ACT ON THE PREVENTION OF PNEUMOCONIOSIS AND PROTECTION OF WORKERS SUFFERING FROM PNEUMOCONIOSIS

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)
The purpose of this Act is to contribute to the protection of workers’ health and the promotion of their welfare by enhancing the prevention of the pneumoconiosis and control over the health of workers engaged in industry work, and by providing for matters concerning the payment of consolation benefits to workers who has contracted pneumoconiosis and the bereaved families.

Article 2 (Definitions)
The definitions of terms used in this Act shall be as follows: <Amended by Act No. 8961, Mar. 21, 2008; Act No. 10339, Jun. 4, 2010>
1. The term "pneumoconiosis" means a disease, the main symptom of which is a fibroblastic change occurring in lungs due to inhalation of dust;
2. The term "complications" means pulmonary tuberculosis arising as a complications of pneumoconiosis and other diseases as deemed closely related to pneumoconiosis occurring in the process of development of pneumoconiosis, and as prescribed by Ordinance of the Ministry of Employment and Labor;
3. The term "dusty work" means any work requiring handling of earth, stone, rock, or minerals which might cause workers engaged in such work suffer from pneumoconiosis, as prescribed by Presidential Decree;
4. The term "worker" means any worker prescribed in Article 2 of the Labor Standards Act, who is engaged in dusty work;
5. The term "business owner" means a person who employs workers at a business or workplace performing dusty work (hereinafter referred to as "business").

**Article 3 (Scope of Application)**
This Act shall apply to any business operating dusty work as prescribed by Presidential Decree.

**CHAPTER II PREVENTION OF PNEUMOCONIOSIS**

**Article 4 (Plan for Prevention, etc. of Pneumoconiosis)**
(1) The Minister of Employment and Labor shall develop a plan (hereinafter referred to as "plan for the prevention, etc. of pneumoconiosis") for the prevention of pneumoconiosis and for the protection of workers who have contracted pneumoconiosis (hereinafter referred to as "pneumoconiosis worker").

**Amended by Act No. 10339, Jun. 4, 2010**
(2) Deleted. <by Act No. 9435, Feb. 6, 2009>

**Article 5 Deleted.** <by Act No. 9435, Feb. 6, 2009>

**Article 6 (Physicians Examining Pneumoconiosis)**
(1) Physicians examining pneumoconiosis may be assigned to the Ministry of Employment and Labor or the Korea Workers’ Compensation and Welfare Service under the Industrial Accident Compensation Insurance Act, as prescribed by Presidential Decree, to provide advice on the determination the classification for control of pneumoconiosis under Article 18 (1), and any other professional medical matters concerning pneumoconiosis. <Amended by Act No. 8961, Mar. 21, 2008; Act No. 9435, Feb. 6, 2009; Act No. 10339, Jun. 4, 2010>
(2) Matters necessary for the number, qualification, procedure for appointment, duties, allowances, etc. of physicians examining pneumoconiosis shall be prescribed by Presidential Decree. <Amended by Act No. 8961, Mar. 21, 2008>

**Articles 7 and 7-2 Deleted.** <by Act No. 13911, Jan. 27, 2016>

**Article 8 (Prevention of Pneumoconiosis)**
Business owners and workers shall abide by matters prescribed by Ordinance of the Ministry of Employment and Labor, for the purpose of preventing pneumoconiosis, such as preventing dust from scattering, in addition to the measures prescribed by the Occupational Safety and Health Act and the Mining Safety Act. <Amended by Act No. 10339, Jun. 4, 2010; Act No. 13729, Jan. 6, 2016>

**Article 9 (Education)**

(1) A business owner shall conduct education required for preventing pneumoconiosis and managing the health of full-time workers engaged in any dusty work.

