

ACT ON THE PREVENTION OF PNEUMOCONIOSIS AND PROTECTION, ETC., OF PNEUMOCONIOSIS WORKERS

Act No. 3784, Dec. 31, 1984

Amended by Act No. 4112, Apr. 1, 1989
Act No. 4220, Jan. 13, 1990
Act No. 4541, Mar. 6, 1993
Act No. 4826, Dec. 22, 1994
Act No. 5454, Dec. 13, 1997
Act No. 5883, Feb. 8, 1999
Act No. 6101, Dec. 31, 1999
Act No. 6589, Dec. 31, 2001

CHAPTER I

General Provisions

Article 1 (Purpose)

The purpose of this Act is to contribute to the protection of workers' health and the promotion of their welfare by intensifying the prevention of the pneumoconiosis and the control over the health of workers engaged in dusty work, and by providing matters concerning the payment of consolation benefits to any worker suffering from the pneumoconiosis (hereinafter referred to as the "pneumoconiosis worker") and his bereaved family members.

Article 2 (Definitions)

For the purpose of this Act, <Amended by Act No. 4112, Apr. 1, 1989>

1. the term "pneumoconiosis" means a disease the main symptom of which is a fibroblastic change occurring in the lungs through inhalation of dust;
2. the term "complication" means the pulmonary tuberculosis complicated with the pneumoconiosis and other diseases as deemed closely related to the pneumoconiosis occurring in the process of the pneumoconiosis, and as prescribed by the Ordinance of the Ministry of Labor;
3. the term "dusty work" means any work which might make workers engaged in it suffer from the pneumoconiosis,

- and which is prescribed by the Ordinance of the Ministry of Labor;
4. the term "worker" means any worker as prescribed in Article 14 of the Labor Standards Act, and who is engaged in the dusty work; and
 5. the term "business proprietor" means a person who employs workers at a business or workplace operating the dusty work (hereinafter referred to as the "business").

Article 3 (Scope of Application)

This Act shall apply to the business operating the dusty work as prescribed by the Presidential Decree.

CHAPTER II

Prevention of Pneumoconiosis

Article 4 (Plan for Prevention, etc., of Pneumoconiosis)

(1) The Minister of Labor shall establish a plan for preventing the pneumoconiosis and protecting pneumoconiosis workers (hereinafter referred to as the "plan on prevention, etc., of pneumoconiosis").

(2) When the Minister of Labor desires to establish the plan on prevention, etc., of pneumoconiosis under paragraph (1), he shall in advance go through a deliberation of the Pneumoconiosis Deliberation Committee as prescribed in Article 5.

Article 5 (Pneumoconiosis Deliberation Committee)

(1) In order to respond to the consultation of the Minister of Labor concerning the establishment of a plan on prevention, etc. of pneumoconiosis the Pneumoconiosis Deliberation Committee (hereinafter referred to as the "Committee") shall be established in the Ministry of Labor. *<Amended by Act No. 6101, Dec. 31, 1999>*

(2) Expert members may be assigned to the Committee in addition to the regular members.

(3) Matters necessary for the composition, function and operation of the Committee shall be determined by the Presidential Decree.

Article 6 (Pneumoconiosis Examining Physician)

(1) In order to provide advice and suggestions as requested by the Minister of Labor on the decision on the classification

for control of the pneumoconiosis as prescribed in Article 17 (1), and other professional medical matters relevant to the pneumoconiosis, the pneumoconiosis examining physician shall be assigned to the Ministry of Labor.

(2) Matters necessary for the number, qualification, procedure of commission, duties, allowance, etc., of the pneumoconiosis examining physician shall be determined by the Presidential Decree.

Article 7 (Vicarious Execution of Working Environment Measurement)

(1) If a business proprietor fails to conduct a working environment measurement as prescribed in Article 42 of the Industrial Safety and Health Act, the Minister of Labor may designate a working environment measurement agent and have him measure the working environment for the purpose of preventing the pneumoconiosis. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) The business proprietor shall pay the expenses required for the working environment measurement as referred to in paragraph (1) to the working environment measurement agent.

