

OCCUPATIONAL SAFETY AND HEALTH ACT

Act No. 4220, Jan. 13, 1990

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

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,

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 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 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 kinds and scale of business, the location of business, etc.

(2) This Act and any order issued under this Act shall apply to the State 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 it is deemed necessary, 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 Labor shall establish a mid-and long-term basic plan for the prevention of industrial accidents.

(2) The Minister of 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>

Article 9 (Request, etc., for Cooperation)

(1) If it is deemed necessary for the effective execution of the industrial accident and disease prevention plan, the Minister of Labor may request any necessary cooperation from the head of the related administrative agency or the head of a public institution under Article 4 of the Act on the Management of Public Institutions.

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

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

matters by reporting them to the Prime Minister.

(4) If it is deemed necessary for the prevention of industrial accidents, the Minister of Labor may recommend necessary matters to or request the cooperation of an employer, an employers' organization and other related persons.

<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 Labor may, if it is deemed necessary to prevent industrial accidents, publicly announce the number of industrial accidents, accident rate and rankings of workplaces as prescribed by the Presidential Decree.

(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 Labor.

<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 Labor.

(2) With regard to the industrial accidents prescribed by the Ordinance of the Ministry of 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 Labor under the conditions prescribed by the Ordinance of the Ministry of Labor : Provided, that this shall not apply if medical care benefits under Article 41 of the Industrial Accident Compensation Insurance Act or survivors' benefits under Article 62 of the same Act have been applied for.

<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:

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 as prescribed in each subparagraph of Article 20 (1);
3. Matters as prescribed in each subparagraph of Article 29 (1);
4. Matters as 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 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, under the conditions as prescribed by the Ordinance of the Ministry of 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 Labor.

<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:

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 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 category 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) An employer shall, if having the supervisor prescribed in paragraph (1), be considered to have the manager and the person in charge of safety management under Article 26-3 (1) 2 and 3 of the Construction Technology Management Act.

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

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

(4) The owner of a business falling in the category and scale as 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 Labor.

(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 Labor.

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

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

(1) The Minister of 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, the designation shall be cancelled.

1. Where the institution has been designated in false or other fraudulent ways;
2. Where the institution fails to meet the requirements for designation;
3. Where the institution has carried out work in violation of designated matters and;
4. Other cases where there are reasons 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 Labor needs to suspend the services pursuant to Article 15-2, he/she may impose a penalty surcharge of 50 million won or less in lieu of the suspension if such suspension is deemed to cause severe inconvenience to the service users or undermine the public interests.

(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 category 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 a health manager.

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

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

Article 18 (General Safety and Health Manager)

(1) An employer of a business a part of which is carried out under a contract at the same place, and which is prescribed by the Presidential Decree shall designate the safety and health manager for the business as the general safety and health manager in order to generally manage and control work aimed at preventing industrial accidents that might 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.

(2) If the 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 be 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 category 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 category 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 Labor.

<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 Labor.

<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 Labor.

<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 Labor.

<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 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 Labor.

(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 Labor may set technical guidelines and work environment standards on measures to be taken by an employer pursuant to the latter part of Article 5 (1), and Articles 23, 24, and 26, and instruct and recommend them to employers.

(2) If it is deemed necessary for setting the guidelines and standards referred to in paragraph (1), the Minister of Labor may organize and operate a standard-setting committee by field.

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

<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 Labor.

(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 Labor.

(3) If the Minister of Labor gives the authorization as referred to in paragraph (1), he/she shall conduct a safety and health evaluation pursuant to Article 49.

(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 Labor shall cancel the authorization.

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

Article 29 (Safety and Health Measures for Contract Business)

(1) The owner of a business, part of whose work is done under a contract and which is designated by the Presidential Decree, shall take the following measures in order to prevent industrial accidents which might occur when those employed by him/her and those employed by his/her contractor work together at the same place:

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

(2) If the workers employed by his/her contractor work in a place which is designated by the Ordinance of the Ministry of Labor as an area at risk of industrial accidents, the employer referred to in paragraph (1) shall take the measures for the

prevention of industrial accidents, prescribed by the Ordinance of the Ministry of Labor.

(3) The employer referred to in paragraph (1) shall, as prescribed by the Ordinance of the Ministry of Labor, conduct safety and health inspections for the workplace periodically or whenever necessary, together with his/her workers, the contractor and the workers of the contractor.

(4) If a contractor or his/her workers violates this Act or any order issued under this Act in connection with the work, the employer referred to in paragraph (1) may demand the correction of such an offense if it is deemed necessary for the prevention of an industrial accident and disease.

(5) A contractor and his/her workers shall comply with the measures or requirements under paragraphs (1) through (4), unless there is an justifiable reason.

(6) A person who offers a contract for construction work, etc., to another person shall not attach any condition as to the method of work, the period of work, etc. that may undermine the safe and sanitary performance of the work.

(7) Necessary matters for the organization and operation of a consultative body as referred to in subparagraph 1 of paragraph (1) shall be prescribed by the Ordinance of the Ministry of Labor.

<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) The owner of a business as stipulated in Article 29 (1), which falls into the category and size 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") under such conditions as prescribed by the Presidential Decree.

