

(Translation)*

CONTROL OF OCCUPATIONAL DISEASES AND ENVIRONMENTAL DISEASES ACT,
B.E. 2562 (2019)

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOUHUA;

Given on the 19th Day of May B.E. 2562;

Being the 4th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to have the law on control of occupational diseases and environmental diseases;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 32, section 33, section 37 and section 40 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in setting forth mechanisms for the surveillance, prevention and control of occupational diseases and environmental diseases by putting in place systems for the notification of necessary information on the surveillance, prevention and control of occupational diseases to workers or environmental diseases to members of the public who suffer or may suffer pollution with a view to their knowledge on health promotion and disease prevention and imposing on persons concerned the duty to notify or report the discovery or suspicion of the emergence of occupational diseases and environmental diseases to competent officials or the Department of

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Disease Control for the purpose of facilitating prompt action towards situations involving the emergence of such diseases and, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

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

Section 1. This Act is called the “Control of Occupational Diseases and Environmental Diseases Act, B.E. 2562 (2019)”.

Section 2.¹ This Act shall come into force after one hundred twenty days as from the date of its publication in the Government Gazette.

Section 3. This Act shall not apply to:

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

The central administration, provincial administration and local administration and other undertakings as prescribed in the Ministerial Regulation under (2) shall comply with rules and standards for the surveillance, prevention and control of occupational diseases and environmental diseases, provided that the rules and measures shall not be lower than those provided in this Act.

Section 4. In this Act:

“occupational disease” means a disease or abnormal symptom which results from or is an incidental consequence of work activity or the carrying out of an occupation;

“environmental disease” means a disease or abnormal symptom which results from or is an incidental consequence of pollution;

“pollution” means waste, a dangerous article, a contaminant and any other substance, including sludge or a residue from such matters, which are emitted from a source of pollution or naturally exist in the environment and cause or threaten to cause effects on the environmental quality or a condition toxic or harmful to public health, and shall also include a

¹ Published in Government Gazette, Vol. 136, Part 67a, dated 22nd May 2019.

ray, heat, light, sound, smell, vibration or any other factor caused by or emitted from a source of pollution;

“source of pollution” means an industrial plant, a building, a structure, a vehicle and any place of business, from which pollution originates,

“surveillance” means an observation, collection and analysis of data and the reporting as well as monitoring of occupational diseases and environmental diseases in a consistent manner through systematic processes, for the purpose of the prevention and control of diseases;

“disease investigation” means a process for finding causes and sources of occupational diseases and environmental diseases for the purpose of the prevention and control of diseases;

“occupational medicine” means a process consisting of the identification and assessment of risks of the emergence of occupational diseases, health examination in accordance with risk factors, health examination suited to work activity, health examination before returning to work, surveillance and prevention and control of diseases, including diagnosis of causes of diseases, treatment and rehabilitation of capacity or health of persons contracting occupational diseases;

“environmental medicine” means a process consisting of the identification and assessment of risks of the emergence of environmental diseases, surveillance and prevention and control of diseases, including diagnosis of causes of diseases, treatment and rehabilitation of capacity or health of persons contracting environmental diseases;

“employer” means an employer under the law on labour protection, the law on safety, occupational health and work environment and shall include an employer under the law on the protection of persons taking work for performance at home;

“employee” means an employee under the law on labour protection, the law on safety, occupational health and work environment and shall include a person taking work for performance at home under the law on the protection of persons taking work for performance at home;

“informal worker” means a working person, excluding a person that is an employer or employee under the law on labour protection, the law on safety, occupational health and work environment and a person taking work for performance at home under the law on the protection of persons taking work for performance at home;

“service centre” means a public health service establishment, a body or centre providing health services operated within a place of business or an agency providing occupational medicine or environmental medicine services;

“public health service establishment” means a public health service establishment that is State owned or privately owned, the Thai Red Cross Society and a service centre offering healing art practices in diverse areas;

“operation centre” means a centre for operating the control of occupational diseases and environmental diseases;

“Commission” means the Occupational Disease and Environmental Disease Control Commission;

“competent official” means a person appointed by the Minister for performing activities under this Act;

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

Section 5. The Minister of Public Health shall have charge and control of the execution of this Act and shall have the powers to appoint competent officials and issue Ministerial Regulations, Rules and Notifications in the execution of this Act.