(3) If the Minister of Labor makes a working environment measurement to be executed vicariously under paragraph (1), he shall notify the result to the business proprietor. In this case, the Minister of Labor may instruct matters necessary for improving the working environment.

(4) Any business proprietor shall, upon receiving an instruction to improve the working environment under paragraph (3), improve the working environment, and prepare documents related to improvement and keep them for three years.

(5) Matters necessary for a vicarious execution of the working environment measurement, such as designation of a working environment measurement agent as referred to in paragraph (1), etc., shall be determined by the Ordinance of the Ministry of Labor.

(6) If the business proprietor is demanded by workers to open measured under paragraph (1) to the public, he shall comply with it. *<Newly Inserted by Act No. 4112, Apr. 1, 1989>*

Article 8 (Prevention of Pneumoconiosis)

Employers and workers shall, in order to prevent occurrence of pneumoconiosis, abide by the matters determined by the Ordinance of the Ministry of Labor, such as prevention of dust scattering, in addition to the measures prescribed by the Industrial

Safety and Health Act and the Mining Safety Act. *<Amended by Act No. 5883, Feb. 8, 1999>*

Article 8-2 (Education)

The business proprietor shall conduct an education required for preventing the pneumoconiosis and controlling the health for workers who are ordinarily engaged in any dusty work.

<This Article Newly Inserted by Act No. 4112, Apr. 1, 1989>

CHAPTER III

Control of Health

SECTION 1

Health Examination

Article 9 (Health Examination for Employment)

(1) When a business proprietor employs a worker to be engaged in a dusty work, he shall conduct a health examination before such worker commences the work.

(2) The contents and method of the health examination for employment as referred to in paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Labor.

Article 10 (Periodical Health Examination)

(1) The business proprietor shall conduct a periodical health examination at least once a year for workers who are engaged in a dusty work: Provided that, with respect to a person who has undergone the health examination for the employment or extraordinary health examination under Article 9 or 11, the periodical health examination may not be conducted only in the year concerned.

(2) The contents and method of the periodical health examination as referred to in paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Labor.

Article 11 (Extraordinary Health Examination)

(1) The business proprietor shall conduct an extraordinary health examination for a worker, if he falls under any of the following subparagraphs:

1. Where a worker who has retired temporarily from office for a recuperation for one or more years due to a complication, applies for a resumption of office after presenting a written opinion of a physician to the effect that the worker is able to resume his office; and
 2. Where any of causes as prescribed by the Ordinance of the Ministry of Labor occurs.
- (2) The contents and method of the extraordinary health examination as referred to in paragraph (1) and other necessary matters shall be determined by the Ordinance of the Ministry of Labor.

Article 12 (Health Examination for Retired Worker)

(1) If a worker who has been engaged in a dusty work for not less than the period as prescribed by the Ordinance of the Ministry of Labor, applies for a health examination for retired worker after retiring from his office, the Minister of Labor shall conduct a health examination for retired worker: Provided that with respect to a worker who retires from his office within one year after he underwent a periodical or extraordinary health examination under Article 10 or 11 and got a decision on the classification for control of the pneumoconiosis under Article 17, the health examination for retired worker may not be conducted.

(2) The procedure of application for, contents and method of, the health examination for retired worker as referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Labor.

Article 13 (Obligation of Workers to Undergo Health Examination)

All workers shall undergo the health examination as prescribed in Articles 9 through 11, except in case where there is any justifiable reason.

Article 14 (Health Examination Service)

(1) The health examination as prescribed in Articles 9 through 12 shall be conducted by a medical institution which holds such manpower and facilities as prescribed by the Ordinance of the Ministry of Labor, and which is designated by the Minister of Labor (hereinafter referred to as the "health examination service").

