(5) An employer referred to in paragraph (1) may, if his/her contractors or workers thereof violate this Act or any order issued under this Act in connection with the relevant work, demand the correction of such an offence if it is deemed necessary for the prevention of an industrial accident. <Amended by Act No. 10968, Jul. 25, 2011>

(6) A contractor and his/her workers shall comply with the measures or requirements under paragraphs (1) through (5) unless there is any justifiable reason. <Amended by Act No. 10968, Jul. 25, 2011>

(7) A person who contracts out business to another person

shall observe the following matters in order to ensure the safe and sanitary performance of the work : <Amended by Act No 10968, Jul. 25, 2011>

1. The construction period calculated in accordance with design drawings and documents, etc., shall not be shortened; and
2. Risky construction techniques shall not be used nor shall construction techniques be altered with no justifiable reason in order to reduce construction costs.

(8) A person who contracts out business to another person shall provide proper cooperation, such as providing space where the contractor can set up a sanitation facility or allowing workers of the contractor to use his/her sanitation facility, so that the contractor is able to observe the standards for sanitation facilities prescribed by the Ordinance of the Ministry of Employment and Labor. <Newly Inserted by Act No. 10968, Jul. 25, 2011>

(9) Necessary matters for the organization and operation of the consultative body referred to in paragraph (2) 1 shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 29-2 (Special Case on Organization and Operation of Consultative Body on Safety and Health)

(1) An employer of a business falling under Article 29 (1), and of the type and scale prescribed by the Presidential Decree, may organize and operate a labor-management consultative body on safety and health, composed of an equal number of workers and employers (hereinafter referred to as a "labor-management consultative body"), as prescribed by the Presidential Decree.

(2) If an employer organizes and operates a labor-management consultative body pursuant to paragraph (1), he/she shall be deemed to have organized and operated an occupational safety and health committee under Article 19 (1) and a consultative body on safety and health under Article 29 (2) 1. <Amended by Act No. 10968, Jul. 25, 2011>

(3) An employer who organizes and operates a labor-management consultative body pursuant to paragraph (1) shall go through deliberation and decision by the labor-management consultative body with regard to the matters described in each subparagraph of Article 19 (2). In this case, how to deal with

the matters not decided by the labor-management consultative body shall be prescribed by the Presidential Decree.

(4) A meeting of an labor-management consultative body shall be held as prescribed by the Presidential Decree and the minutes of the meeting shall be taken and kept.

(5) A labor-management consultative body may determine necessary matters to maintain and enhance the safety and health of workers in the workplace.

(6) A labor-management consultative body shall have consultation on the matters prescribed by the Ordinance of the Ministry of Employment and Labor, such as industrial accident prevention and evacuation method in case of an industrial accident.
<Amended by Act No. 10339, Jun. 4, 2010>

(7) An employer and workers who organize and operate a labor-management consultative body pursuant to paragraph (1) shall faithfully implement the matters deliberated and decided upon or determined by the labor-management consultative body pursuant to paragraphs (3) and (5).

(8) Article 19 (6) and (7) shall apply mutatis mutandis to labor-management consultative bodies.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

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

(1) If a person, who offers a contract for undertaking work in the construction, shipbuilding and repairs industries or other businesses designated by the Presidential Decree and carries out such businesses independently, enters into the contract or establishes an independent business plan, he/she shall appropriate occupational safety and health management expenses for the prevention of industrial accidents in the amount of the contract or work expenses under such conditions as determined and announced by the Minister of Employment and Labor.

<Amended by Act No. 10339, Jun. 4, 2010>

(2) In order to execute efficiently the occupational safety and health management expenses referred to in paragraph (1), the Minister of Employment and Labor may set standards for the following matters: <Amended by Act No. 10339, Jun. 4, 2010>

1. Standards for the disbursement of expenses according to the progress of the construction work;
2. Method and specific details necessary for the disbursement by scale and type of the business; and
3. Other matters necessary for the use of the occupational

safety and health management expenses.

(3) The contractor or person operating a business independently, as referred to in paragraph (1) shall not use the occupational safety and health management expenses for any other purpose. In this case, with respect to the occupational safety and health management expenses for which standards are determined under paragraph (2), he/she shall use the expenses according to such standards, and prepare and preserve a record of the expenses spent, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) If a contractor or person operating a business independently as referred to in paragraph (1), who is prescribed by the Ordinance of the Ministry of Employment and Labor, intends to use the occupational safety and health management expenses, he/she shall receive guidance in advance from a specialized institution (hereinafter referred to as the "specialized institution providing guidance on accident prevention") designated by the Minister of Employment and Labor, on the method of their use, accident prevention measures, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) The requirements and procedures for designating a specialized institution providing guidance on accident prevention, the contents of guidance, and other necessary matters shall be prescribed by the Presidential Decree.

(6) Articles 15-2 and 15-3 shall apply mutatis mutandis to specialized institutions providing guidance on accident prevention. *<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>*

Article 31 (Safety and Health Education)

(1) An employer shall periodically provide safety and health education for workers in the workplace as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) When an employer hires a worker (excluding cases in which a daily construction worker is hired), and changes the contents of work, he/she shall provide the worker concerned with safety and health education related to the work, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(3) When an employer employs a worker for harmful or hazardous work, he/she shall provide special safety and health education related to the work as prescribed by the Ordinance of

the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) An employer may entrust the safety and health education referred to in paragraphs (1) through (3) to a special institution equipped with manpower, facilities and equipment necessary for such education and designated by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 31-2 (Basic Safety and Health Education in Construction Industry)

(1) When the employer of a business in the construction industry hires a daily construction worker, he/she shall have such a worker to complete basic safety and health education (hereinafter referred to as "basic education for the construction industry") provided by an institution that is registered with the Minister of Employment and Labor after meeting the requirements prescribed by the Presidential Decree, such as for manpower, facilities and equipment : Provided that this shall not apply if the daily construction worker has completed basic education for the construction industry before being employed by the employer.

(2) Necessary matters concerning the registration procedures under paragraph (1) shall be prescribed by the Presidential Decree.

(3) Necessary matters concerning the time, contents and method of basic education for the construction industry shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

<This Article Newly Inserted by Act No. 10968, Jul. 25, 2011>

Article 32 (Education for Safety and Health Manager, etc.)

(1) A person falling under any of the following subparagraphs shall receive job competency education on safety and health (hereinafter referred to as "job competency education") to be conducted by the Minister of Employment and Labor: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. A safety and health manager, safety manager under Article 15 and health manager under Article 16; and
2. A person engaged in a specialized institution providing guidance on accident prevention

(2) Notwithstanding paragraph (1), the cases prescribed by the Ordinance of the Ministry of Employment and Labor, such as where education is received under other Acts and subordinate

statutes, may be exempted from all or part of job competency education. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) An institution which intends to be entrusted to provide job competency education under paragraph (1) shall register itself with the Minister of Employment and Labor after meeting the requirements prescribed by the Presidential Decree, such as for qualifications, manpower, facilities and equipment. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(4) Necessary matters concerning the time, contents and method of job competency education shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(5) Necessary matters concerning the registration procedures under paragraph (3) shall be prescribed by the Presidential Decree. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 32-2 (Evaluation of Registered Institutions)

(1) The Minister of Employment and Labor may evaluate institutions registered pursuant to Article 31-2 (1) or Article 32 (3), and disclose the results.

(2) Necessary matters concerning the criteria and method of an evaluation under paragraph (1) and disclosure of the results thereof shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

<This Article Newly Inserted by Act No. 10968, Jul. 25, 2011>

Article 32-3 (Application Mutatis Mutandis)

Article 15-2 shall apply mutatis mutandis to institutions registered with the Minister of Employment and Labor pursuant to Article 31-2 (1) or Article 32 (3). In such cases, "safety health service institution" shall be read as "institution registered with the Minister of Employment and Labor pursuant to Article 31-2 (1) or Article 32 (3)" and "designation" as "registration".

<This Article Newly Inserted by Act No. 10968, Jul. 25, 2011>

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

(1) Among machines and instruments requiring harmful or hazardous work or operated by power, those which are prescribed by the Presidential Decree shall not be transferred, leased, installed or used, or displayed for the purpose of transfer or lease, without taking protective measures for the prevention of harm and hazards as prescribed by the Minister of Employment

and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) A person who lends or borrows the machines, instruments, equipment, buildings, etc. as prescribed by the Presidential Decree to or from another person shall take necessary measures for the prevention of harm and hazards as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 34 (Safety Certification)

(1) To assess the safety of harmful or dangerous machines, instruments, equipment, protective devices and personal protective equipment (hereinafter referred to as "machines, instruments, etc. subject to safety certification"), the Minister of Employment and Labor may determine and announce safety certification criteria (hereinafter referred to as "safety certification criteria") concerning the safety performance, the manufacturer's technology capacity, the production system, etc. In this case, the safety certification criteria may be set by kind, standard and type of machines, instruments, etc. subject to safety certification. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) A person who manufactures (including the case of manufacturing machines, instruments, etc., subject to safety certification abroad and then exporting them to the Republic of Korea, and the case of installing machines, instruments, etc. subject to safety certification or altering the major part of their structure ; hereinafter the same shall apply in Articles 34-2 through 34-4.) such machines, instruments, etc. subject to safety certification (hereinafter referred to as "machines, instruments, etc. subject to mandatory safety certification") as are deemed necessary for the safety and health of workers and prescribed by the Presidential Decree shall receive the safety certification administered by the Minister of Employment and Labor to see if the machines, instruments, etc. subject to mandatory safety certification meet the safety certification criteria: Provided that in the cases prescribed by the Ordinance of the Ministry of Employment and Labor, such as importing secondhand machines, instruments, etc. subject to mandatory safety certification from foreign countries, the importer may receive safety certification. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) Any of the following cases may be exempted from all or part of safety certification under paragraphs (2), as prescribed by the Ordinance of the Ministry of Employment and Labor: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where the machines, instruments, etc. are manufactured or imported for the purpose of research and development, or manufactured for the purpose of export;
2. Where the certification has been received from a foreign safety certification institution determined and announced by the Minister of Employment and Labor; and
3. Where safety inspection or certification has been received under other Acts and subordinate statutes.

(4) To have the performance of machines, instruments, etc. subject to safety certification but not to mandatory safety certification assessed, the manufacturer may apply for safety certification to the Minister of Employment and Labor. In this case, the safety certification may be administered in accordance with the safety certification criteria determined and announced by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) The Minister of Employment and Labor shall check whether the manufacturer who has received safety certification (hereinafter referred to as "safety certification") pursuant to paragraphs (2) and (4) observes the safety certification criteria at the interval prescribed by the Ordinance of the Ministry of Employment and Labor but not exceeding three years : Provided that if a partial exemption is made from safety certification pursuant to paragraph (3), all or some of such check may be omitted. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(6) A person who has received safety certification pursuant to paragraph (2) shall record matters concerning the products for which safety certification has been received, such as product names, models, production quantities, sales quantities and the current status of sales outlets, and preserve such records as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(7) If the Minister of Employment and Labor deems it necessary for the safety and health of workers, he/she may order a person who manufactures, imports or sells machines, instruments, etc., subject to mandatory safety certification to submit information on the relevant machines, instruments, etc., subject to mandatory safety certification to the Agency as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(8) Necessary matters concerning the application for, method of and procedure for safety certification, and the method of and procedure for making a check under paragraph (5) shall be

prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 34-2 (Safety Certification Mark, etc.)

(1) A person who has received safety certification shall put a safety certification mark (hereinafter referred to as "safety certification mark") on machines, instruments, etc. subject to the safety certification, and the packages and containers of the machines, instruments, etc., as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Machines, instruments, etc., subject to safety certification other than those for which safety certification has been received shall not have a safety certification mark or other similar marks or shall not be used for advertisements about safety certification.

(3) A person who manufactures, imports, transfers and lends machines, instruments, etc. subject to safety certification for which safety certification has been received shall not arbitrarily change and remove the safety certification mark.

