**THE LABOUR PROTECTION ACT B.E. 2541 (A.D. 1998)**

**HIS MAJESTY KING BHUMIBOL ADULYADEJ, REX.**

**ASSENTED TO ON 12TH FEBRUARY 1998**

**BEING THE 53TH YEAR OF THE PRESENT REIGN**

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that;

Whereas is deemed expedient to amend the law governing labour protection;

By the gracious command of His Majesty, be it therefore enacted into law with advice and consent of the National Legislative Assembly as follows:

**Section 1.** This Act shall be called " The Labour Protection Act B.E 2541 (1998)."

**Section 2.** This Act shall come into force upon expiration of 180 days of its publication in the Government Gazette.

**Section 3.** The following shall be repealed:

(1) The Announcement of the Revolutionary Party No. 103 dated 16 March B.E. 2515 (1972).

(2) The Amendment to the Announcement of the Revolutionary No. 103 B.E. 2515 (1972) (No. 1) Act B.E. 2533 (1990).

All laws, rules and other regulations which are already stipulated herein or that which are in conflict with or contradict this Act, this Act shall instead apply.

**Section 4.** This Act shall not apply to:

(1) the central, provincial and local governments;

(2) the state enterprises under the law governing the State Enterprise Labour Relations.

Besides the cases under the foregoing paragraph, the Ministerial Regulations may be issued not to apply this Act in whole or in part to any particular category of Employer.

**Section 5.** In this Act:

~~"Employer": means a person who agrees to accept an Employee to work for which the Employee is paid a Wage and also inclusively means:~~

~~(1) a person who is assigned to work on behalf of the Employer;~~

~~(2) a person authorised to act for and on behalf of the juristic person in the event of the Employer being a juristic person; and~~

~~(3) Where the operator of business has engaged by way of agreed lump sum Wage in relation to which any particular person is assigned to undertake, on a sub-contract basis, the supervision of work and be responsible for paying a Wage to the Employee; to recruit the Employee to work; but such activity is not the operation of an established employment agency where the performance of such work is a part of or whole part of a production process or business for which the operator is responsible, it shall be regarded that the operator such business is also an Employer of said Employee.~~

“Employer”: refers to a person who agrees to engage an Employee to work for which Wages are paid, and it shall mean to include:[[1]](#footnote-1)

1. a person who is authorized to work for the Employer;[[2]](#footnote-2)
2. in case the Employer is a juristic person, it shall mean to include the person with authority to act on behalf of such juristic person, and a person authorized by the person with the authority to act on behalf of the juristic person to act on his behalf as well.[[3]](#footnote-3)

"Employee": means a person who agrees to undertake to work for an Employer in return for Wages regardless of whatever it is called.

"Primary Contractor”: means a person who agrees to undertake to perform the work in whole or in part in relation to any particular piece of work until completion in the interest of the Employer.

"Sub-Contractor": means a person who has entered into a contract with the Primary Contractor to undertake to carry out, in part or in whole, any particular type of work for which the Primary Contractor is responsible in the interests of the Employer and inclusively means a person who enters into a contract with a Sub-Contractor to undertake to do the work for which the Sub-Contractor is responsible irrespective of how many items of sub-contracted work have been undertaken.

"Employment Contract": means a contract whether or not in written or oral form, expressly or implicitly executed, in which one person who is called "Employee" agrees to perform the work for another person who is called "Employer" and the Employer agrees to pay Wage throughout the period of performing work.

"Work Day": means the day on which the Employee is normally required to work.

"Holiday": means the day on which the Employee is allowed to be away from work on the weekends, public Holidays or on annual leave.

"Day of Leave of Absence": means the day on which Employee takes sick leave, leave of absence to undergo a sterilisation operation, personal business leave, military service leave, leave of absence for training or education or maternity leave.

"Wage": means the money in respect of which both the Employee and Employer have agreed as payment of remuneration for the performance of work under Employment Contract at normal hourly, daily, weekly, monthly rate, or for other periods, or that which is paid on a piecework basis for the work done by Employee during working hours on normal Work Day and inclusively means money which is paid by the Employer to the Employee on Holidays and on leave days during which the Employee is away from work but is entitled to receive under this Act.

"Work Day Wage": means a Wage which is paid for full normal working time.

"Minimum Wage Rate": means the rate of Wage which is prescribed by the Wage Committee under this Act.

