ACT ON THE PREVENTION OF PNEUMOCONIOSIS AND PROTECTION, ETC., OF PNEUMOCONIOSIS WORKERS

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CHAPTER I General Provisions

Article 1 (Purpose)

The purpose of this Act is to contribute to the protection of workers’ health and promotion of their welfare by strengthening the prevention of pneumoconiosis and health management for workers engaged in dust work, and by providing for matters concerning the payment of consolation benefits to workers suffering from pneumoconiosis and their bereaved family members.

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended by Act No. 8961, Mar. 21, 2008 and Act No. 10339, Jun. 4, 2010>

1. The term “pneumoconiosis” means a disease the main symptom of which is fibroblastic changes occurring in the lungs as a result of inhaling dust;

2. The term “complication” means pulmonary tuberculosis complicated with pneumoconiosis or other diseases deemed closely related to pneumoconiosis and arising in the process towards pneumoconiosis, which are prescribed by the Ordinance of the Ministry of Employment and Labor;

3. The term “dust work” means work prescribed by the Ordinance of the Ministry of Employment and Labor, which might cause pneumoconiosis to workers engaged therein among work of dealing with earth rocks, rocks or minerals; <Amended by Act No. 10339, Jun. 4, 2010>

4. The term “worker” means a worker defined in Article 2 of the Labor Standards Act, and engaged in dust work; and

5. The term “employer” means a person who employs workers at a business or workplace (hereinafter referred to as “business”) carrying out dust work.

Article 3 (Scope of Application)

This Act shall apply to businesses carrying out dust work prescribed by the Presidential Decree.

CHAPTER II Prevention of Pneumoconiosis
Article 4 (Plan for Prevention, etc., of Pneumoconiosis)

(1) The Minister of Employment and Labor shall establish a plan (hereinafter referred to as the “plan on prevention, etc., of pneumoconiosis”) for preventing pneumoconiosis and protecting workers (hereinafter referred to as “pneumoconiosis workers”) suffering from pneumoconiosis. <Amended by Act No. 10339, Jun. 4, 2010>

(2) Deleted. <Act No. 9435, Feb. 6, 2009>

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

Article 6 (Pneumoconiosis Examining Physician)

(1) In order to provide advice about a decision on the classification for control of pneumoconiosis under Article 18 (1), and other professional medical matters relevant to pneumoconiosis, pneumoconiosis examining physicians may be employed by the Ministry of Employment and Labor and the Korea Workers’ Compensation and Welfare Service under the Industrial Accident Compensation Insurance Act. <Amended by Act No. 8961, Mar. 21, 2008; Act No. 9435, Feb. 6, 2009; and Act No. 10339, Jun. 10, 2010>

(2) Necessary matters concerning the number of, qualifications for, appointment procedures for, duties and allowances, etc., of pneumoconiosis examining physicians shall be prescribed by the Presidential Decree. <Amended by Act No. 8961, Mar. 21, 2008>

Article 7 (Vicarious Execution of Work Environment Monitoring)

(1) If an employer fails to conduct work environment monitoring as prescribed in Article 42 of the Occupational Safety and Health Act, the Minister of Employment and Labor may designate a work environment monitoring agent from among those with manpower, facilities and equipment needed to conduct the work environment monitoring prescribed by the Presidential Decree, and have him/her conduct work environment monitoring in order to prevent pneumoconiosis. <Amended by Act No. 10339, Jun. 4, 2010>

(2) A person who intends to be designated as a work environment monitoring agent pursuant to paragraph (1) shall apply for such designation to the Minister of Employment and Labor under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(3) If the Minister of Employment and Labor designates a person applying for such designation as a work environment monitoring agent pursuant to paragraph (2), he/she shall issue a certificate of designation specifying the matters prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(4) A person (hereinafter referred to as “monitoring agent”) designated as a work environment monitoring agent pursuant to paragraph (3) shall, if any change is made to the matters specified in his/her certificate of designation, report such change to the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(5) An employer shall pay the expenses required for work environment monitoring as referred to in paragraph (1) to the work environment monitoring agent.
(6) If the Minister of Employment and Labor has work environment monitoring conducted vicariously under paragraph (1), he/she shall notify the employer of the results. In this case, the Minister of Employment and Labor may instruct the employer to do things necessary for improving work environments. <Amended by Act No. 10339, Jun. 4, 2010>

(7) An employer shall, if receiving the instruction to improve work environments under paragraph (6), improve work environments, and prepare documents related thereto and keep them for three years.