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

CHAPTER I

GENERAL PROVISIONS

Section 6. In the case where the law on any particular matter specifically provides rules or standards for the surveillance, prevention or control of diseases in respect of any matters, the provisions of the law on such particular matter shall apply, except that, in the case of necessity, the Minister, with the approval of the Commission, shall have the power to issue Notifications prescribing rules or standards for the surveillance, prevention and control of occupational diseases and environmental diseases on such matters.

Section 7. For the purpose of the surveillance, prevention and control of occupational diseases and environmental diseases, the Minister, with the approval of the Commission, shall have the power to issue Notifications prescribing the following:

(1) names or principal symptoms of occupational diseases or environmental diseases which entail the surveillance, prevention or control of diseases under this Act;

(2) rules, procedures and conditions for the notification, by employers to employees, of necessary information on the surveillance, prevention and control of occupational diseases;

(3) rules, procedures and conditions for the notification, by owners or possessors of a source of pollution, of necessary information on the surveillance, prevention or control of environmental diseases to members of the public suffering or likely to suffer pollution under section 28 paragraph two.

Section 8. An employer or an owner or possessor of a source of pollution shall notify necessary information on the surveillance, prevention and control of occupational diseases to employees or members of the public suffering or likely to suffer pollution, in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister under section 7 (2) or (3), as the case may be.

Section 9. All personal data from the surveillance, disease investigation, notification or reporting under this Act shall be treated confidential.

A person having the duty to perform activities under this Act shall not disclose such data to persons not having the duty to perform activities under this Act except that, in the case where it is necessary for public interests, such data may be disclosed in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister with the recommendation of the Commission.

CHAPTER II

OCCUPATIONAL DISEASE AND ENVIRONMENTAL DISEASE CONTROL COMMISSION

Section 10. There shall be a commission called the “Occupational Disease and Environmental Disease Control Commission” consisting of:

(1) the Minister of Public Health, as Chairperson;

(2) *ex officio* members, viz, the Permanent Secretary for Agriculture and Co-operatives, Permanent Secretary for Natural Resources and Environment, Permanent Secretary for Interior, Permanent Secretary for Public Health, Permanent Secretary for Industry, Director-General

of the Department of Labour Protection and Welfare, Director-General of the Department of Health, Secretary-General of the Social Security Office and Secretary-General of the National Health Security Office;

(3) seven qualified members appointed by the Ministers from persons possessing apparent knowledge, expertise, works and experience in medicine, occupational health and safety, law, the environment, environmental health, social affairs or any other area beneficial to the prevention and control of occupational diseases and environmental diseases, provided that one person shall be from each area and that at least two persons shall be appointed from non-governmental organisations having non-profit objects and operating activities in connection with public health protection.

The Director-General of the Department of Disease Control shall be a member and secretary and the Deputy Director-General of the Department of Disease Control who is responsible for affairs relating to occupational diseases and environmental diseases and the Director of the Bureau of Occupational and Environmental Diseases shall be assistant secretaries.

The appointment of qualified members shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

Section 11. A qualified member shall possess qualifications and shall not be under prohibitions as follows:

a. Qualifications:

- (1) being of Thai nationality;
- (2) being not lower than thirty-five years of age;

b. Prohibitions:

- (1) being a bankrupt or having previously been a dishonest bankrupt;
- (2) being an incompetent person or a *quasi*-incompetent person;
- (3) being drug addicted;
- (4) having previously been imprisoned by a final judgment to imprisonment, except for an offence committed through negligence or a petty offence;
- (5) having previously been sentenced by a judgment or order of the Court to the effect that the property shall vest in the State by reason of unusual wealthiness or an unusual increase of property;

(6) having previously been expelled or dismissed from or ordered to leave a State agency or removed from employment by a private agency by reason of any corruption in office or grave misconduct or any deemed corrupt practice and malfeasance in the Government service;

(7) operating business or having interests in business likely to give rise to occupational diseases and environmental diseases.

