

Unofficial Translation

OCCUPATIONAL SAFETY, HEALTH, AND ENVIRONMENT ACT,
B.E. 2554 (2011)¹

Bhumibol Adulyadej, Rex.

Given on the 12th Day of January B.E. 2554 (A.D. 2011)
Being the 66th Year of the Present Reign

His majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on occupational safety, health and environment;

This Act contains certain provisions in relation to the restriction of rights and liberties of a person in respect of which section 29 in conjunction with section 33, section 41 and section 43 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

Be it, therefore, enacted by the King by and with the advice and consent of the National Assembly as follows:

Section 1. This Act is called the “Occupational Safety, Health and Environment Act B.E. 2554 (A.D. 2011)”.

Section 2. This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.²

¹ Translated by Center for Translation and Language Services, Research Institute for Languages and Cultures of Asia, Mahidol University under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Published in the Government Gazette, Vol. 128, Part 4a, Page 5, dated 17th January B.E. 2554 (2011).

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 3. This Act shall not apply to:

- (1) central administration, provincial administrations and local administrations;
- (2) other enterprises, in whole or in part, as prescribed in the Ministerial Regulations.

The central administration, provincial administrations, local administrations and other enterprises prescribed in the Ministerial Regulations under paragraph one shall provide standards for administration and management on occupational safety, health and environment on its own working units of not lower than the standards on occupational safety, health and environment under this Act.

Section 4. In this Act,

“Occupational safety, health and environment” means actions or working conditions which are safe from any cause resulting in hazards to life, physique, mentality or health arising out of or related to work.

“Employer” means an employer under the labour protection law and shall also mean an entrepreneur who allows any person to work for or to provide benefit for or in an establishment, whether or not the work or provision of benefit is a part or a whole of production process or business under the responsibility of the entrepreneur.

“Employee” means an employee under the labour protection law and shall also mean a person who is allowed to work or to provide benefit for or in an establishment of an employer, regardless of the name used.

“Executive” means an employee from managerial level or higher in the working unit.

“Supervisor” means an employee who performs duties in controlling, overseeing, commanding or ordering other employees to work in accordance with the functions of the working unit.

“Occupational Safety Officer” means an employee appointed by an employer to perform duties on occupational safety, health and environment under this Act.

“Establishment” means each working unit of an employer having employees working therein.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

“Committee” means the Occupational Safety, Health and Environment Committee.

“Fund” means the Occupational Safety, Health and Environment Fund.

“Safety inspector” means a person appointed by the Minister for the execution of this Act.

“Director-General” means the Director-General of the Department of Labour Protection and Welfare.

“Minister” means the Minister who takes charge and control of the execution of this Act.

Section 5. The Minister of Labour shall take charge and control of the execution of this Act and shall have the power to appoint Safety Inspectors, and to issue Ministerial Regulations, Notifications and Rules for the execution of this Act including to issue Ministerial Regulations prescribing fees not exceeding the rate annexed hereto and the exemption therefrom.

The appointment of a safety inspector requires that the qualifications, scope of powers and duties, and conditions on performance of duties shall also be prescribed.

Ministerial Regulations, Notifications and Rules shall come into force upon their publication in the Government Gazette.

Chapter 1 General Provisions

Section 6. An employer shall have the duty to arrange and maintain the establishment and its employees in safe and hygienic working conditions and environment, and to support and promote the work operation of employees in order to prevent them from harm to life, physique, mentality and health.

The employees shall cooperate with the employer in the execution and promotion of occupational safety, health and environment in order to ensure safety to the employee and the establishment.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 7. In the case where this Act requires an employer to carry out any action which incurs expense, the employer shall bear the expense for such act.

Chapter 2
Administration, Management and Execution
of Occupational Safety, Health and Environment

Section 8. An employer shall administer, manage and execute occupational safety, health and environment matters in conformity with the standards prescribed in the Ministerial Regulations.

In setting the standards under paragraph one, any documents or reports required to be prepared by the employer shall be examined or certified by a person or a juristic person as prescribed in the Ministerial Regulations.

The employee shall have the duty to comply with the criteria on occupational safety, health and environment in accordance with the standards prescribed in paragraph one.

