

ENFORCEMENT DECREE OF THE OCCUPATIONAL SAFETY AND HEALTH ACT

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Presidential Decree No. 14438, Dec. 23, 1994
Presidential Decree No. 14446, Dec. 23, 1994
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Presidential Decree No. 14450, Dec. 23, 1994
Presidential Decree No. 14787, Oct. 19, 1995
Presidential Decree No. 15372, May 16, 1997
Presidential Decree No. 15389, Jun. 11, 1997
Presidential Decree No. 15598, Dec. 31, 1997
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Presidential Decree No. 18043, Jun. 30, 2003
Presidential Decree No. 18609, Dec. 28, 2004
Presidential Decree No. 19203, Dec. 28, 2005
Presidential Decree No. 19513, Jun. 12, 2006
Presidential Decree No. 19691, Sep. 22, 2006
Presidential Decree No. 19804, Dec. 29, 2006
Presidential Decree No. 20483, Dec. 28, 2007
Presidential Decree No. 20681, Feb. 29, 2008
Presidential Decree No. 20973, Aug. 21, 2008
Presidential Decree No. 20263, Jan. 14, 2009
Presidential Decree No. 21653, Jul. 30, 2009
Presidential Decree No. 22061, Feb. 24, 2010

Article 1 (Purpose)

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

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 2 (Definition)

The terms used in this Decree shall have the same meanings as are prescribed by the Occupational Safety and Health Act (hereinafter referred to as "the Act") unless otherwise specially provided for by this Decree.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 2-2 (Scope of Application, etc.)

(1) The scope of businesses or workplaces (hereinafter referred to as "business") excluded from parts of the Act pursuant to the proviso of Article 3 (1) of the Act, and the scope of the provisions of the Act applying to the businesses concerned are shown in Table 1.

(2) The classification of businesses under this Decree shall follow the Korea Standard Industrial Classification announced by the Commissioner of the National Statistical Office in accordance with the Statistics Act.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 3 (Establishment of Policy Measures to Prevent Accidents in Accident- Prone Workplaces)

The Minister of Labor shall come up with policy measures concerning research on, and dissemination of, accident prevention techniques, and support for, and education about, safety and health technologies, in order to prevent accidents in accident-prone workplaces pursuant to Article 4 (1) 2 of the Act.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 3-2 (Implementation of Safety and Health Management System, etc.)

(1) The Minister of Labor shall research and disseminate operational techniques of an autonomous safety and health management system of business to establish a safety and health management system of business in accordance with Article 4 (1) 5 of the Act.

(2) The Minister of Labor may implement a system which evaluates the levels of safety management and health management of business to establish such safety and health management system.

(3) Matters necessary for the operation of the evaluation system referred to in paragraph (2) shall be determined and announced by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 3-3 (Establishment of Policy Measures to Raise Safety and Health Awareness)

(1) The Minister of Labor shall come up with policy measures relating to any of the following subparagraphs in order to raise safety and health awareness pursuant to Article 4 (1) 6 of the Act :

1. Designation and implementation of an occupational safety and health awareness period;
2. Promotion of safety and health education, and activation of publicity; and
3. Promotion, etc., of people's sound and voluntary activities concerning safety and health.

(2) Necessary matters concerning policy measures to raise safety and health awareness pursuant to paragraph (1) shall be determined by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 3-4 (Implementation of Accident-Free Campaigns)

(1) The Minister of Labor shall come up with policy measures relating to any of the following subparagraphs in order to effectively carry out accident-free campaigns pursuant to Article 4 (1) 6 of the Act:

1. Spread of accident-free campaigns across workplaces, and dissemination of their implementation techniques; and
2. Activation of accident-free campaigns, such as by supporting workplaces which have accomplished the goal of accident-free workplace

(2) Matters necessary for carrying out the policy measures referred to in paragraph (1), such as the methods of implementing accident-free campaigns, shall be determined by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 3-5 (Maintenance and Management of Surveys and Statistics)

The Minister of Labor shall conduct a survey on industrial accidents and maintain and manage the statistics thereof pursuant to Article 4 (1) 8 of the Act in order to prevent industrial accidents.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 3-6 (Implementation of Health Promotion Project, etc.)

(1) The Minister of Labor shall come up with policy measures

relating to any of the following subparagraphs in order to efficiently implement matters concerning the protection and promotion of workers' health as prescribed in Article 4 (1) 10 of the Act:

1. Dissemination and spread of projects to promote workers' health; and
2. Creation of clean work environments.

(2) Matters necessary for the implementation of the policy measures referred to in paragraph (1) shall be determined by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 3-7 (Cooperation by Employers, etc.)

Employers, workers and other related organizations shall co-operate, such as by actively taking part in the national measures prescribed in Articles 3-2 through 3-6.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 4 Deleted *<By presidential Decree No. 22061 Apr. 10. 2010>*

Article 5 Deleted *<By presidential Decree No. 22061 Apr. 10. 2010>*

Article 6 Deleted *<By presidential Decree No. 22061 Apr. 10. 2010>*

Article 7 Deleted *<By presidential Decree No. 22061 Apr. 10. 2010>*

Article 8 Deleted *<By presidential Decree No. 22061 Apr. 10. 2010>*

Article 8-2 Deleted *<By presidential Decree No. 22061 Apr. 10. 2010>*

Article 8-3 Deleted *<By presidential Decree No. 22061 Apr. 10. 2010>*

Article 8-4 (Workplaces Subject to Public Announcement)

"Workplaces prescribed by the Presidential Decree" in Article 9-2 (1) refer to workplaces falling under each of the following subparagraphs:

1. Workplaces within the highest 10 percent of those whose annual industrial accident rate is higher than the average accident rate of workplaces of the same size in the same business;
2. Workplaces where industrial accidents cause two or more deaths a year and the death rate (referring to the number of deaths which occur for every 10,000 full-time workers each year;
3. Workplaces which have failed to make a report on the

- occurrence of industrial accidents under Article 10 of the Act twice or more over the past three years; and
4. Workplaces where a serious industrial accident prescribed in Article 49-2 (1) of the Act have occurred.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 9 (Appointment etc. of Safety and Health Manager)

(1) The category and size of businesses which are required to have a safety and health manager (hereinafter referred to as “the safety and health manager”) pursuant to Article 13 (3) of the Act shall be those of businesses with 100 full-time workers or more and of businesses determined by the Ordinance of the Ministry of Labor among those with less than 100 full-time workers.

(2) A safety and health manager shall be the one actually responsible for general administration and management of the business concerned.

(3) An employer, when appointing a safety and health manager, shall have documents attesting to the appointment.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 10 (Duties of Supervisor)

(1) The work to be carried out by a supervisor pursuant to Article 14 (1) of the Act shall be as follows:

1. Safety and health check on, and identification of problems with, machines and equipment or facilities related to work(hereinafter referred to as “the work concerned”) which the supervisor oversees or supervises in the workplace;
2. Check on the work clothes, personal protective equipment and protective devices of workers under the control of the supervisor, and education and instruction on the wearing and use of them;
3. Reporting of industrial accidents arising from the work concerned, and emergency measures in response to such accidents;
4. Arrangement and keeping in order of things at the work site involving the work concerned, and confirmation and inspection to secure passage;
5. Cooperation in guidance and advice of the occupational physician, safety manager (in case of a workplace which entrusts the work of the safety manager to a safety management service institution pursuant to Article 15 (4) of the Act, the person in the safety management service

- institution, who is in charge of the work concerned) and health manager (in case of a workplace which entrusts the work of the health manager to a health management service institution pursuant to Article 16 (3) of the Act, the person in the health management service institution, who is in charge of the workplace concerned); and
6. Other matters concerning the safety and health of the work concerned and determined by the Minister of Labor
- (2) An employer shall give the authority necessary for performing the work referred to in paragraph (1) to the supervisor, and provide facilities, equipment, budgets and other necessary support for him/her to carry out the work.
 - (3) "Work prescribed by the Presidential Decree" in the proviso of Article 14 (1) of the Act is shown in Table 2.
 - (4) The term "safety- and health-related duties prescribed by the Presidential Decree, such as special education for employees involved in such work" in Article 14 (1) of the Act refer to duties described in any of the following subparagraphs:
 1. Safety-related education among special education provided pursuant to Article 31 (3) of the Act when an employer employs workers for harmful or hazardous work;
 2. Performance tests on the safety of harmful or hazardous machines, etc., under Article 36-2 (1) of the Act (limited to cases where the supervisor is any of the persons referred to in Article 36-2 (2) of the Act); and
 3. Other duties to prevent any harm or hazards that might be caused, in nature, by the work concerned, and determined and announced by the Minister of Labor
- <This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>*

Article 11 Deleted *<Presidential Decree No. 19691, Sep. 22, 2006>*

Article 12 (Appointment, etc. of Safety Manager)

(1) The category and size of businesses where a safety manager is to be appointed, the number of safety managers and the appointment methods under Article 15 (2) of the Act are shown in Table 3.

(2) Among the businesses under paragraph (1), workplaces employing 300 full-time workers or more [in case of construction work, workplaces whose total construction amount is 12 billion Won or more (15 billion Won or more for construction work belonging to the civil engineering work prescribed in Table 1 of the Enforcement Decree of the Framework Act on the Construction

Industry) or employing 300 full-time workers or more] shall have a safety manager exclusively in charge of the work prescribed in Article 15 (1) of the Act and Article 13 (1) of this Decree in the workplace.

(3) In applying paragraph (1) and (2) to the businesses prescribed in Article 18 (1) of the Act, the construction cost of the contract work conducted at the same place as the business concerned or the full-time workers employed by the contractor (including subcontractors. Hereinafter the same shall apply in this Article) shall be considered as the construction cost or full-time workers of the business concerned, respectively: Provided that this will not apply to the construction cost of the contract work or the full-time workers of the contractor falls under Table 3.

(4) Notwithstanding paragraph (1), two workplaces or more run by the same employer in the same Eup, Myeon or Dong may jointly have a safety manager. In this case, the total number of full-time workers in these workplaces shall be 300 or less.

(5) Despite the provisions of paragraph (1) through (3), if an employer who places an order for contract work carried out in the same place appoints a safety manager exclusively responsible for safety management for workers of the contractor awarded the contract under the conditions prescribed by the Ordinance of the Ministry of Labor, the contractor awarded the contract may not appoint a safety manager.

