

Comparative Study of the Occupational Safety and Health Act and the Serious Disaster Punishment Act

- Focusing on Labor Safety and Health

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ABSTRACT

Man cannot lead a life without labor. Through work, they are engaged in activities both physically and mentally in order to obtain the supplies necessary for survival and living, and to lead a prosperous life. In it, human beings lead a prosperous life, a rewarding and worthwhile life. However, in the field of labor in our country, accidents that result in the unfortunate loss of lives due to many industrial accidents are occurring inconsistently. Nearly 2,000 workers have lost their lives in major disasters a year. This is also the top figure among OECD countries. The result is that there are insufficient systems to ensure the safety of workers, and the right to safety and health is not guaranteed. The Occupational Safety and Health Act (hereinafter referred to as the San'an Act) passed the National Assembly with amendments to strengthen safety regulations in industrial sites, including preventing the "outsourcing of dangers" in the wake of the May 2016 death of a subway screen door maintenance worker at Seoul's Old Station and the December 2018 incident of Ko Kim Yong-kyun at the Taean Thermal Power Plant in Chungnam. Since then, the Serious Disaster Punishment Act (hereinafter referred to as the Serious Punishment Act) has been enacted in January 2021 and has been in force since January 2022. Both laws are for the safety and health of workers. However, it is necessary to examine whether the safety and health of workers has been ensured by the sweeping revision of the San'an Law and the enactment of the Intermediate Measures Act, and how the punishment after the disaster has changed. However, there are many voices from all walks of life that the law is ambiguous and unclear and difficult to ensure the safety of business owners and workers. To the extent that it is called the Law Firm Welfare Act, there are also high voices of concern that business owners could use the law to shift responsibility or be reduced to a means of evasion. The study examined the intent and purpose of the two laws and the improvements centered on worker safety and health.

Key words: Serious Accident Punishment Act, Industrial Accidents, Punishment Law, Labor Safety, Business Owners, Workers, Labor Safety and Health

1. Introduction

Who can say that I am not a worker? We must do the least amount of work to sustain life. Through work, man must lead a life, feel rewarded and valued in it, and be guaranteed the least security as a human being. Labor is called labor to move to work, and diligent work is called labor. The difference between the two words depends on where you put your point of view. Labor is interpreted from the point of view of the worker, and work is interpreted from the position of the business owner. If we approach it with the concept of work, for the sake of the business owner, the worker only needs to work

hard.

Workers have lived in an era after the Korean War in which human rights, health, and safety were never guaranteed in industries that were solely for economic growth, and they worked like machines in very harsh environments. It was an era in which safety and human dignity were not given to workers living in a turbulent life.

I think once again about the sacrifice of martyr Jeon Tae-il in 1970. Is the safety of the worker guaranteed so that his last cry, which he burned himself to find workers' rights and told his mother, Mrs. Lee So-sun, "Don't let my death go to waste" in this era?

Of course, his sacrifice had a great impact on the development of the labor movement and the improvement of the working environment.

In this way, the San'an Law enacted to prevent the safety of workers and disasters is said to be "aimed at maintaining and promoting the safety and health of the person providing labor by clarifying the material of responsibility to prevent industrial accidents and creating a pleasant working environment." The Serious Disaster Punishment Act also aims to prevent serious accidents and protect the lives and bodies of citizens and workers by stipulating the punishment of business owners, management managers, public officials, and corporations who violate safety and health measures while operating businesses, public facilities, and public transportation.

The industrial scene in the 21st century has undergone many changes and developments. Although the labor laws such as the latest mechanization and advanced evolution have been revised a lot to ensure the safety of workers, there are still numerous industrial accidents in industrial sites and frequent fatal accidents that correspond to major accidents. Within this, there are also a number of things that need to be done to solve the safety problems of irregular employees due to original contracts, subcontracts, contracts, consignments, services, etc.

The two laws aim to ensure the safety and health of workers first. In addition, the employer and the person in charge are required to be held responsible for the disaster. But who is the underdog in this law, the employer or the worker? Can these two laws be applied fairly and fairly? Who can be sure that it can? Can workers' legitimate rights to safety and health be guaranteed enough to dispel many concerns about the Serious Disaster Penalty Act?