Section 9. Any person wishing to render services in measurement, examination, test, certification, risk assessment including organizing for training or giving advice to promote occupational safety, health and environment in accordance with the standards prescribed in the Ministerial Regulations issued under section 8, shall register with the Occupational Safety and Health Bureau, Department of Labour Protection and Welfare.

Qualifications of a person applying for the registration, the granting of registration, the issuance of a substitute for registration, the revocation of the registration, the prescription of service fees and the methods of rendering services under paragraph one shall be in conformity with the criteria, methods and conditions as prescribed in the Ministerial Regulations.

Section 10. In the case where the Occupational Safety and Health Bureau, Department of Labour Protection and Welfare, denies the registration or revokes the registration under section 9, the person applying for registration or the person whose

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

registration has been revoked shall be entitled to appeal against in writing to the Director-General within thirty days from the date he or she has been notified of such denial or revocation of registration.

The decision of the Director-General shall be final.

Section 11. Any juristic person wishing to render services in measurement, examination, test, certification, risk assessment including organizing for training or giving advice to promote occupational safety, health and environment in accordance with the standards prescribed in the Ministerial Regulations issued under section 8, shall require a license from the Director-General.

Qualifications of the person applying for the license, the application for the license, the granting of license, the application for license renewal, the issuance of a substitute for the license, the suspension and revocation of license, the prescription of service fees and the methods of rendering of services under paragraph one shall be in conformity with the criteria, methods and conditions as prescribed in the Ministerial Regulations.

Section 12. In the case where the Director-General refuses to issue a license, renew a license, issue a substitute for a license, or suspends or revokes a license issued to a juristic person under section 11, such juristic person shall be entitled to appeal to the Committee within thirty days from the date of receiving of the notice in writing of the Director-General refusing to issue or renew the license, or revoking the license.

The decision of the Committee shall be final.

Section 13. An employer shall arrange to have safety officer, personnel, working unit, or group of individuals to carry out safety matters in the establishment according to the criteria, methods and conditions as prescribed in the Ministerial Regulations.

The safety officer and the personnel under paragraph one shall register with the Department of Labour Protection and Welfare.

The provisions of section 9 paragraph two and section 10 shall apply to the registration of the safety officer *mutatis mutandis*.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 14. In the case where an employer requires an employee to work in a working condition or environment which may be harmful to life, physique, mentality and health of the employee, the employer shall inform the employee of the danger which may arise from work, and shall distribute work manual to every employee before commencing work, changing work or workplace.

Section 15. In the case where an employer has received a warning notice, an order or a decision of the Director-General, an order of the safety inspector or a decision of the Committee requiring compliance with this Act, the employer shall inform or post such warning notice, order or decision in a conspicuous location at the establishment for a period of not less than fifteen days from the date of such receipt.

Section 16. An employer shall provide an occupational safety, health and environment training to be attended by executives, supervisors and employees in order to safely administer, manage and execute the occupational safety, health and environment.

In the case where an employer employs employees to work, changes the employee's work, workplace, or machinery or equipment, which may harm the life, physique, mentality and health of the employees, the employer shall provide a training for every employee before commencing work.

The training under paragraphs one and two shall be in conformity with the criteria, methods or conditions as prescribed and notified by the Director-General.

Section 17. An employer shall post warning symbols and occupational safety, health and environment related signs including the statement on rights and duties of the employer and the employees as prescribed and notified by the Director-General in a conspicuous location at the establishment.

Section 18. In the case where there are multiple establishments at the premises, every employer of the establishments at such premises shall have the duty to collaborate in the execution of occupational safety, health and environment in conformity with this Act.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Employees working in the establishment under paragraph one including employees working in other establishments not belonging to the employer shall also comply with the criteria on occupational safety, health and environment applied to such establishment.

Section 19. In the case where an employer rents buildings, premises, tools, machinery, equipment or any other things for use in an establishment, the employer shall have power to execute occupational safety, health and environment matters involving the rented buildings, premises, tools, machinery, equipment or any other things in accordance with the standards as prescribed in the Ministerial Regulations issued under section 8.

The execution under paragraph one shall not create rights to the owner of the buildings, premises, tools, machinery, equipment or other rented items, or the renter thereof to claim for any damages or compensation, and to terminate the rental contract.