(6) If an employer appoints a safety manager or entrusts the work of a safety manager to a safety management service institution under Article 15 (4) of the Act, he/she shall submit documents proving this to the Minister of Labor within 14 days after the appointment or entrustment under the conditions prescribed by the Ordinance of the Ministry of Labor. The same shall apply if a safety manager is replaced pursuant to Article 15 (3) of the Act.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 13 (Duties, etc. of Safety Manager)

(1) Duties which shall be performed by a safety manager pursuant to Article 15 (2) of the Act shall be as follows :

1. Duties deliberated and determined by the Occupational Safety and Health Committee under Article 19 (1) of the Act, and a labor-management consultative body on safety and health under Article 29-2 (1) of the Act and duties prescribed by the safety and health management regulations

- (hereinafter referred to as the “safety and health management regulations”) and the employment rules of the workplace concerned pursuant to Article 20 (1) of the Act;
2. Selection of qualified products when purchasing machines, instruments, etc., subject to mandatory safety certification (hereinafter referred to as “machines, instruments, etc., subject to mandatory safety certification”) under Article 34 (2) of the Act and machines, instruments, etc., subject to self safety check (hereinafter referred to as “machines, instruments, etc., subject to self safety check”) under Article 35 (1) of the Act;
 3. Establishment and implementation of safety education plans of the workplace concerned;
 4. Routine inspection of the workplace concerned, provision of guidance, and recommendation of measures;
 5. Investigation into the causes of industrial accidents and provision of technical guidance and advice to prevent accidents from recurring;
 6. Provision of guidance and advice (restricted to safety sector) for maintaining and managing statistics relating to industrial accidents;
 7. Recommendation of measures for workers who violate the Act or any order under the Act, the safety and health management regulations and safety-related provisions in the employment rules; and
 8. Other safety-related matters determined by the Minister of Labor

(2) When an employer appoints a safety manager, he/she shall take into account the work arrangements of the workplace concerned, such as overtime work, night work, holiday work, etc.

(3) Article 10 (2) shall apply mutatis mutandis to safety managers.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 14 (Qualifications of Safety Manager)

The qualifications of a safety manager under Article 15 (2) of the Act are shown in Table 4.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 15 (Entrustment, etc. of Safety Management Work)

(1) The category and size of businesses which may entrust the work of the safety manager to a safety management service

institution pursuant to Article 15 (4) of the Act shall be businesses employing less than 300 full-time workers except construction businesses.

(2) If an employer entrusts the work of the safety manager to a safety management service institution in accordance with paragraph (1), the safety management service institution shall be regarded as the safety manager prescribed in Article 12 (1).

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 15-2 (Requirements for Designation of Safety Management Service Institution)

A person who can be designated as a safety management service institution pursuant to Article 15 (4) of the Act shall be limited to the juristic person who intends to perform safety management work and has the workforce, facility and equipment prescribed by the Ordinance of the Ministry of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 15-3 (Application, etc., for Designation as Safety Management Service Institution)

(1) A person who intends to be designated as a safety management service institution in accordance with Article 15 (4) of the Act shall submit an application for designation as a safety management service institution to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

(2) If a safety management service institution intends to make any change to the designated matters, it shall submit an application for change of safety management service institution to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 15-4 Deleted. *<by Presidential Decree No. 15372, May 16, 1997>*

Article 15-5 (Reasons for Cancellation, etc., of Designation of Safety Management Service Institution)

(1) The term "cases where there are reasons prescribed by Presidential Decree" in subparagraph 4 of Article 15-2 (1) of the Act refer to any of the following cases:

1. Where the safety management service institution receives

- service fees without performing safety management work or makes a false entry in documents relating to safety management work;
2. Where the safety management service institution refuses to perform safety management work without justifiable causes;
 3. Where the safety management service institution causes a delay in safety management work or neglects to perform such work; and
 4. Other cases where the safety management service institution violates the Act or any order under this Act.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 15-6 (Standards for Calculation of Penalty Surcharge)

(1) The imposition standards of penalty surcharges by suspension period under Article 15-3 (3) are shown in the Table 4-2.

(2) Considering the motive, contents, frequency, etc., of the offence the Minister of Labor may raise or reduce the penalty surcharge referred to in paragraph (1) by up to a half: Provided that if raised, the total penalty surcharge shall not exceed 50 million won.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 15-7 (Imposition and Payment of Penalty Surcharge)

(1) When imposing a penalty surcharge pursuant to Article 15-3 (1) of the Act, the Minister of Labor shall notify the payment of the penalty surcharge in writing by clearly stating the type of offence, the amount of penalty surcharge, etc.

(2) A person who receives the notification referred to in paragraph (1) shall make that payment to a receiving agency designated by the Minister of Labor within 30 days of the notification: Provided that if the penalty surcharge cannot be paid within the period because of natural disasters or other unavoidable reasons, the payment shall be made within 15 days from the date on which the reason is removed.

(3) The receiving agency that receives the penalty surcharge pursuant to paragraph (2) shall issue a receipt to the payer.

(4) If the receiving agency has received the penalty surcharge pursuant to paragraph (2), it shall notify the fact to the Minister of Labor without delay.

(5) The penalty surcharge shall not be paid in installments.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 16 (Appointment, etc. of Health Manager)

(1) The category and size of a business where a health manager shall be appointed pursuant to Article 16 (2) of the Act, the number of health managers and appointment methods are shown in Table 5.

(2) The workplace of the business referred to in paragraph (1) shall have a health manager exclusively in charge of the duties prescribed in Article 16 (1) of the Act and each subparagraph of Article 17 (1) of this Decree in the workplace : Provided that the health manager in the workplace of a business employing less than 300 full-time workers may concurrently engage in other work unless it interferes with the health management work.

(3) Article 12 (3), (4) and (6) shall apply mutatis mutandis to the appointment, etc., of a health manager.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 17 (Duties, etc. of Health Manager)

(1) Duties which shall be performed by a health manager pursuant to Article 16 (2) of the Act shall be as follows:

1. Duties deliberated and determined by the Occupational Safety and Health Committee pursuant to Article 19 (1) of the Act and duties prescribed in the safety and health regulations and employment rules;
2. Work management to prevent health problems under Article 24 (1) 5 of the Act;
3. Selection of qualified products when purchasing health-related protective equipment among machines, instruments, etc., subject to mandatory safety certification and machines, instruments, etc., subject to self safety check;
4. Posting or keeping of materials safety data sheets(MSDS) prepared under Article 41 of the Act;
5. Duties of an occupational physician prescribed in Article 22 (1) (limited to the case where the health manager is a person falling under subparagraph 1 in Table 6);
6. Health management and education and provision of guidance on health promotion for workers;
7. Medical-care activities falling under any of the following items, which are aimed at protecting workers of the workplace concerned (limited to the case where the health manager falls under subparagraph 1 or 2 in Table 6):
 - A. Treatment of a patient with frequently-occurring injuries, such as external wounds;

- B. Treatment of a person who requires emergency treatment;
 - C. Treatment to prevent the worsening of an injury or a disease;
 - D. Medical-care guidance and management for a person who has been found to have a disease after a health examination; and
 - E. Prescription of medicines required by the medical-care activities prescribed in A through D;
8. Inspection of facilities, such as a general ventilation system and local exhaust ventilation system used in the workplace, and technical improvement and guidance of working methods (limited to the case where the health manager falls under any of subparagraphs 3 through subparagraph 7 in Table 6);
 9. Routine inspection of the workplace, provision of guidance and recommendation of measures;
 10. Investigation into the causes of work-related diseases and establishment of countermeasures;
 11. Provision of guidance and advice (limited to health field) for maintaining and managing industrial accident statistics;
 12. Recommendation of measures for workers who violate the Act or any order under the Act, or the safety and health management regulations and health-related provisions in the employment rules; and
 13. Other matters related to work management and work environment management

(2) Article 10 (2) and Article 13 (2) shall apply mutatis mutandis to health managers. In such case, the facilities and equipment to be provided to the health manager shall be prescribed by the Ordinance of the Ministry of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 18 (Qualifications of Health Manager)

The qualifications of the health manager referred to in Article 16 (2) of the Act are shown in Table 6.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 19 (Entrustment, etc. of Health Management Work)

(1) Health management service institutions which can be entrusted with the work of a health manager pursuant to Article 16 (3) of the Act shall be divided into those by region and those by industry and harmful agent.

(2) Businesses which can entrust the work of the health manager to a health management service institution shall be those employing less than 300 full-time workers and those located in an isolated region determined by the Minister of Labor.

(3) Among the businesses referred to in paragraph (2), the category of those which can entrust the work of the health manager to a health management service institution by industry and harmful agent shall be prescribed by the Ordinance of the Ministry of Labor.

(4) Article 15 (2) shall apply mutatis mutandis to the entrustment of health management work.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 19-2 (Requirements for Designation of Health Management Service Institution)

A person who can be designated as a health management service institution pursuant to Article 16 (3) of the Act shall be limited to any of the following persons who have the manpower, facility and equipment prescribed by the Ordinance of the Ministry of Labor:

1. An organization belonging to the state or local governments;
2. A general hospital or a hospital under the Medical Services Act;
3. A university or its subsidiary under the Higher Education Act; and
4. A corporation which intends to engage in health management work.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 19-3 (Mutatis Mutandis Application)

The provisions of Article 15-3 and Articles 15-5 through 15-7 shall apply mutatis mutandis to health management service institutions.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 20 (Appointment, etc. of Occupational Physician)

(1) The category and size of a business where an occupational physician shall be appointed in accordance with Article 17 (2) of the Act shall be a business which employs 50 full-time workers or more and has the health manager who is not a medical doctor: Provided that if the work of the health manager is

entrusted to a health management service institution pursuant to Article 19, the workplace may not have an occupational physician.

(2) The occupational physician under paragraph (1) may be commissioned from outside. In such case, the commissioned occupational physician shall perform the duties of an occupational physician as prescribed in Article 22.

(3) If an employer appoints an occupational physician, he/she shall submit documents proving this to the Minister of Labor within 14 days of the appointment date under the conditions prescribed by the Ordinance of the Ministry of Labor.

(4) The number of workplaces and workers to be put under the responsibility of an occupational physician commissioned pursuant to paragraph (2), and other necessary matters concerning the appointment shall be determined by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 21 (Qualifications of Occupational Physician)

The qualifications of the occupational physician referred to in Article 17 (2) of the Act shall be a medical doctor under the Medical Services Act, who is an industrial medicine doctor or a preventive medicine doctor or has academic knowledge and experience in industrial health.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 22 (Duties, etc. of Occupational Physician)

(1) The duties of the occupational physician referred to in Article 17 (2) of the Act shall be as follows :

1. Review of the results of the health examination under Article 43 of the Act and taking of health protection measures for workers, such as work assignment and transfer, working hour reduction, etc., on the basis of the results;
2. Investigation into the causes of workers' health problems and taking of medical measures to prevent recurrence of such problems.
3. Other necessary medical measures determined by the Minister of Labor to maintain and improve workers' health.

(2) An employer shall give the occupational physician the authority necessary for carrying out the duties referred to in paragraph (1).

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 23 (Business Required to Designate General Safety and Health Manager)

The term “business prescribed by the Presidential Decree” in Article 18 (1) of the Act refers to a business in any of the following industries, whose full-time workers, including the workers of its contractors and subcontractors, total 50 (100 in case the business belongs to subparagraph 4) or more, and a construction business whose cost of the construction work concerned, including those of its contractors and subcontractors, is 2 billion won or more:

1. Basic metal manufacturing;
2. Ship and boat building;
3. Earth, sand and rock mining;
4. Manufacturing (excluding the business referred to in subparagraphs 1 and 2);
5. Publishing of books, magazines and other publications;
6. Publishing of music and other audio; and
7. Recovery of metal and non-metal waste and scrap

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 24 (Duties, etc. of General Safety and Health Manager)

(1) The duties of the general safety and health manager prescribed in Article 18 (3) of the Act shall be as follows:

1. Suspension and resumption of work under Article 26 of the Act;
2. Safety and health measures in case of contracted business under Article 29 (1) of the Act;
3. Supervision on the spending of occupational safety and health management expenses by a contractor under Article 30 of the Act, and consultation and coordination between contractors on the use of the expenses ; and
4. Check on whether machines, instruments, etc., subject to mandatory safety certification and machines, instruments, etc., subject to self safety check are used.