(2) Details, times, and hours of education under paragraph (1) shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 8961, Mar. 21, 2008>

**CHAPTER III MANAGEMENT OF HEALTH**

**SECTION 1 Health Examinations**

**Article 10 (Health Examinations for Employment)**

(1) Where a business owner employs a worker to be engaged in dusty work, he/she shall have such worker undergo a health examination before such worker commences the work: Provided, That the health examination may not be conducted for a worker in whose case six months have not passed after taking the health examination which covers the items of health examinations for employment and who submits a document stating the results of the health examination. <Amended by Act No. 8961, Mar. 21, 2008>

(2) The details and method of health examinations for employment under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

**Article 11 (Periodic Health Examinations)**

(1) A business owner shall have workers engaged in dusty work undergo periodic health examinations at least once a year: Provided, That with respect to a person who has undergone a health examination for employment or interim health examination under Article 10 or 12, the periodic health examinations may be omitted only in the year concerned.

(2) The details and method of periodic health examinations under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

**Article 12 (Interim Health Examinations)**

(1) A business owner shall have a worker undergo an interim health examination, if such worker falls under any of the following subparagraphs: <Amended by Act No. 10339, Jun. 4, 2010>
1. Where a worker who has retired temporarily from office for recuperation for one or more years due to a complication, applies for a resumption of office after presenting a written opinion of a medical doctor to the effect that the worker is able to resume his/her work;
2. Where any of the causes prescribed by Ordinance of the Ministry of Employment and Labor occurs.

(2) The scope and method of interim health examinations referred to in paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>.

Article 13 (Health Examinations for Retired Workers)
(1) Where a worker who has been engaged in dusty work for not less than the period prescribed by Ordinance of the Ministry of Employment and Labor applies for a health examination for retired workers after retiring from office, the Minister of Employment and Labor shall have such worker undergo a health examination for retired workers: Provided, That with respect to a worker who retires from office within one year after he/she has undergone a periodic or interim health examination under Article 11 or 12, a health examination for retired workers may be omitted. <Amended by Act No. 10304, May 20, 2010; Act No. 10339, Jun. 4, 2010>.

(2) The procedure for application for, details and method of, health examinations for retired workers referred to in paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>.

Article 14 (Obligation of Workers to Undergo Health Examinations)

Every worker shall undergo a health examination under Articles 10 through 12, except in cases prescribed by Presidential Decree where a worker undergoes a health examination at any other health examination institution and submit the results thereof, etc. <Amended by Act No. 8961, Mar. 21, 2008>.

Article 15 (Health Examination Institutions)
(1) Health examinations referred to in Articles 10 through 13 shall be conducted by a medical institution which has human resources and facilities prescribed by Presidential Decree and is designated by the Minister of Employment and Labor (hereinafter referred to as "health examination institution"). <Amended by Act No. 10339, Jun. 4, 2010>.

(2) A person who intends to obtain designation as a health examination institution pursuant to paragraph (1) shall file an application for designation with the Minister of Employment and Labor, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>.

(3) Where the Minister of Employment and Labor designates a person who has filed an application for designation pursuant to paragraph (2) as a health examination institution, he/she shall issue a letter of designation of a health examination institution which states matters prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>.
(4) Where a health examination institution falls under any of the following cases, the Minister of Employment and Labor may revoke the designation thereof, or order the suspension of business within a specified period of up to six months: Provided, That where the health examination institution falls under subparagraph 1, the designation thereof shall be revoked: <Amended by Act No. 10304, May 20, 2010; Act No. 10339, Jun. 4, 2010>

1. Where it is designated by fraudulent or other illegal means;
2. Where it fails to meet requirements for designation of health examination institutions under paragraph (1);
3. Where it performs health examination affairs, in violation of designated matters under paragraph (3);
4. Where it submits falsely prepared results of health examination (including examination results under Article 91-6 (2) of the Industrial Accident Compensation Insurance Act);
5. Where it charges unreasonable health examination costs (including examination costs under Article 91-6 (4) of the Industrial Accident Compensation Insurance Act);
6. Where it fails to undergo an evaluation under Article 15-2 at least two times, or it fails the evaluation;
7. Where it falls under grounds prescribed by Presidential Decree as the methods, etc. of conducting the health examination are inappropriate.