(2) The Minister of Labor, when a health examination service falls under each subparagraph below, may cancel the designation or suspend operation within a fixed period of six months or less. *<This Paragraph Newly Inserted by Act No. 5883, Feb. 8, 1999>*

1. When the service is designated in a false or other dishonest way;
2. When the service falls short of the conditions for the designation;
3. When the service conducts the health examination service in violation of the designated matters;
4. When the service falls into other reasons determined by the Ordinance of the Ministry of Labor.

(3) The procedures for the designation and designation cancellation of the health examination service and other necessary matters shall be determined by the Ordinance of the Ministry of Labor. *<This Paragraph Newly Inserted by Act No. 5883, Feb. 8, 1999>*

Article 15 (Submission, etc., of Result of Health Examination)

(1) When a health examination service has conducted a health examination as prescribed in Articles 9 to 11, it shall send to the business proprietor a chest X-ray photograph and a personal health examination report, but in the case where the health examination is conducted under Articles 10 and 11, the chest X-ray photograph, personal health examination report of a person who is viewed to be suffer from the pneumoconiosis, and the documents determined by the Ordinance of the Ministry of Labor shall be submitted to the Minister of Labor.

<Amended by Act No. 5883, Feb. 8, 1999>

(2) If a business proprietor has conducted a health examination under Article 10, he shall present an aggregate health examination result table to the Minister of Labor.

(3) When a health examination service has conducted a health examination under Article 12, it shall present the individual health examination results to the Minister of Labor. In this case, if there are workers considered to have the pneumoconiosis, the chest X-ray photograph, a personal health examination report and other documents determined by the Ordinance of the Ministry of Labor shall be presented. *<Amended by Act No. 5883, Feb. 8, 1999>*

(4) The forms and period of the presentation of the personal health examination report and aggregate health examination report as referred to in paragraphs (1) through (3) and other necessary matters shall be determined by the Ordinance of the Ministry of Labor.

Article 16 (Relation to Health Examination as prescribed by Industrial Safety and Health Act)

If a business proprietor operating a business which is subject

to the provisions of this Act, has conducted a health examination, he may not, in the limit of such conduct of examination, conduct the health examination as prescribed in Article 43 of the Industrial Safety and Health Act. *<Amended by Act No. 4220, Jan. 13, 1990>*

SECTION 2

Protection of Pneumoconiosis Worker

Article 17 (Decision on and Notification of Classification for Pneumoconiosis Control)

(1) The Minister of Labor shall, upon receiving a chest X-ray photograph, personal health examination report under Articles 15 (1) and (3) and documents determined by the Ordinance of the Ministry of Labor, decide whether a person who has undergone a health examination falls under any of categories 1 to 4 as prescribed in the annexed Table (hereinafter referred to as the "decision on classification for pneumoconiosis control"), and then notify the result to the health examination service and the business proprietor: However, for the cases falling under Article 15 (3), the result shall notified to the health examination service and the person who underwent the health examination.

<Amended by Act No. 5883, Feb. 8, 1999>

(2) A business proprietor shall, upon receiving a notification of the result of the decision on classification for pneumoconiosis control pursuant to paragraph (1), notify without delay the fact to the worker concerned. *<Amended by Act No. 5883, Feb. 8, 1999>*

(3) The Minister of Labor shall, when notifying a business proprietor of the result of the decision on classification for pneumoconiosis control pursuant to paragraph (1), send the chest X-ray photograph and personal health examination report together. *<Amended by Act No. 5883, Feb. 8, 1999>*

(4) The detailed criteria, method, procedure of the decision on classification for pneumoconiosis control and other necessary matters shall be determined by the Ordinance of the Ministry of Labor.

<This paragraph Newly Inserted by Act No. 5883, Feb. 8, 1999>

Article 18 (Request for Review on Decision on Classification for Pneumoconiosis Control)

(1) Any person who is dissatisfied with the decision of the

Minister of Labor on the classification for pneumoconiosis control under Article 17 (1), may request a review of the Minister of Labor within 90 days after he is notified of such decision. *<Amended by Act No. 5883, Feb. 8, 1999>*

(2) The Minister of Labor shall, upon receiving a request for review under paragraph (1), make a decision thereon after taking advice of three or more pneumoconiosis examining physicians as prescribed in Article 6.