Section 20. An executive or a supervisor shall have the duty to support and cooperate with the employer and other personnel to ensure the execution is in compliance with the provisions of section 8, section 16, section 18 and section 22.

Section 21. The employees shall have the duty to look after the working environment in accordance with the standards as prescribed in the Ministerial Regulations issued under section 8 in order to bring safety to life, physique, mentality and health, taking into account the conditions of the work and responsible areas.

In the case where an employee is aware of a defect or damage and unable to rectify it by himself or herself, the employee shall inform the safety officer, a supervisor or an executive, and such safety officer, supervisor or executive shall notify the employer in writing without delay.

In the case where the supervisor is aware of a defect or damage which may be harmful to life, physique, mentality and health of the employees, the supervisor shall immediately take an action to prevent such harm within the area of his or her responsibility or the scope assigned to him or her. In case the action cannot be taken, the supervisor shall inform the executive or the employer to resolve the issues without delay.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 22. An employer shall provide the employees with and require them to wear personal safety protection equipment in accordance with the standards prescribed and notified by the Director-General.

The employees shall have the duty to wear the personal safety protection equipment and take care of the same mentioned in paragraph one in workable conditions in accordance with the nature of the work throughout the working period.

In the case where the employee fails to wear such equipment, the employer shall order that employee to cease working until the employee wears such equipment.

Section 23. The main contractors and the sub-contractors under the labour protection law shall have the duty to execute matters on occupational safety, health and environment in the same manner as the employer.

In the case where an employer is a sub-contractor having preceding sub-contractors, all preceding sub-contractors along the line up to the main contractor having employees working in the same establishment shall jointly have the duty to keep the workplace in safe working conditions and hygienic working environment for the safety of all employees.

Chapter 3

Occupational Safety, Health and Environment Committee

Section 24. There shall be a committee called “Occupational Safety, Health and Environmental Committee” consisting of the Permanent Secretary of the Ministry of Labour as Chairperson, the Director-General of Pollution Control department, the Director-General of the Department of Disease control, the Director-General of the Department of Skill Development, the Director-General of the Department of Public Works and Town and Country Planning, the Director-General of the Department of Industrial Works, the Director-General of the Department of Local Administration and the Director-General of the Department of Labour Protection and Welfare as members including eight employer representatives and eight employee representatives and five qualified members appointed as members by the Minister.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

An official of the Department of Labour Protection and Welfare shall be appointed as a secretary by the Minister.

Holding and vacating of office of the employer representatives and the employee representatives under paragraph one shall be in conformity with the criteria, methods and conditions prescribed and notified by the Minister, taking into account the participation of both genders.

A qualified member shall have knowledge, expertise, contributions or experiences in the field of occupational safety, health and environment, taking into account the participation of both genders.

Section 25. The Committee shall have the following powers and duties:

- (1) to submit recommendations to the Minister concerning policies, work plans or measures on occupational safety, health and environment development;
- (2) to submit recommendations to the Minister on the issuance of Ministerial Regulations, Notifications and Rules for the execution of this Act;
- (3) to give opinion to government agencies concerning the promotion of occupational safety, health and environment;
- (4) to decide appeals under section 12, section 33 paragraph three and section 40 paragraph two.
- (5) to perform other acts prescribed in this Act or other laws to be the powers and duties of the Committee or as assigned by the Minister.

Section 26. A qualified member shall hold office for a term of two years and may be reappointed if vacated from office.

In the case where a qualified member vacates office before term, the Minister shall appoint a member to fill the vacancy. The appointee shall be in office for the unexpired term of the qualified member he or she replaces.

In the case where a qualified member has vacated office upon expiration of term but a new qualified member has not yet been appointed, the member whose term of office has expired shall be in office to continue to perform his or her duties until a new qualified member who has been appointed assumes his or her duties.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 27. In addition to vacating office upon expiration of term under section 26, a qualified vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister on account of being absent from meetings for three consecutive meetings without justification;
- (4) being bankrupt;
- (5) being of unsound mind or of mental infirmity;
- (6) being an incompetent or quasi-incompetent;
- (7) being sentenced for committing an offence under this Act;
- (8) being imprisoned due to a final judgment to a term of imprisonment, except for an offence committed through negligence, a defamation offence, or a petty offence.

