

**MINISTERIAL REGULATION ON THE  
PRESCRIBING OF STANDARD FOR ADMINISTRATION  
AND MANAGEMENT OF OCCUPATIONAL SAFETY,  
HEALTH AND ENVIRONMENT  
B.E. 2549 (2006)**

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By virtue of Section 6 and Section 103 of Labor Protection Act, B.E. 2541 (1998) which contains some certain provisions in relation to the restriction of rights and liberty of the individuals, and by the permission under Section 29, together with Section 31, Section 35, Section 48 and Section 50 of the Constitution of the Kingdom of Thailand, the Minister of Labor hereby issues the Ministerial Regulation as follows:

**Clause 1**

This Ministerial Regulation shall come into force for the following categories of businesses or workplaces:

- (1) Mine, quarry, petroleum or petrochemical business.
- (2) Making, producing, assembling, packaging, repairing, maintaining, storing, improving, decorating, extending, modifying, transforming, degrading or destroying any material or property including constructing ships, and generating, transforming and supplying electricity or other power.
- (3) Constructing, extending, installing, repairing, maintaining, modifying or demolishing of building, airport, railway, underground route, port, dock, pier, water route, road, dam, tunnel, bridge, sewer, water pipe, telegram work, telephone work, electricity work, gas or tap water work or other construction including preparation of or carrying out the foundation work of construction.
- (4) Transport of passengers or goods by land, waterway, air including transporting and transferring of goods.
- (5) Gas or petrol stations.
- (6) Hotels.
- (7) Department stores.
- (8) Medical institutions.
- (9) Financial institutions.
- (10) Physical test service places.
- (11) Entertainment, recreation or sport places.
- (12) Chemical or biological laboratories.
- (13) Offices supporting the workplaces in (1) to (12).
- (14) Other activities stipulated by the Ministerial Regulation.

**Clause 2**

In this Ministerial Regulation;

"Occupational Safety, Health and Environment" means works or working conditions that are safe from any circumstance resulting in danger, illness or suffering and annoyance caused by working or activities in relation to working.

"Safety Officer" means an employee assigned by the employer to work as a safety officer in supervising, management, technical, advanced technical and professional levels.

"Operational Employee" means an employee who is working as an operator.

"Supervising Employee" means an employee who is in charge of supervising, controlling, commanding, and ordering other employers to work within the scope of responsibility of each working unit.

"Management Employee" means an employee who is a chief of the working unit in higher level than supervising level and whatever the title is called.

"Committee" means the Committee of Occupational Safety, Health and Environment of the workplace.

"Committee Member" means a member of the Committee of Occupational Safety, Health and Environment of the workplace.

"Representative of the Employer in Management Level" means an employee in management level who is authorized to act for and on behalf of the employer in cases of employment, wage reduction, termination of employment, gratuity pay, penalty, or complains judgment, and who is assigned in writing to act for and on behalf of the employer to comply with this Ministerial Regulation.

"Representative of the Employer in Commanding Level" means an employee in supervising or higher levels assigned by the employer to be a member of the committee in order to comply with this Ministerial Regulation.

"Representative of the Employees" means a representative of the employees who is an operational employee assigned by the employees to be a member of the committee in order to comply with this Ministerial Regulation.

"Safety Department" means the department for occupational safety, health and environment assigned by the employer to take charge of occupational safety, health and environment in the workplace.

"Workplace" means a workplace of an employer carrying out individual activity and where employees work.

## **CHAPTER 1 GENERAL PROVISION**

### **Clause 3**

The employer shall manage to have a regulation and guidance on work safety in the workplace.

The regulation on work safety in paragraph one, at least, shall include the process and procedures of safe working to control and prevent dangers from working.

Moreover, the employer shall organize trainings and workshops to enable the employees to work correctly and safely; as well as arrange controlling, directing and supervising systems to be under the responsibility of the safety officers in every level.

### **Clause 4**

The employer who assigns a primary contractor or subcontractor to work in the workplace shall manage to have the regulation and guidance as in Clause 3 for such contractor to supervise him to comply with this Ministerial Regulation.

### **Clause 5**

In case the employer recruits a new employee or assigns an employee to work in a new and different working characteristic or condition that may be harmful to health of such employee, the employer shall, before starting the work, arrange training for the employee on the regulation and guidance as stated in Clause 3.