Korea's industrial accident mortality rate is 3 times the average of OECD countries. Nearly 2,000 workers die a year. It is a shame that as a country that has joined the ranks of the developed countries, it is a real shame. In order to ensure its effectiveness, it is important to recognize that it is in the interest of a business owner to comply with the law rather than being punished for violating the law. (Roh Sang-heon. 2020)

The fact that industrial accidents are not decreasing seems to be one reason that the responsibility of the employer is not clear. The Occupational Safety and Health Act has the characteristics of administrative punishment that stipulates the employer's obligation to take safety and health measures and punishment. The neglect of the employer's safety causes industrial accidents and acts as a typical talent for cost reduction. (Roh Sangheon. 2020)

The Occupational Safety and Health Act and the Serious Disaster Penalty Act should be accepted to raise awareness of the fulfillment of safety and health measures obligations, not to pursue punishment for violations of safety and health measures.

Through this study, the two laws are compared and how workers' health rights regarding the blind spots of the labor safety health system and the vulnerable in the labor safety health sector are violated (Choi Min). 2020)I would like to find out, find improvements, come up with more systematic measures and suggestions to improve business owners' perceptions.

2. A Theoretical Discussion of Two Laws

2.1 Main Contents of the Occupational Safety and Health Act

The full revision of the Occupational Safety and Health Act in 2019 included special types of workers and delivery workers in the protection list and strengthened the responsibility of contractors in contractors where serious accidents such as deaths occur frequently. In addition, there have been major changes, such as the reform of the chemical management system from the perspective of preventing health disorders for workers, but it is regrettable that the matters continuously raised in the health sector have not been reflected. (전형배. 2018)

At the time of the revision of the Occupational Safety and Health Act, there were many opinions that the maximum sentence should be raised to punish the person in charge more strongly if safety and health measures are not implemented, but it was agreed to put only cumulative rules in the face of opposition from the management.(Kim Myungjun, 2020)

1) Restrictions on Contracts to Prevent Outsourcing of Risks

In order to strengthen the contractor's failure to fulfill the contractor's safety and health measures obligations due to outsourcing of risks, the contractor's death can be punished by imprisonment for up to three years or fines of up to 30 million won, and the same crime can be aggravated by a half. (Article 169 of the Occupational Safety and Health Act) (Kim Myung-joon, 2020)

In order to prevent outsourcing of risks, in-house contractions of harmful and dangerous works such as plating work, smelting, injection, processing, and heating work of mercury, lead, and cadmium, and manufacturing and using materials subject to permission will be banned and fined up to 1 billion won.

However, subcontracts are exceptionally allowed if the technology possessed by the contractor prescribed by Presidential Decree is indispensable for the business operation of the employer and is approved by the Minister of Employment and Labor.

2017	2016	2015	2014	2017
현대 중공업	한화 케미칼	현대건설 현대중공 업	대우건설 현대제철	현대 중공업
2013	2012	2011	2010	2013
한라건설 LG 화학	현대건설 STX 조선해양	대우건설 대우조선해양	GS 건설	한라건설 LG 화학
2009	2008	2007	2006	2009
코리아 2000	한국 타이어	현대건설	GS 건설	GS Construction

Table 1 List of the Worst Killers of All Time (2017 Serious Disaster Report. Han Young-ae)

순위	기업	사망자수	비고
1 위	삼성중공업	6 명	전원 하청
공동 2 위	현대엔지니어링	5 명	전원 하청
	GS 건설	5 명	전원 하청
	대림산업	5 명	전원 하청
공동 5 위	STX 조선해양	4 명	전원 하청
	현대산업개발	4 명	전원 하청
	케이알산업	4 명	전원 하청
	대림종합건설	4 명	전원 하청

(Table 2) Ranking of the Worst Killer Companies of 2018

As can be seen from Tables 1 and 2 above, fatal accidents caused by the outsourcing of risks are the result of the deaths of subcontractor workers at the highest level of industrial accidents.

Outsourcing risks leaves companies with the riskiest tasks to cheaper subcontractors to reduce costs. Subcontractors leave the work to the cheapest and unskilled workers, and the most dangerous work is done by the inexperienced older or younger people. The reality is that people's lives are controlled by costs (Park Joo-young). Can workers' safety and health be guaranteed in 2022?