~~"Basic Minimum Wage Rate": means the rate of Wage which the Wage Committee has prescribed for application as a basis for prescribing the Minimum Wage Rate.[[4]](#footnote-4)~~

“Skill-Standard Wage Rates”: refers to the Wage rate fixed by the Wage Committee in each branch of profession according to the skill standards.[[5]](#footnote-5)

"Overtime Work": means the performance of work outside of or beyond normal working hours or working hours on each day which is agreed between Employee and Employer under Section 23 being either on Work Day or on Holiday as the case may be.

"Overtime Pay": means money which the Employer pays to the Employee as remuneration for working overtime on Work Days.

"Holiday Pay": means money which the Employer pays to the Employee as remuneration for working on Holiday.

"Holiday Overtime Pay": means money which the Employer pays to the Employee as remuneration for working overtime on Holiday.

"Severance Pay": means money paid to an Employee by an Employer upon termination of employment, in addition to any other kind of payments which the Employer agrees to pay to the Employee.

"Special Severance Pay": means money which the Employer pays to the Employee upon expiration of Employment Contract due to special circumstances as prescribed in this Act.

"Savings": means money which the Employee pays into the Employee Welfare Fund

"Contributions": means money which Employer contributes in favour of the Employee towards the Employee Welfare Fund.

"Labour Inspector": means persons appointed by the Minister to implement this Act.

"Director-General": means the Director-General of the Department of Labour Protection and Welfare.

"Minister": means the Minister who is responsible for implementing this Act.

**Section 6.** The Minister of Labour and Social Welfare shall be responsible for the implementation of this Act and shall have powers to appoint competent Labour Inspectors and issue Ministerial Regulations and notifications pursuant to this Act.

For the purpose of the appointment of competent Labour Inspectors, the scope of duties and the terms and conditions for performance of duty may also be prescribed.

The Ministerial Regulations and notification when published in the Government Gazette shall be in full force and effect.

**CHAPTER 1**

**General**

**Section 7.** Claims for or acquisition of rights and benefits under this Act shall be without prejudice to the rights and benefits to which the Employee is entitled under other laws.

**Section 8.** The Minister shall have powers to appoint competent officers whose education qualification is not below Bachelor of Laws (LLB) to have powers to initiate legal proceedings or to defend in a labour dispute case for the Employee or the deceased Employee's statutory heir; and when the Ministry of Labour and Social Welfare has notified the Court, the competent officer shall have the powers to act until the case is finalised.

**Section 9** ~~Where the Employer has not refunded the guarantee money under Section 10, para. 2, nor paid Wage, Overtime Pay, Holiday Pay and the Holiday Overtime Pay within the period of time prescribed in Section 70, or severance pay pursuant to~~ [~~Section 118~~](#Section_118)~~, Special Severance Pay pursuant to Section 120, Section 121 and Section 122, the Employer shall pay the Employee interest during the period of default at the rate of fifteen per cent (15%) per annum.~~

~~In case the Employer refuses to refund the security money under Section 10, paragraph two, or refuses to pay Wages, Overtime Pay, Holiday Pay, and Holiday Overtime Pay, within the period of time prescribed under Section 70, or Severance Pay under~~ [~~Section 118~~](#Section_118)~~, Special Severance Pay in lieu of notice in advance or Special Severance Pay under Section 120, Section 121 and Section 122, the Employer shall pay interest to the employe during the time of default at fifteen percent (15%) per annum~~.[[6]](#footnote-6)

In the case an Employer refuses to return the security which is money under Section 10, paragraph two, refuses to pay money in the case of termination of contract of employment without notice in advance under Section 17/1, or refuses to pay Wages, Overtime Pay, Holiday Pay, Holiday Overtime Pay, and money an Employer is obliged to make payment under this Act, within the period of time prescribed under Section 70, or refuses to make payment in the case an Employer suspends his business under Section 75 or Severance Pay under [Section 118](#Section_118), Special Severance Pay in lieu of notice in advance or Special Severance Pay under Section 120, Section 120/1, Section 121, and Section 122, the Employer shall pay interest to the Employee during the time of default at fifteen percent (15%) per annum.[[7]](#footnote-7)

Where the Employer has deliberately not refunded nor paid the money under para. 1 without justifiable grounds, upon the elapse seven days (7) of the date due to make the refund or payment, the Employer shall be liable to pay the Employee an additional amount equal to fifteen percent (15%) of the amount payable for every seven day period.

Where the Employer is prepared to make the refund or pay the money pursuant to para.1 and para. 2 and the money is handed over to the Director-General or any person authorised by the Director-General to pay to the Employee, the Employer is not required to pay interest or extra money with effect from the date on which the Employer deposited such money.