(5) A person whose designation of a health examination institution is revoked under paragraph (4) may not be re-designated as a health examination institution for two years from the date on which the original designation is revoked.

(6) Where any matters recorded in a letter of designation under paragraph (3) are changed, a health examination institution shall report such changes to the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(7) Procedures for designating health examination institutions, revoking such designation, reporting changes under paragraphs (1) through (6), and other relevant matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 15-2 (Evaluations on Health Examination Institutions)

(1) The Minister of Employment and Labor may evaluate health examination institutions on their capability to conduct and analyze health examinations in order to ensure the accuracy and reliability of the health examinations. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The Minister of Employment and Labor may instruct and educate executives and employees of health examination institutions considering the results of an evaluation under paragraph (1). <Amended by Act No. 10339, Jun. 4, 2010>

(3) Matters necessary for methods of, procedures, etc. for evaluations and instruction and education under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>
Article 16 (Presentation, etc. of Results of Health Examinations)

(1) Where a health examination institution has conducted a health examination under Articles 10 through 12, it shall send the relevant business owner a chest X-ray and a personal health examination report. In such cases, where any worker is found to be suffering from pneumoconiosis after a health examination conducted under Articles 11 and 12, his/her chest X-ray and personal health examination report and the documents prescribed by Ordinance of the Ministry of Employment and Labor shall be presented to the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Where a business owner has a worker undergo a health examination under Article 11, he/she shall present an aggregate health examination result table to the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(3) Where a health examination institution has conducted a health examination under Article 13, it shall present a personal health examination report to the Minister of Employment and Labor. In such cases, where any person is found to be suffering from pneumoconiosis, his/her chest X-ray and personal health examination report and the documents prescribed by Ordinance of the Ministry of Employment and Labor shall be presented. <Amended by Act No. 10339, Jun. 4, 2010>

(4) The forms and period of the presentation of personal health examination reports and aggregate health examination result tables under paragraphs (1) through (3) and other necessary matters shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 17 (Relation to Health Examinations under the Occupational Safety and Health Act)

Where a business owner operating business subject to the provisions of this Act, has had his/her employees undergo health examinations, he/she may choose not to have his/her employees undergo health examinations under Articles 129 through 131 of the Occupational Safety and Health Act, within the scope of such examinations. <Amended by Act No. 16272, Jan. 15, 2019>

SECTION 2 Protection of Pneumoconiosis Workers

Article 18 (Decision on and Notification of Classification for Pneumoconiosis Control)

(1) The Minister of Employment and Labor shall, upon receiving a chest X-ray, a personal health examination report, and documents prescribed by Ordinance of the Ministry of Employment and Labor under the latter part of Articles 16 (1), decide whether a person who has undergone the health examination concerned falls under any of categories 1 through 4 as prescribed in attached Table 1 (hereinafter referred to as "decision on classification for pneumoconiosis control"), and notify the results to the health examination institution, the relevant business owner, and the relevant worker. <Amended by Act No. 10304, May 20, 2010; Act No. 10339, Jun. 4, 2010; Act No. 13911, Jan. 27, 2016>
(2) Deleted. <by Act No. 13911, Jan. 27, 2016>

(3) When the Minister of Employment and Labor notifies the relevant business owner of the decision on classification for pneumoconiosis control, he/she shall give a notice along with the chest X-ray and personal health examination report. <Amended by Act No. 10339, Jun. 4, 2010>

(4) The detailed standards for, methods of, procedures for decision on classification for pneumoconiosis control, and other necessary matters therefor shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 19 (Request for Review on Determination on Classification for Pneumoconiosis Control)
(1) Any person who is dissatisfied with a determination of the Minister of Employment and Labor on a classification for pneumoconiosis control under Article 18 (1) may request a review to the Minister of Employment and Labor within 90 days from the date he/she is notified of such decision. <Amended by Act No. 8961, Mar. 21, 2008; Act No. 10339, Jun. 4, 2010>