(3) The method and procedure of the request for review as referred to in paragraphs (1) and (2) and other matters necessary for the review shall be determined by the Ordinance of the Ministry of Labor.

Article 19 (Issuance of Health Care Pocketbook)

(1) If a person who has undergone a health examination for retired worker under the text of Article 12 (1), receives a decision on the classification for pneumoconiosis control falling into Class 1 to Class 4 of the annexed Table, the Minister of Labor shall issue the health care pocketbook. *<Amended by Act No. 5883, Feb. 8, 1999>*

(2) The necessary matters regarding the issuance procedures for the health care pocketbook pursuant to paragraph (1) shall be determined by the Ordinance of the Ministry of Labor. *<Newly Inserted by Act No. 5883, Feb. 8, 1999>*

Article 20 (Measures for Pneumoconiosis Worker)

(1) No business proprietor shall employ any person who is suffering from a complication, or falls under the category 3 or 4 of the classification for pneumoconiosis control as prescribed in the annexed Table, and whom the health examination service recognizes that he is conformed to the criteria as determined by the Presidential Decree, to have him be engaged in a dusty work.

(2) The Minister of Labor may recommend or instruct any business proprietor to take measures to have a person of pneumoconiosis workers, who is conformed to the criteria as determined by the Ordinance of the Ministry of Labor, to be engaged in a work other than the dusty work (hereinafter referred to as the "work conversion measures").

(3) The business proprietor shall change the working place of pneumoconiosis workers, reduce their working hours, and take other necessary measures, under the conditions as prescribed by the Ordinance of the Ministry of Labor.

(4) The government shall adopt policies necessary for the

employment security, such as conducting a vocational training for workers retired from office due to the pneumoconiosis.

Article 21 (Protection of Person under Work Conversion Measure)

(1) If a person who is subject to a work conversion measure pursuant to a recommendation or instruction as prescribed in Article 20 (2), claims for a payment of retirement allowance for the service period prior to the work conversion measure under the conditions as prescribed by the Ordinance of the Ministry of Labor, the business proprietor shall pay it under Article 34 of the Labor Standards Act. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) No business proprietor shall dismiss the worker by reason of the payment of retirement allowance as referred to in paragraph (1).

(3) No business proprietor shall treat the competent worker unfavorably in calculation of the number of his running service years by reason of the payment of retirement allowance under paragraph (1), except in case of a calculation of the retirement allowance.

CHAPTER IV

Protective Project, etc. for Pneumoconiosis Worker

SECTION 1

Protective Project for Pneumoconiosis Worker

Articles 22 through 30 Deleted. *<Act No. 6101, 31, 1999>*

Article 31 (Protective Project for Pneumoconiosis Worker)

(1) The Minister of Labor may conduct projects necessary for the prevention of pneumoconiosis and the protection of a pneumoconiosis worker's living and health.

(2) The contents, implementation methods and other necessary matters concerning the projects prescribed in paragraph (1) shall be determined by the Presidential Decree.

<This Article Wholly Amended by Act No. 6589, Dec. 31, 2001>

Articles 32 through 36-2 Deleted. *<Act No. 6589, Dec. 31, 2001>*

SECTION 2

Payment of Pneumoconiosis Consolation Benefits

Article 37 (Kinds and Causes of Payment of Pneumoconiosis Consolation Benefits)

(1) The kinds of the pneumoconiosis consolation benefits as prescribed by this Act shall be as follows:

1. Work conversion allowances;
2. Disability consolation benefits; and
3. Bereaved family members' consolation benefits.

(2) The work conversion allowances as referred to in paragraph (1) 1 shall be paid in case where the work of a worker is converted under Article 20 (2).