### **Clause 6**

In case the employee orders an employee to work in another place that may be risky and harmful, the employer shall inform the employee about the danger of working in such place, together with preventive measures before starting the work.

### **Clause 7**

The employers of the workplaces as stated in Clause 1 (1) to (5) having two employees or more and the employers of the workplaces as stated in Clause 1 (6) to (14) having twenty

employees or more, shall assign a supervising employee bearing the qualifications as indicated in Clause 8 to be a safety officer in supervising level in the workplace.

The appointment of a safety officer in supervising level, according to paragraph one, shall be made within one hundred and eighty days following the date this Ministerial Regulation comes into force. In case of appointing a new supervising employee, the employer shall execute such appointment within one hundred and eighty days following the date the employer appoints such employee to be in supervising level, as the case may be.

#### **Clause 8**

The safety officer in supervising level shall be an employee in supervising level and possess at least one of the following qualifications:

- (1) Be trained according to the regulations and procedures stipulated by the Director-General.
- (2) Be or used to be a safety officer in supervising level according to the Announcement of the Ministry of Labor and Social Welfare on the Occupational Safety of Employees dated 31st March B.E. 2540 (1997).

#### **Clause 9**

The safety officer in supervising level shall have duty as follows:

- (1) To direct and supervise employees in the responsible unit to follow the regulation and guidance as prescribed in Clause 3.
- (2) To analyze the work of the responsible unit to primarily find risks or dangers, in collaboration with safety officers in technical, advanced technical and professional levels.
- (3) To teach correct working procedures to the employees in the responsible unit for working safely.
- (4) To check working conditions of machinery, tools and equipment to be in safe condition before starting daily work.
- (5) To direct and supervise the use of personal protective equipment of the employees in the responsible unit.
- (6) To report the accidents or illness or annoyance caused by working of the Employees to the employer, and report it to the safety officers in technical, advanced technical and professional levels.

As for a workplace that has safety department, it shall be reported to the department promptly after the incident takes place.

- (7) To investigate the cause of the accident, illness or annoyance caused by working of the employees in collaboration with the safety officer in technical, advanced technical and professional level and report the result together with suggesting resolution promptly.
- (8) To promote and support the activities for safety at work
- (9) To conduct other activities for work safety as assigned by a safety officer in management level.

#### **Clause 10**

The employer shall, within one hundred and eighty days following the date this Ministerial Regulation comes into force or within one hundred and eighty days following the date the workplace has twenty employees or more, appoint an employee having qualifications as prescribed in Clause 11 to be a safety officer in technical level in the workplace as to those in Clause 1 (2) to (5) having twenty employees or more, but less than fifty, in order that such appointed employee shall work as a safety officer for not less than the period stipulated i.e. not less than one hour per day. This shall be an exemption for the workplace which has already had a safety officer in advanced technical or professional level.

#### **Clause 11**

A safety officer in technical level shall possess at least one of the following qualifications:

- (1) Holds not lower than Bachelor Degree in occupational health or equivalent subject.
- (2) Be a safety officer in supervising level and passes the training according to the regulations and procedures stipulated by the Director-General.
- (3) Be or used to be a safety officer in fundamental level according to the Announcement of the Ministry of Labor and Social Welfare on Occupational Safety of Employees dated 31st March B.E. 2540 (1997).

#### **Clause 12**

The safety officers in technical level shall have the duties as follows:

- (1) To inspect and give recommendations to the employer to comply with the law on occupational safety, health and environment.
- (2) To analyze the work to indicate possible dangers, including to set and present preventive measures and procedures for working safely, to the employer.
- (3) To suggest the employees to follow the regulation and guidance as prescribed in Clause 3.
- (4) To investigate the causes of the accident, illness or annoyance due to working of the employees, and report the result of investigation together with suggesting resolution, promptly to the employer.
- (5) To compile statistics, to make a report and to give recommendations on accident, illness or annoyance caused by working of the employees.
- (6) To conduct other working safety activities as assigned by the employer.

