

MOEL preliminarily announces amendments to the Enforcement Regulations of the Occupational Safety and Health Act and the Rules on Occupational Safety and Health Standards

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The Ministry of Employment and Labor (MOEL) has preliminarily announced amendments to the Enforcement Regulations of the Occupational Safety and Health Act and the Rules on Occupational Safety and Health Standards to prevent industrial accidents among workers.

The main features of the amendments include extending the range of places in which a client firm must take industrial accident prevention measures to protect its contractor's workers, obligating employers to provide safety helmets to delivery workers using two-wheeled vehicles and ensure that they wear them, requiring companies to assign a fire watcher when work is performed in places at great risk of large fires and tightening the wind-speed threshold at which tower crane operation should be stopped.

* Pre-announcement period: Aug. 31~Oct. 10, 2016

To begin with, the amendment to the Enforcement Regulations of the Occupational Safety and Health Act has the following features.

A place in which workers have a risk of colliding with or being caught in a crane or any other lifting equipment, a railway carriage, etc., will be added to the existing list of 20 places at risk of industrial accidents, in which a client firm must take accident prevention measures.

On June 28th the government submitted to the National Assembly an amendment to the Occupational Safety and Health Act, which would extend the range of places at risk of industrial accidents from the current 20 places to all worksites.

However, prompted by the death of a worker crushed while repairing a screen door at Guui station in Seoul on May 28th and to respond more rapidly to such

accidents even before the passage of the amendment to the Act, the government has decided to strengthen client firms' responsibility to prevent industrial accidents in places at risk of similar accidents by revising the Enforcement Regulations.

Meanwhile, the current Enforcement Regulations stipulates that if an employer makes a request to protect information on a new chemical, the substance may be publicly announced under its brand name.

However, in relation to this system, the following problem was pointed out during the parliamentary probe into the humidifier disinfectant scandal, which has been underway since July 2016: that if an employer has changed the brand name of a chemical after public announcement, there is no way for consumers, etc., to check the changed brand name against the list of substances published.

* PHMG, the raw material for the humidifier disinfectant in question, was transferred and supplied under brand names (SKYBIO 1100, etc.) different from the one (YSB-WT) published by MOEL, so it was impossible for not only employers and workers but also relevant government agencies, including the Ministry of Environment, to check it against the list of substances published.

To address this problem, employers will be prevented from arbitrarily changing the name of a chemical into any name other than the announced one and required to use generic names that can be cross checked when notifying the Ministry of Environment of new chemicals.

* Generic names (names that are used as substitutes for original chemical names for the purpose of information protection) are determined according to the nomenclature rules and therefore cannot be changed arbitrarily by employers. The public notice on generic naming methods issued by the Ministry of Environment applies *mutatis mutandis* with regard to the creation of generic names.

The amendment to the Enforcement Regulations will also require chemicals' brand names, CAS numbers, etc., to be publicly announced again once the information protection period has expired.

The amendment to the Rules on Occupational Safety and Health Standards has the following features.

First, the amendment will obligate employers to provide safety helmets to workers using two-wheeled vehicles to do delivery work, etc., and to ensure that they wear them, and to prohibit workers from riding on vehicles whose safety devices, such as brakes, do not work normally, thereby contributing to preventing industrial accidents among delivery workers.

Second, it will enhance safety during work in confined spaces which has caused many accidents of late.

A procedure designed to ensure that any work in a confined space is carried out only when work safety can be guaranteed by measuring oxygen concentration and checking ventilation results, etc., before such work starts will be introduced to strengthen pre-work safety for people working in confined spaces.

There was an accident* in which workers wearing gas masks were poisoned while working in a confined space. Considering this, the amendment will make it clear that the respiratory protective equipment workers must put on while working in confined spaces means only air line masks or air respirators.

* On June 10th, 2014, three workers at oo company were poisoned by organic solvent while painting stairs inside a ship's tank for which coating work had been completed the day before. All of the three were wearing gas masks when the accident happened.

Third, employers will be obligated to assign a fire watcher when workers work with fire at a worksite at which the outbreak of a fire is feared to cause huge damage to prevent large fires.

Fourth, the levels of control of 24 highly hazardous substances, such as carcinogens, reproductive toxins and germ cell mutagens, whose tighter control would have a great effect in reducing occupational diseases and safety accidents among workers will be stepped up to prevent workers' health problems.

▲ Twenty substances* whose tighter control would have a very great effect in reducing occupational diseases will be designated as substances subject to special control.

* substances with a B/C ratio of 2.0 or more

** dimethylformamide (reproductive toxin 1B), ethyleneimine (carcinogen 1B), dinitrotoluene (carcinogen B1), etc.

▲ Four substances whose tighter control would have a great effect in reducing occupational diseases will be designated as hazardous substances subject to control.

* substances with a B/C ratio of 1.0 or more but less than 2.0

** di(2-ethylhexyl) phthalate (reproductive toxin 1B), phenyl glycidyl ether (carcinogen 1B), etc.

Fifth, the wind-speed threshold at which tower crane operation should be stopped will be lowered from 20 meters per second to 15 meters per second to reduce accidents involving falling objects due to strong winds.

The amendment will also fix or close some loopholes that have emerged during the operation of the current system. For example, it will clearly specify types of emergency power systems, including an energy storage system (EES), which are aimed at preventing fires, explosions, etc., due to abrupt stoppage of machinery or equipment caused by power failure at industrial sites, given that there has been confusion about whether an energy storage system is considered an emergency power system.

"The government is pushing through an amendment to the Occupational Safety and Health Act to strengthen client firms' responsibility to prevent industrial accidents. In spite of this, we have decided to revise the Enforcement Regulations first to expand as widely as possible the scope within which client firms' accident prevention responsibility can be strengthened before the passage of the amendment," said Park Hwa-jin, the Director-General of the Industrial Accident Prevention and Compensation Bureau. "The parliamentary probe into the

humidifier disinfectant scandal is now underway. However, even before it is concluded, we have come up with institutional improvement measures to promptly address problems that have been pointed out."

He also said, "The government will fulfill its role as best as it can to prevent industrial accidents among workers."