L&P

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The Requirement of Safety Officers under Thai Law

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In some industries, employers are required to appoint safety officers in accordance with the Occupational Safety, Health, and Environment Act ("OSHE Act").

I. Applicable industries:

List 1

No.	Industry
1.	Mining industry according to the law on minerals
2.	Petroleum industry regulated separately in thelaw on petroleum
3.	Petrochemical industry
4.	Petroleum refining industry
5.	Natural gas separation industry

List 2

No.	Industry
1.	Printing industry
2.	Food product industry
3.	Beverage industry
4.	Tobacco-derived product industry
5.	Textile industry
6.	Clothing or apparel industry
7.	Leather industry
8.	Wood product industry
9.	Paper or paper product industry
10.	Chemical or chemical product manufacturing industry
11.	Pharmaceutical or medical supplies industry
12.	Rubber product industry
13.	Plastic product industry
14.	Non-metallic product industry
15.	Metal or metallic product industry
16.	Electronic equipment industry
17.	Electronic appliance or electronic equipment industry
18.	Machinery or machine tools industry
19.	Automotive, part, or accessory industry
20.	Furniture industry
21.	Jewelry industry
22.	Music instrument industry
23.	Sports equipment industry
24.	Toy industry
25.	Medical equipment industry

26.	Electricity production, delivery, or supply industry
27.	Gas or gas filling industry
28.	Coke (coal dregs) industry
29.	Steam production, storage, or distribution industry
30.	Animal husbandry and agricultural industry
31.	Fuel station according to fuel trade law
32.	Fuel depot according to fuel control law
33.	Water treatment and waste disposal service according to enhancement and conservation of national environmental quality law
34.	Recycling industry
35.	Mineral dressing, small scale mining, or mineral panning according to law on minerals
36.	Construction, modification, reparation, or demolition of buildings according to building control law
37.	Transportation industry
38.	Aviation service according to aviation law
39.	Warehouse, silo, or cold storage business according to warehouse, silo, and cold storage law
40.	Telecommunication business according to organization to assign radio frequency and to regulate the broadcasting and telecommunications services law
41.	Installation, reparation, or maintenance of machinery
42.	Hotel according to hotel law
43.	Condominium juristic person business according to condominium law
44.	Department store, retail business, or wholesale business
45.	Convention or exhibition center
46.	Hospital
47.	Testing and analysis of physical, chemical, biological, and engineering operation
48.	Sales and maintenance of automotive or reparation of automotive
49.	Zoo or amusement park

List 3

No.	Industry
1.	Financial institution business according to financial institution business law
2.	Securities business according to securities and securities exchange law
3.	Cooperative according to cooperative law
4.	Life insurance according to life insurance law or non-life insurance according to non-life insurance law
5.	Pawnshop under pawnshop law
6.	Movie studio and drama theater
7.	Botanical garden
8.	Sport field and recreational arena
9.	Establishment where food, liquor or other beverages are sold, with musical or any other entertainment performance
10.	Administrative office of the industry on list 1 and 2

II. Requirement for Safety Officer, Department, and Committee:

Requirement for safety officers and OSHE organisations								
List	Number of employees	Supervi-sor	Manage-ment	Technical	Advanced Technical	Profes-sional	OSHE Committee	OSHE Dept.
1	≥1							●
	≥2	●	●			●		●
	≥50	●	●			●	●	●
2	≥2	●	●					
	≥20 – 49	●	●	●				
	≥50 – 99	●	●		●		●	●
	≥100 – 199	●	●			●	●	●
	≥200	●	●			●	●*	●
3	≥20	●	●					
	≥50	●	●				●	

** Once the OSHE department is established, if the number of employees becomes lower than 200 but still more than 100 employees, the employer has to maintain the existence of such a department.*

III. Types of Safety Officers/Organisations:

a. **Safety Officer by Position:** These safety officers are required to be safety officers due to their position in the establishment.

Supervisor level (Sec. 7 – 9)	is defined under the OSHE Act as an employee who is in charge of supervising, controlling, commanding, and ordering other employees to work within the scope of responsibility of each working unit. Every employee who is at the supervisor level must be appointed to be a supervisor-level safety officer.
Management level (Sec. 10 – 12)	is defined under the OSHE Act as an employee who is a chief of the working unit on a higher level than supervisor level regardless of the title. Every employee who is at the management level must be appointed to be a management-level safety officer. In case there is no management in the establishment, the employer shall be the management safety officer.

b. **Safety Officer by Specific Duty**: These safety officers are appointed or hired to be safety officers or to undertake the safety tasks in the establishment. These types of safety officers are required to attend annual training for at least 12 hours per year.

Technical level (Sec. 14 – 16)	is an employee with qualifications and who received training as specified by law. The duties of a technical-level safety officer include inspecting workplaces for compliance with safety laws, analysing and addressing hazards, advising employees on safety guidelines, investigating incidents, and collecting statistics. The establishments which meet the criteria are required to appoint at least 1 technical-level safety officer.

Advanced Technical level (Sec. 17 – 19)	is an employee who has the duty to operate on safety issues of the company/business. The duties of an advanced-technical-level safety officer include analysing plans and making safety recommendations, inspecting establishments for compliance, instructing employees on safety regulations, and recommending training to maintain a secure work environment. The establishments which meet the criteria are required to appoint at least 1 advanced-technical-level safety officer.
Professional level (Sec. 20 – 22)	is an employee who has the duty to operate on safety issues of the company/business. The duties of a professional-level safety officer include assessing risks, measuring, and evaluating work environments, providing recommendations for effective work safety management, and delivering knowledge and training on occupational and environmental diseases to employees. The establishments which meet the criteria are required to appoint at least 1 professional-level safety officer.

c. **Safety Organisation**: Besides the safety officers above, certain types of establishments with larger or more dangerous operations are required to set up the following organisations:

OSHE Committee (Sec. 25 – 37)	(Occupational Safety, Health, and Environment Committee) consists of representatives from the employer and employee side, together with advanced technical or professional safety officers (if any), with managerial and policy duties on the safety issues. The committee members are required to meet at least once a month. List of committee members, changes, and resolutions of the committee must be announced.
OSHE Department (Sec. 38 – 41)	is the department established by the employer to take charge of occupational safety, health, and environment in the workplace. The employer must appoint 1 OSHE department manager who passed the OSHE management training, to manage and command the OSHE department.

The appointment and leaving of safety officers (all levels) and OSHE department management must be registered with the authority.

IV. Violation:

An employer who violates the OSHE Act can be punished by imprisonment for up to 1 year and/or a fine of up to THB 400,000, depending on the specific nature of the violation. For example, in case of a violation of the standards established by the subordinate law, the employer may be punished by imprisonment for up to 1 year and/or a fine of up to THB 400,000 (Section 53, OSHE Act). In case the safety officer is not appointed as per the law, the employer may be punished by imprisonment for up to 6 months and/or a fine of up to THB 200,000 (Section 56, OSHE Act).

V. Summary:

Employers in the applicable industries must appoint safety officers and establish a safety department and an OSHE committee as required by law. The employer must also put in place regulations and guidance on workplace safety. Besides these duties, the OSHE Act also sets out the criteria for other aspects of occupational safety (e.g., light, sound, chemical, fire, electricity, crane, radiator, confined space, machinery, etc.) for employers who conduct relevant types of work regardless of the industry. Additionally, there are safety consultant firms that can provide detailed/technical consultations and practical solutions for employers who are required to comply with safety laws.

We hope that the information provided in this brochure was helpful for you.
If you have any further questions, please do not hesitate to contact us.

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