Section 12. A qualified member shall hold office for a term of four years as from the date of appointment. A person who vacates office may be re-appointed but may not serve for more than two consecutive terms.

In the case where a qualified member vacates office before the expiration of the term, the Minister shall appoint a qualified member from the same area to fill the vacancy and the person appointed as a replacing member shall be in office for the remaining term of the replaced qualified member, except that if less than ninety days remain in the term of office of a qualified member, the appointment of a replacing qualified member may be omitted by the Minister and, in this regard, the Commission shall consist of the remaining members.

At the expiration of the term under paragraph one, if new qualified members have not yet been appointed, the qualified members vacating office at the expiration of such term shall remain in office for continuing the performance of duties until newly appointed qualified members take office.

Section 13. In addition to the vacation of office upon the expiration of the term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister on the ground of misbehaviour, neglect of or dishonesty in the performance of duties or lack of competence;
- (4) being disqualified or being under any prohibition under section 11.

Section 14. The Commission has the duties and powers as follows:

- (1) to propose national policies, strategies and plans on the surveillance, prevention and control of occupational diseases and environmental diseases to the Council of Ministers for approval;

(2) to propose to the Council of Ministers areas which specifically require the surveillance, prevention and control of occupational diseases and environmental diseases;

(3) to submit to the Minister opinions on the issuance of Ministerial Regulations, Rules and Notifications in the execution of this Act;

(4) to lay down action plans, systems and practices in regard to the surveillance, prevention and control of occupational diseases and environmental diseases for the purpose of their implementation by State agencies, private agencies, *Changwat* Occupational Disease and Environmental Disease Control Committees and the Bangkok Occupational Disease and Environmental Disease Control Committee in the execution of this Act;

(5) to co-ordinate information amongst State agencies and private agencies concerned for the purpose of the execution of this Act;

(6) to report, once a year, to the Council of Ministers works and obstacles to the operation of work and situations involving occupational diseases and environmental diseases;

(7) to prescribe rules on settlement under section 49;

(8) to give advice and recommendations and carry out co-ordination on the surveillance, prevention and control of occupational diseases and environmental diseases to or amongst State agencies, private agencies and agencies concerned;

(9) to monitor and be informed of results of the operations of *Changwat* Occupational Disease and Environmental Disease Control Committees and the Bangkok Occupational Disease and Environmental Disease Control Committee to ensure the implementation of the national policies, strategies and plans on the surveillance, prevention and control of occupational diseases and environmental diseases under (1) as well as the action plans, systems and practices under (4);

(10) to perform any other acts provided by law to be the duties and powers of the Commission or as entrusted by the Council of Ministers.

Section 15. At a meeting of the Commission, the presence of not less than one half of the total number of members is required to constitute a quorum.

At a meeting of the Commission, if the Chairperson is not present or is unable to perform the duty, one member shall be elected at the meeting to preside over it.

A decision of a meeting shall be by a majority of votes. In casting votes, each member shall have one vote. In the case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 16. The Commission may appoint sub-committees for considering or performing any particular act as entrusted by the Commission.

The provisions of section 15 shall apply to a meeting of a sub-committee *mutatis mutandis*.

Section 17. In the performance of duties under this Act, the Commission and sub-committees have the power to demand persons concerned to give factual statements or express opinions or furnish any necessary or relevant information or documents or evidence or remarks for assisting consideration.

