



[Royal Command Emblem]

**Royal Decree**  
**on Establishment of Thailand Institute of Occupational Safety**  
**and Health (Public Organization),**  
**B.E. 2558 (A.D. 2015)**

Bhubibol Adulyadej, rex

Given on the 19<sup>th</sup> of May A.D. 2015

Being the 70<sup>th</sup> year of the Present Reign

His Majesty, King Bhumibol Adulyadej, graciously gives the Royal Command, hereby proclaiming that

Whereas it is proper to establish an occupational safety, health and environment promotion institute as a public organization under the law on the public organization,

By virtue of the provisions under Section 22 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (A.D. 2014), and Section 5 of the Public Organization Act, B.E. 2542 (A.D. 1999), in conjuncture with Section 52 of the Occupational Safety, Health and Environment Act, B.E.2554 (A.D. 2011), His Majesty, therefore, is graciously pleased to enact the Royal Decree as follows.

Section 1 This Royal Decree shall be called the "Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization) B.E. 2558 (A.D. 2015)".

Section 2 This Royal Decree shall become into force upon the following day after it is promulgated in the Government Gazette thenceforth.

Section 3 In this Royal Decree:

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





No. 011867 27 OCT 2020  
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SEEN AT THE MINISTRY OF  
FOREIGN AFFAIRS

*Cgo*

(MRS. CHUNEJIT SOMBOONSUK)  
General Service Officer  
Experienced Level  
Ministry of Foreign Affairs of Thailand



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“Institute” means Thailand Institute of Occupational Safety and Health (Public Organization);

“Committee” means the Administration Committee of Thailand Institute of Occupational Safety and Health;

“Director” means the Director of the Institute;

“Officer” means an officer of the Institute;

“Employee” means an employee of the Institute;

“Minister” means the Minister in charge under this Royal Decree.

Section 4 Minister of Labour shall be the Minister in charge under this Royal Decree.

#### Chapter 1

#### Establishment, Objectives and Authority

Section 5 Established shall be a public Organization, entitled “Occupational Safety, Health and Environment Promotion Institute (Public Organization)”, abbreviated as “OSHEI”, and entitled in English as “Thailand Institute of Occupational Safety and Health (Public Organization)”, abbreviated as “TOSH”.

Section 6 The Institute shall have its head office situated in Bangkok or another province, as the Minister announces the stipulation in a Government Gazette, and a branch office may be set up as the Committee deems appropriate.

Section 7 The Institute shall have its objectives for promoting occupational safety, health and environment.

Section 8 To achieve the objectives under Section 7, the Institute shall have authority as follows:

(1) To promote and solve problems concerning occupational safety, health and environment;

(2) To develop and support the formulation of standards for the promotion of occupational safety, health and environment;

(3) To function, promote, support and act jointly with agencies on occupational safety, health and environment, from both public and private sectors;

(4) To arrange for research and study on promotion of occupational safety, health and environment, both on personnel and technical development;

(5) To develop and build knowledge and innovations in relation to occupational safety, health and environment;

(6) To provide with academic services and transfer technologies relating to occupational safety, health and environment in accordance with needs and requirements of use, as well as produce the said learning media for publication.

Section 9 Apart from the authority under Section 8, the Institute shall have authority as follows:

- (1) To hold title to, possession of and ownership over properties;
  - (2) To establish or execute juristic acts of all types engaging properties, as well as to execute any other juristic acts for the purpose of operations of the Institute;
  - (3) To conclude agreements, coordinate and cooperate with other organizations or agencies from both public and private sectors, both domestic and foreign, in activities relating to operations under the objectives of the Institute;
  - (4) To provide with and grant capital for supporting operations of the Institute;
  - (5) To jointly invest with other juristic persons in activities relating to the objectives of the Institute;
  - (6) To borrow money for the purpose of operations under the objectives of the Institute;
  - (7) To collect fees, dues, remunerations and service charges in performing activities under the objectives of the Institute, in accordance with the criteria and rates stipulated by the Committee;
  - (8) To perform any necessary or consequent actions for achieving the objectives of the Institute.
- To jointly invest under (5) and to borrow under (6) shall be in accordance with the criteria stipulated by the Minister.

