

VLT Legal Update

April 2026

Changes to Industrial Safety and Health Act

On April 1, 2026 amendments to the Industrial Safety and Health Act (ISHA) took effect as outlined below.

Strengthening Occupational Safety and Health Protections for Independent Contractors

Background

Traditionally, the ISHA was premised on the existence of an employment relationship, under which employers' statutory safety and health obligations applied mainly to employees under labor contracts. However, an employer's responsibility with respect to independent contractors was unclear. This gap was highlighted by a 2021 Supreme Court decision involving construction asbestos litigation, which held that the Act's protective purpose extends beyond a formal employment relationship to individuals working at the same site without a labor contract.

ISHA Amendments

Following the Supreme Court's ruling, the ISHA was amended to expand safety and health obligations as follows:

- Expanded Scope in Certain Industries
 - In sectors such as construction, shipbuilding, and manufacturing, parties placing orders for work are now required to:
 - Coordinate operations across different tasks,
 - Plan and issue instructions for each task, and
 - Take measures to prevent industrial accidents during mixed operations.
 - These obligations now apply not only to multiple business operators but also to independent contractors and other non-employee workers engaged at the same site.
- General Cross-Industry Scope
 - Regardless of industry, business operators that manage workplaces where employees and independent contractors work together must:
 - Implement safety and health measures that account for both groups, and
 - Ensure coordination between the operator's own activities and those of contractors.

Mental Health Stress Checks to Become Mandatory for Small-Business Employers

Under the IHSAs amendments, mental health stress checks, which were previously recommended on a best-efforts basis, will become mandatory for employers with fewer than 50 employees under the amendments. The effective date will be set by cabinet order within three years of promulgation, with implementation expected by around 2028 at the latest.

Enhanced Workplace Safety Measures Targeting Older Workers¹

Initiatives to prevent workplace accidents among older workers are being introduced, requiring employers to make efforts to improve work environments and processes as well as take other necessary measures to support older workers. While the release schedule has not been confirmed, guidelines outlining specific obligations are currently being drafted. Measures under consideration include introducing assistive devices to compensate for declining physical abilities, monitoring health conditions such as by ensuring employees are attending their regular health checkups and by checking their physical fitness, as well as reducing working hours and night-shift frequency.

¹ While the ISHA does provide for a specific definition of older workers, the guidelines broadly assume older workers to be those who are 60 years of age or older.