



กรมควบคุมโรค
Department of Disease Control

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



DIVISION OF OCCUPATIONAL AND ENVIRONMENTAL DISEASES
DEPARTMENT OF DISEASE CONTROL

OCCUPATIONAL DISEASES AND ENVIRONMENTAL DISEASES CONTROL ACT
B.E. 2562 (A.D. 2019) *

MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOUYUHUA, REX.

Given on the 19th day of May B.E. 2562 (2019)

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;

The reasons and necessity to restrict the right and liberty of a person as per this Act are to define the mechanisms for surveillance, prevention and control of the occupational and finding or reasonable doubt of any occupational or environmental disease in order to manage such a disease incidence in a prompt manner. The enactment of this Act is in compliance with knowledge towards health promotion and disease prevention. Concerned persons are required environmental diseases by implementing the information system policy to inform employees of the surveillance mechanism, and to educate people experiencing or may have experienced environmental pollution to be aware of the environmental diseases as well as the fundamental to inform or report to the competent officials, or the Department of Disease Control, on the conditions provided in Section 26 of the Constitution of the Kingdom of Thailand.

** This translation is provided by Division of Occupational and Environmental Diseases as the competent authority for information purposes only. Whilst Division of Occupational and Environmental Diseases has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.*

ACKNOWLEDGEMENT: Representative of the Office of International Cooperation, Senior medical expert in Department of Disease Control and a Translated document reference from the Office of the Council of State.

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 “OCCUPATIONAL DISEASES AND ENVIRONMENTAL DISEASES CONTROL ACT B.E. 2562 (A.D. 2019)”.

Section 2.⁽¹⁾ This Act shall come into force after one hundred and twenty days as from the date of its publication in the Government Gazette.

Section 3. This Act shall not apply to:

(1) the central governmental administration, provincial administration and local administration;

(2) other undertakings, in whole or in part, as prescribed in the Ministerial Regulation.

The central governmental 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 any 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 any 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 is emitted from a source of pollution or naturally exists in the environment and causes or threatens to cause effects on the environmental quality or a condition toxic or harmful to public health, and shall also include a 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 to identify causes and sources of occupational diseases and environmental diseases for the purpose of the prevention and control of such 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 fit for work activity, health examination prior returning to work, surveillance and prevention and control of diseases, including diagnosis

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

of causes of diseases, treatment and rehabilitation of capacity or health of persons suffering from 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 suffering from environmental diseases;

“employer” means an employer defined under the LABOUR PROTECTION ACT, B.E. 2541, OCCUPATIONAL SAFETY, HEALTH, AND ENVIRONMENT ACT, B.E. 2554 and shall include an employer under the HOMEWORKERS PROTECTION ACT, B.E. 2553;

“employee” means an employee defined under LABOUR PROTECTION ACT, B.E. 2541, OCCUPATIONAL SAFETY, HEALTH, AND ENVIRONMENT ACT, B.E. 2554 and shall include a person taking work for performance at home under HOMEWORKERS PROTECTION ACT, B.E. 2553;

“informal worker” means a working person, excluding a person that is an employer or employee under the LABOUR PROTECTION ACT, B.E. 2541, OCCUPATIONAL SAFETY, HEALTH, AND ENVIRONMENT ACT, B.E. 2554 and a person taking work for performance at home under the HOMEWORKERS PROTECTION ACT, B.E. 2553;

“service unit” means a public health service establishment, healthcare agency or healthcare unit operating within the establishment or organization providing occupational or environmental medicine service;

“public health service establishment” means a public health service establishment that is State owned or privately owned, the Thai Red Cross Society and other service units in many areas of arts of healing;

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

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

“Officer” 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 authority 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 where, in the case of necessity, the Minister, with the approval of the Commission, shall have the authority 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 authority 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 from pollution exposure 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 from pollution exposure, 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 where, in the case 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) Commission member by position which are: the Permanent Secretary of the Ministry of Agriculture and Cooperatives, the Permanent Secretary of the Ministry of Natural Resources and Environment, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Public Health, the Permanent Secretary of the Ministry of Industry, the Director-General of the Department of Labor Protection and Welfare, the Director-General of the Department of Health, the Secretary-General of the Social Security Office, and the Secretary-General of the National Health Security Office;

(3) seven qualified expert members appointed by the Minister consisting of 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 organizations whose objective is clearly non-profit and performing duties in regard to public health protection.