(8) Necessary matters concerning the vicarious execution of work environment monitoring, such as the procedures for designation of a monitoring agent and for report of changes and the method of calculation of expenses for vicariously conducting monitoring as referred to in paragraphs (1) through (7), shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(9) If workers requests the disclosure of data from monitoring conducted under paragraph (1), the employer shall comply with the request.

<Article 7-2 (Cancellation of Designation of Monitoring Agent)>

If a monitoring agent falls under any of the following subparagraphs, the Minister of Employment and Labor may cancel the designation or order its operation to be suspended for a period of not more than six months : Provided that the monitoring agent falls under subparagraph 1, the designation shall be cancelled. <Amended by Act No. 10339, Jun. 4, 2010>

1. Where the monitoring agent is designated in a false or other fraudulent ways;

2. Where the monitoring agent falls short of the criteria for designation of monitoring agents under Article 7 (1);

3. Where the monitoring agent makes a false statement in or a false report on the results of its monitoring; and

4. Where the monitoring agent refuses to conduct work environment monitoring without any justifiable reason

<Article 8 (Prevention of Pneumoconiosis)>

Employers and workers shall, in order to prevent pneumoconiosis, abide by the matters prescribed by the Ordinance of the Ministry of Employment and Labor, such as prevention of dust 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>

<Article 9 (Education)>
(1) An employer shall provide workers who are ordinarily engaged in dust work with education necessary for pneumoconiosis prevention and health management. <Amended by Act No. 8961, Mar. 21, 2008>

(2) The contents, frequency and hours of the education referred to in paragraph (1) shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 8961, Mar. 21, 2008>

CHAPTER III Health Management

SECTION 1 Health Examination

Article 10 (Health Examination for Employment)

(1) When an employer hires a worker to be engaged in dust work, he/she shall conduct a health examination before employment: Provided that such a health examination may not be conducted if six months have not passed since the worker received a health examination including the examination categories of the health examination for employment, and the worker has submitted documents stating the results of the health examination. <Amended by Act No. 8961, Mar. 21, 2008>

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

Article 11 (Periodical Health Examination)

(1) An employer shall conduct a periodical health examination at least once a year for workers who are engaged in dust work: Provided that, with respect to a person who has undergone a health examination for employment or an extraordinary health examination under Article 10 or 12, the periodical health examination may not be conducted for that year.

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

Article 12 (Extraordinary Health Examination)

(1) If a worker falls under any of the following subparagraphs, the employer shall conduct an extraordinary health examination for the worker: <Amended by Act No. 10339, Jun. 4, 2010>

1. Where a worker who has retired temporarily from office for medical care for one or more years due to a complication applies for a return to work after presenting a written opinion of a physician to the effect that the worker is able to return to work; and

2. Where there occur a cause prescribed by the Ordinance of the Ministry of Employment and Labor.
(2) The contents and method of an extraordinary health examination under paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 13 (Health Examination for Retired Workers)

(1) If a worker who has been engaged in dust work for not less than the period prescribed by the Ordinance of the Ministry of Employment and Labor applies for a health examination for retired workers after retiring from his/her work, the Minister of Employment and Labor shall conduct a health examination for retired workers; Provided that for workers who retire from their work within one year after they underwent a periodical or extraordinary health examination under Article 11 or 12, the health examination for retired workers may not be conducted. <Amended by Act No. 10304, May 20, 2010 and Act No. 10339, Jun. 4, 2010>

(2) The application procedures for and the contents and method of a health examination for retired workers under paragraph (1) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 14 (Obligation of Workers to Undergo Health Examination)