## Chapter 2

### Capital, Income and Properties

Section 10 The capital and properties for performing activities of the Institute consist of:

- (1) Transferred money or properties under Section 40;
- (2) Money paid by the Government as initial endowment;
- (3) General subvention in an appropriate amount as allocated by the Government;
- (4) Subsidy from public sector, State enterprise, other public organizations, other State agencies or private sector and other organizations, including subsidy from abroad or international organization, and any donated money or property;
- (5) Annuity fund allocated from the Occupational Safety, Health and Environment Fund for carrying out functions under the law on occupational safety, health and environment;
- (6) Fees, dues, remunerations and service charges in performing activities under the objectives of the Institute
- (7) Fruits of money or any benefit derived from properties of the Institute.

The acceptance of money or properties under (4) shall not be made in the manner that may compromise

independence or impartiality of the Institute.

Section 11 All incomes of the Institute shall not be remitted to the Treasury as the State's revenue.

In a necessary or appropriate case, the Institute, by the approval of the Committee, by remit incomes of the Institute in an appropriate amount to the Treasury as the State's revenue.

Section 12 All immovable properties, which are donated to, or purchased by income of, the Institute shall devolve on the Institute.

The Institute shall have the powers to control, manage, maintain, utilize, dispose of and seek benefit from the properties of the Institute.

Section 13 The expenditure of the Institute shall be made for the undertaking of the Institute in particular.

The keeping and disbursement of money of the Institute shall be in accordance with the rules and regulations as prescribed by the Committee.

### Chapter 3

#### Administration and Undertaking

Section 14 There shall be a committee, referred to as the "Administration Committee of Thailand Institute of Occupational Safety and Health", consisting of:

(1) The Chairperson, who is appointed by the Council of Ministers, selected from qualified persons with highly apparent knowledge, skill and experience in occupational safety, health and environment, management or other fields relating to or beneficial to activities of the Institute, and must not be a civil servant having permanent positions or salaries;

(2) Four ex officio Members, including: the Permanent Secretary of the Ministry of Labour, the Director-General of Department of Disease Control; the Director-General of Department of Labour Protection and Welfare; and the Secretary-General of the Social Security Office;

(3) A Member representing the Employer and a Member Representing the Employee, who are appointed by the Council of Ministers, each of which is selected from qualified persons with knowledge and experience suitable for activities of the Institute;

(4) Not more than three qualified Members as appointed by the Council of Ministers from selected qualified persons with highly apparent knowledge, expertise and experience in occupational safety, health and environment, management, law or other fields relating to or beneficial to activities of the Institute, and must not be civil servants or persons working with any State agency, having permanent positions or salaries.

The Director shall be ex officio Member and secretary, and the Director shall appoint an officer to be assistant secretary as necessary.

The criteria and procedures for the selection of the qualified persons to be submitted to the Council of Ministers for appointment as the Chairperson and Members under (3) and (4), as well as the selection of the Chairperson and Members under (3) and (4) for the replacement of a person, who vacates from office before term, or for additional appointment under Section 18, shall be in accordance with the regulations as prescribed by the Council of Ministers upon the recommendation of the Committee.

Section 15 The Chairperson and any Member under Section 14 (3) and (4) must have qualifications and must not be under the prohibitions as follows:

- (1) Being of Thai nationality;
- (2) Being at least than thirty-five years of age, but not more than seventy years of age;
- (3) Not being a bankrupt or incompetent or quasi-incompetent person;
- (4) Not having been imprisoned by a final judgment to imprisonment, except for an offense committed through negligence or a petty offense;
- (5) Not having been subject penalty under the law on occupational safety, health and environment;
- (6) Not being a person holding a political position, member of local assembly or local administrator, director or person in charge of administration of a political party, adviser of a political party or official of a political party;
- (7) Not being an Officer or Employee of the Institute or consultant or expert having contract with the Institute;
- (8) Not being a stake holder in any activities jointly performed with the Institute, or in activities competing with undertaking of the Institute or conflict the objectives of the Institute, either directly or indirectly, except for being a person, who is appointed to be the chairperson, a director or a representative of the Institute in jointly investing with another juristic person under Section 9 (5)

Section 16 The Chairperson and any Member under Section 14 (3) and (4) shall have shall hold the office for a term of three years.

