

[Royal Command Emblem]

Royal Decree
on Establishment of Thailand Institute of Occupational Safety
and Health (Public Organization), (No. 2),
B.E. 2562 (A.D. 2019)

King Maha Vajiralongkorn, rex

Given on the 19th of November A.D. 2019

Being the 4th year of the Present Reign

His Majesty, King Maha Vajiralongkorn, graciously gives the Royal Command, hereby proclaiming that

Whereas it is proper to amend the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization),

By virtue of the provisions under Section 175 of the Constitution of the Kingdom of Thailand, and Section 5 of the Public Organization Act, B.E. 2542 (A.D. 1999), which is amended by Public Organization Act, (No. 2), B.E. 2559 (A.D. 2016), 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), (No. 2), B.E. 2562 (A.D. 2019)”.

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

Section 3 The provisions in the definition of the the term the “Committee” in Section 3 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed and replaced with the following provisions:

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

Section 4 The provisions in Section 14 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed and replaced with the following provisions:

“Section 14 There shall be a committee, referred to as the “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;

(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.

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

The Chairperson and Members under (3) and (4) and must not be civil servants, having permanent positions or salaries, official or employees of government agencies, State organizations, State enterprises or local administration organizations, except lecturers in State higher education institutes.

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 qualified and Members under (3) and (4) for the replacement of a person, who vacates from office before term, shall be consistent with the general criteria as stipulated by the Council of Ministers upon the recommendation of the Committee.”

Section 5 The provisions in Section 19 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed and replaced with the following provisions:

“Section 19 The Committee shall have the authority to supervise general undertaking and operations 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 stipulate rules, procedures and conditions of giving grants for promotion of occupational safety, health and environment;
- (4) To stipulate rules, procedure and conditions of support for projects beneficial to promotion of occupational safety, health and environment;
- (5) 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;
- (6) To issue rules, regulations, notifications or prescriptions relating to the Institute on the following matters:
 - (A) General administration, arrangement of organs 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) Prescription of the code ethics for duty performance of the Members, Directors, Officers and Employees;

(D) 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;

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

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

(G) Appointment and authority of the Audit Committee;

(H) Determination of scope concerning duty performance of the Audit Committee the internal audit;

(I) Specification of uniform of the Directors, Officers and Employees, and emblem of the Institute;

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

(7) To approve collection of fees, dues, remunerations and service charges for undertaking of the Institute;

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

(9) To perform any necessary or consequent actions for achieving the objectives of the Institute;

(10) To perform any other duties under this Royal Decree, 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 6 The following provisions shall be added as Section 19/1 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015):

“Section 19/1 In administration and undertaking of the Institute, the Committee shall consider determining approaches to operating the Institute as to be in accordance with the rules and procedures of good governance, which must be to attain the best interest and benefits of the people, achievement of the missions, efficiency, mission effectiveness, integrity, process reduction, decision-making power decentralization, facilitation and satisfaction of the people's needs.”

Section 7 The provisions in Section 21, Section 22 and Section 23 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed and replaced with the following provisions:

“Section 21 The Committee shall have the power to appoint a qualified person with highly expertise as its consultant, and shall have the power to appoint the Audit Committee under Section 19 (6) (G) and a sub-committee, so as to consider or carry out any act as entrusted by the Committee.

A consultant of the Committee, the Audit Committee and the sub-committee must not be any stake holders in any activities jointly performed with the Institute, or in activities competing with undertaking 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 the Audit Committee and the sub-committee, Section 20 shall apply *mutatis mutandis*.

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

Section 23 The Institute shall have one Director, who administrates undertaking of the Institute under supervision of the Committee.

Selection of the Director shall be in accordance with the regulations of the Committee, which are consistent with the general criteria as stipulated by the Council of Ministers.

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 on behalf of the Director. If there is no Deputy Director, the Committee shall appoint one of its Members or an operative of the Institute to act in place of the Director.

Section 8 The following provisions shall be added as Section 23/1 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015):

“Section 23/1 Appointment of the Director must be completed within ninety days after the day, on which the cause of the appointment of the Director occurs. And if a necessary reason exists, the Committee may extend the period to not exceeding sixty days. If the process is not completed within the said period, the Committee shall report the results to the Public Organization Development and Promotion Commission, in order to report to the Council of Ministers for consideration.”

Section 9 The provisions in Section 24 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed and replaced with the following provisions:

“The Director must be a person, whose knowledge, ability and experience are suitable for the undertaking of the Institute, as required in the objectives and authority of the Institute, must be able to perform full time work for the Institute, and must have the qualifications and not be under the prohibitions under the law on the public organization.”

Section 10 The following provisions shall be added as paragraph three of Section 26 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015):

“Disqualification by being older than sixty five years of age shall be to be vacation from office under the term of the employment contract.”

Section 11 The provisions in Section 27 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed and replaced with the following provisions:

“Section 27 Subject to the force of Section 35, paragraph two, 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 in all positions, 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.”

Section 12 The provisions in Section 32 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed and replaced with the following provisions:

“Section 32 An Officer and Employee must have qualifications or experience suitable for the objectives and authority of the Institute, must be able to perform full time work for the Institute, and must have the qualifications and not be under the prohibitions under the law on the public organization.”

Section 13 The following provisions shall be added as paragraph three of Section 33 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015):

“Disqualification by being older than sixty years of age shall be to be vacation from office under the term of the employment contract.”

Section 14 The provisions in Section 35 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed and replaced with the following provisions:

“Section 35 The accounting of the Institute shall be conducted in accordance with the 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.

In appointment, rotation, increase of monthly salary, promotion of position and imposition of disciplinary measures on an internal auditor, the Director and the Committee shall jointly inspect and consider, in order to obtain approval from the Committee before execution.”

Section 15 The provisions in Section 38 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed.

Section 16 The provisions in Section 39 of the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be repealed and replaced with the following provisions:

“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, National Strategies, government policy, resolution of the Council of Ministers, and plan 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, National Strategies, 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.”

Section 17 The Administration Committee of Thailand Institute of Occupational Safety and Health, which has been existing before the date this Royal Decree comes into force, shall be the Committee of Thailand Institute of Occupational Safety and Health under the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), which is amended by this Royal Decree, until expiry of the term of office, as

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

Section 18 Any rules, regulations, prescriptions, announcements or orders, which refer to the Administration Committee of Thailand Institute of Occupational Safety and Health under the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), shall be deemed that those rules, regulations, prescriptions, announcements or orders refer to the Committee of Thailand Institute of Occupational Safety and Health under the Royal Decree on Establishment of Thailand Institute of Occupational Safety and Health (Public Organization), B.E. 2558 (A.D. 2015), which is amended by this Royal Decree, as the case may be.

Section 19 Minister of Labour shall be the Minister in charge under this Royal Decree.

The Royal Command is countersigned by

General Prayut Chan-o-cha

the Prime Minister