The Director-General of the Department of Diseases Control shall be a Commission member and secretary; the Deputy Director-General of the Department of Diseases Control responsible for occupational and environmental diseases and the Director of the Bureau of Occupational and Environmental Diseases shall be assistant secretaries.

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

Section 11. A qualified expert 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 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 that may cause occupational and environmental diseases.

Section 12. A qualified expert member shall be in a four-year term from the date of the appointment. The person vacated such place may be re-appointed but shall not hold the place for more than two consecutive terms

In case where a qualified expert member vacates a place prior to the expiration of the term, the Minister shall appoint another Advisory member from the same area to fill such a place for the remaining term of the former Advisory member. Unless the remaining term of the former Advisory member is less than ninety days, the Minister may not appoint an Advisory member substitute for such a place. In such cases, the Commission shall consist of the remaining members.

At the expiration of the term under paragraph one, if new qualified expert members have not yet been appointed, the qualified expert members possessing a place at the expiration of such term shall continue to perform the duty until the newly appointed qualified expert members take the duty.

Section 13. Other than the expiration of term of office, a qualified expert member vacates office when:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister on the grounds of misbehavior, 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 authorities 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 the certain areas necessary for implementing the surveillance, prevention and control of the occupational diseases and environmental diseases;

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

(4) to determine operational plans, systems, and practice guidelines on surveillance, prevention, and control of the occupational diseases and the environmental diseases so that the governmental agencies, private agencies, the Provincial Occupational Disease and Environmental Disease Control Committees and the Bangkok Metropolitan Occupational Disease and Environmental Disease Control Committee in the execution of this Act;

(5) to coordinate information amongst Governmental agencies and private agencies concerned for the purpose of the execution of this Act;

(6) to report on work progress and obstacles in an operation, as well as the situations concerning the occupational diseases and environmental diseases to the Council of Ministers once a year;

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

(8) provide advice and recommendations and carry out coordination on the surveillance, prevention and control of occupational diseases and environmental diseases to or amongst Governmental agencies, private agencies including other relevant agencies on surveillance, prevention, and control of the occupational diseases and environmental diseases;

(9) to monitor and be informed of results of the operations of Provincial Occupational Disease and Environmental Disease Control Committees and the Bangkok Metropolitan 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 authorities 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 Department of Disease Control shall serve as the secretariat of the Commission and sub-committees, with the duties and authority 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 activities and obstacles to the operation of activities and situations involving occupational diseases and environmental diseases under section 14 (1), (4) and (6), for submission to the Commission;

(2) to identify the certain areas which require specific surveillance, prevention, and control of the occupational diseases and the environmental diseases under Section 14 (2) and report to the Commission;

(3) to coordinate, monitor and cooperate with the governmental agencies, private agencies and other related agencies domestically and internationally regarding surveillance, prevention, and control of the occupational diseases and the 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 units and evaluate the quality of such service units registered with the Department of 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 center for the coordination 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 authority of the Department of Disease Control.