In the case of four deaths in a month at the Ulsan shipbuilding site, the penalty imposed on the employer was only 15 million won due to the weak

punishment of the Occupational Safety and Health Act (Park Joo-young). 2022)

The Act on the Punishment of Severe Disasters was enacted as a supplement to the Occupational Safety and Health Act, but the reality is that management owners are demanding amendments from the government to get out of it.

2) Expansion of contractors' obligations to prevent industrial accidents

The scope of the contractor's obligation to take safety and health measures for the contractor or the contractor's workers was defined as a place designated and provided by the contractor and controlled by Presidential Decree. In addition, the places where safety and health measures should be taken by the original business operator will be expanded from 22 dangerous places to the entire original business establishment. If this is violated, the level of punishment has been strengthened so that the punishment can be punished from the current one-year or less or a fine of up to three years or a fine of up to 30 million won. On the other hand, if there is an urgent risk of an industrial accident, it stipulates that worker can stop working and evacuate, and employers who have disadvantaged workers such as dismissal for reasonable reasons to believe there is a risk are subject to up to one year in prison or a fine of up to 10 million won. In addition, if a serious disaster occurs in this regard and there is a risk of industrial accidents again, the Minister of Employment and Labor will be able to issue an order to "stop partial work" for the same work. In addition, the Minister of Employment and Labor will be allowed to "stop all work" in case of serious disasters such as landslides and fire explosions and inevitable cases to prevent industrial accidents.

3) Strengthen punishment for business owners who violate safety measures

The punishment for the original and subcontractors who killed workers in violation of their duty to take safety measures and health measures was sentenced to up to seven years in prison or a fine of up to 100 million won. However, in order to prevent the recurrence of the accident, if the same crime is committed within five years after the sentence is confirmed, up to one-half of the sentence will be added. In addition, the upper limit of fines imposed on companies as well as safety managers in the event of a death accident has been sharply raised from 100 million won to 1 billion won. In addition, if the court convicts a person who killed a worker in violation of safety and health measures, an order to take classes can be issued at the same time.

4) Expanding the protection targets of the law

The amendment to the Occupational Safety and Health Act expanded the scope of protection of the law from the previous "workers" to "people who provide labor." As a result, the obligation to take safety measures to prevent industrial accidents has been strengthened for workers in special types, delivery workers, and affiliated businesses who have been excluded from protection even though they have been exposed to industrial accidents.

5) Establishment of the duty of the CEO to formulate a plan for safety and health

The CEO of a company of a certain size or larger was required to establish a plan for the safety and health of the company, and report it to the board of directors for approval. In addition, in order to prevent workers' health problems caused by harmful chemicals, it was obligated to prepare material safety and health data and submit it to the Minister of Employment and Labor.

2.2 Major Contents of the Serious Disaster Penalty Act

Despite the full revision of the Industrial Safety and Health Act in 2019, there was still a contradictory situation that it was difficult to hold top management accountable for serious accidents in large companies with a multi-layered management structure. Considering the feelings of punishment of the bereaved families who lost their families due to a serious disaster, the existing punishment was ridiculously light, and it is necessary to focus on the validity and legitimacy of the enactment of the Serious Disaster Penalty Act. (Kwon Oh-sung, 2022)

In addition, the Act on the Punishment of Severe Disasters can be said to be a law for citizens at the responsibility of companies by distinguishing industrial and civil disasters such as the Ferry Sewol case and the humidifier disinfectant case.

1) Obligatory Entity (Responsible Entity)

A business owner is a person who runs his own business. It is a person (private business operator) who has the authority and responsibility to represent and supervise the business by receiving the work of others. Accordingly, it is defined as a person in charge of safety and health. The head of a central administrative agency, the head of a local government, the head of a local public enterprise, and the head of a public institution are also defined as those in charge.

2) The concept of a worker

An employee is a worker under the Labor Standards Act who provides labor for the purpose of performing the project regardless of the form of contract, such as contract, service, or entrustment,

and if the project is conducted several times according to contract, it is defined as a contractee and contractee.

3) Scope of application

The application of this Act is suspended for three years after promulgation for construction works or private businesses with less than 50 permanent workers, except for business owners or management managers of workplaces with less than 5 full-time workers.

4) Major industrial accidents and major civil disasters

① A serious industrial accident is defined as a disaster in which at least one death occurs, at least two injured persons who need treatment for at least six months, and at least three occupational diseases that cause the same harmful factors occur in a year, and the applicable shall be a workplace with at least five full-time workers.