**Section 10** ~~Subject to Section 51, para. 2, no Employer shall be permitted to demand or receive the employment guarantee money or employment-related damage guarantee money from the Employee save for the characteristics or the condition of work being performed entails the Employee's accountability for possible damage to the Employer's money or property. For this purpose, the characteristics or the condition of work which entails the demand for or receipt of guarantee money from the Employee, the amount of money to be demanded and method of safe-keeping of such money shall be according to the criteria prescribed by the Minister by way of Ministerial notification.~~

~~Where the Employer demands for or receives the employment guarantee money or enters into a guarantee contract with the Employee to indemnify for possible damage which may be caused by the Employee, when the Employer terminates employment or when the Employee has resigned from employment or the guarantee contract has expired, the Employer is to refund the guarantee money together with accrued interest [if any] to the Employee within seven day of the employment being terminated by the Employer or resignation of the Employee or on the date which the guarantee agreement has expired as the case may be.~~[[8]](#footnote-8)

Subject to Section 51, paragraph one, no Employer shall demand or accept any security for employment or any security for damages from employment, whether it be money, other property or personal guaranty, from the Employee, except the description or the nature of the said work requires the Employee to be responsible for money or property of the Employer and which may create damages to the Employer. However, the description or the nature of work where a security can be demanded or accepted from the Employee, including the category of security, the amount of the security and keeping of same, shall be per the basis and procedures prescribed by the Minister.[[9]](#footnote-9)

In case the Employer demands for or accepts the security, or executes a security contract with the Employee for compensation of damages caused by the Employee, when the Employer terminates employment of the Employee, or when the Employee resigns from work, or when the security contract expires, the Employer shall refund the security plus interest, if any, to the Employee within seven days from the date of termination of employment, or the date of resignation, or the date of expiration of the security contract, as the case may be.[[10]](#footnote-10)

**Section 11** ~~Debt arising from non-payment of basic Wages, Overtime Pay, Holiday Pay, Holiday Overtime Pay, severance pay, Special Severance Pay, wmployee and Employer Contributions or additiona payments to the Employee or to the Department of Labour Protection and Welfare, as the case may be, shall have preferential right over all property of the Employer who is a debtor on the same priority level as preferential right over taxation under the Civil and Commercial Code.~~

The debts arisen from the money that must be paid by the Employer under this Act, or money that must be compensated to the Employee Welfare Fund under Section 135 for the Employee or the Department of Labour Protection and Welfare, as the case may be, shall have preferential right over all property of the Employer who is a debtor in the same rank as the preferential right in the tax and duty under the Civil and Commercial Code.[[11]](#footnote-11)

**Section 11/1.** In the case the business operator assigns any person to recruit worker whereby it is not a job procurement business operation, and such work is a part in the manufacturing process or the business under the responsibility of the business operator, and whether or not such person may supervise the work or be responsible for payment of Wages to the said worker, it shall be regarded that the business operator is the Employer of the said worker.[[12]](#footnote-12)

The business operator shall arrange for the contracted Employee who works in the same description as an Employee under direct contract of employment to receive fair benefits and welfare without discrimination.[[13]](#footnote-13)

**Section 12.** Where the Employer is a Sub-Contractor, the next Sub-Contractors, if available throughout the line, as far as to the Primary Contractor shall jointly be responsible to the Sub-Contractor, who is the Employer, for Wage, Overtime Pay, Holiday Pay, Holiday Overtime Pay, Severance Pay, Special Severance Pay, Savings, contribution or extra pay.

The Primary Contractor or Sub-Contractors under the foregoing shall have the right to recover payments made under the foregoing paragraph from the subcontractor who is the Employer.

**Section 13.** ~~In the event of the change in Employer in any business as a result of transfer, inheritance by any other means or where the Employer is a juristic person; and there has been registration of the change, transfer or merger with any juristic person, any rights which the Employee has had with the original Employer shall continue unchanged and the new Employer shall undertake all such rights and duties in relation to such Employee in every respect.~~

In case any business changes the Employer, or in case the Employer is a juristic person and there has been registered a change, a transfer, or a merger with any juristic person, if it causes any Employee to be an Employee of the new Employer, such must receive consent from the said Employee as well, and the rights that the Employee has had with the former Employer shall remain with the Employee throughout, whereby the new Employer shall accept the rights and duties relating to the said Employee in all respects.[[14]](#footnote-14)

**Section 14.** The Employer shall treat the Employee accordingly in relation to the rights and duties as provided for in the Civil and Commercial Code unless it is otherwise stipulated in this Act.

