SOUTH KOREA: CHANGES TO OCCUPATIONAL SAFETY AND HEALTH REGIME

In response to a recent spate of incidents involving employers covering up industrial accidents, proposed amendments to the Occupational Safety and Health Act (Act) are currently being considered by the National Assembly. The proposed amendments will target anyone who engages in covering up an industrial accident, as well as those who instigate or collude with them to cover up an industrial accident.

Covering up industrial accidents

The proposed amendment makes it a criminal offence to cover up an industrial accident.

Any person found to have covered up an industrial accident or to have instigated or colluded in the covering-up of an industrial accident in violation of this provision may be punished by imprisonment of not more than one year or a fine not exceeding KRW 10 million.

Safety and health coordinator

The proposed amendment requires principal contractors to assign a safety and health coordinator to coordinate construction schedules and the sequence of any dangerous work where they are awarding an electrical construction contract, information and communication construction contract and other construction contracts at the same time.

A fine of up to KRW 5 million will be imposed for violations of this provision.

Hazardous or dangerous work

Pursuant to this amendment, principal contractors who contract out work that is hazardous or dangerous to the safety and health of workers are required to provide safety and health information to their subcontractors in advance of the work commencing. The proposed amendment extends the category of hazardous or dangerous work to include work “with a risk of suffocation or collapse”, in addition to work associated with chemical manufacturing facilities. In order to comply with these obligations, principal contractors are required to provide health and safety information to prevent industrial accidents occurring among subcontractors who carry out such work.

What this means for employers

The government is hopeful that the proposed amendments will drastically reduce the rise in industrial accidents by making principal contractors and subcontractors work together to ensure workplace health and safety. For companies engaging in construction work, it is important to ensure that your health and safety policies adequately reflect these changes, and that you are operating in compliance with the law.

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