② A serious civil disaster is defined as a disaster of at least 10 injured people who need treatment for at least 2 months due to the same accident as one or more deaths, and at least 10 patients who need treatment for at least 3 months due to the same cause. Subject to application shall be public facilities, public transportation means, business facilities with a total floor area of 3,000 m² or more under the Building Act, medical institutions with a total floor area of 2,000 m² or more under the Multi-use Business Act, and business sites with hazardous materials.

The scope of application of serious civil accidents is workplaces or workplaces with 50 or more employees, which will take effect on January 27, 2022, but private businesses or workplaces with less than 50 employees will take effect on January 27, 2024.

In the case of death, the punishment for these two disasters is more than one year in prison, a fine of less than 1 billion won, and a fine of less than 7 years in prison or a fine of less than 100 million won.

5) Public Utilization Facilities and Public Transportation

① Public Utilization Facilities : Waiting rooms, terminals, libraries, art galleries, medical institutions, nursing homes, daycare centers, indoor children's playgrounds, large stores, funeral homes, exhibition facilities, indoor parking lots, indoor performance halls, indoor sports facilities, restaurants, bakeries, bars, movie theaters, sauna, PC rooms, karaoke rooms, kindergartens, practice rooms, massage rooms, phone rooms,

Under the Facility Safety Act, type 1 and type 2 facilities are comprehensively included, and small

business owners, non-profit facilities, and educational facilities are excluded.

② Public transportation: Express buses, intercity buses, subways, urban railroads, trains. Under the Shipping Act, passenger ships and passenger aircraft capable of transporting 13 or more passengers.

2.3 Comparison between the Occupational Safety and Health Act and the Serious Disaster Penalty Act

Name of the bill	Occupational Safety and Health Act	Serious Disaster Punishment Act
Scope of application	All business establishments	Except for less than 5 people (applies to petitions that have subcontracted to companies with less than 5 people)
Critical disaster criteria	- At least 1 fatality - 3 months of major disasters More than 2 people injured at the same time in need of care - More than 10 people who are injured or mentally ill at the same time	- At least 1 fatality - At least 2 injured people who need treatment for more than 6 months in the same accident - At least 3 people with occupational diseases prescribed by presidential decree, such as express poisoning within 1 year for the same cause.
Subject to punishment	Conduct manager-centered	Business owners and business leaders - Business owner: sole proprietorship - Executive Director: CEO of the corporation or director of safety and health affairs - Including the head of the central administrative organ and the head of the municipal government (except for the incumbent civil servants)

safety action duty	1,222 obligations	- Operators that manage practically dominant operations - Measures to establish and implement a management system such as the budget for necessary personnel - Establish and implement measures to prevent recurrence - Measures concerning matters that the government has ordered improvements in accordance with relevant laws and regulations, etc. - Measures of management clause required by the Safety, Health and Safety Act
punishment	imprisonment of up to 7 years or a fine of up to 100 million won (aggravated penalty of 1/2 in case of recurrence within 5 years)	Executive Director: imprisonment for more than one year or a fine of less than 1 billion (1/2 aggravated penalty for recurrence within 5 years)
Punitive Damages reparation	Upon death: A fine of up to 1 billion won Other than death: No penalty for the condolences (In accordance with the Criminal Code)	In the event of death: a fine of not more than 5 billion won Other than death: Fines of up to 1 billion Liability for less than 5 times the amount of damages
enforcement jealousy		Outside the construction industry - 3 years grace period for less than 50 people Construction - 3-year grace period for construction

		amount less than 5 billion
a serious civil disaster		Punish the same level as industrial accidents during serious civil accidents, but exclude small business owners with no more than 10 permanent workers, a multi-use business floor area of less than 1,000 square meters, and a multi-use business
Anything else law Relationship with	No Regulations	Penalties and liability for damages of business owner corporations, institutions, or management officers in connection with a major accident shall be applied in preference to other laws.