(2) In case a business owner organizes and operates a labor-management consultative body pursuant to paragraph (1), he/she shall be considered to organize and operate the occupational safety and health committee prescribed in Article 19 (1) and the consultative body on safety and health prescribed in Article 29 (1) 1.

(3) A business owner 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 Labor, such as industrial accident prevention and evacuation method in case of an industrial accident.

(7) A business owner and workers who organize and operate a labor-management consultative body pursuant to paragraph (1) shall faithfully implement the matters deliberated, decided 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 a labor-management consultative body.

<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 Labor.

(2) In order to execute efficiently the occupational safety and health management expenses referred to in paragraph (1), the Minister of Labor may set standards for the following matters:

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 category of the construction work; 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 under the conditions prescribed by the Ordinance of the Ministry of Labor.

(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 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 Labor, on the method of their use, accident prevention measures, etc.

(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 under such conditions as prescribed by the Ordinance of the Ministry of Labor.

(2) When hiring workers, and when changing the contents of work, an employer shall provide the workers concerned with safety and health education related to the work under such conditions as prescribed by the Ordinance of the Ministry of Labor.

(3) When an employer employs workers for harmful or hazardous work, he/she shall provide special safety and health education related to the work under such conditions as prescribed by the Ordinance of the Ministry of Labor.

(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 Labor.

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

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 Labor:

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 Labor, such as where education is received under other laws and regulations, may be exempted from all or part of job competency education.

(3) Necessary matters concerning the time, contents and method of job competency education shall be prescribed by the Ordinance of the Ministry of Labor.

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

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 Labor.

(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 Labor.

<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 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.

(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 Labor to see if the machines, instruments, etc. subject to mandatory safety certification meet the safety certification criteria: Provided that in such cases as are prescribed by the Ordinance of the Ministry of Labor, such as importing secondhand machines, instruments, etc. subject to mandatory safety certification from foreign countries, the importer may receive safety certification.

(3) Any of the following cases may be exempted from all or part of the safety certification prescribed in paragraphs (2) under the conditions prescribed by the Ordinance of the Ministry of Labor:

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 Labor; and
3. Where safety inspection or certification has been received under other laws or regulations.

(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 Labor. In this case, the safety certification may be administered in accordance with the safety certification criteria determined and announced by the Minister of Labor.

(5) The Minister of 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. In this case, the cycle of such a check shall be not longer than three years and prescribed by the Ordinance of the Ministry of Labor.

(6) Necessary matters concerning application method and procedure for safety certification, and the method of and procedure

for making the check prescribed in paragraph (5) shall be prescribed by the Ordinance of the Ministry of Labor.

<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 the machines, instruments, etc. subject to the safety certification, and the packages and containers of the machines, instruments, etc., under the conditions prescribed by the Ordinance of the Ministry of Labor.

(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 Labor shall order the removal of the safety certification mark or other similar marks:

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 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:

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 Labor revokes safety certification pursuant to paragraph (1), he/she shall make public notice of this under the conditions prescribed by the Ordinance of the Ministry of Labor.

(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:

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. has been changed so that they fail to meet the safety certification criteria determined and announced by the Minister of Labor pursuant to Article 34 (1); and
3. Where for the machines, instruments, etc., safety certification has been revoked, or an order to prohibit the use of the safety certification mark has been issued.

(2) The Minister of 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., under the conditions prescribed by the Ordinance of the Ministry of Labor.

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

Article 34-5 Deleted *<Act No. 8562, Jul. 27, 2007>*

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 Labor and then report the results to the Minister of 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 Labor:

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 laws or regulations prescribed by the Ordinance of the Ministry of 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 Labor.

<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., under the conditions prescribed by the Ordinance of the Ministry of Labor.

(2) Machines, instruments, etc. subject to self safety check other than those reported pursuant to Article 35 (1) shall not have a self safety check mark or other similar marks, 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 reported pursuant to Article 35 (1) shall not arbitrarily change and remove the self safety check mark.

(4) In any of the following cases, the Minister of Labor shall issue an order to remove the self safety check mark or other similar marks:

1. Where the self safety check mark or other similar marks are put in violation of paragraph (2);
2. Where the report referred to in 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 has been issued under Article 35-3

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

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

If the safety performance of machines, instruments, etc. subject to self safety check reported pursuant to Article 35 (1) fails to meet the self safety standards, the Minister of Labor may order the person who has made that report pursuant to Article 35 (1) not to use the self safety check mark or to make improvements in line with the self safety standards for a period of six months or less.

<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:

1. Where for the machines, instruments, etc., the report referred to in Article 35 (1) has not been made (excluding cases where they are exempted from the obligation to report pursuant to the proviso of Article 35 (1))
2. Where the report referred to in Article 35 (1) has been 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 Labor pursuant to Article 35 (1); and
4. Where an order to prohibit the use of the self safety check mark has been issued pursuant to Article 35-3.

(2) The Minister of 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 under the conditions prescribed by the Ordinance of the Ministry of Labor.