Section 28. At a meeting of the Committee, the presence of not less than one-half of members in which there must be at least one member from the employer representatives and one member from the employee representatives is required to constitute a quorum.

At a meeting convened to consider an appeal, if a quorum cannot be constituted as required in paragraph one, another meeting shall be convened within fifteen days from the date scheduled for the first meeting. At the subsequent meeting, even if no member from the employer or the employee representatives is present, a quorum shall be constituted if not less than one-half of the Committee members are present at the meeting.

At a meeting, if the Chairperson of the Committee does not attend or is unable to perform his or her duty, the members present shall elect one among themselves to preside over the meeting.

A resolution of the meeting shall be passed by a majority of votes. Each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 29. The Committee shall have power to appoint sub-committees to consider matters or to perform any duty as assigned by the Committee.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

The Committee shall prescribe the quorum requirements and the mode of operation for the sub-committee, as deemed appropriate.

Section 30. In the performance of their duties under this Act, the Committee members and the sub-committee members shall be given meeting allowances and other recompensing benefits pursuant to the rules prescribed by the Minister with the approval of the Ministry of Finance.

Section 31. The Department of Labour Protection and Welfare, Ministry of Labour, shall be responsible for administrative tasks of the Committee and shall have the following powers and duties:

- (1) to select, compile and analyze data on occupational safety, health and environment in order to formulate policies, plans and projects on occupational safety, health and environment and propose the same to the Committee;
- (2) to develop guidelines for the prescription of standards on occupational safety, health and environment and propose the same to the Committee;
- (3) to formulate annual action plan on occupational safety, health and environment and propose the same to the Committee;
- (4) to coordinate plans and operations of the Committee and sub-committees including agencies involved;
- (5) to follow up and assess the implementation of the resolutions of the Committee;
- (6) to be responsible for administrative tasks of the sub-committees;
- (7) to perform other tasks as assigned by the Committee or the sub-committees.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Chapter 4

Control, Regulation and Supervision

Section 32. For the purpose of control, regulation and supervision of the operations on occupational safety, health and environment, an employer shall perform the following:

- (1) conduct hazard assessment;
- (2) conduct study on impacts of working environment having effects on employees;
- (3) prepare operation plans on occupational safety, health and environment and supervisory plans for employees and the establishment;
- (4) submit results on hazard assessment, impact study, operation plans and supervisory plans under (1), (2) and (3) to the Director-General or a person entrusted by the Director-General.

The criteria, methods and conditions on performances under paragraph one, type and size of business which require such performances and their duration shall be as prescribed by the Minister by publication in the Government Gazette.

In carrying out the tasks under paragraph one, the employer shall comply with the recommendations of the expert on occupational safety, health and environment and the outcome of which shall have to be certified by such expert.

Section 33. Any person wishing to act as an expert on occupational safety, health and environment shall obtain a license from the Director-General in accordance with this Act.

The application for a license, issuance of a license, qualifications of the expert, supervision over the operation of the licensee, renewal of a license, issuance of a substitute of license, suspension and revocation of license under paragraph one shall be in conformity with the criteria, methods and conditions prescribed in the Ministerial Regulations.

The provisions of section 12 shall apply to the application for expert license

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

on occupational safety, health and environment *mutatis mutandis*.

Section 34. In the case where a serious accident has happened to the establishment or the employees have encountered danger from work, the employer shall take the following actions:

(1) in the case where an employee is dead, the employer shall immediately, upon being aware of it, notify the safety inspector by telephone, facsimile, or any other means with sufficient details and shall notify in writing in detail and of the cause within seven days from the date the employee is deceased;

(2) in the case where an establishment is damaged or has to stop the production or there is a person in the establishment encountering danger or injury as a result of fire, explosion, chemical leakage or other severe accident, the employer shall notify the safety inspector by telephone, facsimile, or any other means with sufficient details and shall notify in writing, specifying the cause of danger that has happened, the damage, the rectification and prevention of recurrence, within seven days from the date the incident has taken place;

(3) In the case where an employee has encountered danger or illness in accordance with the workmen's compensation law, after the employer has notified the Social Security Office of such danger or illness incident in accordance with such law, the employer shall submit a copy of such notification to the safety inspector within seven days;

The notification under paragraph one shall be in accordance with the form prescribed and notified by the Director-General and when the safety inspector has been notified, the inspection shall be carried out and measures to prevent danger shall be formulated without delay.