(4) In any of the following cases, the Minister of Employment and Labor shall order the removal of the safety certification mark or other similar marks: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where the safety certification mark or other similar marks are put in violation of paragraph (2); and
2. Where safety certification has been revoked or a order to prohibit the use of a safety certification mark has been issued pursuant to Article 34-3 (1).

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 34-3 (Revocation, etc. of Safety Certification)

(1) If a person who has received safety certification falls under any of the following subparagraphs, the Minister of Employment and Labor may revoke the safety certification, prohibit the use of safety certification mark for a period of less than six months, or order improvements to be made in line with the safety certification criteria : Provided that in the case of subparagraph 1, the safety certification shall be revoked: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. If a person has received the certification in a false or other fraudulent ways;
2. If the machines, instruments, etc. subject to safety certification, for which safety certification has been received, fail to meet

the safety certification criteria in terms of their safety performance, etc.; and

3. If a person refuses, avoids or interferes with the check under Article 34 (5) without a justifiable reason.

(2) If the Minister of Employment and Labor revokes safety certification pursuant to paragraph (1), he/she shall make public notice of this, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) A person whose safety certification has been revoked pursuant to paragraph (1) shall not apply to receive safety certification for machines, instruments, etc. subject to safety certification, which are of the same size and form, within one year of the date of revocation.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 34-4 (Prohibition, etc. of Manufacture, Import, Use, etc. of Machines, Instruments, etc. Subject to Mandatory Safety Certification)

(1) Machines, instruments, etc. subject to mandatory safety certification falling under any of the following subparagraphs shall not be manufactured, imported, transferred, leased, or used or displayed for the purpose of transfer or lease: *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. Where for the machines, instruments, etc., safety certification has not been received (excluding cases exempt from all of safety certification pursuant to Article 34 (3));

2. Where the machines, instruments, etc., fail to meet the safety certification criteria determined and announced by the Minister of Employment and Labor pursuant to Article 34 (1); and

3. Where for the machines, instruments, etc., safety certification is revoked, or an order to prohibit the use of the safety certification mark is issued.

(2) The Minister of Employment and Labor may order a person who manufactures, imports, transfers or leases machines, instruments, etc. subject to mandatory safety certification in violation of paragraph (1) to recall and destroy the machines, instruments, etc., as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 34-5 (Designation of Safety Certification Institution)

(1) The Minister of Employment and Labor may designate an institution (hereinafter referred to as "safety certification institution") to be entrusted to perform safety certification work and the work of making a check pursuant to Article 34 (5).

(2) To ensure the efficient performance of safety certification work, the Minister of Employment and Labor may investigate and evaluate the performance of safety certification institutions or provide guidance and conduct inspection on their handling of work.

(3) Necessary matters concerning requirements for the manpower, facilities, equipment, etc., of a safety certification institution and procedures for the designation of a safety certification institution shall be prescribed by the Presidential Decree.

(4) Article 15-2 shall apply mutatis mutandis to safety certification institutions. In such cases, "safety management service institution" shall be read as "safety certification institution".

<This Article Newly Inserted by Act No. 10968, Jul. 25, 2011>

Article 34-6 Deleted *<Act No. 8562, Jul. 27, 2007>*

Article 35 (Report of Self Safety Check)

(1) A person who manufactures or imports (including the case of installing machines, instruments, etc. subject to self safety check or altering the major part of their structure; hereinafter the same shall apply in Articles 35-2 through 35-4.) machines, instruments, etc. (hereinafter referred to as "machines, instruments, etc. subject to self safety check") subject to safety certification but not to mandatory safety certification and prescribed by the Presidential Decree shall make a check (hereinafter referred to as "self safety check") to see if the safety performance of the machines, instruments, etc. subject to self safety check meet the safety standards (hereinafter referred to as "self safety standards") determined and announced by the Minister of Employment and Labor and then report the results to the Minister of Employment and Labor. (including the case where the reported matters are altered): Provided that any of the following cases may be exempted from the reporting to the Minister of Employment and Labor: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where the machines, instruments, etc., are manufactured or imported for the purpose of research and development, or manufactured for the purpose of export;
2. Where safety certification has been received pursuant to Article 34 (4) (excluding cases where safety certification has been revoked, or an order to prohibit the use of the

- safety certification mark has been issued.); and
3. Where safety inspection or certification has been received under other Acts and subordinate statutes prescribed by the Ordinance of the Ministry of Employment and Labor.
 - (2) A person who has made a report pursuant to paragraph (1) shall keep the documents that prove that the machines, instruments, etc. subject to self safety check are in accordance with the self safety standards.
 - (3) Necessary matters concerning the method, etc., of the report referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*
<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 35-2 (Marking etc. of Self Safety Check)

- (1) A person who has reported pursuant to Article 35 (1) shall put a self safety check mark (hereinafter referred to as a "self safety check mark") on the machines, instruments, etc. subject to self safety check, or the containers and packages of the machines, instruments, etc., as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*
- (2) Machines, instruments, etc. other than those subject to self safety check which have been reported pursuant to Article 35 (1) shall not have a self safety check mark or similar marks thereto, and be used for advertisements about self safety check.
- (3) A person who manufactures, imports, transfers or leases machines, instruments, etc. subject to self safety check which are reported pursuant to Article 35 (1) shall not arbitrarily change or remove a self safety check mark.
- (4) In any of the following cases, the Minister of Employment and Labor shall issue an order to remove a self safety check mark or similar marks thereto: *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*
 1. Where a self safety check mark or similar marks thereto are put in violation of paragraph (2);
 2. Where a report under Article 35 (1) has been made in a false or other fraudulent ways; and
 3. Where an order to prohibit the use of a self safety check mark is issued under Article 35-3 (1)
<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 35-3 (Prohibition etc. of Use of Self Safety Check Mark)

(1) If the safety performance of machines, instruments, etc. subject to self safety check which were reported pursuant to Article 35 (1) fails to meet the self safety standards, the Minister of Employment and Labor may prohibit the person who has made that report pursuant to Article 35 (1) from using the self safety check mark or issue an order for improvement to meet the self safety standards for a period of up to six months. <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

(2) When the Minister of Employment and Labor prohibits the use of a self safety check mark pursuant to paragraph (1), he/she shall give public notice of the fact. <Newly Inserted by Act No. 10968, Jul. 25, 2011>

(3) The contents, method and procedure of a public notice under paragraph (2) and other necessary matters concerning such a public notice shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Newly Inserted by Act No. 10968, Jul. 25, 2011>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 35-4 (Prohibition, etc. of Manufacture, Import, Use, etc. of Machines, Instruments, etc. Subject to Self Safety Check)

(1) Machines, instruments, etc. subject to self safety check, which fall under any of the following subparagraphs shall not be manufactured, imported, transferred or leased, or be displayed for the purpose of transfer or lease: <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

1. Where a report under Article 35 (1) is not made (excluding cases where they are exempted from the obligation to report pursuant to the proviso to Article 35 (1))
2. Where a report under Article 35 (1) is made in a false or other fraudulent ways;
3. Where the machines, instruments, etc., fail to meet the self safety standards determined and announced by the Minister of Employment and Labor pursuant to Article 35 (1); and
4. Where an order to prohibit the use of a self safety check mark is issued pursuant to Article 35-3 (1).

(2) The Minister of Employment and Labor may order a person who manufactures, imports, transfers or leases machines, instruments, etc. subject to self safety check in violation of

paragraph (1) to recall or destroy the machines, instruments, etc. subject to self safety check as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 36 (Safety Inspection)

(1) An employer (including employers who run a business without employing any worker; hereinafter the same shall apply) who uses harmful or dangerous machines, instruments and equipment (hereinafter referred to as "harmful or dangerous machines, etc.") prescribed by the Presidential Decree shall receive an inspection (hereinafter referred to as "safety inspection") administered by the Minister of Employment and Labor on whether the safety performance of the harmful or dangerous machines, etc. meets the inspection standards determined and announced by the Minister of Employment and Labor. In such cases, if an employer who uses harmful or dangerous machines, etc., and a person who owns such machines, etc., are different, the owner of the harmful or dangerous machines, etc., shall receive a safety inspection. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(2) Notwithstanding paragraph (1), if an employer has received an inspection or certification for safety under other Acts and subordinate statutes prescribed by the Ordinance of the Ministry of Employment and Labor, he/she may be exempted from a safety inspection. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(3) An employer who uses harmful or dangerous machines, etc. which have passed a safety inspection shall put a mark indicating that the harmful or dangerous machines, etc., have passed a safety inspection. *<Amended by Act No. 10968, Jul. 25, 2011>*

(4) Harmful or dangerous machines, etc. falling under any of the following subparagraphs shall not be used: *<Amended by Act No. 10968, Jul. 25, 2011>*

1. Harmful or dangerous machines, etc. which have failed to receive a safety inspection (excluding cases where they are exempt from a safety inspection pursuant to the proviso to paragraph (2)); and
2. Harmful or dangerous machines, etc. which have failed to pass a safety inspection
- (5) The Minister of Employment and Labor may designate

an institution (hereinafter referred to as "safety inspection institution") to be entrusted to perform safety inspection work. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(6) If a safety inspection institution finds harmful or dangerous machines, etc., falling under each subparagraph of paragraph (4), it shall, without delay, report this to the head of the competent local employment and labor office. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(7) To ensure the efficient performance of safety inspection work, the Minister of Employment and Labor may investigate the performance of safety inspection institutions or provide guidance and conduct inspection on their handling of work. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(8) Necessary matters concerning the requirements for the manpower, facilities, equipment, etc., of a safety inspection institution and procedures for the designation of a safety inspection institution shall be prescribed by the Presidential Decree. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(9) Necessary matters concerning applications for safety inspection, inspection cycle and the method of indicating that machines, etc., have passed a safety inspection shall be prescribed by the Ordinance of the Ministry of Employment and Labor. In such cases, the inspection cycle shall be determined in consideration of the type, lifespan and dangerousness of harmful or dangerous machines, etc. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(10) Article 15-2 shall apply mutatis mutandis to safety inspection institutions. In such cases, "safety management service institution" shall be read as "safety inspection institution".

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 36-2 (Safety Inspection under Self Inspection Program)

(1) Notwithstanding Article 36 (1), if a person who has to receive a safety inspection determines an inspection program (hereinafter referred to as "self inspection program") satisfying the inspection standards under the main sentence of Article 36 (1), and inspection cycle, method of indicating that machines, etc., have passed a safety inspection, etc., under Article 36 (9), in consultation with the workers' representatives (excluding cases where there is no worker employed) and conducts an inspection of the safety performance of harmful or dangerous machines, etc., in accordance with it after receiving authorization from the Minister of Employment and Labor, he/she shall be deemed to

have received a safety inspection. In such cases, the valid term of the self inspection program shall be two years. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(2) If a person who has to receive a safety inspection pursuant to Article 36 (1) intends to conduct an inspection under a self inspection program, he/she shall have any of the following persons conduct such an inspection, and shall record and preserve the results: *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. A person who has the qualifications and experience prescribed by the Ordinance of the Ministry of Employment and Labor; and
2. A person who has completed the education prescribed by the Ordinance of the Ministry of Employment and Labor.

(3) A person who has to receive a safety inspection pursuant to Article 31 (1) may entrust an inspection under paragraph (2) to an inspection institution (hereinafter referred to as "designated inspection institution") designated by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(4) If a person who has received authorization for a self-inspection program falls under any of the following subparagraphs, the Minister of Employment and Labor may revoke the authorization for the self-inspection program, or order the person to make improvements, such as by conducting an inspection according to the contents of an authorized self-inspection program, etc.: Provided that authorization shall be revoked in the case of subparagraph 1: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where the person has received authorization for the self-inspection program in a false or other fraudulent ways;
2. Where the person fails to conduct an inspection after having received authorization for a self-inspection program;
3. Where the person fails to conduct an inspection according to the contents of the authorized self-inspection program; and
4. Where the person qualified pursuant to paragraph (2) or the designated inspection institution fails to conduct an inspection.