#### **Clause 13**

The employer shall, within one hundred and eighty days following the date this Ministerial Regulation comes into force or within one hundred and eighty days following the date the workplace has fifty employees or over, appoint an employee having qualifications as stated in Clause 14 to be a safety officer in advanced technical level in the workplaces as to those in Clause 1 (2) to (5) having fifty employees or more but less than one hundred to work on safety activities, excepts the workplace has already had a safety officer in professional level.

#### **Clause 14**

The safety officer in advanced technical level shall possess at least one of the following qualifications:

- (1) Holds not lower than Bachelor Degree in occupational health or equivalent subject.
- (2) Holds not lower than technical vocational certification, advanced vocational certification, advanced educational certification, diploma or equivalent; and passes the training and test according to the regulations and procedures stipulated by the Director-General.
- (3) Holds not lower than grade 12 certification, or vocational certification, or equivalent; and have worked as a safety officer in technical or fundamental level for not less than five years, and passes the training and test according to the regulations and procedures stipulated by the Director-General.

#### **Clause 15**

The safety officer in advanced technical level shall have the duties as follows:

- (1) To inspect and give recommendations to the employer to comply with the law on occupational safety, health and environment.
- (2) To analyze the work to indicate possible dangers, including to set and present preventive measures and procedures for working safely to the employer.
- (3) To analyze work plans and projects, and as well as recommendations of every working unit; and to give advice on safety measures to the employer.

- (4) To inspect and assess the operation of the workplace to comply with the work plan and project, or occupational safety measures.
- (5) To give advice to the employees to follow the regulation and guidance as prescribed in Clause 3.
- (6) To give advice, teach and train the employees to work safely and without any risk of dangers.
- (7) To investigate and analyze the cause of accident, injury or annoyance caused by working of the employees and report the result of the investigation, together with suggesting resolution, promptly to the employer.
- (8) To compile statistical data, analyze, make a report and to give recommendations on accident, illness or annoyance caused by working of the employees.
- (9) To conduct other occupational safety activities as assigned by the employer.

#### **Clause 16**

The employers of the workplaces as stated in Clause 1 (1) having two employees or more; and the employees of the workplaces as stated in Clause 1 (2) to (5) having one hundred employees or more, shall appoint at least one employee having qualifications as stated in Clause 17 to be a safety officer in professional level of the workplace.

The employer shall appoint a safety officer in professional level according in Paragraph One within one hundred and eighty days following the date this Ministerial Regulation comes into force, or within one hundred and eighty days following the date the workplace has got one hundred employees or more, as the case may be.

#### **Clause 17**

The safety officer in professional level shall have at least one of the following qualifications:

- (1) Holds not lower than Bachelor Degree in occupational health, or equivalent subject
- (2) Holds not lower than Bachelor Degree; and has been a safety officer in advanced technical level for not less than five years, and as well as passes the training and test according to the regulations and procedures stipulated by the Director-General, from the organization recognized by the Department of Labor Protection and Welfare.
- (3) Be or used to be a safety officer in professional level according to the Announcement of the Ministry of Labor on Occupational Safety of Employees dated 31st March B.E. 2540 (1997), and, according to the regulation and procedure stipulated by the Director-General, passes the training and test on curriculum related to the duties stated in Clause 18 (3) (4) and (8) within five years following the date this Ministerial Regulation comes into force, from the organization recognized by the Department of Labor Protection and Welfare.

#### **Clause 18**

The safety officer in professional level shall have the duties as follows:

- (1) To inspect and give recommendations to the employer to comply with the law on occupational safety, health and environment.
- (2) To analyze the work to indicate possible dangers, including to set and present preventive measures and procedures for working safely to the employer.
- (3) To assess the risks in the area of occupational safety.
- (4) To analyze work plans and projects, and as well as recommendations of every working unit; and to give advice on safety measures to the employer.
- (5) To inspect and assess the operation of the workplace to comply with the work plan and project, or occupational safety measures.

- (6) To give advice to the employees to follow the regulation and guidance as prescribed in Clause 3.
- (7) To give advice, teach and train the employees to work safely and without any risk of dangers.
- (8) To examine and appraise the working conditions, or to work jointly with a person or an organization registered with the Department of Labor Protection and Welfare for certification, or to examine evidences, documents, and report of the inspection of working conditions in the workplace.
- (9) To give recommendations to the employer on the appropriate management of occupational safety in the workplace, and develop it for ongoing efficiency.
- (10) To analyze and investigate the causes of accidents, illness or annoyance resulting from working of the employees, and make a report of the investigation, together with suggesting resolution, promptly to the employer.
- (11) To compile statistical data, analyze, make a report and to give recommendations on accident, illness or annoyance caused by working of the employees.
- (12) To conduct other occupational safety activities as assigned by the employer.