Chapter 5 Safety Inspector

Section 35. In performing his or her duties under this Act, a safety inspector shall have powers as follows:

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

- (1) to enter an establishment or office of an employer during working hours or when there is an incident;
- (2) to inspect or make recording of images and sound on working conditions concerning occupational safety, health and environment;
- (3) to use tools to measure or inspect machinery or equipment in the establishment;
- (4) to collect any sample materials or products for analysis concerning safety;
- (5) to enquire about facts or investigate any matters within the scope of power and to summon people concerned for clarification including to inspect or request for submission of relevant evidence document and to expeditiously propose to the Director-General measures to prevent danger.

Section 36. In the case where a safety inspector has found that any employer, employee or person concerned has violated or failed to comply with this Act or the Ministerial Regulations issued under this Act, or that the working conditions, buildings, premises, machinery or equipment used by the employee may be dangerous to the employee, the safety inspector shall have the power to order such person to stop such violating acts or to rectify, improve or comply accurately or properly within thirty days. If it is impossible to accomplish the same within such period of time, the safety inspector may extend it not more than twice, each time for a period of thirty days from the expiry date.

If necessary, upon the permission of the Director-General or a person entrusted by the Director-General, the safety inspector shall have the power to issue an order to stop the use of the machinery, equipment, premises, or to bind and seal on items which may cause severe danger to such employee, in whole or in part, while the order of the safety inspector is being complied with. When the employer has rectified and improved to comply accurately with the order of the safety inspector under paragraph one, the employer shall inform the Director-General or the person entrusted by the Director-General to consider cancelling such order.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 37. In the case where an employer fails to comply with the order of the safety inspector under section 36, if there is an incident which may cause severe danger so much so that it is appropriate for the Department of Labour Protection and Welfare to take over the task, the Director-General or the person entrusted by the Director-General shall have the power to order the safety inspector or to assign any person to carry out rectification in order to comply with such order. Such being the case, the employer shall bear the actual expenses for such takeover.

Before the Director-General or a person entrusted by the Director-General is to carry out the operations under paragraph one, a written warning notice shall be made requiring the employer to comply with the order of the safety inspector within a specified period. Such warning notice may be issued together with the order of the safety inspector.

In performing the operations under paragraph one, the Department of Labour Protection and Welfare shall request a subvention from the Fund as an advance amount of money for its operations and shall reimburse the Fund after receiving payment from the employer.

Section 38. The Director-General shall have the power to issue a written order to seize, attach and sell by auction the property of an employer who fails to make payment for operation costs under section 37 in as much as necessary for the actual expenses incurred in rectification operation.

The order for the seizure or attachment of property under paragraph one shall only be issued after a written notice has been sent to the employer requiring the payment of the expenses to be paid within a specified period of time which shall not be less than thirty days from the date of receipt of such notice by the employer and the employer fails to make the payment within the specified period of time.

The criteria, methods and conditions on seizure, attachment and sale by auction of property under paragraph one shall be in accordance with the regulations as prescribed by the Minister, in this regard, the criteria, methods and conditions of the Civil Procedure Code shall apply *mutatis mutandis*.

The proceeds from the sale by auction shall deduct the expenses incurred in the seizure, attachment and sale by auction which are required to be paid by the employer under section 37. The remaining, if any, shall be expeditiously returned to the employer by

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

having the safety inspector notify the employer in writing by registered mail with acknowledgement of receipt to collect the remaining amount of money. If the employer fails to collect the same within five years from the date the notification has been receipt, the said amount of money shall belong to the Fund.

Section 39. During work stoppage or cessation of production process under section 36, the employer shall pay the employees whose work is related to such work stoppage or cessation of production process at a rate equal to the wages or any other benefits entitled by such employees, except that such employees intentionally took any action causing work stoppage or cessation of the production process.