(2) Article 22 (2) shall apply mutatis mutandis to general safety and health managers.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 25 (Businesses Required to Establish Occupational Safety and Health Committee)

Businesses required to establish and operate the occupational

safety and health committee pursuant to Article 19 (8) shall be as follows.

1. Workplaces with 100 full-time workers or more: Provided, that in the case of a workplace in the construction industry, its construction costs shall amount to 12 billion won or more (15 billion won in case the construction work is public works prescribed in Table 1 of the Framework Act on the Construction Industry.); and
2. Among workplaces with 50 full-time workers or more but less than 100, those harmful or hazardous businesses prescribed by the Ordinance of the Ministry of Labor, (hereinafter referred to as the "harmful or hazardous businesses") which have a remarkably high ratio of the number of industrial accidents to the number of workers compared with other industries.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 25-2 (Composition of Occupational Safety and Health Committee)

(1) The worker members of the occupational safety and health committee shall consist of those described in the following subparagraphs:

1. Worker representative (if there is a trade union representing a majority of workers, the representative of the trade union, and if there is no such union, the person representing a majority of workers, or if a labor organization associated with the trade union of the workplace consists of a majority of workers of the workplace, the person representing such labor organization regardless of its name, such as chapter, subchapter, etc. Hereinafter the same shall apply.);
2. In the case of workplaces where an honorary occupational safety inspector (hereinafter referred to as "honorary inspector") is appointed pursuant to Article 61-2 of the Act, not less than one honorary occupational safety inspector designated by the worker representative; and
3. Nine workers or less of the workplace concerned, who are designated by the worker representative (If an honorary inspector is designated as a worker member, it refers to the number of workers excluding such a worker member).

(2) The employer members shall consist of those described in the following subparagraphs : Provided that in the case of

harmful or hazardous businesses, those falling under subparagraph 5 may be excluded:

1. The representative of the business concerned (If a workplace of the same business is located in a different place, the head of the workplace. Hereinafter the same shall apply);
2. One safety manager (limited to workplaces where a safety manager shall be assigned pursuant to Article 12 (1), and in case of workplaces entrusting the work of the safety manager to a safety management service institution, the person of the institution in charge of the workplace concerned);
3. One health manager (limited to workplaces where a health manager shall be assigned pursuant to Article 16 (1), and in case of workplaces entrusting the work of the health manager to a health management service institution, the person of the institution in charge of the workplace concerned);
4. Occupational physician (limited to cases where such a person is appointed in the workplace concerned); and
5. Nine heads of department or less designated by the representative of the business.

(3) Notwithstanding paragraphs (1) and (2), if the employer of a construction business conducts part of his/her business through contract and organizes a consultative body concerning safety and health pursuant to Article 29 (1) 1 of the Act, the occupational safety and health committee, including those described in the following subparagraphs, may be organized within the consultative body :

1. Safety manager who is an employer member; and
2. Worker representative of the entire business including contracted or subcontracted business, who is a worker member, the honorary occupational safety inspector, and a worker of the workplace concerned, designated by the worker representative.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 25-3 (Chairman)

The Chairman of the occupational safety and health committee shall be appointed from among the members. In such case, two co-chairmen may be elected each from among the worker members and the employer members.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 25-4 (Meetings, etc.)

(1) Meetings of the occupational safety and health committee shall be composed of regular and extraordinary sessions. The regular sessions shall be convened every three months by the Chairman, while the extraordinary sessions shall be convened when the Chairman deems it necessary.

(2) A meeting shall be held with the attendance of a majority of worker members and employer members, respectively, and a decision shall be made with the approval of a majority of members present.

(3) If the worker representative, the honorary occupational safety inspector, the representative of the business concerned, the safety manager or the health manager is unable to attend a meeting, he/she may designate a person from among those engaged in the business concerned to act as a member on his/her behalf.

(4) The occupational safety and health committee shall write up and keep the minutes of meetings containing the following matters:

1. Date, time and place of the meeting;
2. Names of the members who attended the meeting;
3. Matters deliberated and decided; and
4. Other matters discussed

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 25-5 (Handling of Matters, etc., Not Decided)

(1) In any of the following cases, the occupational safety and health committee shall settle the issue through an arbitration body set up in the committee under agreement between worker members and employer members, or shall seek arbitration by a third party:

1. Where the occupational safety and health committee is not able to decide the matters prescribed in Article 19 (2) of the Act; and
2. Where there are differences of opinions over the way a decision by the occupational safety and health committee is interpreted and implemented.

(2) If any arbitration decision is made pursuant to paragraph (1), the issue shall be considered to undergo the decision-making process of the occupational safety and health committee, and the employer and workers concerned shall follow such decision.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 25-6 (Publicizing, etc. of Meeting Results)

The chairman of the occupational safety and health committee shall promptly inform the workers of the meeting results, such as the matters deliberated and decided by the committee, and the contents of arbitration decisions, through the company's internal broadcasts, internal newsletters or regular morning meetings, or other appropriate methods.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26 (Prohibition of Contract and Safety and Health Measures for Contracted Work)

(1) The term "work prescribed by the Presidential Decree" in Article 28 (1) of the Act refers to work falling under any of the following subparagraphs and part of whose process is contracted out in the same workplace:

1. The work of plating;
2. The work of refining, casting, processing and heating heavy metals, such as mercury, lead, cadmium, etc;
3. The work of manufacturing and using substances for which permission shall be obtained pursuant to Article 38 (1) of the Act; and
4. Other harmful or hazardous work determined by the Minister of Labor after deliberation by the Policy Deliberative Committee.

(2) The term "business prescribed in the Presidential Decree" in Article 29 (1) of the Act refer to a construction business and a business prescribed in each subparagraph of Article 23.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-2 (Conditions Undermining Safe and Sanitary Performance of Work)

The term "conditions that may undermine the safe and sanitary performance of work" in Article 29 (6) of the Act refer to a condition falling under any of the following subparagraphs and other conditions similar thereto:

1. Reduction of the estimated period of time for construction indicated in plan books, etc.;
2. Use of a dangerous construction method or modification of construction methods without justifiable causes to reduce construction costs, etc.;
3. Matters markedly violating the standard safety specifications

for construction work determined and announced by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-3 (Businesses Required to Establish Labor-Management Consultative Body)

The term “business which falls into the category and size prescribed by the Presidential Decree” under Article 29-2 (1) of the Act refers to a construction business whose construction costs are 12 billion won or more. (1.5 billion won in the case of engineering work referred to in Table 1 of the Enforcement Decree of the Framework Act on the Construction Industry)

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-4 (Composition of Labor-Management Consultative Body)

(1) The worker members of a labor-management consultative body on safety and health (hereinafter referred to as “labor-management consultative body”) under Article 29-2 (1) of the Act shall be composed of those described in the following subparagraphs:

1. The workers’ representative of the entire business, including contracted or subcontracted business;
2. One honorary inspector designated by the workers’ representative: Provided that, if an honorary inspector is not appointed, one worker of the workplace concerned designated by the workers’ representative; and
3. The workers’ representative of contracted or subcontracted business whose construction costs are two billion won or more.

(2) The employer members shall be composed of those described in the following subparagraphs:

1. The representative of the business concerned;
2. One safety manager; and
3. The employer of contracted or subcontracted business whose construction costs are two billion won or more.

(3) The worker members and employer members of a labor-management consultative body may appoint the employer and the workers’ representative of contracted or subcontracted business whose construction costs are less than two billion won as its member.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-5 (Operation, etc. of Labor-Management Consultative Body)

(1) Meetings of a labor-management consultative body shall be divided into regular meetings and special meetings: regular meetings shall be convened by the chairman of the labor-management consultative body (hereinafter referred to as “chairman” in this Article) every two months, and special meetings shall be convened when it is deemed necessary by the chairman.

(2) Article 25-3, 25-4 (2) through (4), 25-5 and 25-6 shall apply mutatis mutandis to the election of the chairman, meetings of a labor-management consultative body, the method of dealing with matters not decided by a labor-management consultative body, the notification of meeting results, etc.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-6 (Businesses Required to Appropriate Occupational Safety and Health Management Expenses)

The term “other businesses designated by the Presidential Decree” in Article 30 (1) of the Act refer to harmful or hazardous businesses determined by the Minister of Labor after deliberation by the Policy Deliberative Committee.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-7 (Requirements for Designation of Specialized Institution Providing Guidance on Accident Prevention)

A person who can be designated as the specialized institution (hereinafter referred to as the “specialized institution providing guidance on accident prevention”) prescribed in Article 30 (4) of the Act shall be limited to the juristic person who intends to perform accident prevention work and has the manpower, facility and equipment prescribed by the Ordinance of the Ministry of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-8 (Guidance Criteria of Specialized Institution Providing Guidance on Accident Prevention)

The specialized institution providing guidance on accident prevention shall provide guidance on accident prevention in accordance with the criteria prescribed by the Ordinance of the Ministry of Labor, such as the type and size of business, construction costs, etc.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-9 (Mutatis Mutandis Application)

Article 15-3 and Articles 15-5 through 15-7 shall apply mutatis mutandis to specialized institutions providing guidance on accident prevention.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-10 (Specialized Institution Entrusted with Safety and Health Education)

The term "institution prescribed by the Presidential Decree" in Article 31 (4) of the Act refers to an institution falling under any of the following subparagraphs :

1. Korea Occupational Safety and Health Agency (hereinafter referred to as "the Agency") under Article 2 of the Act on the Korea Occupational Safety and Health Agency;
2. A non-profit corporation or related specialized institution established in accordance with law for the purpose of occupational safety and health, and industrial accident prevention, and having the manpower, facilities and equipment prescribed in Table 6-2;
3. A vocational skills development training facility designated to provide training in occupational areas relating to occupational safety and health pursuant to Article 28 of the Workers Vocational Skills Development Act; and
4. A school under Article 2 of the Higher Education Act, which has a department relating to occupational safety and health.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 26-11 Deleted. *<Presidential Decree No. 21653, Jul. 30, 2009>*

Article 27 (Harmful or Hazardous Machines, Instruments, etc., Requiring Protective Measures)

(1) The machines and instruments which shall not be transferred, leased, installed and used without protective measures taken for the prevention of harm or hazards or displayed for the purpose of transfer and lease pursuant to Article 33 (1) of the Act are shown in Table 7.

(2) The machines, instruments, equipment, and buildings for which necessary measures shall be taken for the prevention of the harm or hazards prescribed by the Ordinance of the Ministry of Labor pursuant to Article 33 (2) of the Act are shown in Table 8.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 28 (Machines, Instruments, etc., Subject to Mandatory Safety Certification)

(1) "Things prescribed by the Presidential Decree" in Article 34 (2) of the Act shall be as follows :

1. Machines, instruments and equipment described in the following items:
 - A. Presses;
 - B. Shearing machines;
 - C. Cranes;
 - D. Lifts;
 - E. Pressure vessels;
 - F. Rollers;
 - G. Injection molding machines; and
 - H. Aerial work platforms
2. Protective devices described in the following items:
 - A. Protective devices for presses and shearing machines;
 - B. Over load limiters for hoisting machines;
 - C. Pressure relief valves for boilers;
 - D. Pressure relief valves for pressure vessels;
 - E. Rupture disks for pressure vessels;
 - F. Insulation devices and apparatuses for live line work;
 - G. Explosion-proof electrical machines, apparatuses and parts; and
 - H. Temporary equipment and materials needed to protect against the danger of fall, drop, collapse, etc., and determined and announced by the Minister of Labor
3. Protective equipment described in the following items:
 - A. Safety helmet to protect against the danger of fall or electrification;
 - B. Safety shoes;
 - C. Safety gloves;
 - D. Anti-dust masks;
 - E. Gas masks;
 - F. Air-supplied respirators;
 - G. Powered air-purifying respirators;
 - H. Protective clothes;
 - I. Safety belts;
 - J. Protective goggles to block light and protect against flying debris;
 - K. Face shields for welding; and
 - L. Ear plugs or ear muffs for sound proofing

(2) The detailed types, sizes and forms of the machines, instruments, etc., subject to mandatory safety certification under

paragraph (1) shall be determined and announced by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 28-2 (Machines, Instruments, etc., Subject to Self Safety Check)

(1) "Things prescribed by the Presidential Decree" in Article 35 (1) of the Act shall be as follows :

1. Machines, instruments and equipment described in the following items:
 - A. Centrifugal machines;
 - B. Air compressors; and
 - C. Gondolas
2. Protective devices described in the following items:
 - A. Safety devices for acetylene or mixed gas welding equipment;
 - B. Automatic electric shock prevention apparatuses for alternate current arc welders;
 - C. Quick stop devices for rollers;
 - D. Covers for grinding machines;
 - E. Reaction proof devices and blade guards for wood working circular saws;
 - F. Knife guards for power-driven hand-operated planers;
 - G. Safety mats for industrial robots; and
 - H. Temporary equipment and materials (excluding the temporary equipment and materials under Article 28 (1) 2 H) needed to protect against the danger of fall, drop, collapse, etc., and determined and announced by the Minister of Labor
3. Protective equipment described in the following items:
 - A. Safety helmets (excluding the safety helmets under Article 28 (1) 3 A);
 - B. Protective goggles (excluding the protective goggles under Article 28 (1) 3 J); and
 - C. Face shields (excluding the face shields under Article 28 (1) 3 K)

(2) The detailed types, sizes and forms of the machines, instruments, etc., subject to self safety confirmation under paragraph (1) shall be determined and announced by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 28-3 (Harmful or Hazardous Machines, etc., Subject to Safety Inspection)

(1) "Things prescribed by the Presidential Decree" in Article 36 (1) of the Act shall be as follows :

1. Presses;
2. Shearing machines;
3. Cranes (excluding movable cranes and hoists with a rated load of less than two tons);
4. Lifts;
5. Pressure vessels;
6. Gondolas;
7. Local exhaust ventilation systems (excluding movable ones)
8. Centrifugal machines (limited to those for industrial use)
9. Chemical equipment and related accessories;
10. Drying equipment and related accessories;
11. Rollers (excluding closed-type ones); and
12. Injection molding machines (excluding those with cramping force of less than 294 killo newtons)

(2) The detailed types, sizes and forms of the harmful or hazardous machines, etc., subject to safety inspection under Article 36 (1) of the Act shall be determined and announced by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 28-4 (Reasons for Cancellation, etc., of Designation of Designated Inspection Institution)

(1) The term "reasons prescribed by the Presidential Decree" in Article 15-2 (1) 4 of the Act which shall apply mutatis mutandis pursuant to Article 36-2 (7) of the Act refer to any of the following cases:

1. Where the designated inspection institution receives fees without conducting inspection;
2. Where the designated inspection institution prepares false documents relating to inspection;
3. Where the designated inspection institution refuses to conduct inspection without any justifiable reasons;
4. Where the designated inspection institution leaves out any item to be inspected or fails to observe the inspection method; and
5. Where the designated inspection institution fails to comply with the standards for judging inspection results or to

present opinions on safety measures based on inspection results.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 29 (Harmful Substances Prohibited from Being Manufactured, etc.)

(1) Harmful substances prohibited from being manufactured, imported, transferred, supplied or used under Article 37 (1) of the Act shall be as follows:

1. Yellow phosphorous match;
2. Paint containing white lead(excluding those whose volume ratio of white lead is less than two percent);
3. Polychlorinated terphenyl (PCT);
4. 4-Nitrodiphenyl and its salts;
5. Actinolite asbestos, anthophyllite asbestos and tremolite asbestos;
6. Beta-naphthylamine and its salts;
7. Crocidolite asbestos and amosite asbestos;
8. Rubber glue containing benzene (excluding those whose volume ratio of benzene is five percent or less);
9. Preparations containing any of the substances prescribed in any of subparagraphs 3 through 7 (excluding preparations, in which the weight ratio of such substances is one percent or less);
10. Substances prohibited from being manufactured, imported, sold, kept and stored, transported or used pursuant to Article 32 of the Toxic Chemicals Control Act; and
11. Other substances determined harmful to health by the Minister of Labor after deliberation by the Policy Deliberation Committee.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30 (Harmful Substances Requiring Permission)

Harmful substances subject to advance permission for manufacturing and use pursuant to Article 38 (1) of the Act shall be as follows:

1. Dichlorobenzidine and its salts;
2. α -Naphthylamine and its salts;
3. Zinc chromates;
4. Ortho-Tolidine and its salts;
5. Dianisidine and its salts;
6. Beryllium;
7. Arsenic and its inorganic compound;

8. Chromite ore (limited to the case where it is treated with heat)
9. Coal tar pitch volatiles;
10. Nickel sulfide;
11. Vinyl chloride;
12. Benzotrichloride; and
13. Asbestos (excluding preparations and substances containing the asbestos referred to in subparagraph 5 or 7 of Article 29 and the asbestos referred to in subparagraph 9 or 10 of the same Article);
14. Preparations containing any of the substances prescribed in subparagraphs 1 through 11 (excluding preparations, in which the weight ratio of such substances is one percent or less);
15. Preparations containing the substance prescribed in subparagraph 12 (excluding preparations, in which the weight ratio of Benzotrichloride is 0.5 percent or less); and
16. Other harmful substances determined by the Minister of Labor as harmful to health after deliberation by the Policy Deliberation Committee.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30-2 (Application for Permission for Manufacturing, etc. of Harmful Substances)

A person who intends to obtain permission for the manufacturing or use of the harmful substances prescribed in each subparagraph of Article 30 in accordance with Article 38 (1) of the Act shall submit an application for permission for the manufacturing or use of such harmful substances under the conditions prescribed by the Ordinance of the Ministry of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30-3 (Those Subject to Asbestos Investigation)

(1) The term "structures or facilities of a certain size prescribed by the Presidential Decree or larger" in Article 28-2 (1) refer to any of the following structures or facilities :

1. Structures (excluding the houses referred to in subparagraph 2; hereinafter the same shall apply) with a total floor area of 50 square meters or larger, if their total area to be demolished or dismantled is 50 square meters or larger;
2. Houses (including the annex buildings prescribed in

- subparagraph 12 of Article 2 of the Enforcement Decree of the Building Act) with a total floor area of 200 square meters or larger, if their total area to be demolished or dismantled is 200 square meters or larger;
3. Any of the following materials (including substances; hereinafter the same shall apply) used for the part of a facility to be demolished or dismantled, if its total size or volume used is not less than 15 square meters or one cubic meters:
 - A. Insulation materials;
 - B. Thermal insulation materials;
 - C. Spraying materials;
 - D. Fireproof materials;
 - E. Gasket;
 - F. Packing materials;
 - G. Sealing materials; and
 - H. Other materials similar in usage to the materials prescribed in any of items A through G and determined and announced by the Minister of Labor
 4. Pipes 80 meters or longer if their total length used as a thermal insulation material for the part to be demolished or dismantled is 80 meters or longer
 - (2) "Such reasons as are prescribed by the Presidential Decree, such as when it is clear that the said structures, etc., contain asbestos", shall be as follows:
 1. Where materials used for the part of a structure or facility to be demolished or dismantled are clearly recognized as not containing asbestos by related documents, such as plan books, material history, etc.; and
 2. Where a material containing more than one percent asbestos (weight percentage) is clearly recognized as being used for the part of a structure or facility to be demolished or dismantled.
 - (3) If confirmation of the case referred to in each subparagraph of paragraph (2) is requested, the Minister of Labor shall confirm it under the conditions prescribed by the Ordinance of the Ministry of Labor.

<This Article Newly Inserted by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30-4 (Requirements for Designation of Asbestos Investigation Institution)

- (1) A person who can be designated as an asbestos investigation

institution pursuant to Article 38-2 (2) of the Act shall be limited to any of the following persons who have the professional workforce, such as industrial hygiene engineers, air pollution control engineers, etc., and all facilities and equipment, such as sampling pumps, polarized microscopes, etc., required to conduct asbestos investigations, and are judged fit for conducting asbestos investigations according to an asbestos investigation ability evaluation conducted by the Minister of Labor pursuant to subparagraph 4 of the same Article:

1. An organization belonging to the state or local governments;
2. A general hospital or a hospital under the Medical Services Act;
3. A university or its subsidiary under subparagraphs 1 through 6 of Article 2 the Higher Education Act; and
4. A corporation which intends to engage in conducting asbestos investigations.

(2) Specific matters concerning the professional workforce, facilities and equipment of an asbestos investigation institution referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Labor.

<This Article Newly Inserted by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30-5 (Application, etc., for Designation as Asbestos Investigation Institution)

(1) A person who intends to be designated as an asbestos investigation institution pursuant to Article 38-2 (2) shall submit an application for designation as an asbestos investigation institution to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

(2) If an asbestos investigation institution intends to make any change to the designated matters, it shall submit an application for change of asbestos investigation institution to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

<This Article Newly Inserted by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30-6 (Reasons for Cancellation, etc., of Designation of Asbestos Investigation Institution)

“Reasons prescribed by the Presidential Decree” in Article 15-2 (1) 4 of the Act which shall apply mutatis mutandis pursuant to Article 38-2 (5) of the Act refer to any of the following cases:

1. Where the asbestos investigation institution refuses to

- conduct an asbestos investigation without any justifiable reasons;
2. Where the asbestos investigation institution makes a false entry in the documents relating to asbestos investigation referred to in each subparagraph of Article 38-2 (1) of the Act;
 3. Where the asbestos investigation institution violates the investigation method and other necessary matters prescribed by the Ordinance of the Ministry of Labor pursuant to Article 38-2 (2);
 4. Where the asbestos investigation institution fails to receive an evaluation of its asbestos investigation ability conducted by the Minister of Labor or is judged unqualified;
 5. Where the asbestos investigation institution has a person who does not meet the workforce criteria referred to in Article 30-4 to conduct an asbestos investigation; and
 6. Where the asbestos investigation institution refuses, interferes with or evades the guidance or inspection provided by relevant public officials.

<This Article Newly Inserted by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30-7 (Cases Subject to Asbestos Disposal or Removal by Asbestos Disposal or Removal Service Provider)

(1) "Cases where asbestos is contained in quantity and size not less than what is prescribed by the Presidential Decree" in Article 38-4 (1) of the Act refer to any of the following cases:

1. Where the wall, floor, ceiling and roof materials, etc., to be demolished or dismantled contain more than one percent asbestos (weight percentage) and their total size is 50 square meters or larger;
2. Where spraying or fireproof materials containing more than one percent asbestos (weight percentage) are used;
3. Where materials described in any item of Article 30-3 (1) 3 (excluding spraying and fireproof materials) and containing more than one percent asbestos (weight percentage) are used and their total size or volume is not less than 15 square meters or one cubic meters; and
4. Where the thermal insulation materials used for pipes contain more than one percent asbestos (weight percentage) and their total length is 80 meters or longer.

(2) "The 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.” in the proviso of Article 38-4 (1) of the Act refers to the case where the person who intends to dispose of and remove asbestos on his/her own shall have the manpower, facilities and equipment required for the registration prescribed in Article 30-8 and make the report referred to in Article 38-4 (3) of the Act, including documents proving this.

<This Article Newly Inserted by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30-8 (Registration Requirements for Asbestos Disposal or Removal Service Provider)

(1) A person who intends to be registered as an asbestos disposal or removal service provider shall have professional workforce, such as construction engineers, etc., in the field of civil engineering and construction, needed for asbestos disposal and removal, and facilities and equipment for the safe disposal and removal of asbestos, such as negative pressure systems, hygiene facilities, etc.

(2) The specific requirements for the registration of asbestos disposal or removal service providers referred to in paragraph (1) shall be prescribed by the Ordinance of the Ministry of Labor.

<This Article Newly Inserted by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30-9 (Application, etc., for Registration as Asbestos Disposal or Removal Service Provider)

(1) A person who intends to be registered as an asbestos disposal or removal service provider shall submit an application for registration as an asbestos disposal or removal service provider to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

(2) If an asbestos disposal or removal service provider intends to make any change to the registered matters, it shall submit an application for change of asbestos disposal or removal service provider to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor.

<This Article Newly Inserted by Presidential Decree No. 21653, Jul. 30, 2009>

Article 30-10 (Reasons for Cancellation, etc., of Registration of Asbestos Disposal or Removal Service Provider)

“The reasons prescribed by the Presidential Decree” in Article

15-2 (1) 4 of the Act which shall apply mutatis mutandis pursuant to Article 38-4 (6) of the Act refer to any of the following cases:

1. Where the asbestos disposal or removal service provider has been sentenced to a fine or imprisonment without prison labor or heavier punishment for failing to observe the criteria for asbestos disposal or removal work prescribed by the Ordinance of the Ministry of Labor pursuant to Article 38-3 of the Act;
2. Where the asbestos disposal or removal service provider prepares the documents referred to in Article 38-4 (3) of the Act in a false or other fraudulent ways;
3. Where the asbestos disposal or removal service provider fails to fulfill the obligation to make a report or preserve documents under Article 38-4 (3) of the Act;
4. Where the asbestos disposal or removal service provider refuses, interferes with or evades the guidance or inspection provided by relevant public officials.

<This Article Newly Inserted by Presidential Decree No. 21653, Jul. 30, 2009>

Article 31 (Harmful Agents Required to Be Kept Below Permission Levels)

“Harmful agents prescribed by the Presidential Decree, which could cause serious health problems to workers, such as carcinogens” in Article 39-2 (1) of the Act shall be as follows :

1. Lead and its inorganic compounds;
2. Nickel (limited to insoluble inorganic compounds);
3. Dimethylformamide;
4. Benzene;
5. 2-bromopropane;
6. Asbestos (limited to the case where it is manufactured or used);
7. Hexavalent chromium compounds;
8. Carbon disulfide;
9. Cadmium and its compounds;
10. Toluene-2,4-diisocyanate;
11. Trichloroethylene;
12. Formaldehyde; and
13. Normal hexane

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 32 (Chemicals Excluded from Harm or Hazard Evaluation)

The term “chemicals prescribed by the Presidential Decree”

in Article 40 (1) of the Act means any of the following chemicals:

1. Elements;
2. Naturally produced chemicals;
3. Radioactive substances;
4. Substances whose names have been publicly announced by the Minister of Labor pursuant to Article 40 (3) of the Act;
5. Substances included in the list of chemicals announced by the Minister of Labor in consultation with the Minister of Environment; and

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 32-2 (Preparations Exempted from Requirement to Prepare and Keep Material Safety Data Sheet)

“Such preparations as prescribed by the Presidential Decree” in Article 41 (1) of the Act refer to any of the following preparations:

1. Radioactive substances under the Atomic Energy Act;
2. Medicines and non-pharmaceutical drugs under the Pharmaceutical Affairs Act;
3. Cosmetics under the Cosmetics Act;
4. Narcotics and psychotropic drugs under the Act on the Control of Narcotics, etc.;
5. Agriculture chemicals under the Agrochemicals Control Act;
6. Feeds under the Control of Livestock and Fish Feeds Act;
7. Fertilizers under the Fertilizers Control Act;
8. Foods and Food Additives under the Food Sanitation Act;
9. Explosives under the Control of Firearms, Swords, Explosives, etc. Act;
10. Wastes under the Wastes Control Act;
11. Substances other than those prescribed in subparagraphs 1 through 10, which are preparations for general customers and not used at a workplace; and
12. Other preparations announced by the Minister of Labor as the harm or hazard caused by their toxicity, explosiveness, etc., is considered to be small.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 32-3 (Types, etc. of Designated Monitoring Institutions)

(1) The types of designated monitoring institutions prescribed in Article 42 (7) of the Act and the scope of workplaces whose work environments can be monitored by each type of designated

monitoring institutions shall be as follows:

1. Monitoring institution entrusted by a workplace : the workplace entrusted;
2. Workplace's own monitoring institution : the workplace concerned (including the workplaces of their affiliated companies) or if part of its business is conducted under a contract within the same workplace, the workplace of its contractor

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 32-4 (Requirements for Designation as Designated Monitoring Institution)

(1) A person who can be designated as the workplace-entrusted monitoring institution referred to in subparagraph 1 of Article 32-3 shall be limited to any of the following persons :

1. An institution belonging to the state or local government;
2. A general hospital or a hospital under the Medical Service Act;
3. A university or its subsidiary institution under subparagraphs 1 through 6 of Article 2 of the Higher Education Act;
4. A corporation which intends to provide work environment monitoring services; and

(2) A person who can be designated as the workplace's own monitoring institution referred to in subparagraph 2 of Article 32-3 shall be limited to the subsidiary institutions of workplaces subject to work environment monitoring pursuant to Article 42 (1) of the Act.

(3) A person who intends to be designated as a designated monitoring institution shall have the manpower, facilities, equipment, etc., prescribed by the Ordinance of the Ministry of Labor according to the types of designated monitoring institutions referred to in Article 32-3.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 32-5 (Application for Designation of Designated Monitoring Institution)

(1) A person which intends to be designated as a designated monitoring institution pursuant to Article 42 (4) of the Act shall submit an application for designation as a designated monitoring institution to the Minister of Labor under the conditions prescribed by the Ordinance of the Ministry of Labor after being judged fit as a result of an assessment of the work environment monitoring

and analysis ability made by the Minister of Labor pursuant to Article 42 (8) of the Act.

(2) Article 15-3 (2) shall apply mutatis mutandis to the modification of designated matters by a designated monitoring institution.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 32-6 (Reasons for Cancellation, etc., of Designation of Designated Monitoring Institution)

“The reasons prescribed by the Presidential Decree” in Article 15-2 (1) 4 of the Act which shall apply mutatis mutandis pursuant to Article 42 (10) of the Act refer to any of the following cases:

1. Where the institution refuses to carry out work environment monitoring without any justifiable reasons;
2. Where the institution prepares false documents relating to work environment monitoring;
3. Where the institution violates the work environment monitoring methods, etc. prescribed by the Ordinance of the Ministry of Labor pursuant to Article 42 (2) of the Act;
4. Where the institution causes a delay to the work environment monitoring entrusted to it;
5. Where the institution is judged unqualified as a result of an assessment of the work environment monitoring and analysis ability of a designated monitoring institution made by the Minister of Labor pursuant to Article 42 (8); and
6. Where the institution violates the Act or any order under the Act.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 32-7 (Reasons for Cancellation, etc. of Designation of Health Examination Institution)

“The reasons prescribed by the Presidential Decree” in Article 15-2 (1) 4 of the Act which shall apply mutatis mutandis pursuant to Article 43 (11) of the Act refer to any of the following cases:

1. Where the health examination institution omits any examination items prescribed by the Ordinance of the Ministry of Labor or fails to observe the examination methods and procedures when conducting a health examination;
2. Where the health examination institution induces health examinations by reducing the examination charges, etc., prescribed by the Ordinance of the Ministry of Labor or

- imposes unfair charges for health examinations;
3. Where the health examination institution is found unqualified as a result of a health examination and analysis ability assessment for health examination institutions conducted by the Minister of Labor pursuant to Article 43 (9) of the Act;
 4. Where the health examination institution makes a false judgement on the results of a health examination or makes a false entry in the individual health examination table prescribed by the Ordinance of the Ministry of Labor;
 5. Where an unqualified person or a person who does not meet the designated criteria for health examination institutions prescribed by the Ordinance of the Ministry of Labor conducts a health examination;
 6. Where the health examination institution refuses to conduct or stops conducting health examinations without justifiable reasons; and
 7. Other cases where the health examination institution violates the Act or any order under the Act

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 32-8 (Restriction, etc., on Working Hours for Harmful or Hazardous Work)

(1) Work for which the number of working hours is restricted pursuant to Article 46 of the Act means work carried out under a high atmospheric pressure, such as work in caisson, under water, etc.

(2) With regard to the work referred to in paragraph (1), matters necessary for maintaining the safety and health of the workers concerned, including hours of work in caisson and under water, and method of increasing or decreasing pressure, shall be prescribed by the Ordinance of the Ministry of Labor.

(3) With regard to harmful or hazardous work falling under any of the following subparagraphs, an employer shall take measures to protect the health of the workers concerned by allocating working and break hours properly and improving other working conditions relating to working hours, on top of the harm and hazard prevention measures referred to in Articles 23 and 24 of the Act:

1. Work conducted inside mining pits;
2. Work of handling intensely heated materials in large quantities

- and work conducted in very hot or heated places;
3. Work of handling low-temperature materials and work conducted in very cold or frozen places;
 4. Work of handling radium rays, X-rays, and other harmful radioactive rays;
 5. Work conducted in places where a considerable amount of dust is flying from glass, earth, rocks and minerals;
 6. Work conducted in places where loud noises is produced;
 7. Work involving rock drills, etc. which cause strong vibration to a human body;
 8. Work involving the handling of heavy objects by people; and
 9. Work conducted in places where the dust, steam, or gases of heavy metals, including as lead, mercury, chrome, manganese and cadmium, or of carbon bisulfide, organic solvent, or the particular chemicals prescribed by the Ordinance of the Ministry of Labor are produced.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33 (Reasons for Cancellation, etc., of Designation of Educational Institution)

“The reasons prescribed by the Presidential Decree” in Article 15-2 (1) 4 of the Act which shall apply mutatis mutandis pursuant to Article 47 (4) of the Act refer to any of the following cases:

1. Where the educational institution refuses to provide education for a particular person without justifiable reasons;
2. Where the educational institution causes a delay to education entrusted to itself by suspending its business for one month or more without justifiable reasons; and
3. Other cases where the educational institution violates the Act or any order under the Act.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-2 (Workplace Required to Submit Harm and Hazard Prevention Plan)

“A business of the category and scale prescribed by the Presidential Decree” in Article 48 (1) of the Act refers to a business falling under any of the following subparagraphs, and whose electricity-consuming facilities have a total capacity of 300 kw or more:

1. Businesses manufacturing processed metal products (excluding

machines and furniture); and
2. Businesses manufacturing non-metal mineral products
<This Article Newly Inserted By Presidential Decree No. 20973,
Aug. 21, 2008>

**Article 33-3 (Requirements for Designation of Safety and Health
Diagnosis Institution)**

A person who can be designated as a safety and health diagnosis institution (hereinafter referred to as the “safety and health diagnosis institution”) pursuant to Article 49 (1) of the Act shall be limited to the juristic person who intends to perform safety and health diagnosis work and have the manpower, facilities and equipment prescribed by the Ordinance of the Ministry of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653,
Jul. 30, 2009>

Article 33-4 (Mutatis Mutandis Application)

Articles 15-3 and 15-5 shall apply mutatis mutandis to safety and health diagnosis institutions.

<This Article Wholly Amended by Presidential Decree No. 21653,
Jul. 30, 2009>

Article 33-5 (Type and Content of Safety and Health Diagnosis)

The Minister of Labor may order the workplaces referred to in Article 49 (1) of the Act to receive safety and health diagnosis pursuant to Table 9-2. In such case, the Minister of Labor may order the diagnosis to be carried out in specific fields, such as machines, chemical engineering, electricity, construction, etc.

<This Article Wholly Amended by Presidential Decree No. 21653,
Jul. 30, 2009>

Article 33-6 (Those Subject to Submission of Process Safety Report)

(1) The term “harmful or hazardous equipment prescribed by the Presidential Decree” in Article 49-2 (1) of the Act refer to equipment owned by a workplace engaging in a business falling under any of the following subparagraphs, and, if a workplace engages in any other business, equipment for manufacturing, handling, using and storing one or more of the harmful or hazardous substances listed in Table 10 in excess of the amount prescribed in the said Table, and all process equipment relating to the operation of the equipment concerned:

1. Processing and refining of crude oil;
2. Reprocessing of other fractionated petroleum;

3. Manufacturing of basic organic petrochemicals or manufacturing of synthetic resins and other plastic materials: Provided that the manufacturing of synthetic resins and other plastic materials shall be limited to cases where it falls under subparagraph 1 or 2 of Table 10;
 4. Manufacturing of nitrogenous, phosphatic and potassic fertilizers (excluding the manufacturing of phosphatic and potassic fertilizers);
 5. Manufacturing of composite fertilizers (excluding manufacturing through simple mixing or compounding);
 6. Manufacturing of agricultural chemical products (limited to the manufacturing of raw materials); and
 7. Manufacturing of explosives and pyrotechnic products
- (2) Notwithstanding paragraph (1), any of the following facilities shall not be considered as harmful or hazardous ones:
1. Nuclear power facilities;
 2. Military facilities;
 3. Storage facilities for heating fuels directly used by the employer in the workplace;
 4. Wholesale and retail facilities;
 5. Transportation equipment, such as vehicles, etc.;
 6. Filling and storage facilities for liquefied petroleum gas under the LPG Safety and Business Control Act;
 7. Gas supply facilities under the City Gas Business Act; and
 8. Other facilities announced by the Minister of Labor as the degree of damage due to their leakage, fire, explosion, etc., is not deemed to be serious.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-7 (Contents of Process Safety Report)

The process safety report under Article 49-2 of the Act shall contain the following matters:

1. Process safety data;
2. Process risk evaluation report;
3. Safety operation plan;
4. Emergency measures plan; and
5. Other matters announced by the Minister of Labor as they are deemed necessary for process safety.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-8 (Submission of Process Safety Report)

(1) An employer shall prepare and submit the process safety report referred to in Article 49-2 (1) of the Act under the conditions prescribed by the Ordinance of the Ministry of Labor if he/she installs or moves the harmful or hazardous equipment prescribed in Article 33-6 or makes changes to the major structural parts determined by the Minister of Labor.

(2) In the case of paragraph (1), if the process safety report to be submitted is related to unit process facilities using high-pressure gas pursuant to Article 2 of the High Pressure Gas Safety Control Act, and the employer has prepared and submitted the safety management regulation referred to in Article 11 of the same Act and the safety enhancement plan referred to in Article 13-2 of the same Act, along with the comment paper reviewed and written jointly by the Korea Occupational Safety and Health Agency and the Korea Gas Safety Corporation to the authorities concerned, then the employer shall be considered to have submitted the process safety report regarding the unit process facilities concerned.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-9 (Exemption from Requirement to Submit Harm and Hazard Prevention Plan)

If an employer has submitted the process safety report referred to in Article 49-2 of the Act, he/she shall be considered to have submitted the harm and hazard prevention plan referred to in Article 48 of the Act in relation to the harmful or hazardous facility concerned.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-10 (Those Subject to Request for Suspension of Business)

"The accidents prescribed by the Presidential Decree, such as those which lead to deaths of large numbers of workers or inflict serious damage to the neighboring areas of the workplace" in Article 51-2 (1) 1 of the Act refer to any of the following accidents:

1. Accidents where two workers or more simultaneously die;
and
2. Serious industrial accidents under Article 49-2 (1) of the Act

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-11 (Duties of Consultant)

(1) The term “other matters prescribed by the Presidential Decree” in Article 52-2 (1) 4 of the Act shall refer to any of the following matters:

1. Preparation of a safety and health improvement plan under Article 50 of the Act;
2. Provision of answers to and advice on other industrial safety-related matters.

(2) The term “other matters prescribed by the Presidential Decree” in Article 52-2 (2) 4 of the Act refer to any of the following matters:

1. Preparation of a safety and health improvement plan under Article 50 of the Act.
2. Provision of answers to and advice on other industrial hygiene-related matters.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-12 (Category of Consultants by Service Field)

(1) The service fields of occupational safety consultants under Article 52-2 (3) of the Act shall be classified into mechanical safety, electricity safety, chemical engineering safety, and construction safety, and that of occupational hygiene consultants shall be the field of industrial hygiene.

(2) Occupational safety consultants and occupational hygiene consultants (hereinafter referred to as the “consultants”) may carry out their services only in the service fields prescribed in paragraph (1), and the scope of services within the service field concerned shown in Table 11.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-13 (Testing Agency)

(1) “The professional agency prescribed by the Presidential Decree” in Article 52-3 (3) of the Act refers to the Human Resources Development Service of Korea (hereinafter referred to as “Human Resources Development Service of Korea”) under the Act on Human Resources Development Service of Korea.

(2) The Minister of Labor, if he/she has the Human Resources Development Service of Korea administer the examination for consultants pursuant to Article 52-3 (3) of the Act, may have the HRD Service of Korea organize and operate the examination committee if deemed necessary.

(3) Matters necessary for the organization, operation, etc. of

the examination committee shall be determined by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-14 (Execution, etc. of Examination)

(1) The examination for consultants referred to in Article 52-3 (1) of the Act shall be separated into written and oral tests.

(2) The written test shall consist of the first and second tests, and the first test shall be in a multiple choices format, and the second test shall be an essay in principle. However, short-answer questions may be added in each of the tests.

(3) The subjects and scope of the first test shall be the common compulsory subjects I and II and their scope described in Table 12, and the subjects and scope of the second test shall be the major compulsory subjects and their scope described in Table 12.

(4) The second test shall be conducted only for those who have passed the first test.

(5) The oral test shall be conducted only for those who have passed the written test or those who are exempt from the written test, and it shall evaluate any of the following matters:

1. Professional knowledge and application ability; and
2. Extent of understanding and knowledge on occupational safety and health systems

(6) The announcement of the consultant examination, application procedure, and other necessary matters shall be prescribed by the Ordinance of the Ministry of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-15 (Partial Exemption from Examination)

(1) The extent to which a person holding other qualifications may be exempted from the examination pursuant to Article 52-3 (5) of the Act shall be limited to the written test in subjects relating to the examination for consultants in the field concerned.

(2) The qualifications whose holder can be exempted from the written test and exempted subjects by qualification shall be prescribed by the Ordinance of the Ministry of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-16 (Decision on Successful Applicants)

(1) Any person who gains not less than 40 points of the 100

prescribed points per subject and not less than an average of 50 points in all subjects in the written test shall be a successful applicant.

(2) The oral test shall evaluate the matter described in each subparagraph of Article 33-14 (5), and any person who gains 6 points out of 10 points shall be a successful applicant.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-17 (Measures Against Exam Cheaters)

A person who cheats in the consultant examination shall be disqualified, and have his/her qualification for applying for a consultant examination suspended for 5 years from the date of the examination concerned.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 33-18 (Subscription to Insurance for Damage Compensation)

(1) A consultant (in case a corporation is established pursuant to Article 52-4 (2) of the Act, the corporation; hereinafter the same shall apply in this Article) registered with the Ministry of Labor pursuant to Article 52-4 (1) of the Act shall take out guarantee insurance to ensure liability for damages pursuant to Article 52-7 (2) of the Act.

(2) The guarantee insurance under paragraph (1) refers to the one whose insurance money is 20 million won or more (in case of the corporation referred to in Article 52-4 (2) of the Act, an amount produced by multiplying 20 million won by the number of consultants who are employees of the corporation).

(3) If a consultant compensates for damage with the guarantee insurance money under paragraph (1), he/she shall take out another guarantee insurance within ten days from the payment date.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 34 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 35 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 36 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 37 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 38 Deleted. *<Presidential Decree No. 18043, Jun. 30, 2003>*

Article 39 Deleted. <Presidential Decree No. 18043, Jun. 30, 2003>

Article 40 Deleted. <Presidential Decree No. 18043, Jun. 30, 2003>

Article 41 Deleted. <Presidential Decree No. 18043, Jun. 30, 2003>

Article 42 Deleted. <Presidential Decree No. 18043, Jun. 30, 2003>

Article 43 Deleted. <Presidential Decree No. 18043, Jun. 30, 2003>

Article 44 Deleted. <Presidential Decree No. 18043, Jun. 30, 2003>

Article 45 Deleted. <Presidential Decree No. 18043, Jun. 30, 2003>

Article 45-2 (Those Eligible to Be Commissioned as Honorary Inspector)

(1) The Minister of Labor may commission an honorary occupational safety inspector (hereinafter referred to as "honorary inspector") from among those falling under any of the following subparagraphs pursuant to Article 61-2 (1) of the Act:

1. From among the workers of a workplace required to establish the industrial safety and health committee or a labor-management consultative body, those who are recommended by the representative of workers after hearing the employer' opinion;
2. From among the officers and staff of a labor union which is a federation or a regional representative body under Article 10 of the Trade Union and Labor Relations Adjustment Act, those who are recommended by the labor union or the regional representative body;
3. From among the officers and staff of a nationwide employers organization or its subsidiary, those who are recommended by the organization or its subsidiary ; and
4. From among the officers and staff of an organization or its subsidiary which carries out a business related to industrial accident prevention, those who are recommended by the organization or its subsidiary

(2) The work of an honorary inspector shall be as follow. In such case, the scope of the work of an honorary inspector commissioned pursuant to subparagraph 1 of paragraph (1) shall be limited to the work in the workplace concerned (excluding the case of subparagraph 8), and the scope of the work of an honorary inspector commissioned pursuant to subparagraphs 2 through 4 of paragraph (1) shall be limited to the work prescribed in subparagraphs 8 through 10:

1. Participating in self-inspection conducted by a workplace

- and in workplace inspection conducted by labor inspectors;
2. Participating in the establishment of industrial accident prevention plans by a workplace and attending the self-inspection of machines and equipment by a workplace;
 3. Requesting an employer to make improvements and notifying a violation to an inspection institution if there is a violation of laws and regulations;
 4. Requesting an employer to suspend work if there is an imminent danger of an industrial accident occurring;
 5. Attending work environment monitoring and health examinations for workers and participating in an explanatory session on the results;
 6. Requesting an employer to conduct an extraordinary health examination if there are many workers who have the symptoms of work-related illnesses or contract diseases;
 7. Providing guidance for workers to observe safety regulations;
 8. Proposing improvements on laws and regulations and industrial accident prevention policies;
 9. Participating in and supporting activities aimed at raising safety and health awareness, accident-free movements, and so on; and
 10. Other work determined by the Minister of Labor in relation to industrial accident prevention activities, including publicity and enlightenment activities about industrial accident prevention

(3) The term of office of an honorary inspector shall be two years and renewable.

(4) The Minister of Labor may provide an honorary inspector with allowances to support his/her activities.

(5) Matters necessary for the commission, functioning, etc., of an honorary inspector shall be determined by the Minister of Labor.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 45-3 (Discharge of Honorary Inspector)

The Minister of Labor may discharge an honorary inspector in any of the following cases:

1. Where the workers' representative requests the discharge of the honorary inspector commissioned after hearing the opinions of the employer pursuant to of Article 45-2 (1) 1;
2. Where the honorary inspector commissioned pursuant to subparagraphs 2 through 4 of Article 45-2 (1) retires or is

- dismissed from the organization or its subsidiary concerned;
3. Where the honorary inspector commits a fraudulent act in relation to his/her duties;
 4. Where it is difficult for the honorary inspector to perform his/her duties due to disease, injury, etc.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 45-4 (Support for Industrial Accident Prevention Project)

“Projects prescribed by the Presidential Decree” in Article 62 (1) of the Act refers to those related to any of the following work

1. The work of manufacturing, purchasing, repairing, testing, researching, publicizing, providing information on protective devices, protective equipment and safety facilities for preventing industrial accidents and facilities and equipment for improving work environment, etc;
2. The work of providing technical support for the safety and health management of workplaces;
3. The work of providing education on occupational safety and health and fostering professional workforce;
4. The work of conducting research and technology development for industrial accident prevention;
5. The work of supporting work environment monitoring and health examination;
6. The work of conducting an epidemiological survey or research to identify the causes of work-related illnesses, or purchasing the facilities, equipment, etc. deemed necessary for the prevention of work-related illnesses;
7. The work of raising safety and health awareness and implementing accident-free movement
8. The work of purchasing the facilities, equipment, etc. necessary for the assesment of the work environment monitoring and analysis ability of designated monitoring institutions under Article 42 (8) of the Act and for the assesment of the health examination and analysis ability of health examination institutions under Article 43 (9) of the Act;
9. The work of supporting academic activities and manpower fostering in the field of industrial medicine;
10. Work concerning the standards for exposure to harmful agents, and the examination and assesment of harmfulness and hazardousness; and

11. Other work determined by the Minister of Labor for industrial accident prevention after deliberation by the Policy Deliberation Committee
<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 45-5 Deleted. <Presidential Decree No. 15598, Dec. 31, 1997>

Article 46 (Delegation of Administrative Authority)

(1) The Minister of Labor may delegate the authority described in the following subparagraphs to the head of a regional or district labor office pursuant to Article 65 (1) of the Act :

1. Request for a report under Article 10 of the Act;
2. Order for the appointment or replacement of not less than the fixed number of safety managers under Article 15 (3) of the Act and health managers under Article 16 (3) of the Act;
3. Authorization of the contracting out of harmful or hazardous work under Article 28 (1) of the Act, and cancellation of such authorization under paragraph (4) of the same Article;
4. Order for a removal of marks under Article 34-2 (4) of the Act;
5. Revocation of safety certification, prohibition of the use of safety certification marks, and order for improvement under Article 34-3 (1) of the Act;
6. Order for collection and destruction under Article 34-4 (2) of the Act;
7. Order for a removal of marks under Article 35-2 (4) of the Act;
8. Prohibition of the use of self safety check marks, and order for improvement under Article 35-3 of the Act;
9. Order for collection and destruction under Article 35-4 (2) of the Act;
10. Designation of designated inspection institutions under Article 36-2 (3) of the Act, and cancellation of such designation and order for suspension of business under paragraph (7) of the same Article;
11. Cancellation of authorization for, and order for improvement of, self inspection programs under Article 36-2 (4) of the Act;
12. Cancellation of registration of protective device manufacturing businesses, etc. under Article 36-3 (3) of the Act;
13. Approval of the manufacturing, import or use of substances

- whose manufacturing, etc. is prohibited pursuant to Article 37 (2) of the Act;
14. Permission for the manufacturing and use of harmful substances and permission for modification under Article 38 (1) of the Act, order of repair, remodeling, etc., under paragraph (4) of the same Article, and cancellation of permission for the manufacturing, etc., of harmful substances, and order for suspension of business under paragraph (5) of the same Article;
 15. Designation of asbestos investigation institutions under Article 38-2 (1) of the Act and cancellation of designation and suspension of business under paragraph (5) of the same Article;
 16. Receipt of a report on the results of an asbestos investigation and order for suspension of work under Article 38-2 (3) of the Act;
 17. Registration of asbestos disposal or removal service providers under Article 38-4 (1) of the Act and cancellation of registration and order for suspension of business under paragraph (6) of the same Article;
 18. Receipt and confirmation of reports made by asbestos disposal or removal service providers under Article 38-4 (3) of the Act;
 19. Assessment of the safety of asbestos disposal and removal work and publication of the results under Article 38-4 (4) of the Act;
 20. Receipt of documents proving the concentration of asbestos submitted under Article 38-5 (1) of the Act;
 21. Order for the submission of materials safety data sheet and order for the modification of the handling precautions described in materials safety data sheet under Article 41 (5) of the Act;
 22. Receipt of a report on the results of work environment monitoring under Article 42 (1) of the Act;
 23. Designation of designated monitoring institutions under Article 42 (4) of the Act and cancellation of designation, and order for suspension of business under paragraph (9) of the same Article;
 24. Evaluation of the reliability of work environment monitoring under Article 42-2 (1) of the Act;
 25. Designation of health examination institutions under Article 43 (1) of the Act and cancellation of designation, and order for suspension of business under paragraph

- (11) of the same Article;
26. Order for the conducting, etc., of extraordinary health examinations under Article 43 (2) of the Act and receipt of a report on the results of a health examination under paragraph (4) of the same Article;
 27. Designation of educational institutions aimed at fostering those holding qualifications and licenses or at helping workers acquire skills under Article 47 (2) of the Act and cancellation of designation, and order for suspension of business under paragraph (4) of the same Article;
 28. Order for suspension of construction start, or order for modification of harm and hazard prevention plans under Article 48 (4) of the Act;
 29. Order for safety and health diagnosis under Article 49 of the Act;
 30. Order for modification of process safety reports under Article 49-2 (3) of the Act, assessment of the implementation status of process safety reports under paragraph (7) of the same Article, and order for the re-submission of process safety reports under paragraph (8) of the same Article;
 31. Order for the establishment, implementation, etc. of safety and health improvement plans under Article 50 (1) and (2) of the Act;
 32. Order for reporting and attendance under Article 51 (2) of the Act;
 33. Order for necessary measures, such as replacement, suspension of use, removal, facility improvement, etc. under Article 51 (6) of the Act;
 34. Order for suspension of work under Article 51 (7) of the Act;
 35. Order for compliance, etc. with safety and health management regulations under Article 51 (8) of the Act;
 36. Receipt and handling of reported violations of laws and regulations under Article 52 of the Act;
 37. Registration of consultants under Article 52-4 (1) of the Act and cancellation of registration, and order for suspension of business under paragraph (4) of the same Article;
 38. Work concerning the appointment of an honorary inspector under Article 61-2 (1) of the Act;
 39. Hearings relating to delegated authority among the authority prescribed in each subparagraph of Article 63-2 (1) of the Act;

40. Imposition and collection of fines for negligence under Article 72 of the Act;
 41. Receipt of documents under Articles 12 (6), 16 (3) and 20 (3);
 42. Receipt of requests for confirmation and such confirmation under Article 30-3 (3);
 43. Receipt of applications under Article 32-5; and
 44. Supervisory measures required to exercise the authority referred to in subparagraphs 1 through 43.
- (2) The Minister of Labor may delegate the authority described in the following subparagraphs to the head of a regional labor office :
1. Designation of safety management service institutions under Article 15 (4) of the Act and cancellation of designation and order for suspension of business for, safety management service institutions under Article 15-2 of the Act;
 2. Work relating to the imposition and collection of penalty surcharges for safety management service institutions under Article 15 (3) of the Act;
 3. Designation, cancellation of designation, and order for suspension of business relating to health management service institutions (excluding those which provide services by industry or harmful agents) under Article 16 (3) of the Act;
 4. Work relating to the imposition and collection of surcharges for health management service institutions under Article 16 (3) of the Act;
 5. Designation, cancellation of designation, and order for suspension of business relating to specialized institutions providing guidance on accident prevention, under Article 30 (4) and (6) of the Act;
 6. Work relating to the imposition and collection of penalty surcharges for specialized institutions providing guidance on accident prevention, under Article 30 (6) of the Act;
 7. Designation of safety and health diagnosis institutions under Article 49 (1) of the Act and cancellation of designation, and order for suspension of business under paragraph (4) of the same Article;
 8. Hearings relating to delegated authority among the authority prescribed in each subparagraph of Article 63-2 (1) of the Act;
 9. Receipt of applications under Articles 15-3, 19-3 (excluding applications for the designation of a health management service institution which provides services by industry or

harmful agents), 26-9 and 33-4; and
10. Supervisory measures required to exercise the authority referred to in subparagraphs 1 through 9
<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 47 (Entrustment of Administrative Authority)

(1) Pursuant to Article 65 (2) of the Act, the Minister of Labor may entrust the work described in subparagraphs 2, 11, 12, 15 through 18 of the same paragraph to the Agency.

(2) Pursuant to Article 65 (2) of the Act, the Minister of Labor may entrust the work described in subparagraphs 1, 3 through 10, 13, 14 and 19 of the same paragraph to the Agency or a corporation or an organization designated and announced by the Minister of Labor from among non-profit corporations or relevant professional organizations which fall under any of the following subparagraphs and have the workforce, facilities and equipment required to perform the entrusted work:

1. Non-profit organizations established under the law for the purpose of industrial safety and health or industrial accident prevention;
2. Organizations designated by the Minister of Labor pursuant to Articles 15 (4), 16 (3), 30 (4), 38-2 (1), 42 (4), 43 (1), 47 (2) and 49 (1) of the Act; and
3. Public organizations under the Act on the Management of Public Organizations, which are established for the purpose of the authorization and testing of machines, instrument, equipment, etc., research and development, education and assessment on production technologies, etc.

(3) The Minister of Labor, if entrusting the authority to the Agency, a non-profit corporation or a relevant professional organization pursuant to paragraph (2), shall announce matters concerning the name of the entrusted organization and the entrusted work through the official gazette, internet homepage, etc.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 47-2 (Fees)

The term "persons prescribed by the Presidential Decree" in Article 66 (1) 13 of the Act refers to those who intend to receive the education referred to in subparagraph 8 and 9 of Table 4 and subparagraph 7 of Table 6.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Article 48 (Imposition of Fines for Negligence)

(1) The criteria for imposition of fines for negligence pursuant to Article 72 (1) through (5) of the Act are shown in Table 13.

(2) The Minister of Labor may cut the amount of fines for negligence by up to half the amount prescribed in the criteria for imposition of fines for negligence in Table 13 in consideration of the degree and frequency of offenses.

<This Article Wholly Amended by Presidential Decree No. 21653, Jul. 30, 2009>

Addenda *<Presidential Decree No. 21263, Jan. 14, 2009; Revision of the Enforcement Decree of the Act on the Korea Occupational Safety and Health Agency>*

Article 1 (Enforcement Date)

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

Article 2 (Revision of Other Laws)

(1) through (3) Omitted.

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

“Korea Occupational Safety and Health Agency” in Articles 33-7 (3) and 47 (1), (2) and (3) shall be changed to "Korea Occupational Safety and Health Agency.

(5) through (10) Omitted.

Addenda *<Presidential Decree No. 21653, Jul. 30, 2009>*

Article 1 (Enforcement Date)

This Decree shall enter into force on August 7, 2009.

Article 2 (Application Example concerning Method of Appointing Safety Manager)

The amended provisions in the remarks column of Table 3 shall apply to construction projects for which a contract is entered into after the enforcement of this Decree.

Article 3 (Special Case for Asbestos Investigation by Designated Monitoring Institution)

If the designated monitoring institution referred to in Article 32-4 has the manpower, facilities and equipment prescribed in the amended provision of Article 30-4, it may carry out the work of asbestos investigation prescribed in Article 38-2 of the

Act for six months from the enforcement date of this Decree notwithstanding the amended provision of Article 30-4.

Article 4 (Transitional Measures concerning Workplaces Subject to Public Announcement)

The amended provision of Article 8-4 shall apply to accidents causing deaths, which occur before as well as after the enforcement of this Decree.

Article 5 (Transitional Measures concerning Designated Educational Institution)

A designated educational institution designated pursuant to the previous provisions at the time of the enforcement of this Decree shall be seen as a specialized institution entrusted with safety and health education pursuant to the amended provision of Article 26-10 for three years from the enforcement date of this Decree.

Addenda <Presidential Decree No. 22061, Feb. 24, 2010;
Revision of the Enforcement Decree of the Act on the Korea
Occupational Safety and Health Agency>

Article 1 (Enforcement Date) This Decree shall enter into force on the date of Feb. 24, 2010

Article 2 (Revision of Other Laws)

Parts of the Enforcement Decree of the Labour Standards Act shall be revised as follows :

Types of Work Prohibited for Pregnant Women of Table 4 (13) "The Occupational Safety and Health Policy Deliberation Committee (hereinafter referred to as "The Policy Deliberation Committee", hereinafter in this Table the same shall apply) under Article 7 of the Act shall be changed to "The Industrial Accident Compensation Insurance and Prevention Deliberation Committee (hereinafter referred to as the "The Industrial Accident Compensation Insurance and Prevention Deliberation Committee", hereinafter in this Table the same shall apply) referred to in Article 8 of the Act"

The types of work for which the employment of women with less than one year after childbirth is prohibited pursuant to the same Table (3) "The Policy Deliberation Committee" shall be changed to "The Industrial Accident Compensation Insurance and Prevention Deliberation Committee"

The types of work for which the employment of women

aged eighteen or older but not pregnant is prohibited pursuant to the same Table (2) The type of work which the employment of under the age of eighteen is prohibited pursuant to the same Table (2) "The Policy Deliberation Committee" shall be changed to "The Industrial Accident Compensation Insurance and Prevention Deliberation Committee"

The type of work which the employment of under the age of eighteen is prohibited pursuant to the same Table (8) "The Policy Deliberation Committee" shall be changed to "The Industrial Accident Compensation Insurance and Prevention Deliberation Committee"

[Table 1]

Businesses to which the Act partially applies and relevant provisions

(Relating to Article 2-2 (1))

Business where the Act applies partially	Provisions partially applied
<p>1. The business (excluding the business under subparagraph 3, 6 or 7) categorized as renting of machinery/equipment & personal/household goods, computer & related activities, and professional, scientific & technological services (excluding photograph processing)</p>	<p>Chapter 1 of the Act, Article 23 through 28 of the Act, Article 33 through 35 of the Act, Article 37 through 41 of the Act, Chapter 5 through 9 of the Act</p>
<p>2. The business (excluding the business under subparagraph 6 or 7) categorized as agriculture, fishing, manufacture of sewn wearing apparel, and manufacture of wigs & similar articles</p>	<p>Chapter 1 of the Act, Article 14 of the Act, Article 23 through 28 of the Act, Article 31 of the Act (limited to the rank of supervisor), Article 33 through 35 of the Act, Article 37 through 41 of the Act, Chapter 5 through 9 of the Act</p>
<p>3. The business falling under any of the following items (excluding the business under subparagraph 6 or 7)</p> <p>A. The business where the Mining Safety Act applies (limited to the process of digging, exploiting, separating or refining, and excluding manufacturing process in the mining and quarrying industry)</p> <p>B. The business where the Atomic Energy Law applies (limited to workplaces which produce electricity using the atomic energy electricity generation facility among the electricity generation business)</p> <p>C. The business where the Aviation Act applies (excluding aviation-related business among manufacture of aircraft, spacecraft & its parts, supporting & auxiliary transport activities, and travel agency activities)</p>	<p>Chapter 1 of the Act, Article 16 of the Act, Article 17 of the Act, Article 24 of the Act, Article 25 of the Act, health-related matters in Article 26 and 31 of the Act, Article 27 of the Act, Article 32 through 35 of the Act, Article 37 of the Act, Article 38 of the Act, Article 40 of the Act, Chapter 5 through 9 of the Act</p>

Business where the Act applies partially	Provisions partially applied
D. The business where the Ship Safety Act applies(excluding building of ships and boats)	
<p>4. The business(excluding the business under subparagraph 7) falling under any of the following items, which is categorized as wholesale & retail trade, hotels and restaurants, real estate activities, research & development, other community, repair & personal service activities (excluding hazardous waste collection, hazardous waste disposal, general repair services of motor vehicles, repair services of motor vehicles specializing in parts, and washing & dry cleaning services), recreational, cultural & sporting activities:</p> <p>A. The business using steam boiler whose maximum use pressure is less than 7 kilograms per cm²</p> <p>B. The business using electricity of less than one million kilo watt per year</p> <p>C. The business where the sum of regular capacity or contract capacity of its electricity using facility is less than 300 kilo watt</p> <p>D. The business which uses energy corresponding to less than 250 ton of petroleum per year</p> <p>E. The business which uses less than 4000m³ of city gas in monthly average</p> <p>F. The business which uses high pressure gas or liquefied petroleum gas less than 250 kilogram in storage capacity</p>	Chapter 1 of the Act, Article 23 through 28 of the Act, Article 33 through 41 of the Act, Chapter 5 through 9 of the Act
5. Financial institutions & insurance, public administration, defence & compulsory social security, education, health & social work(excluding hospitals), private households with employed persons, extra- territorial organizations & bodies(excluding the business under subparagraph 7)	

Business where the Act applies partially	Provisions partially applied
6. The business which uses only office workers(includes workplaces which are separately located and use only office workers, and excludes the business under subparagraph 7)	
7. The business using less than 5 full-time workers	Chapter 1 of the Act, Article 23 through 27 of the Act, Article 30 of the Act, Article 33 through 35 of the Act, Article 37 through 41 of the Act, Chapter 5 of the Act, Article 51 of the Act, Article 52 of the Act, Chapters 8 and 9 of the Act

[Table 7]

**Machines, instruments, etc., for which protective measures
are needed to prevent hazard and danger**

(Relating to Article 27 (1))

1. Presses or shearing machines(excluding those designed to prevent any part of workers bodies from coming into the dangerous section)
2. Acetylene and Mixed Gas welding equipment
3. Anti-explosion electric machines or appliances
4. Alternate current arc welders
5. Cranes
6. Elevators
7. Gondolas
8. Lifts
9. Pressure vessels
10. Boilers
11. Rollers(excluding those designed to prevent any part of workers bodies from coming into the dangerous section)
12. Grinding machines
13. Circular saw
14. Power-driven hand operated planes
15. Industrial robots capable of complex movement
16. Insulating tools necessary for the works on static or live wire
17. Temporary facilities and installations as determined by the Minister of Labor to be installed to guard against the danger of fall and collapse

[Table 8]

**Machines and instruments for which necessary measures
should be taken to prevent hazard or danger**
(relating to Article 27 (2))

1. Office and factory buildings
2. Traveling cranes
3. Tower cranes
4. Bulldozers
5. Motor graders
6. Loaders
7. Scrapers
8. Scraper dozers
9. Power shovels
10. Drag lines
11. Clamshells
12. Bucket rock drilling rigs
13. Trenches
14. Pile drivers
15. Pile extractors
16. Earth drills
17. Drilling machines
18. Earth augers
19. Paper drain machines
20. Lifts
21. Fork lifts
22. Rollers
23. Concrete pump
24. Other machines, instruments, facilities and structures determined
by the Minister of Labor after deliberation at the Policy
Deliberative Committee