#### **Clause 19**

The employers of the workplaces as stated in Clause 1 (1) to (5) having two employees or more and the workplaces as stated in Clause 1 (6) to (14) having twenty employees or more shall appoint every employee in management level having qualifications as shown in Clause 20 to be safety officers in management level in the workplace.

In case there is no employee in management level, the employer shall act as the safety officer in management level.

Such appointment of the safety officer in management level, according to paragraph one, shall be completed within one hundred and eighty days following the date this Ministerial Regulation comes into force; or in case the employer appoints a new employee in management level, the appointment shall be completed within one hundred and eighty days following the date the employer appoints the new employee in management level.

#### **Clause 20**

The safety officer in management level shall be an employee in management level and have at least one of the following qualifications:

- (1) Be trained according to the regulations and procedures stipulated by the Director- General.
- (2) Be or used to be a safety officer in management level according to the Announcement of the Ministry of Labor on Occupational Safety of Employees dated 31st March B.E. 2540 (1997).

#### **Clause 21**

The safety officer in management level shall have the duties as follows:

- (1) To direct and control the safety officers in every level who is under supervision of the safety officer in management level.
- (2) To propose a work plan of the project on occupational safety in the responsible unit to the employer.
- (3) To promote, support and follow-up working performance on occupational safety to comply with the work plan of the project in order to have suitable safety measures for the workplace.
- (4) To supervise, control, and follow-up the working performance to resolve any defect for safety of the employees as reported or suggested by a safety officer, the committee, or the work safety department.

### **Clause 22**

The employer shall manage for the safety officers in all levels to participate in additional trainings on occupational safety in accordance with the period, regulations, and procedures stipulated by the Director-General.

## **CHAPTER 2 COMMITTEE OF OCCUPATIONAL SAFETY, HEALTH AND ENVIRONMENT OF THE WORKPLACE**

### **Clause 23**

The employee of any workplace having fifty employees or more shall arrange to have the Committee of Occupational Safety, Health and Environment of the Workplace within thirty days following the date this Ministerial Regulation comes into force, or within thirty days following the date the workplace has got fifty employees with the conditions as follows:

- (1) The workplace having fifty or more, but less than one hundred employees, shall have at least five members of the committee comprising the employer or one representative of the employer in management level acting as the Chairman of the Committee, one representative of the employer in commanding level, and two representatives of the employee acting as members of the committee whereas a safety officer in advanced technical or professional level acting as Member and Secretary of the Committee.
- (2) The workplace having one hundred employees or more, but less than five hundreds, shall have at least seven members of the committee comprising the employer or one representative of the employer in management level acting as the Chairman of the Committee, two representatives of the employer in commanding level and three representatives of the employee acting as members of the committee, whereas a safety officer in professional level acting as Member and Secretary of the Committee.
- (3) The workplace having five hundred employees or more shall have at least eleven members of the committee comprising the employer or one representative of the employer in management level acting as the Chairman of the Committee, four representatives of the employer in commanding level and five representatives of the employee acting as members of the committee, whereas a safety officer in professional level acting as Member and Secretary of the Committee.

As for the workplaces prescribed in Clauses (1), (2), and (3) that do not have a safety officer in advanced, technical, or professional level, the employer shall select a representative of the employer in commanding level to be a member of the Committee, and the Chairman shall select one member that is a representative of the employer in the commanding level to act as the Secretary.

In case there are more committee members than the minimum number according to Clauses (1) (2) or (3), a number of members that is a representative of the employer in commanding level and a number of the representatives of the employees shall be increased in an equal proportion.

### **Clause 24**

Acquisition of the committee according to Clause 23 shall be as follows:

- (1) The Member of the Committee, who is a representative of the employer in management level, or in supervising level, shall be appointed by the employer. The employer may appoint an occupational medical doctor or an occupational health nurse of the workplace to be the representative of the employer.