Section 40. In the case where a safety inspector has issued an order under section 36 paragraph one, if the employer, the employee or any person concerned disagrees with it, such person shall have the right to appeal in writing to the Director-General within thirty days from the date of acknowledgement of the order. The Director-General shall decide the appeal within thirty days from the date of receipt of the appeal. The decision of the Director-General shall be final.

In the case where the safety inspector has issued an order under section 36 paragraph two, if the employer, the employee or any person concerned disagrees with the order, such person shall have the right to appeal in writing to the Committee within thirty days from the date of acknowledgement of the order. The Committee shall decide the appeal within thirty days from the date of receipt of the appeal. The decision of the Committee shall be final.

The appeal shall not stay the compliance with the order of the safety inspector, unless the Director-General or the Committee, as the case may be, has issued an order otherwise.

Section 41. In the performance of his or her duties, a safety inspector shall produce his or her identity card, upon request by a person concerned.

The identity card of the safety inspector shall be in accordance with the form prescribed and notified by the Minister.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 42. The employer shall be prohibited from terminating an employee or reshuffle his or her duty on the grounds that the employee has taken legal action or is a witness or provides evidence or information on occupational safety, health and environment to a safety inspector or the Committee under this Act or to the Court.

Section 43. In the case where the employer, the employee or the person concerned has complied with the order issued by the safety inspector under section 36 within the specified period, the criminal proceedings against the employer, the employee or any person concerned shall be extinguished.

Chapter 6

Occupational Safety, Health and Environment Fund

Section 44. There shall be a Fund under the Department of Labour Protection and Welfare which shall be called the “Occupational Safety, Health and Environment fund” to be used as an expenditure fund for operations regarding occupational safety, health and environment under this Act.

Section 45. The Fund shall consist of:

- (1) initial fund allocated by the government;
- (2) annuity fund allocated from Workmen’s Compensation Fund under Workmen’s Compensation law;
- (3) fines from punishment of offenders under this Act;
- (4) subsidies from the government;
- (5) donation of money or property;
- (6) benefits from the Fund;
- (7) fees from licenses and registration certificates under section 9, section 11, section 13 and section 33;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

- (8) interest or fruits derived from money or property of the Fund;
- (9) other income.

Section 46. Money from the Fund shall be used for the following activities:

- (1) campaigns to promote occupational safety, health and environment as well as to develop, rectify and manage work on occupational safety, health and environment, with the approval of the Occupational Safety, Health and Environmental Fund Administration Committee;
- (2) assisting and subsidizing government agencies, associations, foundations, private organizations, or person proposing a project or plan to promote, support the study, research, and development on occupational safety, health and environment;
- (3) expenditures for the management of the Fund and in accordance with section 30;
- (4) supporting operations of Occupational Safety, Health and Environment Promotion Institute as appropriate, on an annual basis.
- (5) providing loans to the employers for the rectification of unsafe conditions or to prevent accident or illness from work.
- (6) advance payment for operations under section 37.

The operations under (1), (2), (3), (4), (5) and (6) shall be in accordance with the criteria, methods and conditions prescribed by Occupational Safety, Health and Environment Fund Administration Committee. In addition, interest and fruits of the Fund shall be used as expenses for activities under (1), (2) and (3) but not in excess of seventy five percent of the annual interest or fruits of the Fund.

Section 47. The money and property obtained by the Fund under section 45 shall not be remitted to the Ministry of Finance as state revenue.

Section 48. There shall be an “Occupational Safety, Health and Environment Fund Administration Committee” consisting of the Director-General of the Department of Labour Protection and Welfare as Chairperson, a representative of the

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Ministry of Finance, a representative of the Social Security Office, a representative of Bureau of the Budget, and one qualified person appointed by the Minister including five members from the employer representatives and five members from the employee representatives.

An official of the Department of Labour Protection and Welfare shall be appointed as secretary by the Minister.

The enlisting of the representatives of the employer and the employee under paragraph one shall be in conformity with the criteria, methods and conditions prescribed and notified by the Minister, taking into account the participation of both genders.