(3) The disability consolation benefits as referred to in paragraph (1) 2 shall be paid in case where a worker retires, who is the object of the disability benefits as prescribed by the Industrial Accident Compensation Insurance Act due to the pneumoconiosis, or where a retired worker becomes the object of such disability benefits as prescribed by the Industrial Accident Compensation Insurance Act.

(4) The bereaved family members' consolation benefits as referred to in paragraph (1) 3 shall be paid in case where a worker is dead due to the pneumoconiosis and his bereaved become the object of the bereaved benefits as prescribed by the Industrial Accident Compensation Insurance Act.

(5) The consolation benefits as referred to in paragraph (1) 1 through 3 shall be paid to a worker or his bereaved, but with respect to the determination of bereaved, the provisions of Article 49 (2) of the Industrial Accident Compensation Insurance Act shall apply *mutatis mutandis*. <Amended by Act No. 4826, Dec. 22, 1994>

Article 38 (Payment Basis of Consolation Benefits)

(1) The work conversion allowance as prescribed in Article 37 (1) 1 shall be the amount as determined by the Ordinance of the Ministry of Labor in the limit of the seventy-day shares of the average wage of the worker concerned under the Labor Standards Act. <Amended by Act No. 4112, Apr. 1, 1989>

(2) The disability consolation benefits as prescribed in Article 37 (1) 2 shall be the amount equivalent to 60/100 of a lump sum of the disability compensation due to the pneumoconiosis under the Industrial Accident Compensation Insurance Act on

the basis of the average wage at the time the worker concerned retires from his office, as prescribed subparagraph 2 of Article 4 and Article 38 (6) of the Industrial Accident Compensation Insurance Act. *<Amended by Act No. 4112, Apr. 1, 1989, Act No. 4826, Dec. 22, 1994, 6100, Dec. 31, 1999>*

(3) The bereaved family members' consolation benefits as prescribed in Article 37 (1) 3 shall be the amount equivalent to 60/100 of the lump sum of the bereaved family members' benefits under the Industrial Accident Compensation Insurance Act. *<Amended by Act No. 4112, Apr. 1, 1989>*

Article 39 (Relation to Claim for Damages, etc.)

The consolation benefits as prescribed in Article 37 (1) 2 and 3 shall be paid only in case where the worker concerned or his bereaved family members claim a payment of the consolation benefits in lieu of a claim for damages as prescribed by the Civil Code and other Acts and subordinate statutes; Provided that it may not be claimed in the following cases: *<Amended by Act No. 4112, Apr. 1, 1989; Act No. 4826, Dec. 22, 1994>*

1. Where the special disability or bereaved family members' benefits are paid under Article 46 or 47 of the Industrial Accident Compensation Insurance Act; and
2. Where any compensation for disability, retirement or death caused by the pneumoconiosis is paid by an agreement with the business proprietor, except in case where an aggravated disability occurs.

CHAPTER V

Supplementary Provisions

Article 40 (Prohibition of Transfer, etc.)

The right to receive the consolation benefits under Article 37 may not be the object of transfer, security or seizure.

Article 41 (Prescription)

If the right to receive the consolation benefits as prescribed in Article 37 is not exercised for three years, the extinctive prescription thereof shall be completed. *<Amended by Act No. 6589, Dec. 31, 2001>*

Article 42 (Report)

If a worker finds any fact of violation of the business proprietor against this Act or any order issued under this Act, he may report it to the Minister of Labor. In this case, the business proprietor shall not discharge him from his office or treat him unfavorably by reason of such report.

Article 43 (Keeping of Record)

A business proprietor shall keep for seven years the record of health examination results and the chest X-ray photograph as prescribed in Article 9 to 11, and the documents pertaining to the instruction of the Minister of Labor to take a measure for work conversion as prescribed in Article 20(2) and the result thereof. However, in case of the chest X-ray photograph, while it is being kept by the health examination service pursuant to medical-related acts, it shall be considered that the business proprietor is keeping the photograph. *<Amended by Act No. 5883, Feb. 8, 1999>*

Article 44 (Obligation of Report, Attendance, etc.)