**Section 14/1.** For contract of employment between the Employer and the Employee, work regulations, regulations or orders of the Employer which results in the Employer being exploitive over an Employee, the court shall have the power to order such contract of employment, work regulations, regulations or orders be enforceable only to the extent as it is fair and reasonable under the circumstances.[[15]](#footnote-15)

**Section 15** The Employer shall treat both male and female Employees on equal basis in terms of employment save for when the characteristics or the condition of work may not permit such treatment.

**Section 16**~~No Employer or any person who is the head of work, supervisor or work inspector shall commit sexual harassment against female or child Employees.~~

No Employer, work chief, supervisor or inspector shall commit an act of sexual harassment, sexual advance, or sexual disturbance against the Employee.[[16]](#footnote-16)

**Section 17.** ~~Employment Contract terminates upon expiration of the period of time in the Employment Contract without advance notice.~~

~~In the absence of a definite period in the Employment Contract, the Employer or Employee may terminate the Employment Contract by giving advance written notice of termination to the other party for information when or before any payment of Wage is due to validate legally the termination of the contract when the next payment of Wage is due; but it shall not be necessary to give more than 3-month advance notice.~~

~~In the case of termination of Employment Contract initiated by the Employer, if the Employer has not specified the reason in the notice of termination of the Employment Contract, the Employer shall not subsequently raise causes pursuant to Section 119.~~

~~As regards the termination of Employment Contract pursuant to para. 2, the Employer may pay Wage of the amount payable up to the date of termination of the contract on prescribed time as given in the notice and the Employee is to leave employment immediately; and it shall be regarded that the payment of Wage to the Employee under this paragraph is the payment of remuneration made to the Employee under Section 582 of the Civil and Commercial Code.~~

~~The advance notice given pursuant to this Section shall not apply to the termination of employment under Section 119 hereof and under Section 583 of the Civil and Commercial Code.~~

Any contract of employment shall be considered terminated when the period prescribed in the contract expires, whereby a notice in advance of the termination is not necessary.[[17]](#footnote-17)

In case the contract of employment has no definite period, the Employer or the Employee may terminate the contract of employment by notifying the other party in advance in writing on or before any due date of payment of Wages, so as to create an effect that the contract be terminated when the next payment of Wages is due, however, a notice needs not be given more than three (3) months in advance, and it shall be regarded that the contract for probationary employment is a contract of employment of indefinite period as well.[[18]](#footnote-18)

In terminating the contract of employment under paragraph two, the Employer may pay Wages according to the amount payable up to the time of termination of the contract as notified, and the Employer may cease employment at once.[[19]](#footnote-19)

The notice in advance under this Section shall not apply to the termination of employment under Section 119 of this Act and under Section 583 of the Civil and Commercial Code.[[20]](#footnote-20)

**Section 17/1.**[[21]](#footnote-21) In the case an Employer terminates contract of employment without giving a notice in advance to an Employee under Section 17, paragraph two, the Employer shall make payment to the Employee equivalent to the amount of Wages the Employee should receive as from the date of termination of employment up to the effective date of termination of contract of employment under Section 17, paragraph two, whereby payment shall be made on the date of termination of employment of the Employee.

**Section 18.** ~~Where this Act requires the Employer to report any actions taken to the competent Labour Inspector, the Employer may personally report such action, or such report may be made by post or by way of facsimile machine as the case may be at the place prescribed by the Director-General.~~

In case this Act provides that the Employer must report any proceedings or send any documents to the Director-General or the person assigned by him or the Labour Inspector, the Employer may report or send same by himself, by post, by phone, by facsimile, by electronics means, or by other kind of information technology means, however, it shall be in accordance with the bases and procedures prescribed by the Director-General.[[22]](#footnote-22)

**Section 19.** In the interests of calculation of the Employee's period of employment pursuant to this Act, the Holidays, leave days, the days on which the Employer allows the Employee to be away from work for the benefit of the Employee and the days on which the Employer orders the Employee to be away from work for the benefit of the Employer shall also be accounted for in the Employee's period of employment.

**Section 20.** The fact that the Employee has not worked consecutively as the Employer intends to deprive the Employee of any rights under this Act, regardless of whether or not the Employer shall assign the Employee to perform any duty or the length of each duration of such duty, every duration of work performance must be counted together in the interests of entitlement to the rights of such Employee.