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

Article 36 (Safety Inspection)

(1) An employer who uses the harmful or dangerous machines, instruments and equipment (hereinafter referred to as "harmful or dangerous machines, etc.") prescribed by the Presidential Decree shall receive the inspection (hereinafter referred to as "safety inspection") administered by the Minister of Labor on whether the safety performance of the harmful or dangerous machines, etc. meets the inspection standards determined and announced by the Minister of Labor : Provided that if the employer has received safety inspection or certification under other laws prescribed by the Ordinance of the Ministry of Labor, he/she may be exempted from the safety inspection.

(2) 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 such inspection.

(2) Harmful or dangerous machines, etc. falling under any of the following subparagraphs shall not be used:

1. Harmful or dangerous machines, etc. for which safety inspection has not been conducted (excluding the case where they are exempt from safety inspection pursuant to the proviso of paragraph (1)); and
2. Harmful or dangerous machines, etc. which have failed to pass a safety inspection

(3) Necessary matters concerning application for safety inspection, inspection cycle and the method of indicating the pass of inspection shall be prescribed by the Ordinance of the Ministry of Labor. In this case, the inspection cycle shall be determined in consideration of type, lifespan and dangerousness of harmful or dangerous machines, etc.

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

Article 36-2 (Safety Inspection According to Self Inspection Program)

(1) Notwithstanding Article 36 (1), if an employer determines an inspection program (hereinafter referred to as "self inspection program") which satisfies the inspection standards under Article 36 (1), and the inspection cycle, the method of indicating the

pass of inspection, etc., under Article 36 (4), in consultation with workers' representatives, receives authorization of the Minister of Labor, and accordingly conducts performance inspection on the safety of harmful or dangerous machines, etc., he/she shall be considered to receive safety inspection. In this case, the valid term of the self inspection program shall be two years.

(2) If an employer intends to conduct inspection according to a self inspection program, he/she shall have a person described in any of the following subparagraphs conducts such inspection, and shall record and preserve the results:

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

(3) An employer may entrust the self-inspection referred to in paragraph (2) to an inspection institution (hereinafter referred to as "designated inspection institution") designated by the Minister of Labor.

(4) If a person who has received authorization for a self-inspection program falls under any of the following subparagraphs, the Minister of Labor may revoke the authorization for the self-inspection program, or order the person to make improvements, such as conducting inspection according to the contents of the authorized self-inspection program, etc.: Provided that authorization shall be revoked in the case of subparagraph 1:

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 inspection after having received authorization for a self-inspection program;
3. Where the person fails to conduct inspection according to the content of the authorized self-inspection program; and
4. Where the person qualified pursuant to paragraph (2) or the designated inspection institution fails to conduct inspection.

(5) An employer shall not use harmful or dangerous machines, etc. for which authorization for the self-inspection program has been revoked pursuant to paragraph (4).

(6) Necessary matters concerning what should be contained by a self-inspection program, the conditions for, method of and procedure for authorizing a self inspection program, and the conditions and procedure for becoming a designated inspection institution shall be prescribed by the Ordinance of the Ministry of Labor.

(7) Article 15-2 shall apply mutatis mutandis to designated

inspection institutions.

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

Article 36-3 (Support for Manufacturing Business, etc. of Protective Devices)

(1) In order to promote product quality and design and construction capability, the Minister of Labor may give necessary support within budgetary limits to a person who produces protective devices or personal protective equipment for the prevention of harm and hazards, and a person who designs and constructs equipment for the improvement of working conditions.

(2) A person who intends to receive the support referred to in paragraph (1) shall meet the requirements prescribed by the Ordinance of the Ministry of Labor and be registered with the Minister of Labor.

(3) If a person who has registered under paragraph (2) is found to have registered in false or other fraudulent ways, the Minister of Labor may cancel the registration.

(4) The contents of the support, procedures for the registration and cancellation prescribed in paragraphs (1) through (3) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

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

Article 37 (Prohibition of Manufacturing, etc.)

(1) No person shall manufacture, import, transfer, offer or use the 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;
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 Labor if they are for the purpose of a test or research and meet the standards prescribed by the Ordinance of the Ministry of Labor.

(3) If a person who has obtained approval pursuant to paragraph (2) do not conform to the standards referred to in the same paragraph, the approval shall be cancelled.

<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 Labor under the conditions prescribed by the Ordinance of the Ministry of Labor. This provision shall also apply if the person intends to make a change to any of what was permitted.

(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 Labor.

(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 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.

(5) If a harmful substance manufacturer, user, etc. falls under any of the following subparagraphs, the Minister of Labor may revoke the permission, or order the suspension of business for a period of less than six months: Provided that in the case of subparagraph 1, the permission shall be revoked.

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) A person (hereinafter referred to as “demolisher or dismantler of structures, etc.”) who intends to demolish or dismantle structures or facilities of the size prescribed by the Presidential Decree or larger, he/she shall have an institution (hereinafter referred to as “asbestos investigation institution”) designated by the Minister of Labor investigate the following matters and then shall record the results and preserve that record : Provided that if there is such reasons as are prescribed by the Presidential Decree, such as when it is clear that the said structures, etc., contain asbestos, the asbestos investigation may be skipped:

1. Whether the structures or facilities contains asbestos or not;
2. Type and quantity of asbestos contained in the structures or facilities; and
3. Location and size of asbestos-containing products

(2) The conditions and procedure for designating an asbestos investigation institution shall be prescribed by the Presidential Decree and the investigation method and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

(3) If a demolisher or dismantler of structures, etc., demolishes or dismantles structures or facilities without conducting an asbestos investigation, the Minister of Labor may order the demolisher or dismantler to put on hold the work until he/she conducts an asbestos investigation pursuant to paragraph (1) and reports the results to the Minister of Labor.