In the case where the Minister of Labor demands it with respect to the enforcement of this Act, the business proprietor or workers shall report without delay necessary matters, attend and answer.

Article 45 (Delegation of Authority)

The Minister of Labor may delegate a part of his authority as prescribed by this Act to the head of an agency under his jurisdiction, or entrust it to a designated non-profit corporation, under the conditions as prescribed by the Presidential Decree.

Article 46 (Enforcement Decree)

Matters necessary for the enforcement of this Act shall be determined by the Presidential Decree.

CHAPTER VI

Penal Provisions

Article 47 (Penal Provisions)

Any person who falls under any of the following subparagraphs, shall be punished by a fine not exceeding ten million won: *<Amended by Act No. 4112, Apr. 1, 1989>*

1. Person who fails to conduct a health examination in contravention of the provisions of Articles 9 through 11;
2. Person who employs a person suffering from the pneumoconiosis to make him be engaged in a dusty work in contravention of the provisions of Article 20 (1) or who violates an instruction of the Minister of Labor to take a measure for work conversion under Article 20 (2);
3. Person who fails to pay a retirement allowance regardless of a claim of the worker concerned, discharges the worker or treats him unfavorably in calculation of the number of running service years by reason of the payment of retirement allowance, in contravention of the provisions of Article 21; and
4. Person who discharges or treats a worker unfavorably by reason of the report as prescribed in Article 42.

Article 48 (Penal Provisions)

Any person who falls under any of the following subparagraphs, shall be punished by a fine not exceeding five million won: *<Amended by Act No. 4112, Apr. 1, 1989>*

1. Person who refuses, interferes with or evades a working environment measurement conducted by a working environment measurement agent as prescribed in Article 7 (1), or violates an instruction on working environment improvement as prescribed in paragraph (3) of the same Article;
2. Person who prepares falsely the result of a health examination or fails to submit or send it to the Minister of Labor or business proprietor, in contravention of the provisions of Articles 15 (1) and (3); and
3. Person who fails to take measures, such as reduction of working hours, change of working place, etc., in contravention of the provisions of Article 20 (3).

Article 49 (Joint Penal Provisions)

If a representative of a juristic person, or an agent, serviceman or employee of a juristic person or an individual commits the offenses as prescribed in Articles 47 and 48 in connection with such juristic person's or individual's affairs, the fine as prescribed in the respective Articles shall be imposed on such juristic person or individual, in addition to the punishment of the offender.

Article 50 (Fine for Negligence)

- (1) Any person who falls under any of the following

subparagraphs, shall be punished by a fine for negligence not exceeding five million won: *<Amended by Act No. 4112, Apr. 1, 1989>*

1. Person who prepares falsely or fails to keep for three years documents concerning the improvement of working environment as prescribed in Article 7 (4);
2. Person who fails to submit an aggregate health examination result table in contravention of the provisions of Article 15 (2); and
3. Person who fails to keep for seven years the personal health examination record, chest X-ray photograph and documents concerning the work conversion in contravention of the provision of Article 43.

(2) Any person who refuses, interferes with, evades any report, attendance or answer as prescribed in Article 44, or makes a false report, shall be punished by a fine for negligence not exceeding three million won. *<Amended by Act No. 4112, Apr. 1, 1989>*

Article 51 (Procedure for Imposition and Collection of Fine for Negligence)

(1) The fine for negligence as prescribed in Article 50 shall be imposed and collected by the Minister of Labor under the conditions as prescribed by the Presidential Decree.

(2) Any person who is dissatisfied with the disposition of fine for negligence as referred to in paragraph (1), may make an objection against the Minister of Labor within thirty days after he is informed of such disposition.

(3) If a person who is subject to the fine for negligence under paragraph (1), has made an objection under paragraph (2), the Minister of Labor shall notify it without delay to the competent court, which brings, upon receiving the notification, the case of fine for negligence to a trial under the Non-Contentious Case Litigation Procedure Act.