Section 18. The Disease Control Department shall serve as the secretariat of the Commission and sub-committees, with the duties and powers as follows:

(1) to prepare the national policies, strategies and plans on the surveillance, prevention and control of occupational diseases and environmental diseases, the action plans, systems and practices and the report on works and obstacles to the operation of work and situations involving occupational diseases and environmental diseases under section 14 (1), (4) and (6), for submission to the Commission;

(2) to specifically designate areas which require the surveillance, prevention and control of occupational diseases and environmental diseases under section 14 (2), for submission to the Commission;

(3) to carry out co-ordination, follow-ups and co-operation with domestic and foreign State agencies, private agencies and agencies concerned in connection with the surveillance, prevention and control of occupational diseases and environmental diseases;

(4) to promote and support campaigns for, and the creation of, knowledge and understanding of operations, or support studies, analysis and research, in connection with the surveillance, prevention and control of occupational diseases and environmental diseases;

(5) to register service centres and assess the service quality of service centres registered with the Department Disease Control under section 25;

(6) to carry out analytical examination and assessment of risks of the emergence of diseases or symptoms of diseases prescribed in the Notification of the Minister under section

7 (1) in relation to the surveillance, prevention and control of occupational diseases and environmental diseases;

(7) to serve as a focal information centre for the co-ordination and management of information as well as the dissemination of information on occupational diseases and environmental diseases;

(8) to perform any other acts as entrusted by the Minister, the Commission or a sub-committee or as provided by law to be the duties and powers of the Department of Disease Control.

CHAPTER III

CHANGWAT OCCUPATIONAL DISEASE AND ENVIRONMENTAL DISEASE CONTROL COMMITTEES AND BANGKOK OCCUPATIONAL DISEASE AND ENVIRONMENTAL DISEASE CONTROL COMMITTEE

Section 19. In each *Changwat*, there shall be a *Changwat* Occupational Disease and Environmental Disease Control Committee, consisting of:

(1) the *Changwat* Governor, as Chairperson;

(2) the Director of the *Changwat* Natural Resources and Environment Office, Director of the Office of Disease Prevention and Control tasked with responsibilities in the area of the *Changwat*, *Changwat* Agriculture Official, *Changwat* Social Security Official, *Changwat* Labour Protection and Welfare Official, *Changwat* Industry Official and President of the *Changwat* Administrative Organisation, as members;

(3) one mayor and one President of a *Tambon* Administrative Organisation appointed by the *Changwat* Governor, as members;

(4) one Director of a central hospital or one Director of a general hospital and one Director of a community hospital, appointed by the *Changwat* Governor, as members;

provided that in the case where any *Changwat* has hospitals attached to any State agencies other than those in (4), the *Changwat* Governor shall also appoint not more than three Directors of the hospitals attached to such State agencies, as members;

(5) one medical practitioner in the area of occupational medicine or environmental medicine appointed by the *Changwat* Governor, as a member;

(6) one operator of a medical establishment under the law on medical establishments appointed by the *Changwat* Governor, as a member.

The *Changwat* Public Health Medical Official shall be a member and secretary and the *Changwat* Governor shall appoint two Government officials of the *Changwat* Public Health Office who are responsible for affairs involving occupational diseases and environmental diseases, as assistant secretaries.

Section 20. There shall be the Bangkok Occupational Disease and Environmental Disease Control Committee, consisting of:

(1) the Governor of the Bangkok Metropolitan Administration, as Chairperson;

(2) a representative of the Pollution Control Department, a representative of the Department of Disease Control, a representative of the Department of Industrial Works, a representative of the Department of Labour Protection and Welfare, a representative of the Department of Health, a representative of the Office of Natural Resources and Environmental Policy and Planning, a representative of the Social Security Office, a representative of the Environment Department of the Bangkok Metropolitan Administration and a representative of the Thai Red Cross Society, as members;

(3) one Director of a hospital attached to the Bangkok Metropolitan Administration appointed by the Governor of the Bangkok Metropolitan Administration, as a member;

(4) one medical practitioner in the area of occupational medicine or environmental medicine appointed by the Governor of the Bangkok Metropolitan Administration, as a member;

(5) four Directors of hospitals attached to State agencies other than those in (3) appointed by the Governor of the Bangkok Metropolitan Administration, as members;

(6) one operator of a medical establishment under the law on medical establishments in the area of the Bangkok Metropolitan Administration appointed by the Governor of the Bangkok Metropolitan Administration, as a member.