(4) In order to secure the accuracy and reliability of an asbestos investigation, the Minister of Labor may evaluate the ability of an asbestos investigation institution to undertake such investigation, and instruct and educate the asbestos investigation institution according to the results of the evaluation. In this case, the method, procedure, etc. of the evaluation, instruction and education shall be determined and announced by the Minister of Labor.

(5) Article 15-2 shall apply mutatis mutandis to an asbestos investigation institution.

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

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

(1) A person who demolishes or dismantles structures or facilities which have been found to contain asbestos as a result of an

asbestos investigation shall observe the asbestos disposal and removal work standards prescribed by the Ordinance of the Ministry of Labor.

<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) If structures, etc., have been found to contain asbestos in quantity and size not less than what is prescribed by the Presidential Decree as a result of an asbestos investigation undertaken pursuant to Article 38-2 (1), the demolisher or dismantler shall get a person (hereinafter referred to as "asbestos disposal or removal service provider") registered with the Minister of Labor to dispose of or remove the asbestos : Provided that this shall not apply if there is a reason prescribed by the Presidential Decree, such as when the demolisher or dismantler of structures, etc., has capabilities equal to those of an asbestos disposal or removal service provider in terms of manpower, equipment, etc.

(2) The asbestos disposal or removal referred to in paragraph (1) shall not be conducted by the institution which has undertaken an asbestos investigation into the structure or facility concerned.

(3) An asbestos disposal or removal service provider shall report to the Minister of Labor before starting his/her disposal or removal work, and preserve the documents containing the information on asbestos disposal or removal work prescribed by the Presidential Decree.

(4) To maintain the reliability of an asbestos disposal or removal service provider, the Minister of Labor may assess the safety of the asbestos disposal or removal work and publicize the results.

(5) The requirements and procedure for the registration under paragraph (1) shall be prescribed by the Presidential Decree and the procedure for the reporting under paragraph (3) and the criteria and method of the evaluation and the method of the publication under paragraph (4) shall be prescribed by the Ordinance of the Ministry of Labor.

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

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

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

(1) An asbestos disposal or removal service provider shall ensure that the concentration of asbestos in air in the workplace is not higher than the standard (hereinafter referred to as "concentration

standard for asbestos”) prescribed by the Presidential Decree after completion of the asbestos disposal or removal work, and shall submit proof of this to the Minister of Labor.

(2) Matters concerning the qualifications for a person who can measure the concentration of asbestos in air under paragraph (1) and the measuring method shall be prescribed by the Ordinance of the Ministry of Labor.

(3) If the concentration of asbestos in air in the workplace exceeds the concentration standard for asbestos after completion of asbestos disposal or removal work, a demolisher or dismantler of structures, etc., shall not demolish or dismantle the structure or facility concerned.

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

Article 39 (Management, etc. of Harmful Agents)

(1) The Minister of 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 Labor.

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

(3) The Minister of Labor may assess the harmfulness and hazardousness of harmful agents to workers’ health and publicly announce the results in the official gazette, etc.

(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 Labor.

<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 Labor, except in any of the following cases:

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 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 Labor and submit the investigation report to the Minister of Labor in order to prevent workers' health problems which might be caused by the chemicals, except in any of the following cases:

1. A case prescribed by the Ordinance of the Ministry of Labor where the new chemicals are imported to supply daily necessities to general consumers; and
2. A case prescribed by the Ordinance of the Ministry of Labor where the import quantity of the new chemical is small, or the degree of harm and hazards done by the new chemical is deemed to be low.

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

(3) The Minister of 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, and measures, etc., taken against such harmfulness and hazardousness under the conditions prescribed by the Ordinance of Ministry of Labor.

(4) The Minister of Labor may order the employer to take necessary preventive measures, such as the installation or maintenance of facilities and equipment, the provision of personal protective equipment, etc., if it is deemed necessary to prevent workers' health problems according to the results of the harmfulness and hazardousness investigation report submitted under paragraph (1).

(5) If an employer transfers or supplies new chemicals, he/she shall provide documents describing the measures that should 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) If an employer intends to manufacture, import, use, transport or store a chemical or chemical-containing preparations (excluding such preparations as prescribed by the Presidential Decree; hereinafter the same shall apply), he/she shall post or keep a data sheet prepared in advance and specifying all the following matters (hereinafter referred to as "material safety data sheet") at the place to be seen easily by workers handling such substance:

1. Name, ingredients and composition of the substance;
2. Safety and health precautions in handling the substance;
3. Health and environmental effects of the substance; and
4. Other matters prescribed by the Ordinance of the Ministry of Labor.