Upon expiration of the term of office under paragraph one, if the new Chairperson or a qualified Member has not been appointed, the Chairperson or the qualified Member, who is vacated, shall remain in office to continue his or her duties until the newly appointed the Chairperson or a qualified Member has assumed duties.

The Chairperson or a qualified Member who vacates from office at the end of the term may be re-appointed, but not more than two consecutive terms.

Section 17 In addition to the vacation from office at the end of the term, the Chairperson and any Member under Section 14 (3) and (4) vacates from office upon:

- (1) Death;
- (2) Resignation;
- (3) Being dismissed by the Council of Ministers due to negligence in duty performance, disgrace behavior or incapability;

(4) Being disqualified or being under any of the prohibitions under Section 15.



Section 18 In a case where the Chairperson or any Member under Section 14 (3) and (4) vacates from office before term, or in a case where the Council of Ministers has appointed an additional Member during the term of office of the previously appointed Members, such replacing or additional Member shall remain in office for the remaining term of the appointed Chairperson or Members, except for a case where the remaining term of office is less than ninety days, the appointment of replacement of the Chairperson or a qualified Member is not required.

In a case where the Chairperson or any Member under Section 14 (3) and (4) vacates from office before term, the Committee shall consist of the existing number of the Members, until the appointment of Chairperson or Member to fill the vacancy under paragraph one is made. And In a case where the Chairperson vacates from office before term, the existing Members shall select one among themselves to carry out duties of the Chairperson on a temporary basis.

Section 19 The Committee shall have the authority to supervise undertaking of the Institute as to be in accordance with objectives of the Institute. Such authority shall include:

- (1) To determine the administration policy and approve the administration policy of the Institute;
- (2) To approve an investment plan, action plan, project and annual budget of the Institute;
- (3) To supervise financial status and stability, to approve financial report, to consider report of the financial auditor and to set regulations, rules or financial limitation;
- (4) To stipulate rules, procedures and conditions of giving grants for promotion of occupational safety, health and environment;
- (5) To stipulate rules, procedures and conditions of support for projects beneficial to promotion of occupational safety, health and environment;
- (6) To give advice or recommendation so as to solve problems or obstacles resulting from administration, as well as to propose the Council of Ministers or the Minister to consider deciding on problems or obstacles regarding coordination incurred in any undertaking in accordance with the objectives and authority of the Institute;
- (7) To approve criteria for collection and rates of fees, dues, remunerations and service charges in undertaking of the Institute;
- (8) To evaluate performance of the Director under the criteria and procedures stipulated by the Committee;
- (9) To supervise undertaking and general administration, as well as to issue rules, regulations, announcements or stipulation relating to the Institute on the matters as follows:
  - (A) General administration of the Institute, arrangement of organs of the Institute and the scope of the authority of the aforementioned organs;
  - (B) To set positions, qualifications for specific positions, rates of salary, wages and other monies of the Officers and Employees;

(C) Selection, recruitment, appointment, performance evaluation, removal, disciplines and disciplinary measures, discharge, distress and appeal against penalty of the Officers and Employees, as well as procedures and conditions for hiring an Employee;

(D) Administration and management of money, materials and properties of the Institute, as well as accounting and disposal of properties with zero book value;

(E) Provision with welfare and other benefits for the Officers and Employees;

(F) Scope of authority and regulations concerning duty performance of the internal audit;

(G) Selection, appointment and removal of the Director, duty performance of the Director, and assignment of another person in place to perform the duties;

(10) To approve the annual report and propose to the Council of Ministers, for implementation of this Royal Decree;

(11) To conduct any other necessary undertaking for the accomplishment of the objectives and authorities of the Institute or as entrusted by the Council of Ministers

The rules related to the disposal of properties from account under (9) (D) shall be in accordance with the rules as prescribed by the Council of Ministers.