The Director of the Health Department of the Bangkok Metropolitan Administration shall be a member and secretary and the Governor of the Bangkok Metropolitan Administration shall appoint two Government officials of the Bangkok Metropolitan Administration who are responsible for affairs involving occupational diseases and environmental diseases, as assistant secretaries.

Section 21. A *Changwat* Occupational Disease and Environmental Disease Control Committee and the Bangkok Occupational Disease and Environmental Disease Control Committee have the duties and powers in the area of the *Changwat* or in the area of the Bangkok Metropolitan Administration, as the case may be, as follows:

(1) to take action in accordance with the national policies, strategies and plans on the surveillance, prevention and control of occupational diseases and environmental diseases, action plans, systems and practices under section 14 (1) and (4);

(2) to grant promotion or lend support of, give advice or suggestions on, carry out co-ordination and make proposals of measures for the surveillance, prevention and control of occupational diseases and environmental diseases to or with State agencies and private agencies concerned in the *Changwat*;

(3) to consider and approve the establishment of operation centres under section 32;

(4) to gather information and disseminate information on occupational diseases and environmental diseases;

(5) to co-ordinate co-operation amongst *Changwat* Occupational Disease and Environmental Disease Control Committees or with the Bangkok Occupational Disease and Environmental Disease Control Committee, as the case may be;

(6) to demand persons concerned to give factual statements or express opinions or furnish any necessary or relevant information, documents or evidence or remarks for assisting consideration;

(7) to perform any other acts as provided by law to be the duties and powers of the *Changwat* Occupational Disease and Environmental Disease Control Committee or the Bangkok Occupational Disease and Environmental Disease Control Committee or as entrusted by the Commission.

Section 22. The appointment, term of office and vacation of office of members under section 19 (3), (4), (5) and (6) and members under section 20 (3), (4), (5) and (6) shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Commission.

Section 23. A *Changwat* Occupational Disease and Environmental Disease Control Committee or the Bangkok Occupational Disease and Environmental Disease Control Committee may appoint sub-committees for considering or performing any act as entrusted by the *Changwat*

Occupational Disease and Environmental Disease Control Committee or the Bangkok Occupational Disease and Environmental Disease Control Committee.

The provisions of section 15 shall apply to a meeting of a *Changwat* Occupational Disease and Environmental Disease Control Committee, the Bangkok Occupational Disease and Environmental Disease Control Committee and a sub-committee under paragraph one *mutatis mutandis*.

CHAPTER IV

OCCUPATIONAL MEDICINE AND ENVIRONMENTAL MEDICINE

Section 24. For the purpose of operations in connection with occupational medicine and environmental medicine, the Minister, with the recommendation of the Commission, shall have the power to issue Ministerial Regulations, as follows:

- (1) prescribing standards for the delivery of services of occupational medicine service centres;
- (2) prescribing standards for the delivery of services of environmental medicine service centres.

Section 25. The delivery of occupational medicine or environmental medicine services shall be carried out by service centres registered with the Department of Disease Control or any other State agencies, provided that they shall have the qualifications in accordance with the rules and conditions prescribed in the Notification of the Minister with the recommendation of the Commission.

Service centres under paragraph one shall deliver occupational medicine or environmental medicine services in accordance with the standards prescribed in section 24.

The application for registration, the registration, the term of validity and renewal of the term of validity of registration, the issuance of a registration substitute, the revocation of registration and the assessment of service quality of registered service centres shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

CHAPTER V

SURVEILLANCE OF OCCUPATIONAL DISEASES AND ENVIRONMENTAL DISEASES

Section 26. For the purpose of the surveillance of occupational diseases, an employer shall provide health examination of employees under the law on safety, occupational health and work environment by service centres registered under section 25.

Section 27. For the purpose of the surveillance of occupational diseases of informal workers, such persons shall be entitled to health examination by service centres registered under section 25.