(2) Notwithstanding paragraph (1), an employer, when preparing a material safety data sheet, may not enter information that makes it possible to specifically identify any of the following under the conditions prescribed by the Ordinance of the Ministry of Labor : Provided that this shall not apply to the chemicals or chemical-containing preparations determined by the Minister of Labor, which could cause serious health problems to workers:

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

(3) For the safety and health of workers handling the chemical or chemical-containing preparations referred to in paragraph (1), an employer shall take proper measures, such as putting a warning label on its container and package and conducting education for workers, etc. In this case, necessary matters of the timing, contents and method of the education shall be prescribed by the Ordinance of the Ministry of Labor.

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

(5) If it is deemed necessary for maintaining the safety and health of workers handling the chemical or chemical-containing

preparations referred to in paragraph (1), the Minister of Labor may order the employer to submit the material safety data sheet, or to modify the handling precautions in the material safety data sheet.

(6) An employer shall post the control points for handling the chemical or chemical-containing preparations referred to in paragraph (1) by each stage of work process.

(7) If it is necessary for maintaining the safety and health of workers, the Minister of Labor may provide the workers and the employer with information related to the material safety data sheet.

(8) In order to maintain the safety and health of workers, a doctor who treats workers, an occupational physician under Article 17, a health manager under Article 16 (including a health management service institution referred to in paragraph (3) of the same Article), the representative of workers, etc., may request the employer to provide information not entered in the material safety data sheet pursuant to paragraph (2) in the cases prescribed by the Ordinance of the Ministry of Labor, such as where serious health problems happen to the workers. In this case, the employer shall provide that information.

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

<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 Labor monitor and evaluate the work environment of the workplaces prescribed by the Ordinance of the Ministry of Labor, where work harmful to workers' health is carried out, record and keep the results

and report them to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor. In this case, at his/her request, the workers' representative shall be allowed to be present during the work environment monitoring.

(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 Labor.

(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 Labor (hereinafter referred to as "designated monitoring institution").

(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 Labor under the conditions prescribed by the Ordinance of the Ministry of Labor. In this case, the employer shall be considered to have reported the results of work environment monitoring under paragraph (1).

(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 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 Labor.

(9) The Minister of 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 Labor.

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

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

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

(1) The Minister of Labor, if it is deemed necessary to assess the accuracy and precision of the results of work environment monitoring under Article 42 (1), may conduct a reliability assessment.

(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 Labor.

<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 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.

(2) If it is deemed necessary for protecting the health of workers, the Minister of Labor may order the employer to conduct a tentative health examination for particular workers or to take other necessary measures.

(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 Labor.

(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 Labor.

(9) The Minister of 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 Labor.

(10) In order to improve the level of health examinations, the Minister of Labor may assess the health examination institutions designated by the Minister of 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 Labor.

(11) Article 15-2 shall apply *mutatis mutandis* to the health examination institutions designated by the Minister of Labor under paragraph (1).

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

Article 43-2 (Disease Investigation)

(1) The Minister of Labor, if it is deemed necessary to diagnose

and prevent occupational diseases and identify the causes, may conduct an occupational disease investigation (hereinafter referred to as the "disease investigation") into correlations between workers' diseases and harmful elements in the workplace.

(2) If a disease investigation is conducted, the employer or the worker concerned shall actively cooperate.

(3) The Minister of Labor, if it is necessary for a disease investigation, may ask for the results of health examinations for workers under Article 43, a record of medical care benefits and the results of health examinations under the National Health Insurance Act, employment data under the Employment Insurance Act, data on diseases and the causes of deaths under the Cancer Management Act, etc., from relevant organizations. In this case, if there is no special reason, the organizations such data are asked of shall respond to the request.

(4) The method, subjects, and procedure of the disease investigation and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

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

Article 44 (Health Management Pocketbook)

(1) The Minister of Labor shall issue a health management pocketbook to a worker who is engaged in the work prescribed by the Ordinance of the Ministry of Labor, which could cause health problems, for not less than the period prescribed by the Ordinance of the Ministry of Labor.

(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 Labor.

<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 Labor and could get much worse due to work, the employer shall prohibit and restrict the work according to the doctor's diagnosis.

(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 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.

(2) The Minister of Labor may designate training institutions to nurture qualification or license holders referred to in paragraph (1) or to help workers to acquire skills.

(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 Labor.

(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 category and scale prescribed by the Ordinance of the Ministry of Labor installs or moves an entire structure, machine, instrument, equipment, etc. directly related to the production process, or alters the major part of their structure, he/she shall prepare a plan (hereinafter referred to as the "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 Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

(2) Paragraph (1) shall apply mutatis mutandis to an employer who intends to install or move structures, machines, instruments, equipment, etc., falling under any of the following subparagraphs among those prescribed by the Ordinance of the Ministry of Labor or to alter the major part of their structure :

1. Those requiring harmful or hazardous work;
2. Those used at a harmful or hazardous place; and
3. Those used to prevent health problems

(3) An employer who intends to start construction work prescribed by the Ordinance of the Ministry of Labor shall prepare a harm and hazard prevention plan prescribed by this Act or any order issued under this Act after hearing opinions from a person with the qualifications prescribed by the Ordinance of the Ministry of Labor and submit it to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

(4) If the Minister of 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.

(5) An employer who has submitted a harm and hazard prevention plan under paragraphs (1) through (3) shall obtain confirmation from the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

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

Article 49 (Safety and Health Diagnosis, etc.)