- (2) The Members of the Committee who is a representative of the employee shall come from the election arranged by the employer following the regulations and procedures stipulated by the Director General.
- (3) The Members and the Secretary of the Committee shall be selected by the employer from the safety officers in advanced technical level, or professional level, as the case may be.

#### **Clause 25**

The Committee shall have the duties as follows:

- (1) To consider the policy and work plan on occupational safety and out-of-work safety to prevent and reduce accidents, dangers, sickness, or annoyance resulting from work, for presenting to the employer.
- (2) To report and give recommendations to the employer the measures or means of improvement and correction of mistakes complying with the law on occupational safety and standards of occupational safety of the employees, contractors, and outsiders who are entering the workplace for working or for receiving services.
- (3) To support and contribute occupational safety activities of the workplace.
- (4) To consider the regulation and guidance as stated in Clause 3 including the standards on occupational safety of the workplace for presenting to the employer.
- (5) To survey, at least once a month, the operational performance of occupational safety and examine the statistics of dangers occurred in the workplace.
- (6) To consider the project or training plan on occupational safety, including the project or training plan on roles and responsibilities for safety of the employees, supervisors, executives, employer, and staffs in every level, in order to give suggestions to the employer.
- (7) To systemize the reporting on unsafe working conditions to be a duty complied by all employees.
- (8) To follow up the reports presented to the employer.
- (9) To make an annual report on the operational performance, including specifying problems, obstacles, and suggestions on the operation of the committee when completing one year period of service to present to the employer.
- (10) To assess the operational performance of occupational safety of the workplace.
- (11) To conduct other occupational safety activities as assigned by the employer.

#### **Clause 26**

The members of the Committee shall be in office for a two-year term, and they may be re-appointed, or re-elected.

The appointment, or the election of the new members of the Committee, according to Clause 24, shall be completed within the period of thirty days before the date the term expires. And the term of service of the new members shall be on and from the date the previous committee's term expires.

In case the appointment could not be made within the period as stated in paragraph two, the previous committee whose term has expired shall continue to work until the new committee takes charge of the work.

Apart from the discharge as stated in paragraph one, the members of Committee shall be discharged by the following cases:

- (1) Discharged from the position of representative of the employer in management or supervising levels, representative of the employees, or safety officer in advanced technical or professional level.
- (2) Discharged from being an employee of the workplace.



Acquisition of the member for an unoccupied position shall follow Clause 24 mutatis mutandis, and the committee appointed or elected shall remain in office for the remaining period of the replaced committee.

**Clause 27**

Meetings of the Committee shall follow the regulations stipulated by the Committee; at least once a month, or by a request of not less than half of its members. Every member shall be informed of the meeting schedule and agenda at least three days before the date of meeting, and the Committee shall attend the meeting as scheduled.

Attendance and duty of the Committee according to this Ministerial Regulation is considered working for the employer with payment of wage, overtime payment, payment for holiday work, or overtime payment for holiday work, as the case may be.

**Clause 28**

The employer shall manage for the Committee to participate in training on legal roles and duties following the regulations and procedures stipulated by the Director-General within the period of sixty days from the date of appointment or election.

**Clause 29**

When there is an accident or danger that may cause the employees or outsiders to lose organs, to become disabled, or died, the employer shall summon the Committee for meeting promptly to study and revise the investigation report on the accident, and suggest the prevention measures to the employer.

**Clause 30**

The employer shall consider and take actions according to the resolution or recommendations of the Committee made to the Chairman of the Committee promptly. However, the resolution and recommendations shall be reasonable and in accordance with the standards determined or accepted by the government agency.

**Clause 31**

The employer shall support the operation of the Committee and safety officers both as the regular work and as members of the Committee, and shall not do any deed in a way that may obstruct the operation of the Committee, or safety officers.

**Clause 32**

The employer shall disseminate and post name-lists and responsibilities of the Committee openly at the workplace to inform the employees.

When a change in the committee takes place, the employer shall take actions in the procedures as prescribed in paragraph one within thirty days following the date of change.

The announcement, according to the first and second paragraph, shall be posted for the period of at least fifteen days.