Section 20 At a meeting of the Committee, the members must present in the number of at least a half of the total number of its members, in order to constitute a quorum.

In a meeting of the Committee, if the Chairperson is not present at the meeting or is unable to perform his or her duties, the members shall select one among themselves to preside over at the meeting

In the performance of duties, if the Chairperson or any Member has direct or indirect stake in the matter under consideration, the Chairperson or Member shall inform such stake to the meeting, the assembly the Committee shall consider as to whether such Chairperson or Member shall be allowed to attend the meeting or vote for such matter, in accordance with the regulations as prescribed by the Committee.

A decision shall be made by a majority of votes. In voting, each Member shall have one vote. In case of an equality of votes, the person, who presides over at a meeting, shall have an additional vote as the casting vote.

Section 21 The Committee shall have the power to appoint a qualified person with highly expertise in a field beneficial to undertaking of the Institute as its consultant, and shall have the power to appoint a sub-committee, consultant of the subcommittee, working group and consultant of the working group so as to consider or carry out any act as entrusted by the Committee.

A consultant of the Committee, sub-committee, consultant of the sub-committee, working group and consultant of the working group must not be any stake holders in any activities jointly performed with the Institute, or in activities competing with undertaking of the Institute or conflicting the objectives of the Institute, either directly or indirectly,

except for being a person, who is appointed by the Committee

to be the chairperson, a director or a representative of the Institute in jointly investing with another juristic person under Section 9 (5).

To a meeting of a sub-committee and a working group, Section 20 shall apply *mutatis mutandis*.

Section 22 The Chairperson, Members, consultants of the Committee, the chairperson of the sub-committee, member of the sub-committee and consultant of the subcommittee shall be entitled to receive meeting allowance and other remunerations in accordance with the rules as prescribed by the Council of Ministers.

The working group and its consultant shall be entitled to receive meeting allowance and other remunerations in accordance with the rules as prescribed by the Committee.

Section 23 The Institute shall have one Director

The Committee shall have the power to appoint and remove the Director.

In a case where there is no Director or the Director is unable to perform his or her duties, the highest seniority Deputy Director at that time shall act in place of the Director. If there is no Deputy Director, the Committee shall appoint one of its Members to act in place of the Director.

Section 24 The Director must be able to perform full time work for the Institute, and must have the qualifications and not be under the prohibitions as follows:

- (1) Being of Thai nationality;
- (2) Being not more than sixty years of age;
- (3) Being a qualified person whose knowledge, ability and experience are suitable for the undertaking of the Institute as required in the objectives and authority under Section 7, Section 8 and Section 9;
- (4) Not having any prohibitions under Section 15 (3), (4), (5), (6), (7) or (8).

Section 25 The Director holds the office for a term of exceeding for years, and the Director may be re-appointed, but not more than two consecutive terms.

Section 26 In addition to the vacation from office at the end of the term, the Director vacates from office upon:

- (1) Death;
- (2) Resignation;
- (3) Occurrence of any circumstance as specified in the agreement between the Committee and the Director;
- (4) Being dismissed by the Committee due to negligence in the duties performance, disgrace behavior or incapability;
- (5) Being disqualified or being under any of the prohibitions under Section 24

The resolution of the Committee to dismiss the Director under (4) shall be made by not less than two-third of the existing number of Members other than the Director.

