

VICKERY & WORACHAI LTD.

LAWYERS

LEGAL NEWSLETTER

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Laws and Regulations Updated

- (A) Ministerial Regulation prescribing exemption of annual fee for factory operator B.E. 2547 (A.D. 2004)

- (B) Ministerial Regulation prescribing standards for administration and management in respect of safety, occupational health, and working environment in stuffy place B.E. 2547 (A.D. 2004)

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(A) Ministerial Regulation prescribing exemption of annual fee for factory operator B.E. 2547 (A.D. 2004)

Effective: 16 June 2004

Relevant Authority: Ministry of Industry

The reason for enacting of this Ministry Regulation is because the government has a policy to stimulate factory operators to develop their plants to reach environmental management standard (MorOrKor. 14001 or ISO 14001) or occupational health and safety standard (MorOrKor.18001) which shall effect increasing of products competition ability within and outside Thailand. The significant provisions of this Ministerial Regulation are summarized as follows:

- After the effective date of this Ministerial Regulation and prior to the date of annual fee payment, any factory operator, who is granted certification under the industrial standard of MorOrKor.14001 or ISO 14001 or MorOrKor.18001 from any certified body agent of the Ministry of Industry under factory Act B.E. 2535 (A.D. 1992), shall be exempted from payment of annual fee for the period of five (5) years from the year that the certification is granted.
- In case any factory operator has been granted for the above standard(s) before the effective date of this Ministerial Regulation, such operator shall be exempted from payment of annual fee under Factory Act B.E. 2535 (A.D. 1992) for the period of five (5) years counted from the above effective date of this Ministerial Regulation.
- In the event any factory operator is revoked from the industrial standard certification, the exemption privilege for annual fee payment shall also be extinguished from the date of such revocation.

(B) Ministerial Regulation prescribing standards for administration and management in respect of safety, occupational health, and working environment in stuffy place B.E. 2547 (A.D. 2004)

Effective: 8 December 2004

Relevant Authority: Ministry of Labour

This Ministerial Regulation was proclaimed on 27 April 2004 and published in the Government Gazette dated 10 June 2004, in order for providing work safety to an employee in accordance with sections 6 and 103 of the Labour Protection Act B.E. 2541 (A.D. 1998). The significant provisions of this Ministerial Regulation are concluded as follows:

1. Specifying definition of the following words;

“Stuffy Place” means a place having limited entrance and exit and having insufficient ventilation to make air within to be in a healthy and safe condition, e.g. tunnel, cave, underground room, fuel tank, silo, container or other things of the like.

“Dangerous Atmosphere” means air condition which may cause the employee to sustain danger from any of the conditions prescribed in this Ministerial Regulation, e.g. having oxygen less than 19.5 per cent or more than 23.5 per cent, by volume, having concentration value of each kind of chemical exceeding the standards prescribed under relevant laws and regulations, or any other conditions that may be dangerous to the body or life as prescribed by the Minister of Labour.

2. An employer shall be responsible for administration and management in respect of safety, occupational health, and working environment for its employees in compliance with this Ministerial Regulation, e.g. arranging for warning sign and statement to be affixed obviously at the entrance and exit of all stuffy places, measurement of, recording and assessing air condition within the stuffy place before and during employee’s working in such place, including conducting of safety training course to all employees working in stuffy places and relevant persons. Relevant documents evidencing said training must be kept within the employer’s operating place for purpose of prompt inspection by the labour inspector.

3. The employer shall also assign any employee(s) and/or the assistant(s) thereof, who has/have been trained on the course of safety concerning working within the stuffy place, to be rescuer(s), to observe at the entrance and exit of the stuffy place, whereby they must be able to communicate and assist an employee working within such place, at all times, and shall provide them with suitable life saving equipment thereof.

4. Any permission to any employee to work within the stuffy place must be made in writing by the employer or by the employer's assigned safety-training employee, and the assignment letter must also be kept within the employer's operating place for the purpose of prompt inspection by the labour inspector.