Section 49. The provisions of section 26, section 27 and section 28 paragraph one, paragraph three and paragraph four shall apply to the holding of office, the vacating of office and the meeting of Occupational Safety, Health and Environment Fund Administration Committee. In addition, the provisions of section 29 shall apply to the appointment of sub-committees of the Occupational Safety, Health and Environment Fund Administration Committee, *mutatis mutandis*.

Section 50. The Occupational Safety, Health and Environment Fund Administration Committee shall have powers and duties as follows:

- (1) to supervise on the management and administration of the Fund;
- (2) to consider allocating fund money for contributions and subsidies, provision of loans, advance payments, and financial support for operations on occupational safety, health and environment;
- (3) to formulate rules for receiving, paying and keeping of the Fund money and seeking of interests therefrom with the approval of the Ministry of Finance;
- (4) to formulate criteria, methods and conditions on granting and requesting of contributions and subsidies, approval of advance payment, advance payment requests, provision of loan and repayment to the Fund.
- (5) to perform any other act prescribed by this Act or other laws as the powers and duties of the Occupational Safety, Health and Environment Fund Administration Committee or as assigned by the Minister.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 51. Within one hundred and twenty days from the end of a fiscal year, the Occupational Safety, Health and Environment Fund Administration Committee shall submit a balance sheet and money receiving and paying statement of the Fund for the previous year to the Office of the Auditor General for audit and certification for submission to the Committee.

The Committee shall submit such balance sheet and money receiving and paying statement to the Minister and the Minister shall then submit the same to the Council of Ministers for their acknowledgement and publication in the Government Gazette.

Chapter 7

Occupational Safety, Health and Environment Promotion Institute

Section 52. There shall be an “Occupational Safety, Health and Environment Promotion Institute” for the purpose of promoting the occupational safety, health and environment, having the powers and duties as follows:

- (1) to promote and resolve problems concerning occupational safety, health and environment;
- (2) to develop and support the formulation of standards for the promotion of occupational safety, health and environment;
- (3) to function, promote, support and act jointly with agencies on occupational safety, health and environment, from public and private sectors;
- (4) to arrange for research and study on promotion of occupational safety, health and environment, both on personnel and technical development;
- (5) other powers and duties as prescribed by law.

The Ministry of Labour shall establish the Occupational Safety, Health and Environment Promotion Institute under the supervision of the Minister within one year after this Act has come into force.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Chapter 8

Penalty

Section 53. Any employer who violates or fails to comply with the standards prescribed in the Ministerial Regulations issued under section 8 shall be liable to imprisonment for a term of not exceeding one year or to a fine not exceeding four hundred thousand baht, or to both.

Section 54. Any person who has the duty to certify or examine documentary evidence or reports prescribed under the Ministerial Regulations issued under section 8 paragraph two, falsifies a statement in such certification or examination of the documentary evidence or reports, shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding two hundred thousand baht, or to both.

Section 55. Any person who provides services of measurement, examination, test, certification, risk assessment, training or providing consultation without registration under section 9 or without having a license under section 11 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding two hundred thousand baht, or to both.

Section 56. Any employer who fails to comply with section 13, section 16 or section 32 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding two hundred thousand baht, or to both.

Section 57. Any employer who fails to comply with section 14 or section 34 shall be liable to a fine not exceeding fifty thousand baht.

Section 58. Any employer who fails to comply with section 15 or section 17 shall be liable to imprisonment for a term of not exceeding three months or to a fine not exceeding one hundred thousand baht, or to both.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 59. Any employer who fails to comply with section 18 paragraph one shall be liable to imprisonment for a term of not exceeding one year or to a fine not exceeding one hundred thousand baht, or to both.

Section 60. Any person who fails to comply with section 18 paragraph two shall be liable to imprisonment for a term of not exceeding three months or to a fine not exceeding one hundred thousand baht, or to both.

Section 61. Any person who obstructs the performance of the employer under section 19 or the performance of the safety inspector or a person assigned under section 37 paragraph one without justification shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding two hundred thousand baht, or to both.

Section 62. Any person who fails to comply with section 22 paragraph one or section 23 shall be liable to imprisonment for a term of not exceeding three months or to a fine not exceeding one hundred thousand baht, or to both.

Section 63. Any person who acts as an expert on occupational safety, health and environment without having a license under section 33 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding two hundred thousand baht, or to both.