Health examination under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulation.

Section 28. For the purpose of the surveillance of environmental diseases, the owner or possessor of a source of pollution shall put in place the surveillance, by a service centre registered under section 25, of health of members of the public suffering or likely to suffer pollution.

Types, sizes and descriptions of sources of pollution and types or groups of members of the public suffering or likely to suffer pollution under paragraph one shall be as prescribed in the Notification of the Commission.

Section 29. For the purpose of the surveillance of occupational diseases and environmental diseases, registered service centres carrying out activities under section 26, section 27 or section 28 shall notify information on health examination of employees or informal workers or the surveillance of health of members of the public suffering or likely to suffer pollution, as the case may be, to the competent official.

The competent official shall, upon receipt of the notification of the information under paragraph one, report it to the Department of Disease Control and the *Changwat* Occupational Disease and Environmental Disease Control Committee or the Bangkok Occupational Disease and Environmental Disease Control Committee, as the case may be.

The execution of paragraph one and paragraph two shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister with the recommendation of the Commission.

For the purpose of the surveillance of occupational diseases and environmental diseases, State agencies or private agencies may request for the information under paragraph one in accordance with the rules, procedures and conditions prescribed in section 9.

Section 30. In the case where the following persons find a person contracting or reasonably suspected to have contracted an occupational disease or environmental disease, such persons shall notify it to the competent official:

(1) the employer, in the case of finding an employee contracting or reasonably suspected to have contracted an occupational disease in the place of business;

(2) the person responsible in a medical establishment, in the case of finding an employee, informal worker or member of the public suffering or likely to suffer pollution under section 28 paragraph two and contracting or reasonably suspected to have contracted an occupational disease or environmental disease in the medical establishment.

Rules and procedures for the notification under paragraph one shall be as prescribed in the Notification of the Minister with the recommendation of the Commission.

Section 31. In the case where the competent official finds a person contracting or reasonably suspected to have contracted an occupational disease or environmental disease or receives the notification under section 30, the competent official shall report it to the Department of Disease Control and the *Changwat* Occupational Disease and Environmental Disease Control Committee or the Bangkok Occupational Disease and Environmental Disease Control Committee.

The reporting by the competent official under paragraph one shall be as prescribed in the Notification of the Minister with the recommendation of the Commission.

CHAPTER VI

PREVENTION AND CONTROL OF OCCUPATIONAL DISEASES AND ENVIRONMENTAL DISEASES

Section 32. In every *Changwat* and Bangkok, the *Changwat* Governor, with the approval of the *Changwat* Occupational Disease and Environmental Disease Control Committee, or the Governor of the Bangkok Metropolitan Administration, with the approval of the Bangkok Occupational Disease and Environmental Disease Control Committee, as the case may be, shall establish at least one operation centre for performing the duty of disease investigation and the surveillance, prevention and control of occupational diseases and environmental diseases and,

in this regard, rules on the establishment of operation centres shall be as prescribed in the Notification of the Minister, with the recommendation of the Commission.

An operation centre under paragraph one shall at least consist of one competent official and two medical and public health officials, and competent officials under the laws concerned or officials of private agencies, in the number deemed appropriate by the *Changwat* Governor or the Governor of the Bangkok Metropolitan Administration, may also be appointed to form an operation centre.

Section 33. In the case where an employee contracting or reasonably suspected to have contracted an occupational disease or a member of the public suffering or likely to suffer pollution under section 28 paragraph two and contracting or reasonably suspected to have contracted an environmental disease is found in any area, the competent official or operation centre in such area shall carry out the disease investigation. In this regard, the competent official may order the employer or the owner or possessor of the source of pollution to bring the employee or the member of the public suffering or likely to suffer pollution, as the case may be, for undergoing disease diagnosis, treatment or rehabilitation.