Section 27 The Director shall have the duties to manage the undertaking of the Institute as to be in accordance with the laws, objectives of the Institute, rules, regulations, prescriptions, notifications, policies and resolutions of the Committee and shall be

the chief of all Officers and Employees, except an internal auditor under Section 35, paragraph two, as well as shall also have the duties as follows:

- (1) To propose target, work plan and project for the accomplishment of the objectives of the Institute to the Committee;
- (2) To submit annual report related to the outcome of the undertaking of the Institute in all aspects, including financial and accounting report, and to submit financial plan and appropriate expenditure for the coming-up year to the Committee for consideration;
- (3) To give recommendation on an improvement of the undertaking and operations of the Institute to the Committee with a view to enhance the efficiency and accomplishment in accordance with the objectives of the Institute. In this regard, the Committee may appoint a sub-committee or working group to collect, study and analyze guidelines for the determination of policy and on the improvement of undertaking of the Institute as a whole in order to propose to the Committee for consideration.

The Director shall be responsible for the administration of the undertaking of the Institute to the Committee.

Section 28 The Director has the power:

- (1) To appoint the Deputy Director or the Assistant Director, by the approval of the Committee, in order to assist the Director in his or her performance as entrusted by the Director;
- (2) To recruit, appoint, promote, demote or decrease monthly salary or wage, impose disciplinary measures on an Officer and Employee, including to remove an Officer and Employee from office in accordance with the rules or regulations as prescribed by the Committee;
- (3) To prescribe regulations related to the undertaking of the Institute which are not contrary to, or inconsistent with, laws, resolutions of the Council of Ministers, rules, regulations, prescriptions, notifications, policies or resolutions of the Committee.

Section 29 In activities relating to a third party, the Director shall be the representative of the Institute. For this purpose, the Director may entrust any person to carry out a specific undertaking on his or her behalf in accordance with the rules or regulations as prescribed by the Committee.

Any juristic act, which is engaged by the Director or representative of the Director in violation of the rules or regulations as prescribed by the Committee, is not binding the Institute, except where ratification is made by the Committee.

Section 30 The Committee shall have the power to determine the rate of monthly salary and other remunerations of the Director in accordance with the rules as prescribed by the Council of Ministers.

#### Chapter 4

#### Operatives of the Institute

Section 31 There are three categories of the operatives of the Institute, being:

- (1) An Officer or Employee, consisting of operatives who receives monthly salary or wage from the budget of the Institute;
- (2) A consultant or expert, consisting of a operative who is hired under contract by the Institute as the consultant or expert;

(3) A State official who has been transferred to work as officer of the Institute temporarily under Section 34.

Section 32 An Officer and Employee must have qualifications and must not be under the prohibitions as follows:

- (1) Being of Thai nationality;
- (2) Being at least eighteen years of age, but not more than sixty years of age;
- (3) Being capable to perform full time work for the Institute;
- (4) Having qualification or experience appropriate to the objectives and authorities of the Institute;
- (5) Not being a civil servant, officer, or employee of the government agency, officer or employee of other public organizations, official or employee of State enterprise or other State agencies or official or employee of the local administration;

- (6) Not being a consultant or expert hired under contract by the Institute;
- (7) Not being under any of the prohibitions under Section 15 (3), (4), (5), (6) of (8).

Section 33 An Officer and Employee vacates from office upon:

- (1) Death;
- (2) Resignation;
- (3) Being disqualified or being under any prohibition under Section 37 or violating any prohibition under Section 32;

- (4) Being released on account of failing to pass performance assessment;
- (5) Being dismissed or discharged on account of breaching discipline in accordance with the rules and procedure as specified by the Committee in the rules and regulations.

Section 34 For the purpose of management of the Institute, the Minister may request a civil servant, official, officer or any other staff of any Ministry, Sub-Ministry, Department, provincial administration, local administration, State enterprise, other public organizations or other State agencies to temporarily perform duties as an officer of the Institute, provided that an approval of the superior or employer of such person shall be given and the agreement on such approval shall be made.

In a case where a State official has been approved to temporarily perform duties as an officer of the Institute under paragraph one, it shall be deemed to be permitted to vacate or leave from official service to perform other works, and the period which such person has worked for the Institute shall be counted as the period for calculation of gratuity, pension or other similar benefits as if such person still be in the government service or has done full time work, as the case may be.

