



Cabinet Meeting Passes the Enforcement Decree of the Serious Accident Punishment Act

2021.11.09

The Government approved the Enforcement Decree of the Serious Accident Punishment Act in a cabinet meeting held on September 28, 2021. The enacted decree contains substantial changes compared to the proposed decree announced on July 9, 2021, as follows:

- The enacted decree says that businesses should prepare a “*necessary budget*” instead of an “*appropriate budget*” (language prior to amendment) to manage safety and health related personnel, facilities and equipment, and lists out items that the budget should include.
- If works are to be contracted, sub-contracted or delegated to a third party, the proposed decree previously required businesses to guarantee appropriate safety and health management costs for such third party service providers and provide a period during which such works are to be performed. The enacted decree has been amended to provide that responsible management personnel should prepare standards and procedures to manage such safety and health costs. Construction and shipbuilding industries are also required to create timeframes on construction or ship building for the safety and health of workers.
- The enacted decree states that a business’s internal safety and health team is to have the overarching and exclusive duty to carry out and manage safety and health related tasks. This clarifies the work scope of such team and confirms that such team should be a part of headquarters’ organization.
- The enacted decree says that businesses should assign “*necessary personnel*” to establish safety and health management systems that prevent life-threatening accidents as required under the relevant law and regulations, instead of assigning tasks to an “*appropriate number of personnel*” (language prior to amendment).
- Under the enacted decree:
“*Safety and health related laws*” as referred to in Article 1, clause 1 of the decree is further defined to mean laws related to securing the safety and health of workers;

“*Safety and health laws relevant to raw materials and products*” as referred to in Article 9, clause 1 of the decree is further defined to mean laws related to safety management and prevention of raw materials and products creating hazardous effects on human life and body; and

“*Safety and health laws relevant to public facilities and public transportation*” as referred to in Article 11, clause 1 of the decree is further defined to mean laws that are related to ensuring the safety and health of users and other persons.

- In describing the scope of occupational illness, the enacted decree has removed all references to the phrase “temporarily, a large amount of”, removed examples of abnormal symptoms (e.g., vomiting, high fever, dizziness, mucosal irritation, etc.) and deleted the word “etc.” when specifying the scope of acute poisoning diseases so that overly broad determination of such scope may be prevented.

The enacted decree removes certain ambiguous expressions such as “appropriate”, “appropriately” and “sufficient” which were found in the initial version of the decree and provides specificity to the obligations of management personnel, which will help companies in preparing measures to deal with requirements under the laws related to serious accidents.

Businesses may face higher burdens however, as the enacted decree newly requires the following:

- Safety management personnel must be granted with authority and budget to perform their tasks and their performance must be evaluated under appropriate criteria at least once every half year.
- Inspections shall be conducted at least once a year to verify that improvement measures on safety and health were prepared and implemented after listening to the opinion of workers regarding improvement measures.
- Inspections shall be conducted at least once a year to confirm completion of safety and health trainings. If the inspection was outsourced, the results of such inspection shall be received without delay.
- Identifications and inspections for hazardous raw materials and products shall be conducted on regular intervals.
- Inspections to prevent life-threatening incidents shall be conducted at least once a year when contracting or outsourcing workers to operate or manage public facilities and public transportations.

Shin & Kim launched the Industrial Accident & Safety Practice Group, which composes of 30 experts who have comprehensive experience in labor, construction, products, environment, chemicals safety regulations, corporate governance, litigation and criminal law. The Group provides integrated services to help businesses secure the safety and health of workers, prevent life-threatening accidents and create effective corporate governance systems to minimize potential for liability.

[\[Korean version\]](#) 「중대재해 처벌 등에 관한 법률 시행령」 제정안이 국무회의에서 의결되었습니다

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