Section 64. Any person who obstructs or fails to provide convenience to the safety inspector in the course of performance of the duty under section 35 or section 36 paragraph two shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding two hundred thousand baht, or to both.

Section 65. Any person who violates or fails to comply with the order of the safety inspector under section 36 paragraph one shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding two hundred thousand baht, or to both.

Section 66. Any person who violates or performs any act to resume the

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

operation which has been ordered ceased or to reactivate the materials bound and sealed by the safety inspector during the period of compliance with the order of the safety inspector under section 36 paragraph two shall be liable to imprisonment for a term of not exceeding two years or to a fine not exceeding eight hundred thousand baht, or to both, and to additional fine at a daily rate not exceeding five thousand baht until due compliance with the order.

Section 67. Any employer who fails to comply with section 39 shall be liable to a fine not exceeding fifty thousand baht for each incident.

Section 68. Any employer who violates section 42 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding two hundred thousand baht, or to both.

Section 69. In the case where the offender is a juristic person, if the offence was originated by the direction or action of any person, or by the lack thereof, which is the duty of the managing director or any person responsible for the operation of such juristic person, such person shall also be liable to the penalty provided for such offence.

Section 70. Any person who discloses any facts, acquired or came to his or her knowledge in the performance of duties under this Act, concerning the business of an employer which are normally treated as confidential and not revealed by the employer, shall be liable to imprisonment for a term of not exceeding one month or to a fine not exceeding forty thousand baht or to both, except where the disclosure forms part of the performance of official duty for the purpose of this Act or in the interests of labour protection, labour relations, or investigation or trial proceedings.

Section 71. All offences under this Act which are punishable by imprisonment for a term of not exceeding one year or by a fine not exceeding four hundred thousand baht, if it is the opinion of the following officials that the offender should not be penalized by imprisonment or prosecuted, the power to settle the case shall be as follows:

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(1) the Director-General or a person entrusted by the Director-General for offences committed in Bangkok Metropolis;

(2) the *Changwat* Governor or a person entrusted by the *Changwat* Governor for offences committed in other *Changwat*.

In the case where there is an investigation, if an inquiry official finds that a person has committed an offence for which the official has the power to settle it under paragraph one and such person consents to such settlement, the inquiry official shall refer the matter to the Director-General or the *Changwat* Governor, as the case may be, within seven days from the date such person has consented to the settlement.

Upon payment by the offender of the settled amount of the fine within thirty days from the date the settlement has been initiated, the case shall be deemed settled under the Criminal Procedure Code.

If the offender fails to consent to the settlement or, upon consent thereto, fails to pay the fine within the time specified, legal proceedings should be continued.

Section 72. For the offences under section 66, if the Settlement Committee which consists of the Director-General, the Commissioner-General of Royal Thai Police or a representative and the Attorney-General or a representative, is of the opinion that the offender should not be punished with imprisonment or prosecuted, the Settlement Committee shall have the power to settle the case, and section 71 paragraph two, paragraph three and paragraph four shall apply *mutatis mutandis*.

Transitory Provisions

Section 73. During the initial stage, the Occupational Safety, Health and Environment Committee under the Labour Protection Act B.E. 2541 (A.D. 1998), who holds office on the date this Act comes into force, shall continue performing the duties of the Committee under this Act until the Committee under this Act has been appointed which shall not be more than one hundred and eighty days from the date this Act has come into

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

force.

Section 74. During the period in which no Ministerial Regulations, Notifications or Rules for the execution of this Act have been issued, the Ministerial Regulations issued under the provisions of Chapter 8 of the Labour Protection Act B.E. 2541 (A.D. 1998) shall apply *mutatis mutandis*.

Countersigned by:
Abhisit Vejjajiva

Prime Minister

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Rate of fees

(1) License to provide services on occupational safety, health and environment	each	20,000 baht
(2) Expert license on occupational safety, health and environment	each	5,000 baht
(3) Personnel registration certificate under section 9 and section 13	each	5,000 baht
(4) Substitute for a license		500 baht each
(5) Substitute for a registration certificate		500 Baht each
(6) Renewal of a license or a registration certificate	as the fee payable for such license or certificate	Each time same

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.