Upon expiration of the approved period, a State official under paragraph one shall be entitled to be recruited and appointed to the position with monthly salary in the former government agency or agency and such position and monthly

salary shall not be less than those as specified in the agreement on approval.



## Chapter 5

## Accounting, Inspection and Performance Evaluation of the Institute

Section 35 The accounting of the Institute shall be conducted in satisfaction of international standards, under the forms and rules as prescribed by the Committee. An internal audit on finance, accounting and procurement of the Institute shall be organized and the report of such inspection shall be submitted to the Committee at least once a year.

In the internal audit, a specific operative of the Institute shall carry out the duties as an internal auditor and responsible directly to the Committee in accordance with the rules and regulations as prescribed by the Committee.

Section 36 The Institute shall prepare and submit the balance sheet, financial statement and operating account to the auditor within one hundred and twenty days after the expiration of each accounting year.

Each year, the State Audit Office or a third party as appointed by the Committee, by the approval of the State Audit Office, shall audit an account and assess the spending of money and properties of the Institute. In this regard, the auditor shall analyze as to whether such spending is compliant with the objectives, economy and produce targeted result, and shall submit an audited report to the Committee.

For this purpose, the auditor shall have the power to examine all books of account, documents and evidences of the Institute, to interrogate the Director, internal auditor, Officer and Employee, and to summon any book of account, document and evidence from the Institute as appropriate.

Section 37 The Institute shall submit an annual report to the Minister. Such report shall State about the performance of the Institute in the lapse year, operating account together with report of the auditor and statement on policy of the Committee, projects and work plan to be done.

Section 38 In order to develop and improve working system of the Institute so as to enhance the efficiency, accomplishment and responsibility of the Institute and to enhance public trust in the undertaking of the Institute as well as to monitor progress and to examine any operation of the Institute to be in accordance with the objectives of projects and work plan as designated, the Institute shall organize an evaluation of its performance within the period as determined by the Committee, which shall not exceed three years.

The performance evaluation under paragraph one shall be conducted by an impartial institution, agency, organization or a group of persons having expertise in the field of performance evaluation which is selected or appointed in accordance with the procedure as prescribed by the Committee.

The performance evaluation of the Institute shall reveal facts on effectiveness, service provision quality, performance efficiency, organizational development, and other details as may be additionally determined by the Committee.

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In a case of necessary reason for a temporary period, the Committee may organize the performance evaluation under this Section from time to time.

The Institute shall report on results of the performance evaluation to the Council of Ministers and the Public Sector Development Commission.

## Chapter 6

### Supervision

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Section 39 The Minister shall have the authority to supervise the operations of the Institute, as to be in accordance with the laws and objectives for the establishment of the Institute, government policy and resolution of the Council of Ministers related to the Institute. For this purpose, the Minister shall have the power to order the Institute to deliver statement, opinion or report, to withhold any act of the Institute which is contrary to the objectives of the establishment of the Institute, government policy and resolution of the Council of Ministers related to the Institute, and to have an order to investigate facts related to the undertaking of the Institute.

### Transitory Provisions

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Section 40. When this Royal Decree comes into force, the Minister shall propose the Council of Ministers under Section 9 of Public the Organization Act, B.E. 2542 (A.D. 1999), to obtain approval for transfer of all undertakings, properties, rights, liabilities and budget of the Office of Safety and Health, Department of Labour Protection and Welfare, exclusively in parts relating to promotion of occupational safety and health, and environment, which existed on the date this Royal Decree comes into force, to the Institute under this Royal Decree.

Section 41 At the initiation, the Administration Committee of Thailand Institute of Occupational Safety and Health shall consist of: the Permanent Secretary of the Ministry of Labour, as the Chairperson; Representative of Bureau of the Budget; Representative of the Council of State; Representative of the Public Sector Development Commission; Representative of the Comptroller General's Department; and Representative of the Social Security Office, as Members; and the Director-General of Department of Labour Protection and Welfare, as a Member and Secretary.

