ABSTRACT

This Independent Study Paper has been prepared with the purpose of identifying the problems of the regulations relating to safety in factory according to the Factory Act B.E. 2535 and the Occupational Safety Health and Environment Act B.E. 2554. It focuses on both legal and practical problems by comparing to the similar regulations in the Singapore and United States in order to point out the difference on the matter alike, as well as to be able to provide solutions to problems that might occur.

This Independent Study Paper found out that there are two complications. In the first case, there is the complication of the regulation enforcement. In this case, there are two governmental sectors who are in charge of the control and monitor of matters in relation to safety in factory namely: the Ministry of Industry and the Ministry of Labour. This leads to the unnecessary waste of government's budget and human resource. In the second case, there is the complication of regulation compliance resulted from the issuance of different laws by two governmental sectors. These laws enforcing on factory operators prescribe requirements and standards differently, leading to confusion among factory operators, and doubled burden on factory operators when they need to comply to these repetitive laws. From the study of Singapore and United States, as it is found that there is only one piece of legislation enforcing on the factory safety, there is no problem with repetitive laws. Thus, the researcher suggests the guidelines to improve laws in relation to factory safety not to be repetitive and to be in accordance with an international standard. Nevertheless, since the transfer of all duties on such matter to one organization, as seen in other countries, is difficult, the researcher also suggests a solution. In such regard, there shall be an agreement between two organizations that providing that factory operators...
have already complied with either one piece of legislation, obtained permission from either ministry, it shall be deemed that such factory operators have already complied with or obtained permission from other ministry.