(1) The Minister of Labor may order the workplaces prescribed by the Ordinance of the Ministry of Labor to undergo a safety and health diagnosis conducted by an institution (hereinafter referred to as "safety and health diagnosis institution") designated by the Minister of Labor.

(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 under the conditions prescribed by the Presidential Decree, submit it to the Minister of Labor and keep it in the workplace, in order to prevent any accident (hereinafter referred to as "the serious industrial accident" in this Article) which could inflict immediate damage on workers in the workplace, or on areas in vicinity of the workplace due to the leakage of hazardous substances from such equipment, fires, explosions, etc.

(2) When preparing a process safety report under paragraph (1), the employer shall go through deliberation by the occupational safety and health committee: 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) After examining the process safety report, the Minister of Labor may order modifications if he/she deems it necessary for maintaining and improving the safety and health of the workers.

(4) An employer who has submitted a process safety report under paragraph (1) shall obtain confirmation from the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

(5) The employer and workers shall observe the contents of the process safety report.

(6) If there is a reason to modify the contents of the process safety report kept in the workplace under paragraph (1), the employer shall complement it without delay.

(7) The Minister of Labor may assess regularly the implementation status of a process safety report under the conditions prescribed by the Ordinance of the Ministry of Labor.

(8) If the state of the complementation referred to in paragraph (6) is found to be poor as a result of assessing the implementation status of a process safety report under paragraph (7), the Minister of Labor may order the employer of such workplace to submit a process safety report again.

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

Article 50 (Safety and Health Improvement Plan)

(1) If it is deemed necessary to take comprehensive improvement

measures for the prevention of industrial accidents with respect to workplaces, facilities and other matters, the Minister of Labor may order the employer to formulate and execute a safety and health improvement plan on the workplace, facilities and other matters under the conditions prescribed by the Ordinance of the Ministry of Labor.

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

(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 : 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) The employer and workers shall observe the 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 Labor, a labor inspector as 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, carry out an inspection on 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 this case, the labor inspector shall notify the employer, etc. of the results in writing :

1. Workplaces;
2. Offices of the institutions under Article 15 (4), 16 (3), 30 (4), 31 (4), 36-2 (3), 38-2 (1), 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 Labor may order any employer, workers or consultant registered under Article

52-4, to make a report or to be in attendance.

(3) If it is deemed necessary for exercising the power entrusted to the Agency under Article 65, the Minister of Labor may order an employee of the Agency to enter the workplace to conduct any inspection, guidance, etc., necessary for the prevention of industrial accidents or if it is necessary for the conduction of a disease investigation, an employee of the Agency may ask any question to the person concerned and request that person to submit necessary documents.

(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 Labor.

(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 show it to the persons concerned.

(6) If it is deemed necessary as a result of the inspection, etc. referred to in paragraphs (1) and (4), the Minister of Labor may order the 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 this case, the employer ordered to do so by the Minister of Labor shall post what he/she is ordered to do in a place easily seen by workers.

(7) If there exists any imminent danger that an industrial accident and disease may occur, or if it is judged that the order as referred to in paragraph (6) has not been obeyed or that a dangerous condition has not been removed or improved, the Minister of Labor may order the suspension in part or in whole of work related to the machinery and equipment.

(8) In cases referred to in paragraphs (1) and (4), if it is deemed necessary for the prevention of industrial accidents, the Minister of Labor may order workers to take proper measures, such as the observance of the safety and health management regulations, etc. under Article 20.

<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 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:

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;
 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 Labor of the results of such measures.
- (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 Labor.

<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 Labor or labor inspector.

(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 Labor.
- (2) A person who holds the qualifications prescribed by the Ordinance of the Ministry of Labor may be exempted from part of the examination for consultant as referred to in paragraph (1).
- (3) The Minister of Labor may entrust the administration of the examination for consultant as referred to in paragraph (1) to the testing agency as prescribed by the Presidential Decree.
- (4) The officers and employees of the testing agency entrusted to administer the examination for consultant under paragraph (3) shall be considered as public officials in the application of 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 Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.
- (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 Labor may cancel the registration, and if a consultant violates Article 52-6, the Minister of Labor may cancel the registration, or order a suspension of business for a period not exceeding six months.

(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 Labor may entrust the Agency to carry out the following services:

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 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 liability for damages as referred to in paragraph (1) under the conditions 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.

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

Article 52-9 Deleted. *<Act No. 6104, Jan. 7, 2000>*

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 Labor may install and operate the following industrial accident prevention facilities:

1. Facilities for guidance, research and education on occupational safety and health;
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 Labor.

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

Article 61-2 (Honorary Occupational Safety Inspector)

(1) The Minister of 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.

(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:

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 Labor.

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

Article 62 (Promotion of Industrial Accident Prevention Projects)

(1) The Government may subsidize all or part of the expenses needed by employers, organizations of employers or workers, professional industrial accident prevention agencies, research institutions, etc. to carry out 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 this case, the Minister of Labor shall manage and supervise such subsidies or support to ensure that they are effectively used in conformity with the purpose of industrial accident prevention projects.