(5) Harmful or dangerous machines, etc. for which authorization for a self-inspection program is revoked pursuant to paragraph (4) shall not be used.

(6) Necessary matters concerning contents to be included in

a self-inspection program, conditions for, method of and procedure for authorization for a self inspection program, and conditions and procedure for the designation of a designated inspection institution shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(7) Article 15-2 shall apply mutatis mutandis to designated inspection institutions. In such cases, "safety management service institution" shall be read as "designated inspection institution". *<Amended by Act No. 10968, Jul. 25, 2011>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 36-3 (Support for Businesses Engaging in Manufacturing Machines, Instruments, etc., Subject to Mandatory Safety Certification)

(1) In order to promote product quality and safety, design and construction capability, etc., the Minister of Employment and Labor may give necessary support within budgetary limits to a person who manufactures machines, instruments, etc., subject to mandatory safety certification, machines, instruments, etc., subject to self safety check or machines, instruments and equipment causing a large number of industrial accidents, which are deemed to require support for the improvement of their safety, and a person who designs and constructs equipment for improving working conditions. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(2) A person who intends to receive support under paragraph (1) shall be registered with the Minister of Employment and Labor after meeting the requirements prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If a person registered under paragraph (2) falls under any of the following subparagraphs, the Minister of Employment and Labor may revoke the registration or restrict the support referred to in paragraph (1) : Provided that if the person falls under subparagraph 1, the registration shall be revoked : *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. Where he/she registers him/herself in a false or other fraudulent ways;
2. Where he/she fails to meet the registration requirements under paragraph (2); and
3. Where his/her safety certification has been revoked

pursuant to Article 34-3 (1) 1.

(4) If a person supported under paragraph (1) falls under any of the following subparagraphs, the Minister of Employment and Labor shall retrieve the relevant amount or an amount equivalent to the support. In such cases, if the person falls under subparagraph 1, an amount equal to or less than the paid amount may be retrieved additionally :

<Newly Inserted by Act No. 10968, Jul. 25, 2011>

1. Where he/she receives support in a false or other fraudulent ways;
2. Where his/her registration has been revoked because he/she falls under paragraph (3) 1; and
3. Where he/she uses the amount of support for a purpose other than the original purpose of support under paragraph (1).

(5) The Minister of Employment and Labor may restrict a person whose registration has been revoked under paragraph (3) from registering pursuant to paragraph (2) for up to two years from the date of revocation. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(6) Details of support under paragraphs (1) through (5), procedures for registration, revocation of registration and restitution, requirements for restriction of registration and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 36-4 (Comprehensive Management of Information on Safety of Harmful or Dangerous Machines, etc.)

(1) The Minister of Employment and Labor may comprehensively manage information on the safety of harmful or dangerous machines, etc., in the workplace, such as the current status of possession and a history of safety inspections, and provide the comprehensively managed information to a safety inspection institution, etc.

(2) The Minister of Employment and Labor may request a safety inspection institution to submit necessary materials, such as the current status of the possession of and a history of safety inspections of harmful or dangerous machines, etc., in the workplace in order to comprehensively manage information under paragraph (1). In such cases, the safety inspection institution so requested shall comply therewith unless there is a

special reason not to do so.

(3) The Minister of Employment and Labor shall establish and operate a comprehensive information network concerning the safety of harmful or dangerous machines, etc., such as the current status of possession and a history of safety inspections, in order to comprehensively manage information under paragraph (1).

<This Article Newly Inserted by Act No. 10968, Jul. 25, 2011>

Article 37 (Prohibition of Manufacturing, etc.)

(1) No person shall manufacture, import, transfer, offer or use substances falling under any of the following subparagraphs and prescribed by the Presidential Decree :

1. Substances proven to cause occupational cancer and recognized as especially harmful to workers' health; and
2. Harmful agents feared to cause serious health problems to workers after their harmfulness and hazardousness were assessed pursuant to Article 39 and investigated pursuant to Article 40.

(2) Notwithstanding paragraph (1), the substances referred to in paragraph (1) may be manufactured, imported or used with approval of the Minister of Employment and Labor if they are for the purpose of a test or research and meet the standards prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If a person who has obtained approval pursuant to paragraph (2) fails to meet the standards referred to in the same paragraph, the Minister of Employment and Labor shall cancel the approval. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 38 (Permission of Manufacturing, etc.)

(1) A person who intends to manufacture or use the substances falling under any of the subparagraphs of Article 37 (1) and prescribed by the Presidential Decree shall obtain in advance permission from the Minister of Employment and Labor, as prescribed by the Ordinance of the Ministry of Employment and Labor. This provision shall also apply if the person intends to make a change to any of what was permitted. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The equipment for manufacturing or using substances, working methods and other permission standards, with regard to the substances referred to in paragraph (1), shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

<Amended by Act No. 10339, Jun. 4, 2010>

(3) A person (hereinafter referred to as the "harmful substance manufacturer, user, etc.") who has obtained permission under paragraph (1) shall maintain equipment for manufacturing or using the substances in conformity with the standards referred to in paragraph (2), and manufacture or use the substances following working methods in conformity with such standards.

(4) If the equipment for manufacturing or using substances or the working method used by a harmful substance manufacturer, user, etc. is deemed not to be in conformity with the standards referred to in paragraph (2), the Minister of Employment and Labor may order the harmful substance manufacturer, user, etc., to repair, remodel or transfer the equipment so as to be made in conformity with such standards, or to manufacture or use the substances following working methods in conformity with such standards. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) If a harmful substance manufacturer, user, etc. falls under any of the following subparagraphs, the Minister of Employment and Labor may revoke the permission, or order the suspension of business for a period of less than six months: Provided that in the case of subparagraph 1, the permission shall be revoked. *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where the person has obtained the permission in a false or other fraudulent ways;
2. Where the person fails to conform to the permission standards referred to in paragraph (2);
3. Where the person violates paragraph (3);
4. When the person violates an order issued under paragraph (4); and
5. Where the person fails to make an immediate repair and take necessary measures after finding problems as a result of self- inspection.

(6) The application procedure for the permission under paragraph (1) and other necessary matters shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 38-2 (Asbestos Investigation)

(1) If structures or facilities are to be demolished or dismantled, the owner or lessee, etc., of the structures or facilities (hereinafter referred to as "the owner, etc., of structures or facilities") shall conduct an investigation (hereinafter referred to as "general asbestos investigation") on

the following matters and record and keep the results thereof :

1. Whether the structures or facilities contain asbestos or not;
and
 2. Type, location and size of asbestos-containing materials included in the structures or facilities;
- (2) The owner, etc., of structures or facilities under paragraph (1), whose size is equal to or larger than that prescribed by the Presidential Decree, shall have an institution (hereinafter referred to as "asbestos investigation institution") designated by the Minister of Employment and Labor conduct an investigation (hereinafter referred to as "institutional asbestos investigation") on the matters specified in each subparagraph of paragraph (1) and types and quantities of asbestos contained in the relevant structures or facilities, and record and keep the results thereof : Provided that there exists any of the reasons prescribed by the Presidential Decree, such as cases where asbestos is obviously included in structures or facilities, etc., and such a reason is confirmed according to the procedure prescribed by the Ordinance of the Ministry of Employment and Labor, an institutional asbestos investigation may be omitted.
- (3) If an asbestos investigation has been conducted for structures or facilities pursuant to other Acts, such as the Asbestos Safety Management Act, a general asbestos investigation or an institutional asbestos investigation shall be deemed to have been conducted as prescribed by the Ordinance of the Ministry of Employment and Labor.
- (4) If the owner, etc., of structures or facilities demolishes or dismantles the structures or facilities without conducting a general asbestos investigation or an institutional asbestos investigation, the Minister of Employment and Labor may order any of the following measures:
1. Ordering the owner, etc., of the relevant structures or facilities to comply with a general asbestos investigation or an institutional asbestos investigation; and
 2. Ordering the person who demolishes or dismantles the relevant structures or facilities to suspend work until the results of a compliance order under subparagraph 1 are reported.
- (5) In order to secure the accuracy and reliability of an institutional asbestos investigation, the Minister of Employment and Labor may evaluate the ability of an asbestos investigation institution to conduct such an investigation, and instruct and educate an asbestos investigation institution based on the results of the evaluation. In such cases, the methods of, procedures, etc., for evaluation, instruction and education shall be determined and

announced by the Minister of Employment and Labor.

(6) The requirements and procedures for designating an asbestos investigation institution shall be prescribed by the Presidential Decree and methods of institutional asbestos investigation and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor.

(7) Article 15-2 shall apply mutatis mutandis to asbestos investigation institutions. In such cases, "safety management service institution" shall be read as "asbestos investigation institution".

<This Article Wholly Amended by Act No. 10968, Jul. 25, 2011>

Article 38-3 (Observance of Asbestos Disposal or Removal Work Standards)

A person who demolishes or dismantles structures or facilities containing asbestos shall observe the asbestos disposal and removal work standards prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

<This Article Newly Inserted by Act No. 9434, Feb. 6, 2009>

Article 38-4 (Asbestos Disposal or Removal by Asbestos Disposal or Removal Service Provider)

(1) The owner, etc., of structures or facilities subject to an institutional asbestos investigation, which contain asbestos whose quantity and size is equal to or larger than that prescribed by the Presidential Decree, shall have a person (hereinafter referred to as "asbestos disposal or removal service provider") registered with the Minister of Employment and Labor to dispose of or remove the asbestos : Provided that the owner, etc, of structures or facilities may him/herself dispose of or remove asbestos if there is any of the reasons prescribed by the Presidential Decree, such as cases where the owner, etc., of structures or facilities has capacity equal to that of an asbestos disposal or removal service provider in terms of manpower, equipment, etc. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(2) The asbestos disposal or removal referred to in paragraph (1) shall not be conducted by the institution which has undertaken an institutional asbestos investigation on the relevant structures or facilities.

(3) An asbestos disposal or removal service provider (referring to the owner, etc., of structures or facilities in the case of the proviso to paragraph (1); the same shall apply hereinafter in Article 38-5) shall report to the Minister of Employment and Labor

before carrying out disposal or removal work under paragraph (1), and keep documents concerning asbestos disposal or removal work under paragraph (1). *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(4) To maintain the reliability of an asbestos disposal or removal service provider, the Minister of Employment and Labor may assess the safety of the asbestos disposal or removal work and publicize the results. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) The requirements and procedure for registration under paragraph (1) shall be prescribed by the Presidential Decree and the procedure for reporting under paragraph (3) and the criteria and method of evaluation and the method of publication under paragraph (4) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(6) Article 15-2 shall apply mutatis mutandis to asbestos disposal or removal service providers.