CHAPTER III
PROVINCIAL OCCUPATIONAL DISEASE AND
ENVIRONMENTAL DISEASE CONTROL COMMITTEES
AND BANGKOK METROPOLITAN OCCUPATIONAL DISEASE AND
ENVIRONMENTAL DISEASE CONTROL COMMITTEE

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

(1) the Provincial Governor, as Chairperson;

(2) the Director of the Provincial Office of Natural Resources and Environment, Director of the Office of Disease Prevention and Control responsible for the certain province area, Director of Provincial Agricultural Extension Office, Provincial Social Security Official, Provincial Labour Protection and Welfare Official, Provincial Industry Official and Chief executive of the Provincial Administrative Organization, as members;

(3) one mayor and one Chief Executive of the Subdistrict Administrative Organizations appointed by the Provincial Governor, as members;

(4) one Director of the regional/provincial or general hospital and one Director of a community/district hospital, appointed by the Provincial Governor, as members;

In case where any certain hospital under the government agency besides that provided in (4) in a particular province, the Provincial Governor shall appoint the Director of such hospital, not exceeding three persons in total, as a Committee member;

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

(6) one operator of a medical establishment under the MEDICAL FACILITIES ACT, B.E. 2554 appointed by the Provincial Governor, as a member.

The Provincial Chief Medical Officer shall be a Committee member and a secretary. The Provincial Governor shall appoint two government officers from such provincial health office responsible for the occupational disease and the environmental diseases to serve as assistant secretaries.

Section 20. There shall be the Bangkok Metropolitan 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 Department

of Environment, 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 MEDICAL FACILITIES ACT, B.E. 2554 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 Provincial Occupational Disease and Environmental Disease Control Committee and the Bangkok Metropolitan Occupational Disease and Environmental Disease Control Committee have the duties and authorities in the area of the province or in the area of the Bangkok Metropolitan Administration, as the case may be, as follows:

(1) to implement the policies, strategies, plans for surveillance, prevention, and control of the occupational diseases and the environmental diseases at the national level including operational plans, systems and practice guidelines under Section 14 (1) and (4);

(2) to encourage, support, provide advice and recommendations on, coordinate and propose the measures for surveillance, prevention, and control of the occupational diseases and the environmental diseases to the relevant government agencies and the private agencies within the province;

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

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

(5) to coordinate among the Provincial Committees on Occupational and Environmental Diseases Control, or with the Bangkok Metropolitan Committee on Occupational and Environmental Diseases Control, 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 authorities of the Provincial Occupational Disease and Environmental Disease Control Committee or the Bangkok Metropolitan Occupational Disease and Environmental Disease Control Committee or as entrusted by the Commission.

Section 22. The appointment, term of office, and the vacation of Committee members under Section 19 (3), (4), (5), and (6) and the Committee members under Section 20 (3), (4), (5), and (6) shall be in compliance with the criteria, procedures, and conditions provided and notified by the Committee.

Section 23. The Provincial Committee on Occupational and Environmental Diseases Control or the Bangkok Metropolitan Committee on Occupational and Environmental Diseases Control may appoint the Subcommittee to consider or perform any duties as assigned by the Provincial Committee on Occupational and Environmental Diseases Control or the Bangkok Committee on Occupational and Environmental Diseases Control.

The provisions of section 15 shall apply to a meeting of a Provincial 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 the occupational medicine service unit;
- (2) prescribing standards for the delivery of the environmental medicine service unit.

Section 25. The delivery of occupational medicine or environmental medicine services shall be carried out by service units registered with the Department of Disease Control or any other government 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 units 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 units 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 OCCUPATIONAL SAFETY, HEALTH, AND ENVIRONMENT ACT, B.E. 2554 by service units 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 units 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 unit registered under section 25, of the health of people who are exposed to or may be exposed to the pollution, by the registered service units under section 25.

Types, sizes and characteristics of sources of pollution and types or groups of the people who are exposed to or may be exposed to pollution provided in paragraph one shall be in compliance with the regulations provided and notified by the Committee.

Section 29. For the purpose of the surveillance of occupational diseases and environmental diseases, registered service units 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 people who are exposed to or may be exposed to the pollution, as the case may be, to the Officer.