(4) If the person who is subject to the disposition of fine for negligence, fails to make an objection in the period as referred to in paragraph (2), and a fine for negligence is not paid, it shall be collected according to examples of the disposition of national taxes in arrears.

Addenda

Article 1 (Enforcement Date)

This Act shall enter into force on April 1, 1985: Provided that the provisions of Articles 20 (2), 37 and 38 shall enter into force on July 1, 1985.

Article 2 (Payment, etc., of Consolation Benefits to already Retired Workers)

(1) With respect to workers who were retired from their offices before March 31, 1985, and received or is entitled to receive the disability benefits under the Industrial Accident Compensation Insurance Act by reason of the pneumoconiosis, the health examination for retired worker as prescribed in Article 12 shall be conducted.

(2) If a worker is retired or dead due to the pneumoconiosis, and the cause of payment of the disability or bereaved family members' consolation benefits under the Industrial Accident Compensation Insurance Act occurs, before June 30, 1985, the worker shall be considered to have been retired or dead on July 1, 1985, and the disability or bereaved family members' consolation benefits shall be paid under Articles 37 and 38, but the average wage of the worker, which is the basis of payment of such benefits, shall be determined by the Presidential Decree.

(3) The disability and bereaved family members' consolation benefits as referred to in paragraph (2) shall be paid in installments for three years from July 1, 1985 to June 30, 1988, but if such benefits are less than one million won, the total amount may be paid in lump sum from July 1, 1985 to June 30, 1986.

(4) Of the amount needed for the payment of the disability and bereaved family members' consolation benefits as referred to in paragraph (2), a half of the amount needed for the payment of the disability and bereaved family members' consolation benefits by a retirement or death of the worker concerned before March 31, 1985 shall be borne by the expenses for fostering projects as prescribed in Article 6 of the Provisional Measure Act relating to Fostering of Coal Mining.

(5) The Minister of Labor shall notify the Minister of Energy and Resources of the amount to be borne by the expenses for fostering projects under paragraph (4). In this case, the Minister of Energy and Resources shall pay such charges to the Pneumoconiosis Fund within thirty days after he is notified of it.

Addenda <Act No. 4112, Apr. 1, 1989>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation:
Provided that the amended provisions of Article 38 shall enter into force on June 1, 1989.

Article 2 (Transitional Measures Concerning Workers to Whom Labor Standards Act Applies)

(1) This Act shall apply even to any worker who is retired from his office before this Act enters into force, and received or is entitled to receive the disability or bereaved family members' compensation under the Labor Standards Act by reason of the pneumoconiosis: Provided that with respect to the lump sum of disability or bereaved family members' compensation which is the basis for paying the consolation benefits as prescribed in Article 38 of this Act, the Labor Standards Act shall apply mutatis mutandis, and the average wage of the worker shall be determined by the Ordinance of the Ministry of Labor: Provided that he is considered to have been retired at the same time as this Act enters into force.

(2) The consolation benefits paid to retired workers under paragraph (1) may be redeemed equally for two years from January 1, 1990 to December 31, 1991.

Article 3 (Transitional Measures to be Taken by Formation of Fund)

The expenses for fostering projects for rationalization and stable growth of the coal industry under the Coal Industry Act shall bear as the revenue sources for the Pneumoconiosis Fund to pay the pneumoconiosis consolation benefits, two billion won each year from 1989 to 1991, and two billion one hundred million won in 1992, but if any cause of additional charge occurs during such period, the said expenses for fostering projects shall bear it additionally after the Minister of Labor consults with the Minister of Energy and Resources about the amount and the time of bearing.

Addenda <Act No. 4220, Jan. 13, 1990>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 7

Omitted.

Addenda <Act No. 4541, Mar. 6, 1993>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso is omitted.)

Articles 2 through 5

Omitted.