**CHAPTER 3  
OCCUPATIONAL SAFETY, HEALTH  
AND ENVIRONMENT IN WORKPLACE**

**Clause 33**

The employer of the workplace as stated in Clause 1 (1) having two employees or more and the workplaces stated in Clause 1 (2) to (5) having two hundred employees or more, shall arrange to have a safety department within three hundred and sixty days following the date the Ministerial Regulation comes into force, or within three hundred and sixty days following the date the workplace has got two hundred employees.

The workplaces as stated in Clause 1(2) to (5) shall maintain the safety department although, in later time, the number of employees may be reduced to less than two hundreds, except the number is reduced to less than one hundred.

The safety department shall be directly under the command of the top-level executive in the workplace having sufficient status and level to coordinate efficiently with other departments, and having personnel and budget to work efficiently.

#### **Clause 34**

The safety department shall have the duties as follows:

- (1) To make a work plan in advance to eliminate the risks at the workplace and ensure that the plan would be continuously carried out.
- (2) To recommend the solution for prevention of accident, disaster and risk control in the workplace.
- (3) To establish the work safety guidance and standards for the workplace in order that the employees or related persons could use.
- (4) To determine types of personal safety equipment appropriate to the characteristics of risks, and present them to the employer for wearing by the employees in the course of working.
- (5) To support and contribute technical and operational activities of the departments inside the workplace in order that the employees are safe from any work-related accidents or sickness, including preventing fire and serious disasters.
- (6) To arrange trainings on basic knowledge and procedures on occupational safety for new employees before starting working, and for the employees who work in different characteristics of job that may cause dangers.
- (7) To coordinate with other departments both internal and external, including related government agencies for the execution of occupational safety.
- (8) To examine and assess the overall occupational safety system of the workplace.
- (9) To collect the operational performance of the safety officers in every level, and follow up the occupational safety operation to comply with the policy and the work plan of the workplace, and make a report to the employer and the Committee every three months.
- (10) Carry out other occupational safety activities as assigned by the employer.

#### **Clause 35**

The employer shall appoint one employee to be a Chief of Safety Department to supervise and be responsible for the operation of the safety department. The Chief of Safety Department shall be or used to be a safety officer in professional level, or be or used to be a safety officer who has been trained due to the regulations and procedures stipulated by the Director-General.

### **CHAPTER 4 INFORMING, DOCUMENT SUBMISSION AND DOCUMENT STORAGE**

#### **Clause 36**

The employer shall inform the names of the safety officers as prescribed in Section 1, in order to register them with the Department of Labor Protection and Welfare according to the regulations and procedures stipulated by the Director-General.

#### **Clause 37**

The employee shall submit the operational performance report of the safety officers in advanced technical, and professional levels to the Director-General, or the persons designated by the Director-General every three calendar months, but not exceeding thirty days following the due date.

**Clause 38**

According to the compensation law, when an employee faces danger, falls ill, or becomes lost, the employer shall inform such danger, illness, or loss to the Director-General, or to the persons designated by the Director-General due to the regulations and procedures stipulated by the Director-General within fifteen days following the date the employer acknowledges or should acknowledge of such danger, illness and loss.

**Clause 39**

The employer shall post the resolution of the occupational safety committee meeting in open area to inform the employees within seven days following the date the meeting takes place.

**Clause 40**

The employer shall make photocopies of operational performance report, or minutes of the meetings on the activities of the occupational safety committee and the safety department to be kept in the workplace for not less than two years as from the date of making the photocopies, and be ready for investigation of a labor inspector.

**Clause 41**

The employer shall submit a copy of the name-list of the Committee, as well as duties and responsibilities as stated in Clause 32 to the Director-General, or to the persons designated by the Director-General within fifteen days as from the date of the appointment or change of the members of the Committee.

The workplace having fifty employees or more and having safety officers in advanced technical and professional level, shall submit a copy of the name-lists of the Committee as stated in paragraph one, the safety officers in advanced technical or professional level, and make a report on performance of occupational safety operation and performance of such committee and safety officers.

The employer shall keep evidence of changes in the safety committee and safety officers in advanced technical or professional level, as well as their responsibilities in the workplace for not less than two years, and be ready for inspection of a competent labor inspector.

Given on this 16th day of May B.E.2549 (2006)

(Mr. Somsak Thepsuthin)  
Minister of Labor

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