(2) The Minister of Employment and Labor, in receipt of a request for review under paragraph (1), shall make a decision thereon after taking advice from three or more physicians examining pneumoconiosis under Article 6. <Amended by Act No. 8961, Mar. 21, 2008; Act No. 10339, Jun. 4, 2010>

(3) The method of and procedure for the request for review under paragraphs (1) and (2) and other matters necessary for the review shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 8961, Mar. 21, 2008; Act No. 10339, Jun. 4, 2010>

Article 20 (Issuance of Worker’s Health Care Pocketbook)
(1) The Minister of Employment and Labor shall issue a health care pocketbook to a worker who has undergone a health examination for retired workers under Article 13 (1). <Amended by Act No. 8961, Mar. 21, 2008; Act No. 10339, Jun. 4, 2010>

(2) Matters necessary for the procedures, etc. for issuance of a worker’s health care pocketbook under paragraph (1) shall be prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 8961, Mar. 21, 2008; Act No. 10339, Jun. 4, 2010>

Article 21 (Measures for Pneumoconiosis Workers)
(1) No business owner shall employ any person who is suffering from complications, or who falls under category 3 or 4 of the classification for pneumoconiosis control as prescribed in attached Table 1, and is recognized by a health examination institution as conforming to the criteria determined by Presidential Decree, to have him/her engage in dusty work. <Amended by Act No. 10304, May 20, 2010>

(2) The Minister of Employment and Labor may recommend or instruct any business owner to take measures to have a person among pneumoconiosis workers, who conforms to the criteria prescribed by Ordinance of the Ministry of Employment and Labor, engage in work, other than dusty work (hereinafter referred to as "work transition measures"). <Amended by Act No. 10339, Jun. 4, 2010>
(3) A business owner shall change the place of work of pneumoconiosis workers, reduce their working hours, and take other necessary measures, as prescribed by Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(4) The Government shall adopt policies necessary for employment security, such as conducting vocational training for workers retired from office due to pneumoconiosis.

**Article 22 (Protection of Persons under Work Transition Measures)**

(1) If a person who is subject to work transition measures pursuant to a recommendation or instruction as prescribed in Article 21 (2), claims for the payment of retirement allowance for the period of service prior to the work transition measures, as prescribed by Ordinance of the Ministry of Employment and Labor, the business owner shall pay such allowance under Article 34 of the Labor Standards Act. <Amended by Act No. 10339, Jun. 4, 2010>

(2) No business owner shall dismiss a worker by reason of the payment of retirement allowance referred to in paragraph (1).

(3) No business owner shall treat a worker unfavorably in calculating the number of his/her years of service by reason of the payment of retirement allowance under paragraph (1): Provided, That in cases of the calculation of the retirement allowance, the same shall apply.

**CHAPTER IV PROTECTIVE PROJECTS, ETC. FOR PNEUMOCONIOSIS WORKERS**

**SECTION 1 Protective Projects for Pneumoconiosis Workers**

**Article 23 (Protective Projects for Pneumoconiosis Workers)**

(1) The Minister of Employment and Labor may implement necessary projects for the prevention of pneumoconiosis and the protection of pneumoconiosis workers’ living and health. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Matters necessary for the scope and the method of implementing the projects referred to in paragraph (1) shall be prescribed by Presidential Decree.

**SECTION 2 Payment of Pneumoconiosis Consolation Benefits**

**Article 24 (Types and Grounds for Payment of Pneumoconiosis Consolation Benefits)**

(1) The types of pneumoconiosis consolation benefits under this Act shall be as follows: <Amended by Act No. 10304, May 20, 2010>

1. Work transition allowances;
2. Pneumoconiosis damage consolation benefits;
3. Deleted. <by Act No. 10304, May 20, 2010>

(2) Work transition allowances referred to in paragraph (1) 1 shall be paid in cases where a worker engages in another work under Article 21 (2).