(Table 3.) Comparison of the two laws

2.4 Problems and Improvements of the two laws

4-1 Problems with the Occupational Safety and Health Act

1) Violation of the Occupational Safety and Health Act is a component of the intentional basic crime of violating the obligation to take safety measures/health measures and the serious consequences (death) of the resulting negligence. Here, it is a question of who to view as a suspect in violation of the Occupational Safety and Health Act. Since the Occupational Safety and Health Act stipulates that the compulsory subject is the "business owner", it is a question of whether to punish the CEO or manager if the business owner is a corporation. (Son.2020)

2) The actor is punished according to the interpretation of Article 173 of the Occupational Safety and Health Act, but if a person in charge of safety and health management is appointed in practice, he is considered a suspect and punished. This means

that the CEO will not be punished. This is because the employer-worker relationship cannot be recognized, so it is sometimes acquitted. (Supreme Court's 2005 Do 3700 ruling). (Son.2020)

3) The issue of proof of 'violation of the Occupational Safety and Health Act': Since a basic crime of intention is premised, it is also a question of whether the basic crime was committed. The Occupational Safety and Health Act does not set specific indicators for constituent requirements but stipulates detailed constituent requirements in the rules on industrial safety and health standards. Depending on the circumstances, the Occupational Safety and Health Act is not applied and may constitute a crime of negligence in business. (Son.2020)

4) Proof of "intentional" of "violation of the Occupational Safety and Health Act": Even if a worker died in violation of duty due to negligence, a position may arise that the worker violated the instructions or died due to accidental behavior. (Supreme Court ruling 2009Do11906) (Son.2020)

5) The problem of proving a violation of the Occupational Safety and Health Act and a "causative relationship" of the outcome of death: Even if there is a violation of the duty of safety measures, it occurs when the outcome of death is denied to be irrelevant to the violation. The same problem arises in professional manslaughter cases. (Son.2020)

6) Sentencing: A Study on the Analysis of Judgment on Violations of the Occupational Safety and Health Act (Kim Sung-ryong, Inc.) of the Korean Association for Comparative Criminal Justice. According to p216) on December 20, 2018, it is confirmed that the court chooses a relatively short prison sentence regardless of the death of one or 10 workers and sentences a suspended sentence and a fine between 5 and 10 million won. (Son.2020)

7) The problem of punishment of contractors: It is rare for contractors to be criminally responsible for determining actual working conditions and making risk-causing decisions. (Son.2020)

4-2. Problems and Directions of Improvement Enforcement Decree of the Serious Disaster Penalty Act

1) Problems

The Critical Accident Penalty Act has few parameters such as occupational diseases, duty to secure safety and health, safety and health education, and publication, and follows the contents and customs of the existing safety and health management system (Seo Kang-hoon, 2021).

2) Occupational diseases

It is limited to 24 occupational diseases equivalent to acute addiction and acute addiction for occupational diseases, and it is an ineffective provision

as chronic diseases and occupational cancer are excluded. As improvements, first, it is necessary to include long hours of labor, high physical intensity, and high mental tension due to accidents. Second, it is necessary to add items corresponding to cases of collective industrial accidents caused by past occupational diseases among the 24 items of acute addiction prescribed by the government.

3) Safety and Health Education

There is a problem that the safety and health education time is too short and the content of the education is close to safety and health job education. As for improvements, first, education time and content should be guaranteed, and management managers should be able to understand and implement effective safety and health measures. In addition, it is necessary to evaluate the health and safety plan and its implementation. Second, it is necessary to delete the difference in fines according to size and to provide additional training for management managers at large industrial accident sites.

4) Target and method of publication

Of public announcement the standards, contents, period of publication, and method of presentation are poor. As an improvement, first, it is necessary to maximize the effectiveness of the publication system by announcing it at least after the results of the first trial, where violations of the obligations of the management manager are confirmed. Second, the contents should include the name of the original company and include disaster investigation opinions and violations of safety and health related laws. Third, the publication posting period should be set semi-permanently so that the public can know about companies with excellent industrial accident prevention and bad companies. Fourth, the publication method should be announced through mass media such as TV so that awareness of industrial accidents can be urged

3. Reflections on Prior Research

The Act on the Punishment of Severe Disasters was created to strengthen the responsibilities of the CEO and other executives. However, in the application of the law, except for those with less than 5 employees, those with less than 50 employees were suspended for 3 years, and there were considerable opposition from the management community and unclear content in the legislative process. (Kwon Hyuk-myeon, 2021)

However, a business with less than 50 people with a three-year moratorium should not just spend three years but should also establish a system of safety and health management, assessing the risks

of operators, creating safety and health management regulations for workplaces, and Jun-soo Lee employers and workers. (Ryu Hyun-chul. 2022)

Even if it is only a risk assessment, the management officers should make it. Policies should be put in place to communicate safety-and-health-related information to business owners and to assist them in conducting risk assessments with specific details for each industry. (Ryu Hyun-chul. 2022)

The Act on the Punishment of Severe Disasters requires employers and management managers to be sentenced to imprisonment for more than three years or fines of more than 50 million won and less than 1 billion won if workers die in violation of their obligations to prevent harm and danger. The biggest difference from the contents of the current Occupational Safety and Health Act is that the lower limit was set, such as imposing fines of more than 100 million won and less than 2 billion won in corporate punishment (Myung-Joon Kim, 2020).

