

National Committee for Empowerment of Persons with Disabilities Regulation on Criteria and Procedures to Grant Concessions, Arrange Places for Products or Services of Persons with Disabilities, Employ Persons with Disabilities under Subcontracts with Other Agencies, Provide Trainings or Any Other Supports for Persons with Disabilities or Caregivers B.E. 2552

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According to section 11 and section 35 of Persons with Disabilities Empowerment Act B.E. 2550 which have some provisions to restrict rights and liberties of a citizen, pursuant to provisions under Article 29, Article 41 and Article 43 of Constitution of Kingdom of Thailand which legitimize such provisions, National Committee for Empowerment of Persons with Disabilities has endorsed and proclaimed the Regulation as follows:

Article 1 This Regulation shall be entitled the “National Committee for Empowerment of Persons with Disabilities Regulation on Criteria and Procedures to Grant Concessions, Arrange Places for Products or Services of Persons with Disabilities, Employ Persons with Disabilities under Subcontracts with Other Agencies, Provide Trainings or Any other Supports for Persons with Disabilities or Caregivers B.E. 2552”

Article 2 This Regulation shall be in force from the day subsequent to the date of announcement in the Royal Gazette onwards.

Article 3 In this Regulation:

“**Granting concessions**” means allocation of rights to persons with disabilities or caregivers to possess or utilize any resources or properties for their employment benefits;

“**Arranging places for products or services**” means allocation of space inside or outside agency’s premises for persons with disabilities and caregivers for their employment benefits;

“ **Subcontracts**” means arrangements for persons with disabilities or caregivers to have a contract with government agencies or employers or entrepreneurs to perform the whole or partial amount of work under responsibility of such government agencies or employers or entrepreneurs and for the benefits of such government agencies or employers or entrepreneurs, and shall include an arrangement for persons with

disabilities or caregivers to have a contract with a subcontractor for the performance of work under responsibility of such government agencies or employers or entrepreneurs;

“**Trainings**” means process to attain knowledge, skills and experience deemed necessary for employment benefits;

“**Government agencies**” means ministries, departments, divisions, government agencies otherwise called but have the same status with departments, regional and local governments, state enterprises set up under the acts or royal decrees, or any other government agencies;

“**Fund**” means Fund for Empowerment of Persons with Disabilities;

“**Committee**” means National Committee for Empowerment of Persons with Disabilities;

“**Sub-Committee**” means Sub-committee on employment promotion for persons with disabilities appointed by the Committee.

Article 4 Any government agency who does not want to employ persons with disabilities under Section 33 of Persons with Disabilities Empowerment Act B.E.2550 or in case any employer or entrepreneur does not want to employ persons with disabilities under Section 33 and does not want to send money to the Fund under Section 34, must send an intention report to the Permanent Secretary of the Ministry of Labor or Provincial Governor, as the case may be, to grant concessions, arrange places for products or services of persons with disabilities, employ persons with disabilities under subcontracts with other agencies, provide trainings or any other supports for persons with disabilities or caregivers stipulated by this Regulation.

Article 5 Period of the concessions awarded must not be lower than one year for the following activities:

- (1) Possession of property of a government agency or employer or entrepreneur for persons with disabilities to set up a venue for occupation or place for selling products or providing services such as installing of an automatic beverage kiosk, a government lottery machine, or a photocopy machine;
- (2) For persons with disabilities or caregivers to sell products or provide services according to the needs of a government agency or employer or entrepreneur ;
- (3) Allocation of equipment or materials not being used by a government agency or employer or entrepreneur to persons with disabilities or caregivers for benefits of their employment;

Warning: This is an unofficial translation by National Office for Empowerment of Persons with Disabilities, June 2011.

- (4) Allocation of frequencies or broadcasting periods of radio stations or television stations under supervision of a government agency or employer or entrepreneur, during which large proportions of audiences can follow;
- (5) Any other concessions as prescribed by the Committee.

If the provisions mentioned in Paragraph One fall under any specific legislation, the procedures under this Article shall be *mutatis mutandis* applicable with such specific legislation.

Article 6 An arrangement of places for products or services of persons with disabilities shall meet the following criteria:

- (1) Its location must be easily found, convenient for purchasing of goods and services;
- (2) The premises must be equipped with infrastructure and assistive devices to ensure full access of persons with disabilities;
- (3) The building must be secure and safe;
- (4) Renting fees must be exempted;
- (5) The period allowed must not be lower than one year.

The value mentioned in Paragraph One is calculated by renting costs plus expenses as prescribed by the Committee and must not lower than the minimum wage in that local area multiplied by three hundred and sixty five per disabled employee.

Article 7 Subcontracts or any other supports by arranging a contract for persons with disabilities to have employment and the period of employment shall not be lower than six months, and shall include the following activities:

- (a) Government agencies;
 - (1) Orders of goods or products from persons with disabilities by special procurement procedure;
 - (2) Sales of goods or hiring of services for persons with disabilities by special procurement procedure;
 - (3) Allocation of equipment and materials no longer needed for persons with disabilities according to their needs;

- (b) Employers or entrepreneurs;
- (1) Orders of goods or products from persons with disabilities;
 - (2) Sales of goods or hiring of services that meet the standards as specified by the Sub-Committee;
 - (3) Warrants of Trademark Rights, equipment and materials or intellectual property according to the period specified by the Sub-Committee.

Value of the subcontracts according to (a) and (b) must exceed five times the minimum wage in that local area multiplied by three hundred and sixty five per disabled employee.