A worker shall undergo a health examination under Articles 10 through 12, except in cases where there is any justifiable reason prescribed by the Presidential Decree, such as when he/she has received a health examination at a different health examination service and submitted the results. <Amended by Act No. 8961, Mar. 21, 2008>

Article 15 (Health Examination Service)

(1) The health examination prescribed in Articles 10 through 13 shall be conducted by a medical institution (hereinafter referred to as the “health examination service”) which has such manpower and facilities as prescribed by the Ordinance of the Ministry of Employment and Labor and is designated by the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(2) A person who intends to be designated pursuant to paragraph (1) shall apply for such designation to the Minister of Employment and Labor under the conditions prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(3) If the Minister of Employment and Labor designates a person applying for such designation as a health examination service pursuant to paragraph (2), he/she shall issue a certificate of designation specifying the matters prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(4) The Minister of Employment and Labor may, if a health examination service falls under any of the following subparagraphs, cancel the designation or order its operation to be suspended for a period of not more than six months: <Amended by Act No. 10304, May 20, 2010 and Act No. 10339, Jun. 4, 2010>

1. Where the service is designated in a false or other fraudulent ways;
2. Where the service fails to meet the conditions for designation referred to in paragraph (1);

3. Where the service carries out health examination services in violation of the matters designated under paragraph (3);

4. Where the service makes and submits false entries on the results of a health examination (including examination results under Article 91-6 (2) of the Industrial Accident Compensation Insurance Act);

5. Where the service makes a false claim for expenses for a health examination (including examination expenses under Article 91-6 (4) of the Industrial Accident Compensation Insurance Act);

6. Where the service fails twice or more to undergo the evaluation referred to in Article 15-2 and fails to pass as a result of the evaluation; and

7. Other cases where the service falls under a cause prescribed by the Presidential Decree, such as when the way of conducting a health examination is inappropriate.

(5) A person whose designation as a health examination service has been cancelled shall not be designated again as a health examination service for two years after the date of cancellation.

(6) A health examination service shall, if any change is made to the matters specified in the certificate of designation referred to in paragraph (3), report such change to the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(7) The procedures for designation of health examination services, for cancellation of designation and for report of changes under paragraphs (1) through (6) and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

<Article 15-2 (Evaluation, etc., of Health Examination Services)>

(1) The Minister of Employment and Labor may evaluate health examination services over their ability to conduct a health examination and analysis in order to ensure the accuracy and reliability of health examinations. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The Minister of Employment and Labor may provide guidance and education for officers and employees of health examination services based on the results of the evaluation referred to in paragraph (1). <Amended by Act No. 10339, Jun. 4, 2010>

(3) Necessary matters concerning the methods of and procedures for evaluation, guidance and education under paragraphs (1) and (2) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

<Article Wholly Amended by Act No. 8961, Mar. 21, 2008>
Article 16 (Submission, etc., of Results of Health Examination)

(1) If a health examination service has conducted a health examination pursuant to Articles 10 through 12, it shall send the employer the chest X-ray photographs and individual health examination results. In this case, if there is a worker thought to be suffering from pneumoconiosis as a result of conducting a health examination pursuant to Articles 11 and 12, the worker's chest X-ray photograph and individual health examination results and documents prescribed by the Ordinance of the Ministry of Employment and Labor shall be submitted to the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(2) If an employer has conducted a health examination pursuant to Article 11, he/she shall submit an aggregate health examination result list to the Minister of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(3) If a health examination service has conducted a health examination pursuant to Article 13, it shall submit individual health examination results to the Minister of Employment and Labor. In this case, if there is a worker thought to be suffering from pneumoconiosis, the worker's chest X-ray photograph and individual health examination results and documents prescribed by the Ordinance of the Ministry of Employment and Labor shall be submitted. <Amended by Act No. 10339, Jun. 4, 2010>

(4) The forms of individual health examination results and aggregate health examination lists under paragraphs (1) through (3) and the period for the submission thereof and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

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

If the employer of a business subject to the provisions of this Act has conducted a health examination, to the extent that he/she has done, he/she may be exempted from the obligation to conduct a health examination under Article 43 of the Occupational Safety and Health Act.