<This Article Newly Inserted by Act No. 9434, Feb. 6, 2009>

Article 38-5 (Observance of Standard for Asbestos Concentration)

(1) An asbestos disposal or removal service provider shall ensure that asbestos concentration in the air in the workplace concerned is not higher than the standard (hereinafter referred to as "standard for asbestos concentration") prescribed by the Presidential Decree after completing asbestos disposal or removal work under Article 38-4 (1), and submit evidential material to the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(2) Matters concerning qualifications for a person who may measure asbestos concentration in the air under paragraph (1) and methods of measurement shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If asbestos concentration in the air in the workplace exceeds the standard for asbestos concentration after completion of asbestos disposal or removal work, no owner, etc., of structures or facilities shall demolish or dismantle the structures or facilities concerned. *<Amended by Act No. 10968, Jul. 25, 2011>*

<This Article Newly Inserted by Act No. 9434, Feb. 6, 2009>

Article 39 (Management, etc. of Harmful Agents)

(1) The Minister of Employment and Labor shall classify and manage chemicals, physical agents, etc. (hereinafter referred to as

the “harmful agents”) causing health problems to workers according to the classification standards prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The Minister of Employment and Labor shall set occupational exposure limits for harmful agents and announce them in the official gazette. etc. <Amended by Act No. 10339, Jun. 4, 2010>

(3) The Minister of Employment and Labor may assess the harmfulness and hazardousness of harmful agents to workers’ health and publicly announce the results in the official gazette, etc. <Amended by Act No. 10339, Jun. 4, 2010>

(4) Necessary matters concerning the criteria for selecting substances subject to the assessment of harmfulness and hazardousness under paragraph (3) and the method of making such assessment shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 39-2 (Compliance with Permission Standard of Harmful Agents)

(1) With regard to the harmful agents prescribed by the Presidential Decree, which could cause serious health problems to workers, such as a carcinogen, an employer shall keep the level of workplace exposure to such agents below the permission standard prescribed by the Ordinance of the Ministry of Employment and Labor, except in any of the following cases: <Amended by Act No. 10339, Jun. 4, 2010>

1. Where the installation and improvement of the facilities and equipment is not possible with the current technology;
2. Where a serious defect happens with the facilities and equipment due to a natural disaster, etc.;
3. Where the work is temporary work and short-term work prescribed by the Ordinance of the Ministry of Employment and Labor; and
4. Other cases prescribed by the Presidential Decree

(2) Notwithstanding the proviso of paragraph (1), an employer shall try to keep the level of exposure to the harmful agents below the permission standard referred to in paragraph (1).

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 40 (Investigation of Harmfulness and Hazardousness of New Chemicals)

(1) An employer (referring to the person who imports on behalf of the employer if there is any such person) who intends to manufacture or import chemicals (hereinafter referred to as "new chemicals") other than those prescribed by the Presidential Decree shall investigate the harmfulness and hazardousness of the new chemicals under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor and submit the investigation report to the Minister of Employment and Labor in order to prevent workers' health problems which might be caused by the chemicals, except in any of the following cases: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Cases prescribed by the Ordinance of the Ministry of Employment and Labor, where a new chemical is imported to supply daily necessities to general consumers; and
2. Cases prescribed by the Ordinance of the Ministry of Employment and Labor, where the imported quantity of a new chemical is small, or the degree of harm and hazards is deemed to be low.

(2) An employer shall immediately take necessary measures according to the results of an harmfulness and hazardousness investigation under paragraph (1) in order to prevent workers' health problems which may be caused by the relevant new chemicals.

(3) The Minister of Employment and Labor, upon receiving a harmfulness and hazardousness investigation report on new chemicals under paragraph (1), shall publicize, and notify relevant government agencies of, the names and harmfulness and hazardousness of the new chemicals, measures taken, etc., as prescribed by the Ordinance of Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) If it is deemed necessary for the prevention of workers' health problems according to the results of a harmfulness and hazardousness investigation report submitted under paragraph (1), the Minister of Employment and Labor may order the relevant employer to take necessary preventive measures, such as the installation or maintenance of facilities and equipment, the provision of personal protective equipment, etc. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) If an employer transfers or supplies new chemicals, he/she shall provide a document describing measures that must be taken to prevent workers' health problems pursuant to paragraph (4).

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

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

(1) A person who transfers or supplies a chemical and chemical-containing preparations (excluding the preparations prescribed by the Presidential Decree) meeting the classification standards prescribed by the Ordinance of the Ministry of Employment and Labor pursuant to Article 39 (1) (hereinafter referred to as "target chemicals") shall make and provide a document (hereinafter referred to as "material safety data sheet") containing all of the following matters to a person to whom they are transferred or supplied, in accordance with the method prescribed by the Ordinance of the Ministry of Employment and Labor. In such cases, when the Minister of Employment and Labor determines matters to be contained in a material safety data sheet or methods of making the material safety data sheet in the Ordinance of the Ministry of Employment and Labor, he/she shall consult the Minister of Environment about matters relating to the Toxic Chemicals Control Act : *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. Name and ingredients of the target chemical;
2. Safety and health precautions for handling the target chemical;
3. Its impacts on the human body and the environment; and
4. Other matters prescribed by the Ordinance of the Ministry of Employment and Labor.

(2) Notwithstanding paragraph (1), when a person who transfers or supplies a target chemical prepares a material safety data sheet, he/she may not enter information that makes it possible to specifically identify any of the following matters, as prescribed by the Ordinance of the Ministry of Employment and Labor : Provided that this shall not apply to the target chemicals determined by the Minister of Employment and Labor, which are feared to cause serious health problems to workers: *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. Chemicals recognized to be worth protecting as business secrets; and
2. Preparations containing the chemicals referred to in subparagraph 1.

(3) An employer who intends to handle a target chemical shall display or keep the material safety data sheet provided pursuant to paragraph (1) at a place easily visible to workers handling such a chemical in the place of work where the target chemical is handled, in accordance with the method prescribed

by the Ordinance of the Ministry of Employment and Labor.
<Amended by Act No. 10968, Jul. 25, 2011>

(4) A person who transfers or supplies a target chemical shall put a warning label on its container and package in accordance with the method prescribed by the Ordinance of the Ministry of Employment and Labor : Provided that if a target chemical is transferred or supplied using any means other than containers and packages, a document listing the items that should be stated in a warning label shall be provided as determined and announced by the Minister of Employment and Labor. <Amended by Act No. 10968, Jul. 25, 2011>

(5) An employer shall put warning labels on the containers of target chemicals used in the place of work, in accordance with the method prescribed by the Ordinance of the Ministry of Employment and Labor : Provided that this shall not apply to cases prescribed by the Ordinance of the Ministry of Employment and Labor, such as cases where warning labels are already put on the containers. <Newly Inserted by Act No. 10968, Jul. 25, 2011>

(6) A person who transfers or supplies a target chemical shall, if there occurs a need to change the contents of a material safety data sheet pursuant to paragraph (1), reflect such a change in the material safety data sheet and promptly provide the changed material safety data sheet to a person to whom the target chemical is transferred or supplied. In such cases, methods and details of provision and other necessary matters shall be determined and announced by the Minister of Employment and Labor. <Newly Inserted by Act No. 10968, Jul. 25, 2011>

(7) For the safety and health of workers handling target chemicals under paragraph (1), an employer shall take proper measures, such as conducting education for workers. In such cases, the time, contents and methods of education shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Newly Inserted by Act No. 10968, Jul. 25, 2011>

(8) If it is deemed necessary for maintaining the safety and health of workers handling target chemicals, the Minister of Employment and Labor may order a person who transfers or supplies a target chemical or an employer who handles a target chemical to submit a material safety data sheet or to make a change to matters specified in each subparagraph of paragraph (1). <Newly Inserted by Act No. 10968, Jul. 25, 2011>

(9) An employer shall post control points for handling target

chemicals by each stage of work process. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(10) If it is necessary for maintaining the safety and health of workers, the Minister of Employment and Labor may provide workers and employers with information related to material safety data sheets. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(11) In order to maintain the safety and health of workers, a doctor who treats workers, a health manager under Article 16 (including a health management service institution under paragraph (3) of the same Article), an occupational physician under Article 17, or the representative of workers, etc., may request a person who transfers or supplies a target chemical or an employer who handles a target chemical to provide information not included in the material safety data sheet pursuant to paragraph (2) if there occur cases prescribed by the Ordinance of the Ministry of Employment and Labor, such as where serious health problems happen to workers. In such cases, a person requested to provide information shall provide information as determined and announced by the Minister of Employment and Labor. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

CHAPTER V

Health Management of Workers

Article 42 (Work Environment Monitoring, etc.)

(1) An employer shall have a person with the qualifications prescribed by the Ordinance of the Ministry of Employment and Labor monitor and evaluate the work environment of the workplaces prescribed by the Ordinance of the Ministry of Employment and Labor, where work harmful to workers' health is carried out, record and keep the results and report them to the Minister of Employment and Labor, as prescribed by the Ordinance of the Ministry of Employment and Labor. In this case, at his/her request, the workers' representative shall be allowed to be present during the work environment monitoring. *<Amended by Act No. 10339, Jun. 4, 2010>*

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

Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) An employer shall inform workers in the workplace about the results of the work environment monitoring referred to in paragraph (1), and take proper measures, such as the installation, improvement, etc., of the facilities and equipment concerned, in accordance with the results, to protect the workers' health.

(4) An employer may entrust the work environment monitoring referred to in paragraph (1) and the accompanying analysis of samples to a monitoring institution designated by the Minister of Employment and Labor (hereinafter referred to as "designated monitoring institution"). *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) A designated monitoring institution entrusted by an employer to conduct work environment monitoring pursuant to paragraph (4), after conducting the work environment monitoring, shall submit the results in an electronic form to the Minister of Employment and Labor, as prescribed by the Ordinance of the Ministry of Employment and Labor. In such cases, the employer shall be deemed to have reported the results of work environment monitoring under paragraph (1). *<Amended by Act No. 10339, Jun. 4, 2010>*

(6) An employer shall directly hold an information session on the results of work environment monitoring, or get the institution which has conducted the work environment monitoring hold such session, at the request of the occupational safety and health committee under Article 19 or workers' representative.

(7) The types and business scope of designated monitoring institutions, requirements and procedure for the designation, and other necessary matters shall be prescribed by the Presidential Decree.

(8) The Minister of Employment and Labor shall assess designated monitoring institutions' ability to conduct work environment monitoring and make an analysis, and provide guidance and education according to the results of the assessment in order to secure the accuracy and reliability of work environment monitoring. In this case, the method, procedure, etc. of the assessment, guidance and education shall be determined and announced by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(9) The Minister of Employment and Labor, if it is necessary for improving the level of work environment monitoring, may assess the designated monitoring institutions (including the assessment under paragraph (8)) and publicize the results. In this case, the assessment standards, etc. shall be prescribed by the

Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(10) Article 15-2 shall apply mutatis mutandis to designated monitoring institutions.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 42-2 (Assessment of Reliability of Work Environment Monitoring)

(1) If it is deemed necessary in order to assess the accuracy and precision of the results of work environment monitoring under Article 42 (1), the Minister of Employment and Labor may conduct a reliability assessment. <Amended by Act No. 10339, Jun. 4, 2010>

(2) When receiving a reliability assessment, an employer or workers shall cooperate actively.

(3) Necessary matters concerning the method, subjects, procedure, etc., of the reliability assessment shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 43 (Health Examination)

(1) An employer shall conduct a health examination for workers at an institution designated by the Minister of Employment and Labor or an institution (hereinafter referred to as the "health examination institution") conducting a health examination according to the National Health Insurance Act to protect and maintain workers' health. In this case, at his/her request, the workers' representative shall be allowed to be present during the health examination. <Amended by Act No. 10339, Jun. 4, 2010>

(2) If it is deemed necessary for protecting the health of workers, the Minister of Employment and Labor may order the employer to conduct a tentative health examination for particular workers or to take other necessary measures. <Amended by Act No. 10339, Jun. 4, 2010>

(3) A worker shall receive a health examination conducted by the employer under paragraphs (1) and (2) : Provided that if the worker does not want to receive a health examination from the doctor, dentist or health examination institution designated by the employer, he/she may receive an equivalent health examination from a different health examination institution and submit to the employer a document proving the results.

(4) If a health examination institution has conducted a

health examination under paragraphs (1) and (2), it shall notify the employer and workers of the results and report them to the Minister of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(5) If it is deemed necessary for maintaining the health of workers as a result of the health examination referred to in paragraphs (1) and (2), or other Acts and subordinate statutes, an employer shall change the workplace, change the work, shorten the working hours, conduct work environment monitoring, install or improve facilities and equipment, or take other proper measures.

(6) An employer shall directly explain the results of a health examination or have the health examination institution which has conducted the health examination explain the results at the request of the occupational safety and health committee under Article 19 or the representative of workers : Provided that the results of a health examination of an individual worker shall not be disclosed without his/her consent.

(7) An employer shall not use the results of the health examination referred to in paragraphs (1) and (2) for purposes other than that of protecting and maintaining the health of workers.

