

**MINISTERIAL REGULATION ON THE
PRESCRIBING OF CRITERIA AND METHOD OF
CONDUCTING HEALTH CHECK UP OF EMPLOYEES AND
FORWARDING THE RESULTS OF HEALTH CHECK UP
TO LABOUR INSPECTOR B.E. 2547(2004)**

By virtue of Section 6 and Section 107 of the Labor Protection Act, B.E. 2541 (1998), which contains certain provisions concerning the restriction of rights and liberties of the individuals that is permissible by the provisions of Section 29 together with Section 31, Section 35, Section 48 and Section 50 of the Constitution of the Kingdom of Thailand, the Minister of the Ministry of Labor hereby issues the Ministerial Regulation as follows:

Clause 1

This Ministerial Regulation shall come into effect on the expiration of ninety days from the date of its publication in the Government Gazette.

Clause 2

In this Ministerial Regulation

"Health Check Up" means the physical and mental states check up according to medical method as to ascertain the suitability of and the work-related effects on health of the employees.

"Risk-factor-related work" means the work which the employee performs in relation to:

- (1) Hazardous chemical substances as prescribed in the Announced of the Minister.
- (2) Toxic microbe which may be a virus, bacteria, fungus or other biological organisms as prescribed in the Announced of the Minister.
- (3) Radioactivity
- (4) Heat, cold, vibration, atmospheric pressure, light, noise or other environments which may be hazardous; for this purpose, as prescribed in the Announced of the Minister.

CHAPTER 1

HEALTH CHECK UP

Clause 3

For the employees who work with risk factors, the employer shall provide health check up to be conducted by a licensed medical practitioner who is specialized in occupational medicine; or who has undergone a training on occupational medicine; or who possesses the qualifications as prescribed in the Announcement by the Director-General by completing the first health check up for employees within thirty days from the first day the employee is employed; and the subsequent health check up shall be conducted at least once a year.

In case the characteristics or the condition of work is related to risk factors and needs health check up in different period of time, the employer shall avail health check up for the employees according to such period.

In case the employer changes the employee's dangerous job to be a different one, the employer shall provide health check up for such employees within thirty days from the date of the job change.

Clause 4

In case the employee is absent from work for consecutive three days due to accident or illness irrespective of circumstance, the employer may request medical explanation from the physician who conducts treatment, or from the physician attached to the establishment, or provide health check up for the employee before allowing the employee to resume the work.

CHAPTER 2 RECORDING, REPORTING AND FORWARDING THE RESULTS OF HEALTH CHECK UP

Clause 5

For the purpose of health check up of the employee pursuant to Clause 3, the medical practitioner who conducts a health check up shall record the details of the results of health check up by indicating the practitioner's explanation about health condition of the employee that may affect, or pose obstacles to the work or to the characteristics of the employee's assigned work; together with the signature of the practitioner who gives treatment and medical explanation on the date of the check up or of giving such medical explanation.

Clause 6

The employer shall provide personal Health Report Book of the employee who is working with the risk factors according to the format prescribed in the Announcement by the Director-General; and the employer shall record the results of every health check up in the employee's Health Report Book.

Clause 7

The employer shall keep the records of employee's health check up pursuant to Clause 3 including relevant information to be ready for inspection by a labor inspector at all times. The record of each employee shall be kept at the employer's office for not less than two years as from the date of employment termination, unless there is a complaint that the employer has not complied with the law; or there is a lawsuit in relation to any disease or any hazard to the employee's health. In that case, even though the specified time has expired, the employer shall be required to keep such document until the final judgment concerning the said matter is settled. In this regard, the employer shall not be permitted to use such information in the way that is unreasonably detrimental to the employee.

Clause 8

The employer shall inform the result of health check up to the employee as follows:

- (1) In case the health check up result is not normal, the employee shall be informed within three days from the date of acknowledgement of the result;
- (2) In case the health check up result is normal, such employee shall be informed within seven days from the date of acknowledgement of the result;

Clause 9

In case of such abnormality of the employee is detected; or the employee is developing a symptom or illness relating to work, the employer shall arrange for the employee to receive medical treatment immediately; and further carry out an inspection or find out the cause of abnormality for prevention purposes.

The employer shall forward the results of the health check up of the employee whose abnormality or illness has been detected; whose medical treatment and prevention or remedy has been provided; to the labor inspector according to the format prescribed by the Director-General within thirty days as from the date of acknowledgement of the abnormality or illness.

Clause 10

If any employee has medical evidence from the government hospital or the hospital recognized by the government showing that the employee shall not be able to perform work in the same duty, the employer shall proceed to change such job for the employee as to the importance of employee's health and safety.

Clause 11

The employer shall give the personal Health Report Book to the employee upon termination of employment.

Given on this 29th day of December, 2004

(Mrs. Uraivan Thienthong)

Minister of Labor

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