The content calls for the improvement of the Act on the Punishment of Severe Disasters, which was posted on the Cheong Wa Dae ①It is necessary to substantially improve the company's compliance with the law as a practical punishment of the company's management manager, main office, and place of order for serious accidents of workers and citizens. ②Punishment will be strengthened for the original contractors who are effectively responsible for the serious accidents of multi-level subcontractors and special employment workers. ③Ferry Sewol The person in charge of the company will be punished for serious accidents that occurred during the use of multi-use facilities and products in disasters such as humidifier disinfectants. ④the public official in charge shall be punished for serious accidents caused by illegal licensing and negligence of supervision. ⑤ in case of intentional or repeated violations of the law, punitive damages are introduced(Kim Myungjun, 2020).

Companies and business owners need to recognize that complying with laws such as the Industrial Safety Act and the Severe Disaster Penalty Act and complying with environmental regulations is reducing workers' health and risks(Ryu Hyun-chul. 2022).

In a report to the presidential transition committee in 2022, the Ministry of Employment and Labor said, "We will do our best to resolve uncertainties by using guidelines, interpretations, manuals, and revision of sub-laws if necessary." Administrative authorities should prepare for innovation in the industrial safety and health legislation and administrative system while building up the ability and foundation to judge rationality and appropriateness not only in the event of a serious disaster but also in the daily industrial accident prevention activities of

companies (Ryu Hyun-chul. 2022).

In addition, Jeong Eun-kyung, former head of the Korea Centers for Disease Control and Prevention, said in a briefing, "We need to improve the working form and working conditions so that the culture of coming out even if you are sick can be changed to resting if you are sick." (Choi Min. 2022)

In its 2022 Presidential Transition Committee work report, the Ministry of Employment and Labor conveyed its position that it will "do its best to resolve uncertainty by using guidelines, interpretations, manuals, and amendments to subordinate laws and regulations, if necessary, in relation to on-the-spot concerns regarding the Serious Disaster Punishment Act." Administrative authorities should prepare for the transformation of the occupational safety and health legislation and the administrative system by building the skills and foundations to judge the rationality and appropriateness of the company's daily industrial accident prevention activities, as well as in the event of a major disaster. (Ryu Hyun-chul. 2022).

Work safety and health blind spots beyond protection

The responsibility for labor safety and health of special employment workers is left intact in the blind spot (Choi Min). 2022) In the COVID-19 era, insurance planners, proxy drivers, and after-school teachers must prepare one small protective gear on their own, and according to company policy, they must bear all the economic loss responsibilities even if face-to-face work is reduced. Non-subscribed employment insurance, special employment workers, indirect employment workers such as dispatches, services, and in-house subcontractors, and workers at workplaces with less than five employees are not legally or substantially protected (Choi Min. 2020).

Overwork death in the blind spot of the right to work

As external activities in the COVID-19 era have decreased and the delivery food and online delivery industry is booming, the overwork of delivery workers is also emerging as a social issue. According to the "Current Status of Industrial Disaster in the Delivery Industry," seven out of nine courier workers who died on business from January to June 2020 died of cardiovascular disease. (Choi Min. 2020) The approach to the blind spot of labor safety and health should be changed. It is not an approach to find and "protect" blind spots of the system, but an approach to recognize that the current labor safety health system and legal system itself produce blind spots and reestablish the system is needed. (Choi Min. 2020)

Distorted Health and Safety on TV

The role of the media is also important to prevent industrial accidents. Media must play an important role in raising the level of safety and health awareness of the entire nation. However, the reality was that the value of workers and labor was very seriously distorted, and scenes of unconsciously accepting incorrect information, not wearing appropriate protective gear, and carrying heavy loads that could lead to occupational diseases were broadcasted as they were." (Cho Ki-hong. 2010).