(3) Pneumoconiosis damage consolation benefits under paragraph (1) 2 shall be paid to a worker whose pneumoconiosis disability grade (hereinafter referred to as "pneumoconiosis disability grade") is determined pursuant to the determination of pneumoconiosis under Article 91-8 of the Industrial Accident Compensation Insurance Act: Provided, That where a worker dies of pneumoconiosis before his/her pneumoconiosis disability grade is determined, pneumoconiosis damage consolation benefits shall be paid to his/her bereaved family based on the pneumoconiosis disability grade to be determined when computing the pneumoconiosis bereaved family's pension payments under Article 91-4 (3) of the Industrial Accident Compensation Insurance Act. <Amended by Act No. 10304, May 20, 2010>

(4) Subparagraph 3 of Article 5 and Article 65 of the Industrial Accident Compensation Insurance Act shall apply mutatis mutandis to the scope of the bereaved family eligible to receive pneumoconiosis damage consolation benefits under the proviso to paragraph (3). <Amended by Act No. 10304, May 20, 2010>

(5) Deleted. <by Act No. 10304, May 20, 2010>

Article 24-2 (Request for Cooperation to Related Agencies, etc.)

(1) The Minister of Employment and Labor may request the following persons to provide any of the following materials or to allow him/her to use a relevant information network (hereinafter referred to as “provision of materials, etc.”) in order to pay pneumoconiosis consolation benefits under Article 24. In such cases, a person in receipt of a request for provision of materials, etc. shall comply with such request in extenuating circumstances: <Amended by Act No. 14839, Jul. 26, 2017>

1. The President of the National Health Insurance Service under Article 13 of the National Health Insurance Act: Materials of a person who has applied for pneumoconiosis consolation benefits (a deceased worker, where his/her surviving family member has applied for such benefits) concerning his/her enrollment for national health insurance and payment of his/her contributions;
2. The Chairperson and CEO of the National Pension Service under Article 24 of the National Pension Act: Materials of a person who has applied for pneumoconiosis consolation benefits (a deceased worker, where his/her surviving family member has applied for such benefits) concerning his/her enrollment for national pension and payment of his/her contributions;
3. The Minister of Employment and Labor: Materials of a person who has applied for pneumoconiosis consolation benefits (a deceased worker, where his/her surviving family member has applied for such benefits) concerning his/her enrollment for employment insurance and payment of his/her premiums;
4. The Minister of the Interior and Safety and the head of a local government: A certified copy or an extract of the resident registration certificate of a person who has applied for pneumoconiosis consolation benefits;
5. The Minister of the National Court Administration and the head of a local government: Materials of a person who has applied for pneumoconiosis consolation benefits concerning his/her family relation registration (a family relation certificate, marriage relation certificate, identification certificate, adoption relation certificate, special adoption relation certificate).

(2) No fees or charges for provisions of materials, etc. under paragraph (1) shall be imposed.

Article 24-3 (Protection of Personal Information)

(1) Where the Minister of Employment and Labor requests provision of materials, etc. under Article 24-2 (1), he/she shall request the minimum information necessary for his/her duties.

(2) Where the Minister of Employment and Labor requests provision of materials, etc. under Article 24-2 (1), he/she shall devise measures to protect personal information on business owners, workers, the bereaved families, such as offering the persons in charge education on security.

(3) Where the Minister of Employment and Labor requests provision of materials, etc. under Article 24-2 (1), he/she shall, in advance, obtain consent of the owner of information.

(4) Where the Minister of Employment and Labor uses the materials provided under Article 24-2, he/she shall, without delay, destroy the relevant materials if pneumoconiosis consolation benefits are paid or other objectives of using such materials are achieved.

(5) The personal information specified in each subparagraph of Article 24-2 (1) may be handled only by the Minister of Employment and Labor, or by a person who is in charge of paying pneumoconiosis consolation benefits at an agency to which the Minister of Employment and Labor delegates his/her authority and who obtains approval for handling personal information by the head of the agency.

(6) No person currently or formerly engaged in the duties under this Act shall divulge information on business owners, workers, or the bereaved families that he/she has learned in the course of performing his/her duties or use such information for other purposes.

