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(The Workplace Safety and Health Act, 2006)

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1. Employer (): Any person who employs another person to perform work under a contract of service.
2. Principal (): Any person who engages another person or organization to supply labour or perform work under some arrangement other than a contract of service.
3. Occupier (,): In workplaces, registered as a factory, the occupier is the person who is the holder of the certificate of registration or factory permit. In all other workplaces, the occupier is the person who has control of the premises regardless of whether he is the owner of those premises.
4. Contractor (): Any person engaged by another person or organization under a contract for service for the supply of labour or conduct of work at the workplace.
5. Manufacturer Or Supplier (): Any person who manufactures or supplies machinery, equipment or hazardous substances used at work in the workplace.
6. Erector Or Installer (): Any person who installs or erects machinery, equipment, the building itself or any item for use in the workplace.
7. Worker(): Any person at work, including an employee, i.e. one employed under a contract of service, volunteer or any other person training or working under the employer such as an industrial attachment student.
8. Self-Employed Person (): Any person who works but is not under a contract of service.

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The Creating Employer (): The employer that caused a hazardous condition that violates an OSHA standard.

The Exposing Employer (): An employer whose own employees are exposed to the hazard. See Chapter III, section (C) (1)(b) for a discussion of what constitutes exposure.

The Correcting Employer (): An employer who is engaged in a common undertaking, on the same worksite, as the exposing employer and is responsible for correcting a hazard. This usually occurs where an employer is given the responsibility of installing and/or maintaining particular safety/health equipment or devices.

The Controlling Employer (): An employer who has general supervisory authority over the worksite, including the power to correct safety and health violations itself or require others to correct them. Control can be established by contract or, in the absence of explicit contractual provisions, by the exercise of control in practice. Descriptions and examples of different kinds of controlling employers are given below.

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The Commissioner may prosecute any offender for violation under the Act. If you are charged with an offence under the Act, it is your duty to show to the courts that:

- you complied with the Act and/or its relevant subsidiary legislation;
- or you complied with the relevant approved code of practice or guidelines;
- or you took reasonable precautions and exercised due diligence where there was no specific legislation or guidelines;
- or the offence was due to causes beyond your control, i.e. it was not reasonably practicable to prevent the contravention or accident.



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