(2) If a person who received subsidies and support under paragraph (1) falls under any of the following subparagraphs, the Minister of Labor shall redeem the amount of money concerned or the amount of money corresponding to the support:

1. Where he/she received subsidies or support in a false or other fraudulent ways;
2. Where he/she did not use subsidies or support in conformity with the purpose of industrial accident prevention projects under paragraph (1); and
3. In the cases provided for by the Ordinance of the Ministry of Labor, where an employer who received subsidies and support caused an industrial accident in violation of the obligation to take safety and health measures under Article 23 (1) through (3), or Article 24 (1).

(3) In a case falling under any subparagraph of paragraph (2), subsidies and support may be restricted for up to 3 years from the date when the fact is known under the conditions prescribed by the Ordinance of the Ministry of Labor.

(4) The subjects, methods, procedure, management and supervision of the subsidies and support under paragraph (1), the methods of restitution under paragraph (2) and other necessary matters shall be determined and announced by the Minister of Labor.

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

Article 63 (Keeping Secrets)

A person who conducts the safety certification under Article 34, who carries out the work of receiving the report under Article 35, who conducts the safety inspection under Article 36, who carries out the work of authorizing the self-inspection program under Article 36-2, who reviews a harmfulness and hazardousness investigation report submitted under Article 40 (1), who reviews a material safety data sheet submitted under 41 (5), who receives information not written in a material safety data sheet under Article 41 (8), who conducts the health examination under Article 43, who conducts the disease investigation under Article 43-2, who reviews a harm and hazard prevention plan submitted under Article 48, who conducts the safety and health diagnosis under Article 49, or who review a process safety report submitted under Article 49-2 shall not divulge any secrets which have been obtained in the course of his/her duties: Provided that when the Minister of Labor deems it necessary for the prevention of workers' health problems, this provision shall not apply.

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

Article 63-2 (Hearing and Criteria for Disposition)

(1) If the Minister of Labor intends to make a decision falling under any of the following subparagraphs, a hearing shall be held:

1. Revocation of designation under Articles 15-2 (1) (including the cases where it is applied mutatis mutandis under Article 16 (3), 30 (6), 36-2 (7), 38-2 (5), 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); and
7. Revocation of registration under Article 15-2 (1) applied mutatis mutandis pursuant to Article 38-4 (6), Article 36-3 and Article 52-4.

(2) Criteria for the revocation, suspension, prohibition of use, or issuance of improvement orders under Article 15-2 (1), (including the cases where it is applied mutatis mutandis under Articles 16 (3), 30 (6), 36-2 (7), 38-2 (5), 38-4 (6), 42 (10), 43 (11), 47 (4) and 49 (4)) Article 28 (4), Article 34-3 (1), Article 35-3, Article 36-2 (4), Article 36-3 (3), Article 37 (3), Article 38 (5) and Article 52-4 (4) shall be prescribed by the Ordinance of the Ministry of Labor.

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

Article 64 (Keeping of Documents)

(1) An employer shall keep, for three years, the record of incidence of industrial accidents under Article 10 (1), the documents on the appointment of a safety and health manager, a safety manager, a health manager, an occupational physician under Article 13, 15, 16, and 17, the documents on the results of an asbestos investigation under Article 38-2 (1), the documents on the investigation of harmfulness and hazardousness of new chemicals under Article 40, the documents on work environment monitoring under Article 42, and the documents on health examinations under Article 43, and for two years the documents verifying that the employer has observed self safety standards under Article 35 (2) and the documents recording the results of an inspection conducted according to a self-inspection program under Article 36-2 (2): Provided that if the Minister of Labor deems it necessary, the keeping period may be extended under the conditions prescribed by the Ordinance of the Ministry of Labor.

(2) A designated monitoring institution shall keep, for three years, the documents concerning work environment monitoring

which contain items prescribed by the Ordinance of the Ministry of Labor.

(3) A consultant shall keep the documents including matters prescribed by the Ordinance of the Ministry of Labor, which are related to his/her services, for five years.

(4) An asbestos disposal or removal service provider shall preserve the documents concerning asbestos disposal and removal work under Article 38-4 (3), and prescribed by the Ordinance of the Ministry of Labor, which concern asbestos disposal and removal work , for 30 years.

(5) In the case of paragraphs (1) through (4), materials in electronic form, in lieu of the documents, may be preserved if there are such materials.

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

Article 65 (Delegation and Entrustment of Authority)

(1) Part of the authority of the Minister of Labor under this Act may be delegated to the head of a regional labor office under the conditions prescribed by the Presidential Decree.

(2) The Minister of Labor may entrust the work described in any of the following subparagraphs among his/her work under this Act to a corporation, a non-profit organization or a related professional agency under the conditions prescribed by the Presidential Decree:

1. Work relating to the matters prescribed in subparagraphs 5, 6, 8 and 10 of Article 4 (1);
2. Composition and operation of a standard establishment committee under Article 27 (2);
3. Safety and health evaluation under Article 28 (3);
4. Education on safety and health under Article 32 (1)
5. Safety certification under paragraphs (2) and (4) of Article 34;
6. Confirmation of safety certification under Article 34 (5);
7. Work on reports under Article 35 (1);
8. Safety inspection under Article 36 (1);
9. Authorization of a self inspection program under Article 36-2 (1);
10. Support under Article 36-3 (1) and registration under paragraph (2) of the same Article;
11. Work relating to the evaluation of asbestos investigation abilities and instruction and education under Article 38-2 (4);
12. Provision of information related to the material safety health data under Article 41 (7)
13. Work relating to the evaluation of work environment

monitoring and analysis abilities and guidance and education under Article 42 (8);