SECTION 2 Protection of Pneumoconiosis Workers

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

(1) The Minister of Employment and Labor shall, upon receiving a chest X-ray photograph, individual health examination results and documents prescribed by the Ordinance of the Ministry of Employment and Labor pursuant to the latter part of Article 16 (1), decide whether the person who has undergone the health examination falls under any of categories 1 to 4 in the annexed Table 1 (hereinafter referred to as a “decision on the classification for control of pneumoconiosis”), and then notify the health examination service and the employer of the results. <Amended by Act No. 10304, May 20, 2010 and Act No. 10339, Jun. 4, 2010>

(2) An employer shall, upon receiving a notification of the results of a decision on the classification for control of pneumoconiosis pursuant to paragraph (1), notify without delay the relevant worker of the fact.
The Minister of Employment and Labor shall, when notifying an employer of the results of a decision on the classification for control of pneumoconiosis pursuant to paragraph (1), send the chest X-ray photograph and individual health examination results. <Amended by Act No. 10339, Jun. 4, 2010>

The detailed criteria, method and procedures for making a decision on the classification for control of pneumoconiosis and other necessary matters shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 19 (Request for Examination on Decision on Classification for Control of Pneumoconiosis)

(1) A person who is dissatisfied with a decision of the Minister of Employment and Labor on the classification for control of pneumoconiosis under Article 18 (1) may make a request for examination to the Minister of Employment and Labor within 90 days of the date of notification of the decision. <Amended by Act No. 8961, Mar. 21, 2008 and Act No. 10339, Jun. 4, 2010>

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

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

Article 20 (Issuance of Health Care Pocketbook)

(1) For workers who have undergone a health examination for retired workers pursuant to Article 13 (1), the Minister of Employment and Labor shall issue health care pocketbooks. <Amended by Act No. 8961, Mar. 21, 2008 and Act No. 10339, Jun. 4, 2010>

(2) Necessary matters concerning the procedures for issuance of health care pocketbooks under paragraph (1) shall be prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

Article 21 (Measures for Pneumoconiosis Workers)

(1) An employer shall not employ a person who is suffering from a complication, or falls under the category 3 or 4 of the classification for control of pneumoconiosis in Table 1 and whom a health examination service recognizes as meeting the criteria prescribed by the Presidential Decree to have him/her be engaged in dust work. <Amended by Act No. 10304, May 20, 2010>

(2) The Minister of Employment and Labor may recommend or instruct an employer to take measures (hereinafter referred to as the “work reassignment measures”) to have pneumoconiosis workers meeting the criteria prescribed by the Ordinance of the Ministry of
Employment and Labor be engaged in work other than dust work. <Amended by Act No. 10339, Jun. 4, 2010>

(3) An employer shall change the working place of pneumoconiosis workers, reduce their working hours, and take other necessary measures under the conditions as prescribed by the Ordinance of the Ministry of Employment and Labor. <Amended by Act No. 10339, Jun. 4, 2010>

(4) The government shall devise policies necessary for employment security, such as providing vocational training, for workers who retired from work due to pneumoconiosis.

Article 22 (Protection of Person under Work Reassignment Measure)

(1) If a person who is subject to a work reassignment measure following a recommendation or an instruction under Article 21 (2) asks for retirement pay for the service period prior to the work reassignment measure under the conditions as prescribed by the Ordinance of the Ministry of Employment and Labor, the employer shall give retirement pay pursuant to Article 34 of the Labor Standards Act. <Amended by Act No. 10339, Jun. 4, 2010>

(2) An employer shall not dismiss a worker by reason of the payment of retirement pay under paragraph (1).

(3) An employer shall not treat a worker unfavorably in calculating the number of consecutive service years by reason of the payment of retirement pay under paragraph (1) : Provided that this shall not apply in the case of the calculation of retirement pay.