**Section 21.** Where this Act requires the Employer to do any act which entails the incurring of expenses, the Employer shall be required to meet the expense for such act.

**Section 22.** For work relating to agriculture, fishery, loading and unloading of sea-going cargo vessels [stevedoring] service, the work taken to do at home, transportation work and other work as stipulated in the Royal Decree, the requirements may be set out in the Ministerial Regulations for labour protection at variance with this Act.

**CHAPTER 2**

 **Employment of Labour in General**

**Section 23** ~~The Employer shall announce normal working hours to the Employees for information, specifying the start and the end of working hours for each Work Day of the Employee not exceeding the working hours required for each category of work as prescribed in the Ministerial Regulations; but for one Work Day, the working hours shall not exceed 8 hours per day and forty eight hours per week in total. With the exception of work which may be hazardous to health and safety of Employees as prescribed in the Ministerial Regulations, the normal working hours must not exceed seven hours per day; but in total, the working hours shall not exceed forty-two hours per week.~~

~~In the absence of the announcement of the established regular working hours with specified starting and ending hours for each day due to unique characteristics or conditions of the work, both the Employer and Employee shall reach mutual agreement to determine working hours for each day shall~~ *~~not~~**~~exceed eight hours~~* ~~and~~ *~~not exceed forty eight hours~~* ~~in total per week.~~

The Employer shall announce the regular work hours to the Employee, by stating the starting time and the closing time of work on each day of the Employee at not exceeding the work hours of each category of work as prescribed in the Ministerial Regulations, however, it shall not exceed eight hours per day. In the case the work hours on any day is less than eight hours, the Employer and the Employee may agree to include the said remaining work hours with the work hours on any regular work day, however, it must not exceed nine hours per day. And when adding the work hours altogether, it must not exceed forty eight hours per week, except the work that may be hazardous to the health and the safety of the Employee as prescribed in the Ministerial Regulations, whereby the regular work hour per day must not exceed seven hours, but when adding work hours altogether, it shall not exceed forty two (42) hours per week.[[23]](#footnote-23)

In the case the Employer and the Employee have agreed to include the remaining work hours with the work hours on other regular work day under paragraph one exceeding eight hours per day, the Employer shall pay remunerations at not less than one and a half (1.5) time of the hourly Wage rate on the work day according to the hours worked overtime for daily Wage Employee and hourly Wage Employee, or not less than one and a half (1.5) time of the rate of Wage per unit on the work day according to the amount of work accomplished in the hours worked overtime for the Employee who receives Wages according to work accomplishment.[[24]](#footnote-24)

In case the Employer cannot announce the starting time and the closing time of work on each day owing to description or nature of such work, the Employer and the Employee shall agree on the number of work hours on each day to be not exceeding eight hours, and when adding work hours altogether, it must not exceed forty eight hours per week.[[25]](#footnote-25)

**Section 24.** No Employer shall be permitted to require the Employee to work overtime on Work Day except with prior consent of the Employee on an individual case basis.

Where the characteristics or the condition of work requires continuous performance or otherwise the work may risk damage or the work is of urgent nature or being other types of work as prescribed in the Ministerial Regulations, the Employer may require the Employee to work overtime to the extent as may be necessary.

**Section 25.** No Employer shall be permitted to require Employee to work on Holiday except in the case of characteristics and condition of work requiring continuous performance or otherwise may risk damage to the work or the work is of urgent nature, the Employer may require the Employee to work on Holiday to the extent as may be necessary.

An Employer may require Employee to work on Holiday for businesses such as hotels, entertainment houses, delivery of goods, restaurants, beverage shops, clubs, associations, clinics, hospitals or other types of business as prescribed in the Ministerial Regulations.

In the interests of production, distribution and provision of services, the Employer may require the Employee to work in addition to what are prescribed in para. 1 and para. 2 on Holiday to the extent as may be necessary subject to prior consent of the Employee on an individual case basis.

**Section 26.** Overtime working hours under Section 24, para. 1 and working hours on Holiday under Section 25, para. 2 and para. 3, when added together shall not exceed the rate as prescribed in the Ministerial Regulations.

**Section 27.** On Work Day, the Employer shall arrange for the Employee to have break time during working hours of one (1) day for not less than one (1) hour after the Employee has already been working for not more than five (5) consecutive hours. Both the Employer and Employee may reach an advance agreement to have one (1) break time of less than one (1) hour; but altogether the break time shall not be less than one (1) hour in a day.