The Committee under paragraph one shall carry out the duties of the Committee under this Royal Decree for a temporary period, until the establishment of the Committee under this Royal Decree, which must be no later than one hundred and eighty days after the date this Royal Decree comes into force.

Section 42 At the initiation, while the Director under this Royal Decree is not appointed, the Director-General of Department of Labour Protection and Welfare shall carry out the duties of the Director for a temporary period, until the

appointment of the Director under this Royal Decree, which must be no later than one hundred and eighty days after the date this Royal Decree comes into force.

Section 43 A civil servant, government official or employee of the Office of Safety and Health, Department of Labour Protection and Welfare, who is carrying out the duties on the date this Royal Decree comes into force and willing to become an Officer or Employee of the Institute, shall give a written notification of his or her intent to the supervisor, in accordance with the regulations prescribed by the Committee under Section 41, within thirty days after the date this Royal Decree comes into force, and undergo the selection and evaluation in accordance with the criteria and procedures stipulated by the Committee under Section 41, provided that the aforementioned criteria and procedures must not be contrary to, or inconsistent with, the rules as prescribed by the Council of Ministers under Section 10 of the Public Organization Act, B.E. 2542 (A.D. 1999).

Recruitment and appointment of a person, who satisfied the selection and evaluation under paragraph one, shall be effective on the day that the Council of Ministers approves the operations under Section 40

Section 44 A person, who is recruited and appointed as an Officer or Employee under Section 43, shall receive the monthly salary, wage or remuneration for the position at the rate of monthly salary and wage as determined by the Committee under Section 41, as well as receive welfare and other benefits, whose total must not lower than what the civil servant, government official or employee previously received.

The change of status from a civil servant to become an Officer or Employee of the Institute under this Royal Decree shall be deemed as discharging from official service on account of an abolition or dissolution of such position under the law on gratuities and pension of civil servant or the law on government pension fund, as the case may be.

The change of status from a civil servant to become an Officer or Employee of the Institute under this Royal Decree shall be deemed to be dismissal on account of termination or dissolution of such position without fault, and such person shall be entitled to gratuities under the regulation of the Ministry of Finance on employee gratuities.

The change of status from a civil servant to become an Officer or Employee of the Institute under this Royal Decree shall be deemed to be dismissal on account of termination of the contract by the former agency.

Section 45 For the purpose of counting a period to calculate benefits in accordance with the regulations of the Committee under this Royal Decree, a civil servant, government official or employee, who is performing the duties at the Office of Safety and Health, Department of Labour Protection and Welfare, and transferred to become an Officer or Employee of the Institute under this Royal Decree, is entitled to combine the period of tenure as the civil servant, government official or employee with the period of tenure as the Officer or Employee of the Institute under this Royal Decree, in accordance with the criteria, methods and conditions stipulated by the Committee under this Royal Decree.

Section 46 While there are no regulations, rules, announcements or stipulations of the Institute under this Royal Decree, the regulations, rules, announcements or stipulations of Department of Labour Protection and Welfare, Ministry of Labour, which are in force on the day as of the effective date of this Royal Decree, only in parts relating to operations under the scope of objectives or authority to be assigned to the Institute under this Royal Decree shall apply *mutatis mutandis*.

The Royal Command is countersigned by

General Prayut Chan-o-cha

the Prime Minister

Remarks :- The reason for the promulgation of this Royal Decree is, whereas protection for labourer, as to achieve occupational safety, health and environment, is deemed to be paramount important, because it shall prevent or secure against an incident, which cases harm to a live, body, mind or health, as a result of work performance, thus operations of promotion, support and development in relation to occupational safety, health and environment must be continuously and efficiently functioned, as well as Section 52 of the Occupational Safety, Health and Environment Act, B.E.2554 (A.D. 2011), provides that there shall be an occupational safety, health and environment promotion institute, with the objectives for promoting the occupational safety, health and environment, it is appropriate to establish Thailand Institute of Occupational Safety and Health as a public organization under the law on the public organization, in order that operations under the said objectives shall be flexible, timely and efficient, therefore this Royal Decree is legislated.