(7) Detailed matters necessary for devising measures to protect personal information under paragraph (2), such as conducting education on security, the method of obtaining prior consent from the owner of information under paragraph (3), the time and method of destroying the information used to achieve an relevant objective under paragraph (4), the procedure for approving the handling of personal information under paragraph (5), and other matters shall be prescribed by the Minister of Employment and Labor.

Article 25 (Standards for Paying Consolation Benefits)

(1) Work transition allowances under Article 24 (1) 1 shall be paid in an amount prescribed by Ordinance of the Ministry of Employment and Labor within the seventy-day shares of the average wage of the relevant worker under the Labor Standards Act. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Pneumoconiosis damage consolation benefits under Article 24 (1) 2 shall be paid in an amount computed by multiplying the average wage under subparagraph 2 of Article 5 and Article 35 (6) of the Industrial Accident Compensation Insurance Act by the number of payment days per pneumoconiosis...
disability grade specified in attached Table 2. <Amended by Act No. 10304, May 20, 2010>

(3) Deleted. <by Act No. 10304, May 20, 2010>

Article 26 (Relation to Claim for Damages, etc.)

Pneumoconiosis damage consolation benefits under Article 24 (1) 2 shall be paid only when the relevant worker or his/her bereaved family claims the payment of pneumoconiosis damage consolation benefits in lieu of the claim for damages under the Civil Act and other statutes: Provided, That it may not be claimed in any of the following cases: <Amended by Act No. 10304, May 20, 2010>

1. Where special disability benefits or bereaved family benefits under Article 78 or 79 of the Industrial Accident Compensation Insurance Act are paid;
2. Where any compensation for disability, retirement, or death caused by pneumoconiosis is paid under an agreement with the business owner: Provided, That this shall not apply where an aggravated disability occurs.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 27 (Prohibition of Transfer, etc.)

The right to receive the consolation benefits under Article 24 may not be subject to transfer, security, or seizure.

Article 28 (Prescription)

Where an entitlement to consolation benefits under Article 24 is not exercised for three years, the extinctive prescription thereof shall be complete.

Article 29 (Reporting)

Where a worker finds any instance of violation of the business owner against this Act or any order issued under this Act, he/she may report thereon to the Minister of Employment and Labor. In such cases, the business owner shall not discharge him/her from office or treat him/her unfavorably by reason of having so reported. <Amended by Act No. 10339, Jun. 4, 2010>

Article 30 (Preservation of Records)

A business owner shall preserve for seven years records of the results of health examinations under Articles 10 through 12 and chest X-rays, and documents pertaining to an instruction of the Minister of Employment and Labor to take any measure for work transition as prescribed in Article 21 (2) and the results thereof: Provided, That chest X-rays shall be considered as being preserved by the business owner for as long as they are preserved by a health examination institution in accordance with medical service-related statutes. <Amended by Act No. 10339, Jun. 4, 2010>
Article 31 (Obligation of Reporting, Attendance, etc.)
A business owner or workers shall promptly report necessary matters, attend and answer, as requested by the Minister of Employment and Labor with respect to the enforcement of this Act. <Amended by Act No. 10339, Jun. 4, 2010>

Article 31-2 (Duty of Confidentiality)
No physician examining pneumoconiosis under Article 6 shall disclose confidential information he/she becomes aware of in the course of performing his/her duties.

Article 31-3 (Hearings)
Where the Minister of Employment and Labor revokes the designation of a health examination institution pursuant to Article 15 (4), he/she shall hold a hearing.