Upon completion of the action under paragraph one, the competent official shall prepare a disease investigation report for submission to the *Changwat* Occupational Disease and Environmental Disease Control Committee or the Bangkok Occupational Disease and Environmental Disease Control Committee, as the case may be, for reporting the action to the Department of Disease Control for information.

The disease investigation, the issuance of orders of the competent official and the reporting under paragraph one and paragraph two shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister with the approval of the Commission.

Section 34. In the case where the competent official finds that the employer or the owner or possessor of the source of pollution fails to comply with section 33, the competent official shall have the power to issue an order in writing demanding such person to take action in compliance with the requirements provided in this Act.

In the case where the employer or the owner or possessor of the source of pollution neglects to take action in compliance with the order within the time specified, the Director-General of the Department of Disease Control or the person entrusted by the Director-General of the Department of Disease Control shall order the competent official to take action on the basis that the employer or the owner or possessor of the source of pollution shall

reimburse an actual amount of expenses incurred therein, in accordance with the Rule prescribed by the Ministry of Public Health.

The issuance of orders under paragraph one shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister with the approval of the Commission.

Section 35. For the purpose of the prevention and control of occupational diseases and environmental diseases which, if neglected, may cause or give rise to serious danger to life, the body or health of members of the public in the areas concerned, the Director-General of the Department of Disease Control or the person entrusted by the Director-General of the Department of Disease Control, with the recommendation of the *Changwat* Occupational Disease and Environmental Disease Control Committee or the Bangkok Occupational Disease and Environmental Disease Control Committee, as the case may be, shall have the power to issue a Notification designating areas requiring the surveillance, prevention or control of occupational diseases or environmental diseases and Notifications terminating the same when there is a reasonable cause or the situation involving such disease terminates.

The Notification designating areas under paragraph one shall prescribe the rules, procedures and conditions in connection with the surveillance, prevention or control of occupational diseases or environmental diseases causing or likely to cause fast or comprehensive damage in order that the competent official may take specific action for such areas or prescribe any other measures specifically suited to the conditions of such areas.

CHAPTER VII

COMPETENT OFFICIALS

Section 36. In the execution of this Act, competent officials shall have the powers as follows:

(1) to enter a place of business of the employer, a source of pollution, a vehicle or any place during sunrise and sunset or during working hours of such place of business or such place for controlling, examining, testing or sampling any article, chemical or product concerned, in whole or in part, for the purposes of the surveillance, prevention, control and investigation of occupational diseases and environmental diseases and, if the action remains unaccomplished during such time, it may be continued until its completion;

(2) to demand, in writing, any person to give factual statements or express opinions or furnish any necessary or relevant information, documents or evidence or remarks for examination or for assisting consideration.

The performance of activities under (1) shall be in accordance with the rules, procedures and conditions prescribed in the Notification of the Minister.

In the performance of duties of competent officials, persons concerned shall render assistance as is reasonable.

Section 37. In the performance of duties, competent officials shall produce identification cards to persons concerned.

Identification cards under paragraph one shall be in accordance with the form prescribed in the Notification of the Minister.

Section 38. In the performance of duties under this Act, competent officials shall be officials under the Penal Code.

CHAPTER VIII

PENALTIES

Section 39. Any employer or owner or possessor of a source of pollution who fails to comply with section 8 shall be liable to a fine not exceeding fifty thousand Baht.

Section 40. Any person who fails to give factual statements or fails to furnish any information, document or evidence to the Commission or a sub-committee under section 17 or the *Changwat* Occupational Disease and Environmental Disease Control Committee or the Bangkok Occupational Disease and Environmental Disease Control Committee under section 21 (6) or as demanded in writing by the competent official under section 36 (2) without any reasonable cause shall be liable to a fine not exceeding ten thousand Baht.

Section 41. Any person who provides occupational medicine or environmental medicine services without registration under section 25 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand Baht or to both.

Section 42. Any provider of occupational medicine or environmental medicine services who, having been registered under section 25, violates or fails to comply with the

Ministerial Regulation issued under the provisions of section 24 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

Section 43. Any employer who provides health examination of employees under section 26 when the service centre concerned is not registered under section 25 shall be liable to a fine not exceeding fifty thousand Baht.