Now, it has improved a lot and broadcasts wearing protective gear or safety devices, but you can still see workers working in dangerous situations or celebrities through real programs.

When working in dangerous situations, the media should also consider follow-up measures, such as informing health and safety measures through subtitles or stretching in case of musculoskeletal disease risk work. (Cho Ki-hong. 2010)

4. Conclusion

Companies and management managers should not only be anxious, but also look around the site of workers collapsing and getting hurt and listen to the anxiety of workers who have been turning a blind eye to it. It should not pressure the Labor Ministry to give money to law firms to avoid punishment, and to lobby politicians and come up with exemptions to excuse them. We need to find the right person to ask what to do. We should be curious about what precautions are needed not what kind of judgment we will receive over the issues that have already taken place (Ryu Hyun-chul, 2022 Daily Labor News).

The two laws should strengthen the punishment of those responsible, focusing on the safety and health of workers, and the management should recognize and focus on thorough prevention and preparation to prevent the same disaster. The reality of the labor scene, which is afraid of punishment but not afraid of the death of others, still has a long way to go.

Still, news reports of the worker's death. According to the Health and Safety Administration and Australia and Canada, the majority of industrial accident deaths that occur every year are preventable even if the employer pays a little attention to the structural murder due to the greed of capital seeking only profits.

Both laws are laws that focus on the safety and health of workers, strengthen the punishment of those responsible, and ensure that management owners are aware of the occurrence of such disasters and devote their energies to thorough prevention and preparedness. The reality of the workplace, where punishment is fearful but not afraid of the death of others, still has a long way to go.

Legislators and administrators should come up with measures to revitalize workers' right to stop working, strengthen safety management supervision, and strengthen economic sanctions that differentiate legal

finances and penalties according to employers' economic capabilities and responsibilities.

Industrial accidents are much more dangerous and occur in poor labor sites than expected, and outsourcing of risks, which is cited as the biggest cause of frequent industrial accidents in Korea (Park Joo-young).2022) should be very alert to each accident. A society where the difference in working conditions between the rich and the poor or social status leads to a significant gap in the dawn is inevitably grim. Judge Park Joo-young said, "The reason why all the Defendants are severely punished by choosing imprisonment and imprisonment without exception is to remind them that life is unmeasurable and noble." (Park Joo-young) 2022) It is talking through the ruling.

The Life Safety Network (Co-CEO Kim Hoon) has no power and weak people are dying at industrial sites. The network presented 10 life and safety tasks to presidential candidates to prevent disasters and disasters.

① Worker's Life and Safety Discrimination and Elimination of Inequality ②All workers' industrial accident insurance and the introduction of sick and sick benefits ③Revision of the Serious Disaster Act and its Practical Application ④Prohibition of creating life-safety jobs and outsourcing risks ⑤ Prevention of Overwork Death and Mental health ⑥ Ensuring workers' citizens' right to know, participate in the workplace, and the right to stop working ⑦ Enactment of the Framework Act on Life Safety and the guarantee of victims' rights ⑧Expansion of infectious disease prevention system and public health system based on human rights principles ⑨ Strengthening Traffic Safety ⑩ Chemical accident and chemical accident countermeasures. (Freshian. 2022)

In its inaugural declaration, Net, a serious disaster expert, pointed out that the problem is the developmental logic that individual safety can be turned away for economic development, saying, "Many social disasters sacrificed innocent lives are hidden by colorful investigations such as 'the world's top 10 economic powers' and 'developed countries'. The Major Disaster Penalty Act (Maily Economy. 2022) said that public officials with business license or safety supervision should introduce regulations that can punish public officials in the event of a serious industrial accident due to neglect of their duties (Kwon UK. 2022 Daily Economy).

We are all workers. Industrial sites are always in danger. Workers must also comply with safety, and employers must create an environment in which workers can work safely. The law has been strengthened, but it cannot be resolved entirely by law. Through the two laws, companies should expand their independent participation and create sustainable and high-quality jobs where all workers can work in a healthy and safe working environment. I hope that these two laws will

become laws for everyone with effectiveness, legitimacy, and safety, and become important laws to protect precious lives. This requires the will of members of society to respect life and protect each other (Park Joo-young. 2022).

In the future, the application of the law will be further studied through a case study on the two laws.

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