CHAPTER IV Projects for Protection of Pneumoconiosis Workers

SECTION 1 Projects for Protection of Pneumoconiosis Workers

Article 23 (Projects for Protection of Pneumoconiosis Workers)

(1) The Minister of Employment and Labor may conduct projects necessary for the prevention of pneumoconiosis and the protection of a pneumoconiosis worker's living and health. <Amended by Act No. 10339, Jun. 4, 2010>

(2) The contents, implementation methods and other necessary matters concerning projects prescribed in paragraph (1) shall be prescribed by the Presidential Decree.

SECTION 2 Payment of Pneumoconiosis Consolation Benefits

Article 24 (Types of Pneumoconiosis Consolation Benefits and Reasons for Their Payment)

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

1. Work reassignment allowances;

2. Pneumoconiosis consolation benefits; and
(2) Work reassignment allowances under paragraph (1) 1 shall be paid in case where the work of a worker is changed under Article 21 (2).

(3) Pneumoconiosis consolation benefits under paragraph (1) 2 shall be paid to a worker for whom a pneumoconiosis disability grade (hereinafter referred to as "pneumoconiosis disability grade") is determined based on a decision on pneumoconiosis under Article 91-8 of the Industrial Accident Compensation Insurance Act: Provided that if a worker for whom a pneumoconiosis disability grade has not been determined dies of pneumoconiosis, the benefits shall be paid to the bereaved family members of the worker on the basis of a pneumoconiosis disability grade determined in the case of calculating pneumoconiosis survivors annuities pursuant to 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 with regard to the scope of bereaved family members eligible to receive pneumoconiosis consolation benefits pursuant to the proviso to paragraph (3).  <Amended by Act No. 10304, May 20, 2010>


Article 25 (Standards of Payment of Consolation Benefits)

(1) Work reassignment allowances prescribed in Article 24 (1) 1 shall be an amount prescribed by the Ordinance of the Ministry of Employment and Labor but not exceeding 70 days of average wages of the relevant worker under the Labor Standards Act.  <Amended by Act No. 10339, Jun. 4, 2010>

(2) Pneumoconiosis consolation benefits prescribed in Article 24 (1) 2 shall be an amount obtained by multiplying the amount of average wages under subparagraph 2 of Article 5 and Article 36 (6) of the Industrial Accident Compensation Insurance Act by the number of benefit days for each pneumoconiosis disability grade provided for in Table 2.  <Amended by Act No. 10304, May 20, 2010>

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

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

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

1. Where special disability benefits under Article 78 of the Industrial Accident Compensation Insurance Act or special survivors benefits under Article 79 of the same Act have been paid; and
2. Where any compensation for disability, retirement or death caused by pneumoconiosis has been paid under an agreement with the employer: Provided that this shall not apply in case where an aggravated disability occurs.

CHAPTER V Supplementary Provisions

Article 27 (Prohibition of Transfer, etc.)

The right to receive consolation benefits pursuant to Article 24 shall not be transferred, used as collateral or seized.

Article 28 (Prescription)

If the right to receive consolation benefits pursuant to Article 24 is not exercised for three years, the extinctive prescription thereof shall be completed.

Article 29 (Report)

If an employer violates this Act or any order issued under this Act, his/her worker may report it to the Minister of Employment and Labor. In this case, the employer shall not dismiss the worker or unfavorably treat the worker in other ways by reason of such a report. <Amended by Act No. 10339, Jun. 4, 2010>

Article 30 (Keeping of Record)

An employer shall keep for seven years health examination results and chest X-ray photographs as prescribed in Articles 10 through 12, and documents about the instruction of the Minister of Employment and Labor to take a work reassignment measure as prescribed in Article 21 (2) and the results thereof: Provided that in case of chest X-ray photographs, they shall be considered to be kept by the employer for as long as they are kept by a health examination service pursuant to medical service-related Acts and subordinate statutes. <Amended by Act No. 10339, Jun. 4, 2010>

Article 31 (Obligation of Report, Attendance, etc.)