Article 32 (Delegation and Entrustment of Authority)
The Minister of Employment and Labor may partially delegate his/her authority under this Act to the head of an agency under his/her jurisdiction, or entrust it to the Korea Workers’ Compensation and Welfare Service under the Industrial Accident Compensation Insurance Act and the Korea Occupational Safety and Health Agency under the Korea Occupational Safety and Health Agency Act, as prescribed by Presidential Decree. <Amended by Act No. 8961, Mar. 21, 2008; Act No. 9319, Dec. 31, 2008; Act No. 10339, Jun. 4, 2010>

Article 32-2 (Legal Fiction as Public Officials in Application of Penalty Provisions)
Physicians examining pneumoconiosis under Article 6 and executives and employees of the Korea Workers’ Compensation and Welfare Service and the Korea Occupational Safety and Health Agency under Article 32 shall be deemed public officials for the purposes of applying penalty provisions under Articles 127 and 129 through 132 of the Criminal Act.

CHAPTER VI PENAL PROVISIONS

Article 32-3 (Penalty Provisions)
Any person who violates Article 24-3 (6) shall be punished by imprisonment with labor for not more than ten years or by a fine not exceeding one hundred million won.

Article 33 (Penalty Provisions)
Any person who falls under any of the following subparagraphs, shall be punished by a fine not exceeding ten million won: <Amended by Act No. 10339, Jun. 4, 2010>
1. Any person who fails to have a worker undergo a health examination, in contravention of Articles 10 through 12;
2. Any person who employs a person suffering from pneumoconiosis to have him/her engage in dusty work, in contravention of Article 21 (1), or who violates an instruction of the Minister of Employment and Labor to take any measure for work transition under Article 21 (2);
3. Any person who fails to pay a retirement allowance despite a claim of a worker, discharges a worker from office or treats a worker unfavorably in the calculation of the number of years of service by reason of the payment of retirement allowance, in contravention of Article 22;
4. Any person who discharges a worker from office or treats a worker unfavorably by reason of reporting under Article 29.

**Article 34 (Penalty Provisions)**

Any person who falls under any of the following subparagraphs shall be punished by a fine not exceeding five million won: <Amended by Act No. 8961, Mar. 21, 2008; Act No. 9435, Feb. 6, 2009; Act No. 10339, Jun. 4, 2010>

1. Deleted; <by Act No. 13911, Jan. 27, 2016>
2. Any person who falsely prepares the result of a health examination or fails to submit or send it to the Minister of Employment and Labor or the business owner, in contravention of Article 16 (1) and (3);
3. Any person who fails to take measures, such as reduction of working hours and change of place of work, in contravention of Article 21 (3).

**Article 35 (Joint Penalty Provisions)**

Where a representative of a corporation, or an agent, employee or any other servant of a corporation or individual commits a violation under Article 33 or 34 in connection with the business of the corporation or individual, in addition to the punishment of such violator, the corporation or individual shall be punished by a fine under the relevant provision: Provided, That where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties in order to prevent such violation, this shall not apply.

**Article 36 (Administrative Fines)**

(1) Deleted. <by Act No. 13911, Jan. 27, 2016>

(2) Any person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding five million won: <Amended by Act No. 8961, Mar. 21, 2008>

1. Deleted; <by Act No. 13911, Jan. 27, 2016>
2. Any person who fails to submit an aggregate health examination result table, in contravention of Article 16 (2);
3. Any person who fails to preserve, for seven years, a personal health examination record, a chest X-ray and documents concerning work transition, in contravention of Article 30.

(3) A person who refuses, interferes with, or evades any report, attendance or answer under Article 31, or files a false report shall be punished by an administrative fine not exceeding three million won.

**Article 37 (Imposition and Collection of Administrative Fines)**

Administrative fines under Article 36 shall be imposed and collected by the Minister of Employment and Labor, as prescribed by Presidential Decree. *<Amended by Act No. 10339, Jun. 4, 2010>*

**ADDENDA**

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures concerning Health Examination of Retired Workers)**

Health examination for retired workers pursuant to the amended provisions of Article 13 shall be conducted on persons who retired on or before March 31, 1985 and has received or has the right to receive disability benefit pursuant to the Industrial Accident Compensation Insurance Act as sufferers of pneumoconiosis.