(8) The types, timing, frequency, items and costs of the health examination and designation and management of a health examination institution under paragraph (1), the tentative health examination under paragraph (2), the proper measures under paragraph (5) and other matters necessary for health examinations shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(9) The Minister of Employment and Labor shall assess health examination institutions' ability to examine and analyze health and provide guidance and education according to the results of the assessment to secure the accuracy and reliability of health examinations. In this case, the method, procedure, etc. of the assessment, guidance and education shall be determined and announced by the Minister of Employment and Labor. *<Amended by Act No 10339, Jun. 4, 2010>*

(10) In order to improve the level of health examinations, the Minister of Employment and Labor may assess the health examination institutions designated by the Minister of Employment and Labor pursuant to paragraph (1) (including the assessment under paragraph (9)) and publicize the results. In this case, necessary matters concerning the assessment standards, assessment method, publication method, etc., shall be prescribed by the

Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(11) Article 15-2 shall apply mutatis mutandis to health examination institutions designated by the Minister of Employment and Labor under paragraph (1). *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 43-2 (Disease Investigation)

(1) If it is deemed necessary in order to diagnose and prevent occupational diseases and identify the causes thereof, the Minister of Employment and Labor may conduct an occupational disease investigation (hereinafter referred to as "disease investigation") with regard to the correlation between workers' diseases and harmful elements in the workplace. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) If a disease investigation is conducted, the employer or the worker concerned shall actively cooperate and shall not refuse, obstruct or evade it with no justifiable reason. *<Amended by Act No. 10968, Jul. 25, 2011>*

(3) If it is necessary for a disease investigation, the Minister of Employment and Labor may request relevant institutions to present the results of health examinations for workers under Article 43, records of medical care benefits and results of health examinations under the National Health Insurance Act, employment information under the Employment Insurance Act, information on diseases and the causes of deaths under the Cancer Management Act, etc.. In such cases, the institutions so requested shall comply therewith unless there is a special reason not to do so. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) The methods of subjects of, and procedure for disease investigations and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 44 (Health Management Pocketbook)

(1) The Minister of Employment and Labor shall issue a health management pocketbook to a worker who is engaged in the work prescribed by the Ordinance of the Ministry of Employment and Labor, which could cause health problems, for not less than the period prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

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

(3) The contents, form and purposes of the health management pocketbook and other matters necessary for the issuance of the health management pocketbook shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

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

(1) With respect to a person who is affected by an infectious or mental disease, or a disease which is prescribed by the Ordinance of the Ministry of Employment and Labor and could get much worse due to work, the employer shall prohibit and restrict the work according to the doctor's diagnosis. *<Amended by Act No. 9847, Dec. 29, 2009 and Act No. 10339, Jun. 4, 2010>*

(2) When a worker who has been prohibited or restricted from working under paragraph (1) restore his/her health, the employer shall, without delay, allow him/her to resume the work.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 46 (Restriction on Extension of Working Hours)

With respect to a worker who is engaged in harmful or dangerous work which is prescribed by the Presidential Decree, the employer shall not have him work in excess of six hours per day or thirty-four hours per week.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 47 (Restriction on Employment by Qualification, etc.)

(1) For harmful or dangerous work which is prescribed by the Ordinance of the Ministry of Employment and Labor, an employer shall not allow any person other than those who have the qualification, license, experience or skill required for the work to perform such work. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) The Minister of Employment and Labor may designate training institutions to nurture qualification or license holders referred to in paragraph (1) or to help workers to acquire skills. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The qualifications, licenses, experiences, and skills under paragraphs (1) and (2), the requirements and procedures for the designation of training institutions, and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) Article 15-2 shall apply mutatis mutandis to training institutions.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

CHAPTER VI

Supervision and Order

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

(1) When an employer who operates a business of the type and scale prescribed by the Presidential Decree installs or moves an entire structure, machine, instrument, equipment, etc. directly related to the production process concerned, or alters any major structural part thereof, he/she shall prepare a plan (hereinafter referred to as "harm and hazard prevention plan") for preventing the harm and hazards prescribed by this Act or any order issued under this Act and submit it to the Minister of Employment and Labor as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) Paragraph (1) shall apply mutatis mutandis to employers who intend to install or move machines, instruments, equipment, etc., prescribed by the Ordinance of the Ministry of Employment and Labor, which fall under any of the following subparagraphs, or to alter any major structural part thereof : *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Machines, instruments, equipment, etc., requiring harmful or hazardous work;
2. Machines, instruments, equipment, etc., used at a harmful or hazardous place; and
3. Machines, instruments, equipments, etc., used to prevent health problems

(3) An employer who intends to start construction work prescribed by the Ordinance of the Ministry of Employment and Labor shall prepare a harm and hazard prevention plan after hearing the opinions of a person having the qualifications prescribed by the Ordinance of the Ministry of Employment and Labor and submit it to the Minister of Employment and Labor, as prescribed by the Ordinance of the Ministry of Employment and Labor : Provided that in the case of a construction business

that suits the criteria prescribed by the Ordinance of the Ministry of Employment and Labor after considering industrial accident rates, etc., it shall prepare a harm and hazard prevention plan, skipping the process of hearing the opinions of a person having the qualifications prescribed by the Ordinance of the Ministry of Employment and Labor, examine the plan itself, prepare a report on the results of the examination, submit the report to the Minister of Employment and Labor, and keep it in the relevant workplace. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(4) If the Minister of Employment and Labor deems it necessary for the safety and health of workers after examining the harm and hazard prevention plan referred to in paragraphs (1) through (3), he/she may order the discontinuation of the construction work or the modification of the plan. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) An employer who has submitted a harm and hazard prevention plan under paragraphs (1) through (3) shall obtain confirmation from the Minister of Employment and Labor, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 49 (Safety and Health Diagnosis, etc.)

(1) The Minister of Employment and Labor may order the workplaces prescribed by the Ordinance of the Ministry of Employment and Labor to undergo a safety and health diagnosis conducted by an institution (hereinafter referred to as "safety and health diagnosis institution") designated by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) An employer shall cooperate actively in the safety and health diagnosis activities referred to in paragraph (1), and shall not refuse, interfere with or evade such activities without any justifiable reason. In this case, the employer shall, upon request of the representative of workers, allow him/her to be present at the safety and health diagnosis.

(3) The contents of the safety and health diagnosis referred to in paragraph (1), the requirements and procedures for the designation, and other necessary matters shall be prescribed by the Presidential Decree.

(4) Article 15-2 shall apply mutatis mutandis to safety and health diagnosis institutions.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

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

(1) The employer of a workplace with the harmful or dangerous equipment prescribed by the Presidential Decree shall prepare a process safety report, and submit it to and have it examined by the Minister of Employment and Labor, in order to prevent any accident prescribed by the Presidential Decree (hereinafter referred to as "serious industrial accident" in this Article), which may inflict immediate harm on workers in the workplace, or damage on areas in vicinity of the workplace due to leakage of hazardous substances from such equipment, fire, explosion, etc., as prescribed by the Presidential Decree. In such cases, the relevant equipment shall not be operated until it is notified that the contents of the process safety report are appropriate for the prevention of serious industrial accidents. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(2) When preparing a process safety report under paragraph (1), an employer shall go through deliberation by the occupational safety and health committee under Article 19: Provided that for a workplace where no occupational safety and health committee is established, the opinions of the representatives of workers shall be heard.

(3) The Minister of Employment and Labor shall examine a process safety report submitted under paragraph (1), as prescribed by the Ordinance of the Ministry of Employment and Labor, and may order a modification of the process safety report if he/she deems it necessary for maintaining and promoting the safety and health of workers. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(4) If as a result of examining a process safety report submitted under paragraph (1), the Minister of Employment and Labor deems the contents thereof appropriate for the prevention of serious industrial accidents, he/she shall notify the employer of the results in writing. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(5) If notified of the results of an examination of a process safety report under paragraph (4), an employer shall keep the process safety report in the workplace. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(6) The employer referred to in paragraph (5) shall obtain confirmation from the Minister of Employment and Labor as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No.*

10968, Jul. 25, 2011>

(7) Employers and workers shall observe the contents of a process safety report. *<Amended by Act No. 10968, Jul. 25, 2011>*

(8) If there arises any reason to modify the contents of the process safety report kept in the workplace under paragraph (5), the employer shall supplement it without delay. *<Amended by Act No. 10968, Jul. 25, 2011>*

(9) The Minister of Employment and Labor may assess regularly the implementation status of a process safety report as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(10) The Minister of Employment and Labor may order the employer of a workplace having a poor supplement state under paragraph (8) as a result of assessing the implementation status of a process safety report under paragraph (9) to submit the process safety report again. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 50 (Safety and Health Improvement Plan)

(1) If it is deemed necessary in order to take comprehensive improvement measures for the prevention of industrial accidents with respect to the workplace, facilities and other matters, the Minister of Employment and Labor may order the employer to formulate and execute a safety and health improvement plan on the workplace, facilities and other matters, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) When the Minister of Employment and Labor issues an order under paragraph (1), if it is deemed necessary, he/she may order the employer to undergo the safety and health diagnosis referred to in Article 49 (1), and formulate and submit a safety and health improvement plan, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If an employer formulates a safety and health improvement plan under paragraph (1), he/she shall undergo deliberation by the occupational safety and health committee under Article 19 : Provided that for a workplace where the occupational safety and health committee is not established, he/she shall hear opinions from the representative of workers.

(4) Employers and workers shall observe a safety and health

improvement plan.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 51 (Supervisory Measures)

(1) In any such case as necessary for executing this Act or any order issued under this Act and as are prescribed by the Ordinance of the Ministry of Employment and Labor, a labor inspector referred to in Article 101 of the Labor Standards Act may enter a place falling under any of the following subparagraphs to ask questions to the persons concerned, inspect books, documents and other materials, conduct safety and health inspection, and collect gratuitously products, raw materials or apparatus to the extent necessary for the inspection. In such cases, the labor inspector shall notify the employer, etc. of the results in writing : *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

1. The workplace;
2. Offices of the institutions under Articles 15 (4), 16 (3), 30 (4), 31 (4), 31-2 (1), 32 (3), 36-2 (3), 38-2 (2), 42 (4), 43 (1) and 49 (1);
3. Offices of asbestos disposal or removal service providers; and
4. Offices of the consultants registered under Article 52-4.

(2) If it is deemed necessary for enforcing this Act or any order issued under this Act, the Minister of Employment and Labor may order any employer, workers or consultant registered under Article 52-4 to make a report or to attend. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) If it is deemed necessary for exercising the power entrusted to the Agency under Article 65, the Minister of Employment and Labor may order an employee of the Agency to enter the workplace to conduct any inspection, guidance, etc., necessary for the prevention of industrial accidents or if it is necessary for conducting a disease investigation, an employee of the Agency may ask related persons questions and request that person to submit necessary documents. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) If an employee of the Agency has carried out any inspection, guidance, etc., under paragraph (3), he/she shall report the results to the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) If a person enters a workplace or an office of a consultant under paragraphs (1) and (3), he/she shall carry a certificate indicating his/her status and produce it to related

persons.