An employer or a worker shall report without delay necessary matters, attend and answer, if the Minister of Employment and Labor demands it with regard to the enforcement of this Act. <Amended by Act No. 10339, Jun. 4, 2010>

Article 31-2 (Duty of Confidentiality)

An pneumoconiosis examining physician referred to in Article 6 shall not disclose any confidential information acquired while performing his/her duties. <This Article Newly Inserted by Act No. 8961, Mar. 21, 2008>

Article 31-3 (Hearing)

In any of the following cases, the Minister of Employment and Labor shall hold a hearing: <Amended by Act No. 10339, Jun. 4, 2010>
1. Cancellation of designation of a monitoring agent under Article 7-2; or

2. Cancellation of designation of a health examination service under Article 15 (4) <This Article Newly Inserted by Act No. 8961, Mar. 21, 2008>

Article 32 (Delegation and Entrustment of Authority)

The Minister of Employment and Labor may delegate part of the authority prescribed by this Act to the head of an agency under his/her control, 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, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 8961, Mar. 21, 2008 and Act No. 10339, Jun. 4, 2010>

Article 32-2 (Legal Fiction of Public Officials in Application of Penal Provisions)

Pneumoconiosis examining physicians under Article 6 and officers and employees of the Agencies under Article 32 shall be considered public officials in the application of Article 127 and Articles 129 through 132 of the Criminal Act.

<This Article Newly Inserted by Act No. 8961, Mar. 21, 2008>

CHAPTER VI Penal Provisions

Article 33 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by a fine not exceeding ten million won: <Amended by Act No. 10339, Jun. 4, 2010>

1. A person who fails to conduct a health examination in contravention of Articles 10 through 12;

2. A person who employs a person suffering from pneumoconiosis to have him/her be engaged in dust work in contravention of Article 21 (1) or violates an instruction of the Minister of Employment and Labor to take a measure for work reassignment under Article 21 (2);

3. A person who fails to pay retirement pay in spite of a worker's claim for it or a person who dismisses a worker or treats a worker unfavorably in the calculation of the number of consecutive service years by reason of the payment of retirement pay, in contravention of Article 22; and

4. A person who dismisses a worker or unfavorably treats a worker in other ways by reason of the report as prescribed in Article 29.

Article 34 (Penal Provisions)

A 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; and Act No. 10339, Jun. 4, 2010>
1. A person who violates an instruction to improve work environments under Article 7 (6);

2. A person who makes a false statement in the results of a health examination or fails to submit or send them to the Minister of Employment and Labor or employer, in contravention of Article 16 (1) and (3); and

3. A person who fails to take measures, such as the reduction of working hours, a change of working place, etc., in contravention of Article 21 (3).

Article 35 (Joint Penal Provisions)

If the representative of a juristic person or an agent, a servant or any other employee of a juristic person or an individual commits the offense prescribed in Article 33 or 34 in connection with 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. 9435, Feb. 6, 2009>

Article 36 (Fine for Negligence)

(1) A person who refuses, interferes with or evades work environment monitoring conducted by a work environment monitoring agent pursuant to Article 7 (1) shall be punished by a fine for negligence not exceeding 15 million won. <Newly Inserted by Act No. 9435, Feb. 6, 2009>

(2) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding five million won: <Amended by Act No. 8961, Mar. 21, 2008 and Act No. 9435, Feb. 6, 2009>

1. A person who makes a false statement in or fails to keep for three years documents concerning the improvement of work environments under Article 7 (7);

2. A person who fails to submit an aggregate health examination result list in contravention of Article 16 (2); and

3. A person who fails to keep for seven years individual health examination results, chest X-ray photographs and documents concerning work reassignment in contravention of Article 30.

(3) A person who refuses, interferes with or evades the reporting, attendance or answering under Article 31, or makes a false report shall be punished by a fine for negligence not exceeding three million won. <Amended by Act No. 9435, Feb. 6, 2009>

Article 37 (Imposition and Collection of Fine for Negligence)
The fine referred to in Article 36 shall be imposed and collected by the Minister of Employment and Labor under the conditions prescribed by the Presidential Decree.  
<Amended by Act No. 10339, Jun. 4, 2010>

<This Article Wholly Amended by Act No. 9435, Feb. 6, 2009>

Addendum <Act No. 8961, Mar. 21, 2008>

This Act shall enter into force six months after its promulgation.