Article 8 Provisions of trainings shall have the following criteria:

- (1) There shall be transfers of knowledge, technology, production process or knowledge of organizations to persons with disabilities;
- (2) Training programs must be submitted to Permanent Secretary of Ministry of Labor or Provincial Governor or persons appointed by Permanent Secretary of Ministry of Labor or Provincial Governor, as the case may be, for approval.

Article 9 The Sub-Committee shall consist of:

- (1) Permanent Secretary of the Ministry of Labor serving as Chairperson;
- (2) Representative from National Office for Empowerment of Persons with Disabilities, Representative from Department of Skill Development, Representative from Department of Local Administration, Representative from Ministry of Agriculture and Cooperatives, Representative from Ministry of Commerce, Representative from Ministry of Industry, Representative from Office of Commission for Teachers and Educational Personnel, Representative from Office of Civil Service Commission, Representative from Department of Labor Protection and Welfare serving as Sub-Committee Members;
- (3) Seven representatives from organizations of persons with different types of disabilities nominated by the Council of Disabled People of Thailand serving as Sub-Committee Members;
- (4) Two experts who have knowledge and experiences in employment promotion for persons with disabilities serving as Sub-Committee Members;

Director General of Department of Employment serving as Sub-Committee Member and Sub-Committee Secretary;

Deputy Secretary General, National Office for Empowerment of Persons with Disabilities serving as Sub-Committee Member and Assistant to the Sub-Committee Secretary;

Director General of Department of Employment shall appoint no more than two public servants or officials from the Department of Employment to serve as assistants to the Sub-Committee Secretary;

Article 10 The Provisions of Sections 7, 8, 9, and 11 Paragraph Three of Persons with Disabilities Empowerment Act B.E.2550 shall be mutatis mutandis applicable for the membership, termination of membership of Sub-Committee under Section 9 (3) (4) and (5), and provisions of Section 10 shall be mutatis mutandis applicable for the meetings of the Sub-Committee.

Article 11 The Sub-Committee shall bear the following authorities and duties:

- (1) To announce criteria and procedures for awarding concessions, arrange places for products or services of persons with disabilities, employ persons with disabilities under subcontracts with other agencies, provide trainings or any other supports for persons with disabilities or caregivers, apart from what has already been stipulated by this Regulation;
- (2) To monitor the implementation of the provisions under Section 35 of Persons with Disabilities Empowerment Act B.E.2550 by government agencies and employers or entrepreneurs;
- (3) To promote widespread assistance for persons with disabilities and caregivers, which is supported by government agencies and employers or entrepreneurs to ensure thoroughly and equitable access for persons with disabilities and caregivers;
- (4) To consider appropriateness of assistance as prescribed by this Regulation;
- (5) To prepare an annual report on employment assistance for persons with disabilities or assistance for persons with disabilities and caregivers, which is supported by government agencies and employers or entrepreneurs;
- (6) To request government agencies and employers or entrepreneurs to clarify facts or give opinions to the Sub-Committee or send documents for consideration;

- (7) To propose to the Committee for granting certificates, credits, awards, royal orders and decorations or any other benefits to an employer or entrepreneur who provides employment assistance for persons with disabilities;
- (8) To submit a progress report to the Committee annually;
- (9) To promote participation of organizations of and organizations for persons with disabilities as well as government agencies and non government agencies in carrying out this Regulation;
- (10) To complete other tasks delegated by the Committee.

Article 12 Permanent Secretary of Ministry of Labor or Provincial Governor or persons appointed by Permanent Secretary of Ministry of Labor or Provincial Governor, as the case may be, shall have the following duties:

- (1) To register persons with disabilities seeking employment promotion;
- (2) To register government agencies or employers or entrepreneurs who wish to implement this provision;
- (3) To examine facts concerning values of granting concessions, providing arrangements of places for products or services of persons with disabilities, employment of persons with disabilities under subcontracts with other agencies, trainings or any other supports for persons with disabilities or caregivers, that a government agency or an employer or entrepreneur is obligated to offer;
- (4) To notify disability organizations or other organizations involved in providing services for persons with disabilities or caregivers about the services available.

Article 13 Any person with disability wishing to avail himself/herself the assistance under this Regulation shall submit an application to the government officers under Article 12, but such action shall not disqualify him/her from the rights to seek direct assistance from government agencies or employers or entrepreneurs.

To seek assistance as prescribed in Paragraph One, a person with disability must submit an application by himself/herself.

In case the person with disability is a minor, a quasi-incompetent or incompetent person, or severely disabled to the extent that he or she cannot submit the application by himself/herself, his/her caregiver may

submit the application on his/her behalf but must provide evidence verifying the caregiver's status to the officers.

To seek assistance as prescribed in Paragraph One, persons with disabilities may form a group for employment purposes in accordance with criteria and procedures prescribed by the Sub-committee.

Article 14 When government agencies or employers or entrepreneurs have completed the measures under this Regulation they shall submit a final report or contract, as specified by the Permanent Secretary of Ministry of Labor, to the government officers under Article 12 within thirty days starting from the day of completion in order to report to the Fund for deducting from the amount of money that the employers or entrepreneurs owe the Fund for failing to employ persons with disabilities.

Article 15 Permanent Secretary of Ministry of Labor and Permanent Secretary of Ministry of Social Development and Human Security shall execute this Regulation and are entitled to issue procedures and specify forms of document under their authority and affairs.

In case there is a problem or conflict in implementing this Regulation, the executors in Paragraph One shall have a judgment under their authority and affairs.

Given on the 1st day of September B.E.2552

Abhisit Vejjajiva

Prime Minister

Chairperson of National Committee for Empowerment of Persons with Disabilities