The Officer shall, upon receipt of the notification of the information under paragraph one, report it to the Department of Disease Control and the Provincial Occupational Disease and Environmental Disease Control Committee or the Bangkok Metropolitan 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, Government 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 an occupational disease or environmental disease, such persons shall notify it to the officer:

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

(2) the person responsible in medical facilities, in the case of finding an employee, informal worker or people who are exposed to or may be exposed to the pollution under section 28 paragraph two and contracting or reasonably suspected to have contracted an occupational disease or environmental disease in the medical facilities.

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 officer finds a person having or reasonably suspected to having an occupational disease or environmental disease or receives the notification under section 30, the officer shall report it to the Department of Disease Control and the Provincial Occupational Disease and Environmental Disease Control Committee or the Bangkok Metropolitan Occupational Disease and Environmental Disease Control Committee.

The reporting by the officer 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 province and Bangkok Metropolitan Area, the Provincial Governor, with the approval of the Provincial Occupational Disease and Environmental Disease Control Committee, or the Governor of the Bangkok Metropolitan Administration, with the approval of the Bangkok Metropolitan Occupational Disease and Environmental Disease Control Committee, as the case may be, shall establish at least one operation unit 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 unit shall be as prescribed in the Notification of the Minister, with the recommendation of the Commission.

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

Section 33. In the case where an employee having or reasonably suspected to have contracted an occupational disease or people who are exposed to or may be exposed to the pollution under section 28 paragraph two and having or reasonably suspected to have contract an environmental disease is found in any area, the officer or operation unit in such area shall carry out the disease investigation. In this regard, the officer may order the employer or the owner or possessor of the source of pollution to bring the employee or the people who are exposed to or may be exposed to the pollution, as the case may be, to undergo disease diagnosis, treatment or rehabilitation.

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

The disease investigation, the issuance of orders of the officer 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 officer finds that the employer or the owner or possessor of the source of pollution fails to comply with section 33, the officer 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 officer to take action on the basis that the employer or the owner or possessor of the source of pollution shall reimburse the 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, body, or health of the people in a certain area, 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 Provincial Occupational Disease and Environmental Disease Control Committee or the Bangkok Metropolitan Occupational Disease and Environmental Disease Control Committee, as the case may be, shall have the authority 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 diseases 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 acute or broaden damage in order that the officer may take specific action for such areas or prescribe any other measures specifically suited to the conditions of such areas.

CHAPTER VII OFFICER

Section 36. In the execution of this Act, officers shall have the authority as follows:

(1) to enter a place of enterprise of the employer, a source of pollution, a vehicle or any place during sunrise and sunset or during working hours of such place of enterprise or such place for controlling, examining, measuring, sampling any material, 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 an officer, persons concerned shall render assistance as is reasonable.

Section 37. In the performance of duties, officers 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, officers 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 Provincial Occupational Disease and Environmental Disease Control Committee or the Bangkok Metropolitan Occupational Disease and Environmental Disease Control Committee under section 21 (6) or as demanded in writing by the officer 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 unit 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 people who are exposed to or may be exposed to the 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 facility 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 officer 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 officers 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 Provincial Occupational Disease and Environmental Disease Control Committee shall consist of the Chairperson and members under section 19 (1) and (2) and the Provincial Chief Medical Officer shall be a member and secretary, for performing duties of the Provincial 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 and twenty days from the date on which this Act comes into force, and the Provincial Governor shall appoint two Government officials of the Provincial 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 Metropolitan 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 Metropolitan 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 and twenty days 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 from the date on which this Act comes into force. If their completion cannot be achieved, the Minister shall report the reasons therefore to the Council of Ministers for information.

Countersigned by :
General Prayut Chan-o-cha
Prime Minister

Note: - The reason for the enactment of this Act is that occupational and environmental diseases tend to be more severe in the present days and the mechanism of surveillance, prevention and control of such diseases has not yet been implemented systematically. Therefore, it is required to regulate the effective approaches of disease control to suppress occupational and environmental diseases. This Act has ultimately been legislated hence.



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