☐ 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: Provided that the amended provision of Article 28 shall enter into force three months after its promulgation.

Articles 2 through 4 Omitted.

Article 5 (Revision of Other Acts)

(1)through (5) Omitted.

(6)Parts of the Act on the Prevention of Pneumoconiosis and Protection, etc., of Pneumoconiosis Workers shall be revised as follows:

“Korea Occupational Safety and Health Agency under the Korea Occupational Safety and Health Agency Act” in Article 32 shall be changed to “Korea Occupational Safety and Health Agency under the Korea Occupational Safety and Health Agency Act”.

Article 6 Omitted.

☐ Addenda <Act No. 9435, Feb. 6, 2009>

(1) (Enforcement Date)

This Act shall enter into force six months after its promulgation.

(2) (Transitional Measures concerning Penal Provisions)

The application of penal provisions to any act committed before the enforcement of this Act shall be subject to the previous provisions.

☐ Addenda <Act No. 10304, May 20, 2010>

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

Article 2 (Application Example concerning Payment of Pneumoconiosis Consolation Benefits)

The amended provisions of Articles 24 and 25 shall apply to persons for whom a cause for the payment of pneumoconiosis consolation benefits occurs after this Act enters into force.

Article 3 (Transitional Measures concerning Decision on Classification for Control of Pneumoconiosis)

For persons who apply for a health examination for retired workers before this Act enters into force, a decision on the classification for control of pneumoconiosis shall be made pursuant to the previous provision notwithstanding the amended provision of Article 18 (1).

Article 4 (Transitional Measures concerning Payment of Disability Benefits)

A worker receiving disability consolation benefits pursuant to the previous provisions before this Act enters into force (including workers for whom a cause for the payment of such benefits occurs before this Act enters into force) shall be paid disability consolation benefits pursuant to the previous provisions even in case where his/her pneumoconiosis disability grade has changed after this Act enters into force (referring to cases where the grade is different from his/her previous disability grade).

Article 5 (Transitional Measures concerning Payment of Consolation Benefits for Bereaved Family Members)

If a worker receiving disability consolation benefits pursuant to the previous provisions before this Act enters into force (including workers for whom a cause for the payment of such benefits occurs before this Act enters into force) dies of pneumoconiosis, his/her bereaved family members shall be paid consolation benefits for bereaved family members pursuant to the previous provisions.

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

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

Article 4 (Revision of Other Acts)

(1)through (72) Omitted.

(73)Parts of the Act on the Prevention of Pneumoconiosis and Protection, etc., of Pneumoconiosis Workers shall be revised as follows:

“Ordinance of the Ministry of Labor” in subparagraph 2 of Article 2, Article 7 (2), (3) and (8), Article 8, Article 10 (2), Article 11 (2), Article 12 (1) 2, Article 12 (2), Article 13 (1) and
(2), Article 15 (2), (3) and (7), Article 15-2 (3), the latter part of Article 16 (1), the latter part of Article 16 (3), Article 16 (4), Article 18 (1) and (4), Article 19 (3), Article 20 (2), Article 21 (2) and (3), Article 22 (1) and Article 25 (1) shall be changed to "Ordinance of the Ministry of Employment and Labor".

"Minister of Labor" in Article 4 (1), Article 7 (1) through (4), the former and latter parts of Article 7 (6), parts other than each subparagraph of Article 7-2, Article 13 (1), Article 15 (1) through (3), parts other than each subparagraph of Article 15 (4), Article 15 (6), Article 15-2 (1) and (2), the latter part of Article 16 (1), Article 16 (2), the former part of Article 16 (3), Article 18 (1) and (3), Article 19 (1) and (2), Article 20 (1), Article 21 (2), Article 23 (1), the former part of Article 29, Article 30, Article 31, parts other than each subparagraph of Article 31-3, Article 32, subparagraph 2 of Article 33, subparagraph 2 of Article 34 and Article 37 shall be changed to "Minister of Employment and Labor".

"Ministry of Labor" in Article 6 (1) shall be changed to "Ministry of Employment and Labor".

(74) through (82) Omitted.

Article 5 Omitted.