Addenda <Act No. 4826, Dec. 22, 1994>

Article 1 (Enforcement Date)

This Act shall enter into force on May 1, 1995. (Proviso is omitted.)

Articles 2 through 11

Omitted.

Addenda <Act No. 5454, Dec. 13, 1997>

This Act shall take effect from Jan. 1, 1998. (Proviso Omitted)

Addenda <Act No. 5883, Feb. 8, 1999>

(1) (Enforcement Date)

This Act shall take effect from the date of promulgation. However, the revised provisions of Article 17(4) shall take effect 3 months after the promulgation.

(2) (Transitional Measures)

A re-examination request for the decision on classification for pneumoconiosis control for which the re-examination request has not been raised at the time of enforcement of this Act and whose re-examination request period has already passed pursuant to the former provisions may not be made.

Addenda <Act No. 6100, Dec. 31, 1999>

Article 1 (Enforcement Date)

This Act shall take effect from Jul. 1, 2000

Article 2 through Article 12

Omitted

Addenda <Act No. 6101, Dec. 31, 1999>

Article 1 (Enforcement Date)

This Act shall take effect from Jan. 1, 2000. (Proviso is omitted.)

Article 2 through Article 4

Omitted.

Addenda <Act No. 6589, Dec. 31, 2001; enactment of the Framework
Act on Management of Charges>

Article 1 (Enforcement Date)

This Act shall enter into force on Jan. 1, 2002. (Proviso
Omitted.)

Articles 2 through 4

Omitted.

Article 5 (Transitional Measures Concerning Revision of Other Laws)

Paragraphs (1) through (3) Omitted.

(4) With regard to the imposition and collection of charges and arrearages which have been imposed or will be imposed on business owners pursuant to the previous provisions of Articles 31 and 34 of the Act on the Prevention of Pneumoconiosis and Protection, etc. of Pneumoconiosis Workers at the time of implementation of this Act, the previous provisions shall be applied. In this case, the charges and arrearages to be collected shall be subject to the previous provisions of Article 5 (1) 6-2 of the Act on the Special Accounts for Energy and Resource Projects.

[Table] <Amended by Act by No. 5883, Feb. 8, 1999>

**Criteria for the Decision on Classification for
Pneumoconiosis Control**

Classification for Pneumoconiosis Control	Decision Criteria
Class 1	A person the image of whose chest X-ray photograph is Type 1, and who is recognized to have no remarkable lesion in the pulmonary function due to the pneumoconiosis
Class 2	A person the image of whose chest X-ray photograph is Type 2, and who is recognized to have no remarkable lesion in the pulmonary function due to the pneumoconiosis
Class 3	A person of those falling under any of the following Subparagraphs, who is recognized to have no remarkable lesion in the pulmonary function due to the pneumoconiosis 1. A person the image of whose chest X-ray photograph is Type 3 2. A person the image of whose chest X-ray photograph is Type 4, and the size of the large opacities is less than 1/3 of one lung field
Class 4	1. A person the image of whose chest X-ray photograph is Type 4, and the size of the large opacities is more than 1/3 of one lung field 2. A person the image of whose chest X-ray photograph is Type 1, 2, 3 or 4 (limited to only in case where the size of the large opacities is less than 1/3 of one lung field), and who is recognized to have a remarkable lesion in pulmonary function due to the pneumoconiosis

Note : The definitions of terms used in the above Table are as follows:

1. Type 1 : hat which is recognized there exist in both lung fields a small number of rounded or irregular opacities caused by the pneumoconiosis and no large opacity due to the pneumoconiosis
2. Type 2 : hat which is recognized there exist in both lung fields a large number of rounded or irregular opacities caused by the pneumoconiosis and no large opacity due to the pneumoconiosis
3. Type 3 : hat which is recognized there exist in both lung a significantly large number of rounded or irregular opacities caused by the pneumoconiosis and no large opacity due to the pneumoconiosis
4. Type 4 : hat which is recognized there exists a large opacity due to the pneumoconiosis