**Article 3 (Transitional Measures concerning Workers to Whom Labor Standards Act Applies)**

This Act shall apply to workers who retired on or before April 1, 1989, and has received or have the right to receive disability benefit or compensation for the bereaved family pursuant to the Labor Standards Act as sufferers of pneumoconiosis: Provided, That to the lump sum of disability compensation or the lump sum of bereaved family benefits being the standards for payment of consolation benefits pursuant to the amended provisions of Article 25 of this Act, the Labor Standards Act shall apply mutatis mutandis, and the average wage of the worker shall be stipulated by Ordinance of the Ministry of Labor deeming that he/she retired on April 1, 1989.

**Article 4 (General Transitional Measures concerning Disposition, etc.)**

Acts by administrative agencies or acts against administrative agencies pursuant to the previous provisions at the time when this Act enters into force shall be deemed as acts by administrative agencies or acts against administrative pursuant to this Act.

**Article 5 (Transitional Measures concerning Penalty Provisions or Administrative Fines)**

When applying penalty provisions or levying an administrative fine to an act committed before this Act enters into force, the previous provisions shall apply.

**Article 6 (Relationship with other Statutes)**

Where the previous Act on the Prevention of Pneumoconiosis and Protection, etc. of Workers Suffering from Pneumoconiosis or a provision thereof is cited in other statutes at the time when this Act enters into force, this Act or the corresponding provision in this Act shall be deemed to have been cited in place of the previous provision if such a provision corresponding thereto exists in this Act.
ADDENDUM <Act No. 8961, Mar. 21, 2008>
This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 9319, Dec. 31, 2008>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Act No. 9435, Feb. 6, 2009>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
(2) (Transitional Measures concerning Penalty Provisions) The application of penalty provisions to any act committed before this Act enters into force shall be governed by the former provisions.

ADDENDA <Act No. 10304, May 20, 2010>

Article 1 (Enforcement Date)
This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Payment of Pneumoconiosis Damage Consolation Benefits)
The amended provisions of Articles 24 and 25 shall apply, starting with the first person who has a reason to be paid pneumoconiosis damage consolation benefits after this Act enters into force.

Article 3 (Transitional Measures concerning Decision on Classification for Pneumoconiosis Control)
A decision on classification for pneumoconiosis control for a person who has applied for a health examination for a retired worker before this Act enters into force shall be made pursuant to the former provisions, notwithstanding the amended provisions of Article 18 (1).

Article 4 (Transitional Measures concerning Payment of Disability Consolation Benefits)
A worker (including a worker who has a reason to be paid before this Act enters into force) who receives disability consolation benefits pursuant to the former provisions before this Act enters into force remains entitled to the disability consolation benefits under the former provisions although his/her pneumoconiosis disability grade is changed after this Act enters into force (referring to cases where his/her disability grade varies from the former grade).

Article 5 (Transitional Measures concerning Payment of Bereaved Family's Consolation Benefits)
Where a worker (including a worker who has a reason to be paid before this Act enters into force) who receives disability consolation benefits under the former provisions before this Act enters into force dies
of pneumoconiosis, bereaved family's consolation benefits shall be paid to his/her bereaved family pursuant to the former provisions.

ADDENDA <Act No. 10339, Jun. 4, 2010>

Article 1 (Enforcement Date)
This Act shall enter into force one month after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 13729, Jan. 6, 2016>

Article 1 (Enforcement Date)
This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 13911, Jan. 27, 2016>

Article 1 (Enforcement Date)
This Act shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures concerning Penalty Provisions and Administrative Fines)
Any offense committed before this Act enters into force shall be governed by the previous provisions in applying penalty provisions or provisions concerning administrative fines.

ADDENDA <Act No. 14839, Jul. 26, 2017>

Article 1 (Enforcement Date)
This Act shall enter into force on the date of its promulgation; Provided, That among the Acts amended under Article 5 of the Addenda, amendments to an Act, which was promulgated before this Act enters into force but the date on which it enters into force has yet to arrive, shall enter into force on the enforcement date of the relevant Act.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 16272, Jan. 15, 2019>

Article 1 (Enforcement Date)
This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)
Articles 2 through 21 Omitted.