14. Work relating to 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 a process safety report under Article 49-2 (1) and (3) and confirmation under paragraph (4) of the same Act; and
19. Work relating to assistance, support and redemption under Article 62 (1) and (2)

(3) The executives and employees of a non-profit organization or related professional agency entrusted with work pursuant to paragraph (2) shall be regarded as 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 under the conditions prescribed by the Ordinance of the Ministry of Labor:

1. A person who intends to receive the safety and health evaluation under Article 28 (3);
2. A person who intends to receive the job competency education under Article 32 (1);
3. A person who intends to receive the safety certification under Article 34 (2) and (4);
4. A person who intends to receive the check under Article 34 (5);
5. A person who intends to receive the safety inspection under Article 36 (1);
6. A person who intends to receive authorization of a self-inspection program under Article 36-2 (1);
7. A person who intends to obtain the permission under Article 38 (1);
8. A person who intends to receive the education for acquiring the qualification and license under Article 47;
9. A person who intends to undergo the examination of a harm and hazard prevention plan under Article 48 (1) through (3);

10. A person who intends to undergo the examination of a process safety report under Article 49-2;
 11. A person who intends to apply for the examination for consultant under Article 52-3;
 12. A person who intends to make the registration 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 Labor.

<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 paragraph (1) through (3) of Article 23, or paragraph (1) of Article 24 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:

1. A person who violates Article 33 (2), 34 (2), 34-4 (1), 38 (3), 38-3, 46 or 47 (1); and

2. A person who violates any order issued under Article 34-4 (2), 38 (4), 38-2 (3), 43 (2), 49-2 (3) and (8) 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:

1. A person who has impaired the site of a serious accident in violation of Article 26 (5);
2. A person who violates Article 29 (2), 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) and 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:

1. A person who violates Article 29 (6), 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 (3) shall be punished by a fine not exceeding five million won.

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

Article 71 (Joint Penal Provisions)

If a representative of a juristic person or an agent, a servant or any other employee of a juristic person 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 juristic person or individual, the fine prescribed in the respective Article shall be imposed on the juristic person or individual in addition to the punishment of the offender : Provided that this shall not apply unless the juristic person 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:

1. A person who demolishes or dismantles a building structure or facilities without undergoing the asbestos investigation under Article 38-2 (1);
2. A person who demolishes or dismantles a building structure or facilities in violation of Article 38-5 (3);
- (2) A person who violates Article 49 (2) shall be punished by a fine for negligence not exceeding fifteen million won.
- (3) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won:

1. A person who fails to make the 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 (3), 36-2 (5), 39-2 (1), 48 (1) through (3) (excluding those who prepare and submit the report without hearing opinions from a qualified person) or Article 49-2 (1) and (5);
3. A person who violates any order issued under Article 41 (5), 49 (1) or 50 (1) and (2);
4. A person who fails to conduct the work environment monitoring under Article 42 (1);
5. A person who fails to conduct the health examination for workers under Article 43 (1); and
6. A person who refuses, interferes with or evades the 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:

1. A person who fails to keep and post the summary of this Act or any order issued under this Act, the safety and health management regulations, or the material safety data sheet in violation of Article 11 (1), 20 (1) or 41 (1);
2. A person who fails to provide information not contained in the material safety data sheet in violation of Article 41 (8);
3. A person who violates the former part of Article 12, Articles 13 (1), 14 (1), 15 (1), 16 (1), 17 (1), 18 (1), 19 (1) (including the cases where a labor-management consultation body is established and operated pursuant to Article 29-2) and (5), 21, 29 (5), 29-2 (7), 31 (1) through (3), 32 (1) (limited to those falling under subparagraph (1)), 35-2 (1),

- 36 (2), 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 the case where the provision is applied mutatis mutandis under Article 16 (3)) or 51 (8);
 5. A person who, when conducting the work environment monitoring under Article 42 (1) or the health examination under 43 (1), does not allow the workers' representative to attend the work environment monitoring or the health examination in spite of his/her request;
 6. A person who fails to make a report or attend in spite of a request from the Minister of Labor under Article 51 (2) or makes a false report; and
 7. A person who fails to post the matters ordered by the Minister of Labor in violation of the latter part of Article 51 (6)
- (3) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding three million won:
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), 43-2 (2) 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 subparagraphs 3);
 5. A person who fails to make a report to the Minister of Labor in violation of Article 38-4 (3);
 6. A person who fails to submit the proof 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 attach the warning sign, to conduct the education, or to transfer or furnish the material safety data sheet in violation of Article 41 (3) or (4);
 9. A person who fails to make the 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 opinion of a qualified person in violation of Article 48 (3);

11. A person who fails to obtain the confirmation of the Minister of Labor in violation of Article 48 (5) or 49-2 (4);
 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 (4).
- (4) The fine for negligence as referred to in paragraphs (1) through (5) shall be imposed and collected by the Minister of Labor under the conditions prescribed by the Presidential Decree.
<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 Laws)

- (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.