(6) If it is deemed necessary as a result of inspection, etc. referred to in paragraphs (1) and (4), the Minister of Employment and Labor may order the employer to replace, stop using or remove any building structure or its annex, machinery, apparatus, equipment or raw materials, to improve facilities or to take other necessary health and safety measures. In such cases, the employer so ordered by the Minister of Employment and Labor shall display a list of matters ordered at a place easily visible to workers, as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(7) If there is any imminent danger of an industrial accident and disease occurring, or if it is judged that the order as referred to in paragraph (6) is disobeyed or that a dangerous condition has not been removed or improved, the Minister of Employment and Labor may order the suspension in part or in whole of work related to the machinery and equipment. *<Amended by Act No. 10339, Jun. 4, 2010>*

(8) In cases referred to in paragraphs (1) and (4), if it is deemed necessary for the prevention of industrial accidents, the Minister of Employment and Labor may order workers to take proper measures, such as the observance of safety and health management regulations, etc. under Article 20. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 51-2 (Request for Suspension of Business)

(1) If an employer is involved in an industrial accident falling under any of the following subparagraphs, the Minister of Employment and Labor may request the head of the relevant administrative agency to impose the suspension of the business concerned or other sanctions in accordance with related Acts and subordinate statutes, or the head of a public institution prescribed in the Act on the Management of Public Institutions to impose necessary restrictions on the employer when placing an order for work carried out by the institution: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Where accidents prescribed by the Presidential Decree occur, such as accidents which lead to deaths of large numbers of workers or inflict serious damage to the neighboring areas of the workplace in contravention of Article 23, 24 and 29; and

2. Where work in contravention of the under Article 51 (6) or (7) costs a worker his/her life.

(2) The head of an administrative agency or a public institution who has received a request under paragraph (1) shall comply with the request unless there is due cause, and inform the Minister of Employment and Labor of the results of such measures. *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The procedure of request for the suspension of business as referred to in paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 52 (Report to Supervisory Body)

(1) If a violation of this Act or order issued under this Act occurs at a workplace, any worker may report it to the Minister of Employment and Labor or labor inspector. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) No employer shall dismiss or give other unfavorable treatments to a worker for making such report as referred to in paragraph (1).

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

CHAPTER VI-2

Occupational Safety Consultant and Occupational Hygiene Consultant

Article 52-2 (Duties of Consultant)

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

1. Evaluation and guidance on safety in a work process;
2. Evaluation and guidance on the prevention of harm and hazard;
3. Preparation of the plan and report referred to in subparagraphs 1 and 2; and
4. Other matters concerning occupational safety and prescribed by the Presidential Decree.

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

1. Evaluation of work environment and guidance on the improvement of work environment;
2. Preparation of a plan and report concerning the improvement of work environment;
3. Surveys and research on occupational hygiene; and
4. Other matters concerning occupational hygiene and prescribed by the Presidential Decree.

(3) Necessary matters concerning the areas, scope, etc., of services provided by occupational safety and hygiene consultants (hereinafter referred to as the "consultant") shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 52-3 (Qualification and Examination of Consultant)

(1) A person who intends to be a consultant shall pass the examination for consultant administered by the Minister of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) A person who holds the qualifications prescribed by the Ordinance of the Ministry of Employment and Labor may be exempted from part of the examination for consultant as referred to in paragraph (1). *<Amended by Act No. 10339, Jun. 4, 2010>*

(3) The Minister of Employment and Labor may entrust the administration of the examination for consultant as referred to in paragraph (1) to the testing agency as prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

(4) Officers and employees of a testing agency entrusted to administer an examination for consultant under paragraph (3) shall be deemed public officials in the application of Articles 129 through 132 of the Criminal Act.

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

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 52-4 (Registration of Consultant)

(1) If a consultant intends to commence his/her service, he/she shall register him/herself with the Ministry of Employment and Labor as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) A consultant who has registered under paragraph (1), may establish a agency to carry out his/her services systematically and professionally.

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

1. A person who is incompetent or quasi incompetent;
2. A person who was declared bankrupt and has not been rehabilitated;
3. A person who was sentenced to imprisonment without prison labor or a heavier punishment, and for whom two years have not passed since the date on which the execution of the sentence was terminated or exempted;
4. A person who received a probationary sentence with respect to imprisonment without prison labor or a heavier punishment and is still under probation;
5. A person who was sentenced to a fine for violating this Act and for whom one year has not passed since the issuance of the sentence; and
6. A person for whom two years have not passed since the registration was cancelled under paragraph (4).

(4) If a consultant falls under any of paragraph (3) 1 through 5, the Minister of Employment and Labor may cancel the registration, and if a consultant violates Article 52-6, the Minister of Employment and Labor may cancel the registration, or order a suspension of business for a period not exceeding six months. *<Amended by Act No. 10339, Jun. 4, 2010>*

(5) With respect to the agency referred to in paragraph (2), the provisions in the Commercial Act concerning unlimited partnerships shall be applied.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 52-5 (Direction, etc., for Consultant)

The Minister of Employment and Labor may entrust the Agency to carry out the following services: *<Amended by Act No. 10339, Jun. 4, 2010>*

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

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 52-6 (Keeping Secrets)

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

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 52-7 (Liability for Damages)

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

(2) A consultant registered pursuant to Article 52-4 (1) shall take out security insurance or take other necessary measures in order to guarantee the liability for damage referred to in paragraph (1), as prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

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

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

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 52-9 (Sanctions on Exam Cheaters)

For an applicant who has cheated on an examination for consultants, the Minister of Employment and Labor shall nullify the examination, and suspend his/her qualification to sit for the examination for five years from the date of such disposition.

<This Article Newly Inserted by Act No. 10968, Jul. 25, 2011>

CHAPTER VII Deleted. <Act No. 6104, Jan. 7, 2000>

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

CHAPTER VIII

Supplementary Provisions

Article 61 (Industrial Accident Prevention Facilities)

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

1. Facilities for guidance, research and education on occupational safety and health; *<Amended by Act No. 10339, Jun. 4, 2010>*
2. Facilities for work environment monitoring and safety and health diagnosis; and
3. Other facilities for preventing industrial accidents as prescribed by the Ordinance of the Ministry of Employment and Labor. *<Amended by Act No. 10339, Jun. 4, 2010>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 61-2 (Honorary Occupational Safety Inspector)

(1) The Minister of Employment and Labor may, for the purpose of promoting participation in and support for the prevention of industrial accidents, appoint a honorary occupational safety inspector from among workers, members of workers' and employers' organizations and people from professional industrial accident prevention agencies. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) An employer shall not treat an honorary occupational safety inspector unfavorably by reason of his/her legitimate activities in the capacity of the honorary occupational safety inspector.

(3) The appointment method of an honorary occupational safety inspector under paragraph (1), the scope of work thereof and other necessary matters shall be prescribed by the Presidential Decree.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 61-3 (Financial Resources of Accident Prevention)

The financial resources to be appropriated to any of the following subparagraphs shall be provided from the Industrial Accident Compensation Insurance and Prevention Fund under Article 95 (1) of the Industrial Accident Compensation Insurance Act: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. Expenses necessary for facilities related to accident prevention and the operation thereof;
2. Expenses necessary for accident prevention projects, work entrusted to nonprofit corporations and the operation and management of the Fund; and
3. Business expenses for other projects necessary for accident prevention which are approved by the Minister of Employment and Labor.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 62 (Promotion of Industrial Accident Prevention Activities)

(1) The Government may fully or partially subsidize expenses incurred by employers, organizations of employers or workers, professional industrial accident prevention agencies, research institutions, etc., in conducting industrial accident prevention projects designated by the Presidential Decree within the limits of the budget, or give other necessary support (hereinafter referred to as the "subsidies or support"). In such cases, the Minister of Employment and Labor shall manage and supervise such subsidies or support to ensure that they are effectively used for the purposes of industrial accident prevention projects. *<Amended by Act No. 10339, Jun. 4, 2010>*

(2) If a person who has received subsidies and support under paragraph (1) falls under any of the following subparagraphs, the Minister of Employment and Labor shall fully or partially cancel the subsidies or support : Provided that in the case of subparagraphs 1 and 2, the subsidies or support shall be fully cancelled: *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

1. Where he/she has received subsidies or support in a false or other fraudulent ways;
2. Where a subsidized or supported person has closed down his/her business or gone bankrupt;
3. Where he/she fails to maintain, manage or use subsidized or supported targets for the purposes of support, such as by arbitrarily selling off, damaging or losing them;
4. Where he/she fails to use subsidies or support for the purposes of industrial accident prevention projects under paragraph (1);
5. Where he/she has moved subsidized or supported facilities and equipment overseas before the end of the subsidy or support period; and
6. Cases provided for by the Ordinance of the Ministry of Employment and Labor, where an employer who received subsidies or support has caused an industrial accident resulting from violating the obligation to take safety and health measures under Article 23 (1) through (3) or Article 24 (1).

(3) If subsidies or support is fully or partially cancelled pursuant to paragraph (2), the Minister of Employment and Labor shall retrieve the relevant amount or an amount

equivalent to the support, and in the case of paragraph (2) 1, he/she may retrieve an additional amount not more than the paid amount : Provided that this shall not apply to cases where subsidies or support is cancelled due to bankruptcy of a subsidized or supported person under paragraph (2) 2. <Amended by Act No. 10968, Jul. 25, 2011>

(4) A person for whom subsidies or support is fully or partially cancelled pursuant to paragraph (2) may not be subsidized or supported for up to three years from the date of cancellation as prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10968, Jul. 25, 2011>

(5) The subjects, methods, procedure, management and supervision of subsidies or support, methods of cancellation and restitution under paragraphs (2) and (3) and other necessary matters shall be determined and announced by the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 63 (Confidentiality)

A person who conducts safety certification under Article 34, who conducts affairs concerning the receipt of reports under Article 35, who conducts safety inspections under Article 36, who conducts affairs concerning authorization for self-inspection programs under Article 36-2, who examines harmfulness and hazardousness investigation reports submitted under Article 40 (1), who examines material safety data sheets submitted under 41 (8), who is provided with information not included in material safety data sheets under Article 41 (11), who conducts health examinations under Article 43, who conducts disease investigations under Article 43-2, who examines harm and hazard prevention plans submitted under Article 48, who conducts safety and health diagnosis under Article 49 or who examines process safety reports under Article 49-2 shall not divulge any confidential information obtained in the course of performing his/her duties: Provided that this shall not apply where the Minister of Employment and Labor deems it necessary for the prevention of workers' health problems. <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 63-2 (Hearing and Criteria for Disposition)

(1) If the Minister of Employment and Labor intends to make

any of the following decisions, he/she shall hold a hearing :
<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

1. Revocation of designation under Article 15-2 (1) (including cases where it is applied mutatis mutandis under Articles 16 (3), 30 (6), 34-5 (4), 36 (10), 36-2 (7), 38-2 (7), 42 (10), 43 (11), 47 (4) and 49 (4));
2. Revocation of authorization under Article 28 (4);
3. Revocation of safety certification under Article 34-3 (1);
4. Revocation of authorization of a self-inspection program under Article 36-2 (4);
5. Revocation of approval under Article 37 (3);
6. Revocation of permission under Article 38 (5);
7. Revocation of registration under Articles 32-3, 36-3 (3), 38-4 (6) and 52-4; and
8. Revocation of subsidies or support under Article 62 (2).

(2) Criteria for revocation, suspension, prohibition of use or orders for improvement under Articles 15-2 (1) (including cases where it is applied mutatis mutandis under Articles 16 (3), 30 (6), 32-3, 34-5 (4), 36 (10), 36-2 (7), 38-2 (7), 38-2 (7), 38-4 (6), 42 (10), 43 (11), 47 (4) and 49 (4)) 28 (4), 34-3 (1), 35-3 (1), 36-2 (4), 36-3 (3), 37 (3), 38 (5) and 52-4 (4) shall be prescribed by the Ordinance of the Ministry of Employment and Labor.
<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 64 (Preservation of Documents)

(1) An employer shall preserve records of the occurrence of industrial accidents under Article 10 (1), documents on the appointment of a safety and health manager, a safety manager, a health manager, and an occupational physician under Articles 13, 15, 16, and 17, documents containing health measures under Article 24 and prescribed by the Ordinance of the Ministry of Employment and Labor, documents on the investigation of harmfulness and hazardousness of new chemicals under Article 40, documents on work environment monitoring under Article 42, and documents on health examinations under Article 43, for three years, and shall keep meeting minutes under Article 19 (3) and meeting minutes under Article 29-2 (4), for two years: Provided that if the Minister of Employment and Labor deems it necessary, the period of preservation may be extended as prescribed by the Ordinance of the Ministry of Employment and

Labor. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(2) A person who has received safety certification shall keep documents recording products for which safety certification has been received under Article 34 (6), for three years, a person who manufactures or imports machines, instruments, etc., subject to self safety check shall keep documents proving that the machines, instruments, etc., meet the self safety standards under Article 35 (2), for two years, a person who must receive a safety inspection under Article 36 (1) shall keep documents on the results of an inspection conducted under a self inspection program under Article 36-2 (2), for two years. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(3) The owner, etc., of structures or facilities for which a general asbestos investigation has been conducted shall keep documents on the results thereof until the work of demolishing or dismantling the structures or facilities is completed, and the owner, etc., of structures or facilities for which an institutional asbestos investigation is conducted shall keep documents on the results thereof for three years. *<Newly Inserted by Act No. 10968, Jul. 25, 2011>*

(4) A designated monitoring institution shall keep documents recording matters prescribed by the Ordinance of the Ministry of Employment and Labor, concerning work environment monitoring, for three years. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(5) A consultant shall keep documents recording matters prescribed by the Ordinance of the Ministry of Employment and Labor, concerning his/her services, for five years. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(6) An asbestos disposal or removal service provider shall keep documents prescribed by the Ordinance of the Ministry of Employment and Labor, concerning asbestos disposal and removal work under Article 38-4 (3), for 30 years. *<Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>*

(7) In the case of paragraphs (1) through (6), if electronic data exist, such data may be preserved in lieu of the documents concerned. *<Amended by Act No. 10968, Jul. 25, 2011>*

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 65 (Delegation and Entrustment of Authority, etc.)