Section 44. Any owner or possessor of a source of pollution who fails to put in place the surveillance of health of members of the public suffering or likely to suffer pollution under section 28 shall be liable to a fine not exceeding fifty thousand Baht.

Section 45. Any employer or person responsible in a medical establishment who fails to comply with section 30 paragraph one or fails to comply with the rules and procedures for the notification under section 30 paragraph two without any reasonable cause shall be liable to a fine not exceeding twenty thousand Baht.

Section 46. Any employer or owner or possessor of a source of pollution who fails to comply with an order of the competent official under section 33 shall be liable to a fine not exceeding one hundred thousand Baht.

Section 47. Any person who obstructs the performance of duties of competent officials under section 35 paragraph two shall be liable to a fine not exceeding one hundred thousand Baht.

Section 48. In the case where the offender under this Act is a juristic person, if the commission of the offence by such juristic person has resulted from the instruction or an action of any person or has resulted from failure to give instructions or take action required to be done as the duty of a director or a manager or any person responsible for the operation of such juristic person, such person shall also be liable to the penalty as provided for such offence.

Section 49. For all offences under this Act which are only punishable by a fine or punishable by imprisonment for a term not exceeding one year, the Director-General of the Department of Disease Control or the person entrusted by the Director-General of the Department of Disease Control shall have the power to settle them in accordance with the rules prescribed by the Commission and published in the Government Gazette and when the offender has made payment of the fine in such amount as required for the settlement within thirty days as from the date

of the settlement, the case shall be deemed to have been extinguished under the Criminal Procedure Code.

If the offender refuses to consent to the settlement or consents thereto but fails to make payment, legal proceedings shall be continued.

TRANSITORY PROVISIONS

Section 50. In the initial period, the Occupational Disease and Environmental Disease Control Commission shall consist of the Chairperson and members under section 10 (1) and (2) and the Director-General of the Department of Disease Control shall be a member and secretary, for performing duties of the Occupational Disease and Environmental Disease Control Commission for the time being until the appointment of qualified members under section 10 (3), provided that this shall take place not later than ninety days as from the date on which this Act comes into force, and the Deputy Director-General of the Department of Disease Control who is responsible for affairs relating to occupational diseases and environmental diseases and the Director of the Bureau of Occupational and Environmental Diseases shall be assistant secretaries.

Section 51. In the initial period, a *Changwat* Occupational Disease and Environmental Disease Control Committee shall consist of the Chairperson and members under section 19 (1) and (2) and the *Changwat* Public Health Medical Official shall be a member and secretary, for performing duties of the *Changwat* Occupational Disease and Environmental Disease Control Committee for the time being until the appointment of members under section 19 (3), (4), (5) and (6), provided that this shall take place not later than one hundred twenty days as from the date on which this Act comes into force, and the *Changwat* Governor shall appoint two Government officials of the *Changwat* Public Health Office who are responsible for affairs relating to occupational diseases and environmental diseases as assistant secretaries.

Section 52. In the initial period, the Bangkok Occupational Disease and Environmental Disease Control Committee shall consist of the Chairperson and members under section 20 (1) and (2) and the Director of the Health Department of the Bangkok Metropolitan Administration shall be a member and secretary, for performing duties of the Bangkok Occupational Disease and Environmental Disease Control Committee for the time being until the appointment of members under section 20 (3), (4), (5) and (6), provided that this shall take place

not later than one hundred twenty days as from the date on which this Act comes into force, and the Governor of the Bangkok Metropolitan Administration shall appoint two Government officials of the Bangkok Metropolitan Administration who are responsible for affairs relating to occupational diseases and environmental diseases as assistant secretaries.

Section 53. All Ministerial Regulations, Rules and Notifications in the execution of this Act shall be completed within one year as from the date on which this Act comes into force. If their completion cannot be achieved, the Minister shall report the reasons therefor to the Council of Ministers for information.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister