

REPUBLIC OF KOREA

1. Please provide the existing national laws and regulations that protect workers from hazardous substances and establish the right of workers to a safe and healthy working conditions.

a) Please indicate if there are specific standards in place for the protection of health and safety in particular sectors of economic activity.

The relevant provisions of the Occupational Safety and Health Act:

① Survey on the harmfulness and danger of chemical substances(Article 40)

A person who intends to manufacture or import any chemical substance shall investigate the harmfulness and danger of the new chemical substance and submit an investigative report to the Minister of Employment and Labor at least 30 days before the manufacturing or import in order to prevent any health problem for workers that might be caused by the new chemical substance.

② Preparation, Keeping, etc. of Data on Safety and Health in Handling Substances(Article 41)

The Data on Safety and Health in Handling Substances in Article 41 refers to MSDS(Material Safety Data Sheets). Material Safety Data Sheets provide guidance for handling chemical substances covering the names, harmfulness and danger, instructions of chemical substances, etc., containing 16 items on harmfulness and danger made to protect the workers who handle chemical substances, and a person who intends to transfer or provide a chemical substance shall prepare and provide a Material Safety Data Sheet.

Moreover, the employer shall indicate warnings in a container of a controlled

chemical substance used in the workplace and conduct education of works, etc. for employees who handle a controlled chemical substance.

③ Prohibition of contracting out harmful work (Article 28)

To ensure the safety and health of workers engaged in harmful or hazardous work including plating, contracting out the portion of work, which is harmful or dangerous to health and safety separately is not allowed without authorization of the Minister of Employment and Labor.

* ①plating, ②smelting, pouring and heating mercury, lead, cadmium and other heavy metals, ③manufacturing and using materials subject to permission

④ Prior permission required for harmful substances subject to permission before handling them(Article 38)

For occupational carcinogens(12 types), such as beryllium, arsenic, vinyl chloride and other major harmful substances, prior measures on occupational safety and health and permission from the Minister of Employment and Labor are required for anyone to handle any of the materials mentioned above.

⑤ Dismantling or removal of asbestos by asbestos dismantlers or removers(Article 38-2 and 38-4)

To ensure the safety and health of workers from asbestos, one of Group 1 carcinogens, the owner or tenant of a structure or facility of at least the size specified by Presidential Decree shall hire an institution designated by the government to inspect the type and amount of asbestos contained in the relevant structure or facility.

⑥ Issuance of health management pocketbooks(Article 44)

The Minister of Employment and Labor shall issue health management pocketbooks and subsidize special health checkups for workers engaged in

manufacturing or handling one of the 15 designated materials, including beta-naphthylamine and asbestos.

⑦ Submission of plans for preventing harm and dangers, etc. (Article 48)

For a prior assessment of harmful or hazardous factors to prevent harmful or hazardous work or working at a harmful or hazardous place, when the employer installs or moves any machinery and equipment directly related to the processes of manufacturing the relevant products, he/she shall formulate a plan for preventing any harm and danger and submit it to the Minister of Employment and Labor, who shall assess and confirm the plan.

⑧ Submission of process safety management reports (Article 49-2)

To prevent any major accident, such as a fire, explosion and the leak of dangerous substances, at chemical plants, the employer installing or moving any harmful or hazardous facilities shall prepare a process-safety report and submit it to the Minister of Employment and Labor for screening and confirmation and observe the content of the report.

b) Please indicate if there are specific standards in place for protecting workers against specific risks such as the exposure to radiation, toxic substances(including industrial chemicals, pesticides and building materials), and air pollution, among others.

To protect workers from health problems likely to be caused by chemicals handled and used in the workplace, Articles 42(Work environment measurement, etc.) and 43(Health examination) of the Occupational Safety and Health Act provide that employers conduct regular monitoring of work environment for 190 types of harmful factors and special health checkups for 179 types of harmful factors. In addition, to ensure that harmful factors are properly managed in the workplace, MOEL's Decree No. 206(Regulations on the Occupational Safety and Health Standards) covers the provision of local ventilation systems, cleaning facilities, posting the names of facilities and notifications of their harmfulness, the provision of protective clothing, etc.

For workers handling radiation, the Occupational Safety and Health Act and the Nuclear Safety Act provide for required qualifications of the workers, the maximum radiation dose limit per year and regular special health checkups.

The installation of warning signs and shielding structures, harm notifications, wearing protective equipment and alarms are required by MOEL's Decree No. 206(Regulations on the Occupational Safety and Health Standards). Furthermore, Article 41-2(Risk assessment) of the Occupational Safety and

Health Act provides that employers are required to conduct risk assessment to detect any harmful or hazardous factors in all chemical substances and take necessary measures to address them.

c) Please provide specific information on permissible exposure levels of workers to such risks, including URL links (or other documentation) on established levels, and information regarding procedures for the establishment of such levels.

MOEL Notification No. 2016-41 (Chemical substance and physical factor exposure standards) provides for the exposure standards including the concentrations of some 650 types of chemical substances harmful to the human body.

According to Article 81-2 of the Enforcement Regulations of the Occupational Safety and Health Act and MOEL's Regulations No. 125 (Regulations on chemical substance harm and danger assessment), the exposure standards are established in the following process: ① research on the health impact of harmful factors → ② harm and danger assessment → ③ technical feasibility examination of applying the exposure standards → ④ examination by the working-level chemical substance assessment committee → ⑤ deliberation by the chemical substance assessment deliberation committee

Also, the employer is required to check workers' exposure levels of harmful factors, including chemical substances, through work environment measurement.

Where the occupational safety and health committee or the workers' representative requests the results of work environment measurement, the

employer is required to hold an information session to notify them of information on exposure levels.

According to Article 41 of the Occupational Safety and Health Act, workers can check the exposure standards of chemical substances through MSDS(Material Safety Data Sheets) posted and kept in the workplace.

Moreover, exposure standards and other information on various chemical substances are posted on the webpage of the Korea Occupational Safety and Health Agency (<http://msds.kosha.or.kr>), a MOEL affiliate.

2) Please indicate the main authorities tasked with overseeing the implementation of occupational health norms and a description on their mandate.

The industrial Accident Compensation Policy Division of MOEL is responsible for occupational safety and health policies, and 48 regional labor offices across the country inspect compliance pursuant to Article 51(Supervisory measures) of the Occupational Safety and Health Act.

For any violation of the Occupational Safety and Health Act, labor inspectors order suspension of work or facility improvement where it is deemed necessary for safety and health, and take judicial measures and impose administrative fines on the employer or worker involved in the violation.

<Punitive measures for violations of the Occupational Safety and Health Act>

Violation	Punishment
Violation of the standards designed to prevent health problems caused by harmful materials, including failure to ventilate the workplace	No longer than five years in prison or no more than KRW 50 million in a fine

Using any prohibited material or material subject to permission without the authorization and permission of MOEL	No longer than five years in prison or no more than KRW 50 million in a fine
Failure to keep the exposure level of any carcinogen and other harmful factor likely to cause serious health problems within the permitted level	No more than KRW 10 million in an administrative fine
Where the manufacturer of any new chemical substance, etc. fails to take action to protect workers from health problems	No more than KRW 10 million in a fine
Where the employer fails to provide MSDS or post or keep it in the workplace	No more than KRW 5 million in an administrative fine
Where the employer fails to put a warning sign on the container of any chemical substance subject to permission or provide related education for workers handling the substance	No more than KRW 3 million in an administrative fine
Where the employer fails to conduct work environment measurement or special health checkups	No more than KRW 10 million in an administrative fine
Where the employer fails to take measures, including work environment improvement, to protect the health of workers following the results of work environment measurement or special health checkups	No more than KRW 10 million in a fine
Where the employer fails to provide special safety and health education regularly when hiring a new worker or changing duties, or for harmful work	No more than KRW 5 million in an administrative fine

According to Article 65(Delegation and entrustment of authority, etc.) of the Occupational Safety and Health Act, the Korea Occupational Safety and Health Agency(KOSHA) offers the government technical advice for occupational safety and health policies, conducts research and education,

and carries out preventive programs for safety and health, including technical guidance for safety and health management.

3) Please provide the national laws establishing the right to information and the instruments establishing the specific rights of workers to information on issues relating to their occupational health and safety.

Articles 11(Posting, etc. of Purport of statutes) and 12(Attachment, etc. of Safety and Health Signs) of the Occupational Safety and Health Act specifies that the employer is required to post the purport of the Act in the workplace, warn workers of harmful or hazardous facilities and spaces in the workplace and inform them of emergency measures, and put safety and health signs to raise workers' safety awareness.

Also, pursuant to Article 31(Health and Safety Education), the employer is required to regularly provide safety and health education for workers, covering the Occupational Safety and Health Act and relevant work procedures workers should follow.

Regarding chemical substances, Article 41(Preparation, Keeping, etc. of Data on Safety and Health in Handling Substances) of the Occupational Safety and Health Act provides that the employer is required to inform workers of the harmfulness and danger of them through MSDS and warning signs.

4) Please provide the national laws and regulations providing protection to whistle-blowers sharing information on their work activity and environment , particularly concerning disclosures on harms to the environment and public health.

Article 52(Reporting to Supervisory body) of the Occupational Safety and Health Act provides that workers may report any violation in the workplace of the Occupational Safety and Health Act or judicial order following the Act to MOEL, or labor inspectors from regional labor offices.

5) Please provide information on the existing national laws ensuring workers can realize their right to justice and an effective remedy for occupational exposures to hazardous substances.

MOEL runs an industrial accident compensation insurance* system, through which, in the event of an industrial accident, Korea Workers' Compensation and Welfare Service (COMWEL), a public agency, investigates an accident and provides compensation, such as insurance benefits.

* Employers are required to enroll in industrial accident compensation insurance and pay the premiums to ensure that the insurance benefits are provided for workers in industrial accidents.

Where any worker claims industrial accident compensation insurance benefits for his/her exposure to harmful materials in the workplace, COMWEL commissions a professional agency to conduct an epidemiological investigation into the correlation of the disease and work, after which the Occupational Disease Adjudication Committee, a committee of experts in deciding the correlation of work and diseases, deliberates on and decides whether the disease is occupational as the criteria for the provision of insurance benefits.

Where the claimant disapproves of COMWEL's decision on benefit provision, he/she may file a request for examination with the Industrial Accident Compensation Insurance Examination Committee or for reexamination with the

Industrial Accident Compensation Insurance Reexamination Committee pursuant to Articles 103(Filing requests for examination) and 106(Filing requests for reexamination) of the Industrial Accident Compensation Insurance Act, and seek remedies through administrative litigation.

6) Please indicate if public officials periodically analyse the situation of occupational safety and health and how these assessments are publicized.

MOEL releases on its webpage information on the yearly performance in the prevention of industrial accidents and compensation: industrial accident prevention policies; statistical analyses of industrial accidents; the reported number of industrial accidents; the introduction to industrial accident compensation insurance and its chronology; industrial accident compensation insurance premium rates and the example table; the current status of designated agencies dedicated to industrial accident prevention guidance; and registered agencies entrusted with occupational training, safety and health diagnosis, etc.

MOEL conducts various analyses of the current status of industrial accidents by sector, size, region, time of occurrence and cause every year, utilizing and releasing the results as basic data for supervision and technical support as well as for the establishment of industrial accident prevention policies.

7) Please indicate if your Government considers revising its existing norms for occupational health and safety and the reasons for this possible revision.

On 9th February 2018, MOEL has preannounced a complete revision of the Occupational Safety and Health Act to make principal contractors, construction clients, etc. more responsible for workers' safety and health.

As to harmful materials, the revised bill includes prohibiting any contract to outsource hazardous work and providing greater access to information on chemical substances.

Contracting out the portion of work^{*}, which is harmful or dangerous to health and safety will be entirely prohibited under Article 28(Prohibition of contracting out harmful work)

* ①plating, ②smelting, pouring and heating mercury, lead, cadmium and other heavy metals, ③manufacturing and using materials subject to permission

Moreover, under Article 41(Preparation, Keeping, etc. of Data on Safety and Health in Handling Substances), screening for the nonpublic information of MSDS(Material Safety Data Sheets) will be strengthened. Currently, private

individuals involved in transferring chemical products are only required to provide MSDS, making it difficult for the government to know all manufactured or imported chemical products in Korea. Therefore, any attempt not to release the names and content of components would require a prior approval* by the Minister of Employment and Labor.