(1) Part of the authority of the Minister of Employment and Labor under this Act may be delegated to the head of a local

employment and labor office, as prescribed by the Presidential Decree. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The Minister of Employment and Labor may entrust work described in any of the following subparagraphs among his/her work under this Act to the Agency, non-profit corporations or relevant professional institutions as prescribed by the Presidential Decree : <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>

1. Work concerning matters prescribed in subparagraphs 5, 6, 8 and 10 of Article 4 (1);
2. Organization and operation of the standard establishment committee under Article 27 (2);
3. Safety and health evaluation under Article 28 (3);
- 3-2. Work concerning registration of institutions which provide basic education in the construction industry under Article 31-2 (1);
4. Education on safety and health under Article 32 (1);
- 4-2. Work concerning evaluation under Article 32-2 (1);
5. Safety certification under Article 34 (2) and (4);
6. Confirmation of safety certification under Article 34 (5);
7. Work concerning reports under Article 35 (1);
8. Safety inspection under Article 36 (1);
9. Authorization of self inspection programs under Article 36-2 (1);
10. Support under Article 36-3 (1) and registration under paragraph (2) of the same Article;
- 10-2. Comprehensive management of information on the safety of harmful and dangerous machines, etc., under Article 36-4 (1);
11. Work concerning the evaluation of the ability of an institution to conduct an asbestos investigation under Article 38-2 (5) and instruction and education;
12. Provision of information relating to material safety data sheets under Article 41 (10)
13. Work concerning the assessment of the ability to conduct work environment monitoring and analysis and guidance and education under Article 42 (8);
14. Work concerning the assessment of the ability to examine health and guidance and education under Article 43 (9);
15. Disease investigation under Article 43-2 (1);
16. Issuance of health management pocketbooks under Article 44 (1);
17. Receipt, examination and confirmation of harm and hazard prevention plans under Article 48;

18. Receipt and examination of process safety reports under Article 49-2 (1) and (3) and the confirmation thereof under paragraph (6) of the same Act; and
 19. Work concerning subsidies or support and the cancellation and restitution of subsidies or support under Article 62 (1) through (3)
- (3) Executives and employees of non-profit corporations or relevant professional institutions entrusted with work pursuant to paragraph (2) shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 66 (Fees, etc.)

(1) A person who falls under any of the following subparagraphs shall pay fees as prescribed by the Ordinance of the Ministry of Employment and Labor: *<Amended by Act No. 10339, Jun. 4, 2010>*

1. A person who intends to receive a safety and health evaluation under Article 28 (3);
2. A person who intends to receive job competency education under Article 32 (1);
3. A person who intends to receive safety certification under Article 34 (2) and (4);
4. A person who intends to receive check under Article 34 (5);
5. A person who intends to receive a safety inspection under Article 36 (1);
6. A person who intends to receive authorization for a self-inspection program under Article 36-2 (1);
7. A person who intends to obtain permission under Article 38 (1);
8. A person who intends to receive education for acquiring the qualification and license under Article 47;
9. A person who intends to undergo an examination of a harm and hazard prevention plan under Article 48 (1) through (3);
10. A person who intends to undergo an examination of a process safety report under Article 49-2;
11. A person who intends to apply for an examination for consultants under Article 52-3;
12. A person who intends to register under Article 52-4;
13. Other persons related to occupational safety and health as prescribed by the Presidential Decree.

(2) The Agency may make any person who benefits from the services of the Agency bear all or part of expenses needed for carrying out its services with the approval of the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>
<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

CHAPTER IX

Penal Provisions

Article 66-2 (Penal Provisions)

A person who has caused the death of a worker in violation of Article 23 (1) through (3), or Article 24 (1) shall be punished by imprisonment for not more than seven years or a fine not exceeding 100 million won.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 67 (Penal Provisions)

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

1. A person who violates Article 23 (1) through (3), 24 (1), 26 (1), 28 (1), 33(1), 37(1), 38 (1), 38-4 (1) or 52 (2); and
2. A person who violates any order issued under Article 38 (5), 48 (4) or 51 (7).

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 67-2 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine not exceeding twenty million won: <Amended by Act No. 10968, Jul. 25, 2011>

1. A person who violates Article 33 (2), 34 (2), 34-4 (1), 38 (3), 38-3, 46, 47 (1) or the latter part of Article 49-2 (1); and
2. A person who violates any order issued under Article 34-4 (2), 38 (4), 38-2 (4), 43 (2), 49-2 (3) and (10) or 51 (6).

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 68 (Penal Provisions)

A person who falls under any of the following subparagraphs

shall be punished by imprisonment for not more than one year or a fine not exceeding ten million won : <Amended by Act No 10968, Jul. 25, 2011>

1. A person who impairs a site where a serious accident occurred, in violation of Article 26 (5);
2. A person who violates Article 29 (3), 34-2 (2) and (3), 35-4 (1), 52-6 or 63; and
3. A person who violates any order issued under Article 34-2 (4) or 35-4 (2)

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 69 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by a fine not exceeding ten million won : <Amended by Act No. 10968, Jul. 25, 2011>

1. A person who violates Article 29 (7), 35 (1), 35-2 (2) and (3), 40 (2), 42 (3), 43 (5) or 45 (1) and (2);
2. A person who violates any order issued under Article 35-2 (4) or 40 (4);

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 70 (Penal Provisions)

A person who violates Article 29 (1) or (4) shall be punished by a fine not exceeding five million won.

<Amended by Act No. 10968, Jul. 25, 2011>

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 71 (Joint Penal Provisions)

If a representative of a corporation or an agent, a servant or any other employee of a corporation or an individual commit the offense prescribed in Article 66-2, 67, 67-2 or any of Articles 68 through 70 in relation to the business of the corporation or individual, the fine prescribed in the respective Article shall be imposed on the corporation or individual in addition to the punishment of the offender : Provided that this shall not apply unless the corporation or individual neglects to give considerable attention and supervision to the business concerned in order to prevent such offence.

<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Article 72 (Fine for Negligence)

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding fifty million won : <Amended by Act No. 10968, Jul. 25, 2011>

1. A person who demolishes or dismantles building structures

- or facilities without undergoing an institutional asbestos investigation under Article 38-2 (2);
2. A person who demolishes or dismantles building structures or facilities in violation of Article 38-5 (3);
 - (2) A person who violates Article 43-2 (2) or 49 (2) shall be punished by a fine for negligence not exceeding fifteen million won. <Amended by Act No. 10968, Jul. 25, 2011>
 - (3) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won: <Amended by Act No. 10968, Jul. 25, 2011>
 1. A person who fails to make a report under Article 10 (2) or makes a false report;
 2. A person who violates Article 30 (1) and (3), 34-2 (1), 36 (1) and (4), 36-2 (5), 39-2 (1), 48 (1) through (3) (excluding those who prepare and submit a report without hearing the opinions of a person having the qualifications) or the former part of Article 49-2 (1) and Article 49-2 (5) and (7);
 3. A person who violates any order issued under Article 41 (8), 49 (1) or 50 (1) and (2);
 4. A person who fails to conduct work environment monitoring under Article 42 (1);
 5. A person who fails to conduct a health examination for workers under Article 43 (1); and
 6. A person who refuses, interferes with or evades an examination, inspection or collection by a labor inspection under Article 51 (1).
 - (4) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding five million won: <Amended by Act No. 10339, Jun. 4, 2010 and Act No. 10968, Jul. 25, 2011>
 1. A person who fails to keep and post a summary of this Act or any order issued under this Act, the safety and health management regulations, or a material safety data sheet, in violation of Article 11 (1), 20 (1) or 41 (3);
 2. A person who fails to prepare and provide a material safety data sheet in violation of Article 41 (1) or (11);
 3. A person who violates the former part of Article 12, Article 13 (1), 14 (1), 15 (1), 16 (1), 17 (1), 18 (1), 19 (1) (including cases where a labor-management consultation body is established and operated pursuant to Article 29-2) and (5), 21, 29 (6) and (8), 29-2 (7), 31 (1) through (3), 31-2 (1), 32 (1) (limited to those falling under subparagraph (1)), 35-2 (1), 36 (3), 38-4 (2), 38-5 (1), 42

- (6), 43 (6), 44 (2), 49-2 (2), 50 (3) and (4) or 52-4 (1);
4. A person who violates any order issued under Article 15 (3) (including cases where the provision is applied *mutatis mutandis* under Article 16 (3)) or 51 (8);
 5. A person who fails to allow the workers' representative to attend work environment monitoring or a health examination despite his/her request when conducting work environment monitoring under Article 42 (1) or a health examination under 43 (1);
 6. A person who fails to make a report or attend after receiving a request made by the Minister of Employment and Labor under Article 51 (2) or makes a false report; and
 7. A person who fails to post matters ordered by the Minister of Employment and Labor in violation of the latter part of Article 51 (6).

(5) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding three million won: *<Amended by Act No 10339, Jun. 4, 2010 and Act No 10968, Jul. 25, 2011>*

1. A person who fails to inform the representative of workers in violation of Article 11 (2);
2. A person who violates Article 25, 40 (5), 43 (3) and (7) or 52-8;
3. A person who spends safety and health management expenses without receiving guidance in violation of Article 30 (4);
4. A person who fails to receive job competency education in violation of Article 32 (1) (limited to those falling under subparagraph 3);
- 4-2. A person who fails to comply with an order for submission of information under Article 34 (7);
- 4-3. A person who demolishes or dismantles building structures or facilities without conducting a general asbestos investigation under Article 38-2 (1);
5. A person who fails to make a report to the Minister of Employment and Labor in violation of Article 38-4 (3);
6. A person who fails to submit evidential materials under Article 38-5 (1);
7. A person who fails to submit a harmfulness and hazardousness investigation report in violation of Article 40 (1);
8. A person who fails to put a warning label or provide a material safety data sheet reflecting a change thereto, in

- violation of Article 41 (4) through (6), or fails to conduct education, in violation of paragraph (7) of the same Article;
9. A person who fails to make a report under Article 42 (1) or 43 (4) or makes a false report;
 10. A person who prepares and submits a harm and hazard prevention plan without seeking the opinions of a qualified person, in violation of Article 48 (3);
 11. A person who fails to obtain confirmation from the Minister of Employment and Labor, in violation of Article 48 (5) or Article 49-2 (6);
 12. A person who refuses, interferes with, evades an answer or makes a false answer to any question asked under Article 51 (1); and
 13. A person who fails to preserve documents, in violation of Article 64 (1) through (6).
- (6) Fines for negligence under paragraphs (1) through (5) shall be imposed and collected by the Minister of Employment and Labor as prescribed by the Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*
<This Article Wholly Amended by Act No. 9434, Feb. 6, 2009>

Addenda *<Act No. 9319, Dec. 31, 2008; Revision of the Korea Occupational Safety and Health Agency Act>*

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.
(proviso omitted)

Articles 2 through 4 Omitted.

Article 5 (Revision of Other Acts)

(1) through (3) Omitted.

(4) Parts of the Occupational Safety and Health Act shall be revised as follows :

“Korea Occupational Safety and Health Agency (hereinafter referred to as “the Agency”)” in Article 4 (2) shall be changed to “Korea Occupational Safety and Health Agency (hereinafter referred to as “the Agency”)”.

(5) through (6) Omitted.

Article 6 Omitted.

Addenda *<Act No. 9434, Feb. 6, 2009>*

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures Concerning Asbestos Disposal and Removal)

A person who has obtained permission for asbestos disposal and removal under the previous provisions during the enforcement of this Act may be engaged in asbestos disposal and removal for three months after this Act enters into force.

Article 3 (Transitional Measures Concerning Penal Provisions)

The application of penal provisions and fines for negligence to any act committed before the entering into force of this Act shall be subject to the previous provisions.

Addendum <Act No. 9796, Oct. 9, 2009>

This Act shall enter into force at the expiration of six months after its promulgation : Provided that the revised proviso of Article 1 (2) of the Addenda of the Occupational Safety and Health Act amended by Act no. 8562 shall enter into force on the date of its promulgation.

Addenda <Act No. 9847, Dec. 29, 2009; Revision of the Infectious Disease Prevention Act>

Article 1 (Enforcement Date)

This Act shall enter into force one year after its promulgation.

Articles 2 through 20 Omitted.

Article 21 (Revision of Other Acts)

(1) through (7) Omitted.

(8) Parts of the Occupational Safety and Health Act shall be revised as follows :

“Infectious disease” in Article 45 (1) shall be changed to “infectious disease”.

(9) through (30) Omitted.

Article 22 Omitted.

Addenda <Act No. 10305, May. 20, 2010; Revision of the Industrial Accident Compensation Insurance Act>

Article 1 (Enforcement Date)

This Act shall enter into force six months after its promulgation. <Proviso omitted>

Articles 2 through 5 Omitted.

Article 6 (Revision of Other Acts)

(1) Parts of the Occupational Safety and Health Act shall be revised as follows :

“Medical care benefits under Articles 41 of the Industrial Accident Compensation Insurance Act or survivors’ benefits under Article 62 of the same Act” in proviso of Article 10 (2) shall be changed to “medical care benefits under Articles 41 and 91-5 of the Industrial Accident Compensation Insurance Act, survivors’ benefits under Article 62 of the same Act, or pensions for surviving family members of pneumoconiosis workers under Article 91-4 of the same Act”.

(2) through (3) Omitted.

Addenda <Act No. 10339, Jun. 4, 2010; Revision of the Government Organization Act>

Article 1 (Enforcement Date)

This Act shall enter into force one month after its promulgation. <Proviso omitted>

Articles 2 through 3 Omitted.

Article 4 (Revision of Other Acts)

(1) through (46) Omitted.

(47) Parts of the Occupational Safety and Health Act shall be revised as follows :

“Minister of Labor” in subparagraph 6 of Article 2, Article 8 (1) and (2), Article 9 (1) through (4), Article 9-2 (1), Article 10 (2), Article 12, Article 15 (3) and (4), Article 15-2 (1), Article 15-3 (1), Article 26 (4), Article 27 (1) through (3), Article 28 (1), (3) and (4), Article 30 (1), (2) and (4), Article 32 (1), Article 33 (1), Article 34 (1) and (2), Article 34 (3) 2, Article 34 (4) and (5), Article 34-2 (4), Article 34-3 (1) and (2), Article 34-4 (1) 2, Article 34-4 (2), Article 35 (1), Article 35-2 (4), Article 35-3, Article 35-4 (1) 3, Article 35-4 (2), Article 36 (1), Article 36-2 (1), (3) and (4), Article 36-3 (1) through (3), Article 37 (2) and (3), Article 38 (1), (4) and (5), Article 38-2 (1), (3) and (4), Article 38-4 (1), (3) and (4), Article 38-5 (1), Article 39 (1) through (3), Article 40 (1), (3) and (4), proviso of Article 41 (2), Article 41 (5) and (7), Article 42 (1), (4), (5), (8) and (9), Article 42-2 (1), Article 43 (1), (2), (4), (9), (10) and (11), Article 43-2 (1) and (3),

Article 44 (1), Article 47 (2), Article 48 (1) and (3) through (5), Article 49 (1), Article 49-2 (1), (3), (4), (7) and (8), Article 50 (1) and (2), Article 51 (2) through (4), (6), (7) and (8), Article 51-2 (1) and (2), Article 52 (1), Article 52-3 (1) and (3), Article 52-4 (4), Article 52-5, Article 61, Article 61-2 (1), subparagraph 3 of Article 61-3, Article 62 (1), (2) and (4), proviso of Article 63, Article 63-2 (1), proviso of Article 64 (1), Article 65 (1) and (2), Article 66 (2), subparagraphs 6 and 7 of Article 72 (4), subparagraphs 5 and 11 of Article 72 (5), and Article 72 (6) shall be changed to “Minister of Employment and Labor”.

“Ordinance of the Ministry of Labor” in subparagraph 7 of Article 2, Article 9-2 (2), Article 10 (1) and (2), Article 11 (2) 6, Article 12, Article 13 (1) 9, Article 15 (5), Article 20 (3), Article 23 (4), Article 24 (2), Article 25, Article 26 (4), Article 28 (2), Article 29 (1) 4, Article 29 (2), (3) and (7), Article 29-2 (6), Article 30 (3) and (4), Article 31 (1) through (3), Article 32 (2) and (3), Article 33 (2), proviso of Article 34 (2), Article 34 (3), (5) and (6), Article 34-2 (1), Article 34-3 (2), Article 34-4 (2), Article 35 (1) 3, Article 35 (3), Article 35-2 (1), Article 35-4 (2), proviso of Article 36 (1), Article 36 (4), subparagraphs 1 and 2 of Article 36-2 (2), Article 36-2 (6), Article 36-3 (2) and (4), Article 37 (2), Article 38 (1) and (2), Article 38-2 (2), Article 38-3, Article 38-4 (3) and (5), Article 38-5 (1) and (2), Article 39 (1) and (4), Article 39-2 (1), subparagraph 3 of Article 39-2 (1), Article 40 (1), subparagraphs 1 and 2 of Article 40 (1), Article 41 (3), Article 41 (1) 4, Article 41 (2), (3), (8) and (9), Article 42 (1), (2), (5) and (9), Article 42-2 (3), Article 43 (4), (8) and (10), Article 43-2 (4), Article 44 (1) and (3), Article 45 (1), Article 47 (1) and (3), Article 48 (1), (2), (3) and (5), Article 49 (1), Article 49-2 (4) and (7), Article 50 (1) and (2), Article 51 (1) and (6), Article 51-2 (3), Article 52-3 (2), Article 52-4 (1), subparagraph 3 of Article 52-5, subparagraph 3 of Article 61, Article 62 (2) 3, Article 62 (3), Article 63-2 (2), proviso of Article 64 (1), Article 64 (2) through (4), and Article 66 (1) shall be changed to “Ordinance of the Ministry of Employment and Labor”.

“Regional labor office” in Article 65 (1) shall be changed to “regional employment and labor office”.

(48) through (82) Omitted.

Article 5 Omitted.

Addenda <Act No. 10968, Jul. 25, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after its

promulgation : Provided that the amended provisions of Article 52-9 shall enter into force three months after its promulgation and the amended provisions of Article 31 (2), Article 31-2 and Article 65 (2) 3-2 and the amended provisions of Article 32-2, Article 32-3, Article 51 (1) and Article 72 (4) 3 (limited to parts related to the amended provisions of Article 31-2) shall enter into force on the date prescribed by the Presidential Decree but not later than 2014 according to size of workplace.

Article 2 (Applicability Concerning Penalty Surcharges)

The amended provisions of Article 15-3 shall apply to cases where a ground for suspension of business occurs after this Act enters into force.

Article 3 (Applicability Concerning Basic Education in Construction Industry)

(1) The amended provisions of Article 31-2 shall apply to daily construction workers who are hired in construction sites after this Act enters into force.

(2) In regard of daily construction workers who have received education at the time of hiring in accordance with the previous provisions of Article 31 (2) when this Act enters into force, the amended provisions of Article 31-2 shall apply to cases where they are hired in different construction sites after this Act enters into force.

Article 4 (Applicability Concerning Prohibition, etc., of Use of Self Safety Check Marks)

The amended provisions of Article 35-3 (2) shall apply to persons who are prohibited from using a self safety check mark after this Act enters into force.

Article 5 (Applicability Concerning Safety Inspection)

The amended provisions of the former part of Article 36 (1) shall apply to persons who run a business employing no worker and for whom a safety inspection period arrives after this Act enters into force.

Article 6 (Applicability Concerning Self Inspection Programs)

The amended provisions of Article 36-2 (1) shall apply to persons who run a business employing no worker and intend to receive authorization for a self inspection program after this Act enters into force.

Article 7 (Applicability Concerning Revocation or Restriction of Support for Businesses, etc., Engaging in Manufacturing Machines, Instruments, etc., Subject to Mandatory Safety

Certification)

(1) The amended provisions of Article 36-3 (3) shall apply to cases where a ground for revocation of registration or restriction of support occurs after this Act enters into force.

(2) The amended provisions of Article 36-3 (4) shall apply to cases where a ground for restitution of money occurs after this Act enters into force.

(3) The amended provisions of Article 36-3 (5) shall apply to persons whose registration is revoked after this Act enters into force.

Article 8 (Applicability Concerning Measures to Be Taken in Case of Failures to Conduct General Asbestos Investigation)

The amended provisions of Article 38-2 (4) concerning measures to be taken in the case of failures to conduct a general asbestos investigation shall apply to the owners, etc., of structures or facilities who must conduct a general asbestos investigation but fail to do so after this Act enters into force.

Article 9 (Applicability Concerning Putting of Warning Labels in Case of Target Chemicals Transferred or Supplied Using Any Means Other Than Containers and Packages)

The amended provisions of the proviso to Article 41 (4) shall apply to cases where target chemicals are transferred or supplied after this Act enters into force.

Article 10 (Applicability Concerning Changes to Material Safety Data Sheets)

The amended provisions of Article 41 (6) shall apply to cases where there occurs a need to change the contents of a material safety data sheet after this Act enters into force.

Article 11 (Applicability Concerning Self Examination in Case of Submission of Harm and Hazard Prevention Plan)

The amended provisions of the proviso to Article 48 (3) shall apply to employers of construction businesses which start construction work after this Act enters into force and meet the standards prescribed by the Ordinance of the Ministry of Employment and Labor.

Article 12 (Applicability Concerning Prohibition of Operation Before Notification of Completion of Examination of Process Safety Report)

The amended provisions of the latter part of Article 49-2 (1) shall apply to cases where a process safety report is submitted after this Act enters into force.

Article 13 (Applicability Concerning Preservation of Documents on Machines, Instruments, etc., Subject to Mandatory Safety Certification)

The amended provisions of Article 64 (2) shall apply to products which are released and receive safety certification after this Act enters into force.

Article 14 (Applicability Concerning Preservation of Documents on General Asbestos Investigations and Institutional Asbestos Investigations)

The amended provisions of Article 64 (3) shall apply to cases where a general asbestos investigation or an institutional asbestos investigation is conducted after this Act enters into force.

Article 15 (Transitional Measures Concerning Penal Provisions)

The application of penal provisions and fines for negligence to any offence committed before the entering into force of this Act shall be governed by the previous provisions notwithstanding the amended provisions of Article 67-2, Articles 68 through 70 and Article 72.