Where both the Employer and Employee agree otherwise on break time during working hours pursuant to para.1, if such agreement is beneficial to the Employee, such agreement shall be in force and effect.

Break time during working hours shall not be accounted for as working hour save for break time when added together exceeds two (2) hours in one (1) day. The break time in excess of two (2) hours shall be accounted for as normal working hours.

Where the Overtime Work in continuation from the normal working hours is to be performed for not less than two (2) hours, the Employer shall arrange for the Employee to have a break time for not less than twenty (20) minutes before the Employee commences the Overtime Work.

The provisions in para. 1 and para. 4 shall not apply to the Employee doing the work of characteristics and condition requiring continuous performance with consent of the Employee or being the work of urgent nature

**Section 28.** The Employer shall arrange for the Employee to have weekend Holiday of not less than one (1) day per week at not more than six (6) days interval. The Employer and the Employee may reach an agreement in advance to determine a weekend Holiday to take place on any particular day.

Where the Employee works in hotels, transportation, forests, in remote areas or other types of work as prescribed in the Ministerial Regulations, the Employer and the Employee may reach an advance agreement to allow the weekend Holidays to be accrued and deferred to take place subsequently at any particular date, but must be within a period of four (4) consecutive weeks.

**Section 29.** The Employer shall announce in advance not less than 13 public Holidays in one (1) year inclusive of the Labour Day as prescribed by the Minister to Employees for information.

The Employer is to consider determining public Holidays from among the number of the public, religious or local Holidays.

Where any public Holiday falls on the Employee's weekend Holiday, the Employee shall be allowed to take a compensatory Holiday on the next Work Day.

Where the Employer may not be able to allow the Employee to be off-work on the public Holidays because the Employee' s work involves the type of work having characteristics or condition as prescribed in the Ministerial Regulations, the Employer and the Employee shall agree on another compensatory public Holiday or the Employer may give Holiday Pay to the Employee.

**Section 30.** The Employee who has been working for one (1) consecutive year shall be entitled to annual leave of not less than six (6) Work Days. The Employer shall determine in advance the said annual leave for the Employee or may be determined with mutual agreement between the Employer and Employee.

In subsequent years, the Employer may prescribe the annual leave for Employee to more than six (6) Work Days.

The Employer and Employee may agree in advance for an unused annual leave to be accrued to the annual leave entitlement of the following year.

For Employee who has worked for less than one (1) year, the Employer may grant a pro rata annual leave to such Employee.

**Section 31.** No Employer shall be permitted to require Employee to work overtime or to work on Holiday in types of work which may be hazardous to health and safety of the Employee under Section 23, para. 1.

**Section 32.** Employee shall be entitled to sick leave as actually taken ill. The Employer may require the Employee to present a medical certificate issued by a First Class medical practitioner or by a government clinic or hospital. In the event of unavailability of the medical certificate issued by the First Class medical practitioner or the government hospital, the Employee is required to give an explanation to the Employer.

Where the Employer-provided doctor is available, such doctor shall issue the medical certificate except where the Employee is not available for examination by such doctor.

Days on which the Employee is unable to come to work due to injury or illness arising out of the performance of work and maternity leave under Section 41 shall not be regarded as sick leave under this Section.

**Section 33.** Employee shall be entitled to leave of absence for undergoing a sterilisation operation and shall be entitled to take a leave of absence to undergo a sterilisation for a period of time prescribed by the First Class Medical Practitioner and who issues a medical certificate.

**Section 34.** ~~Employee shall be entitled to take personal affair leave as necessary under the work rules.~~

An Employee shall have the right to take necessary business leave at no less than three (3) work days.[[26]](#footnote-26)

**Section 35.** Employee shall be entitled to take military service leave to attend a call for military inspection, training or test of preparedness under the law governing the military service.

**Section 36** Employee shall be entitled to take leave of absence for training and development of knowledge, capability according to the criteria and procedures as prescribed in the Ministerial Regulations.

**Section 37** No Employer shall be allowed to require Employees to perform work which involves lifting, carrying, carrying on the shoulder, carrying in tandem with others, carrying on the head, pulling and pushing items weighing in excess of the weight prescribed in the Ministerial Regulations.

**CHAPTER 3**

**Employment of Women Labour**

**Section 38.** No Employer shall be permitted to require female Employees to perform any types of the following work:

(1) mining or construction work which entails working underground, under water, in the cave, in tunnel or in the crater of volcano, except where the conditions of work are not hazardous to health or safety of such Employee;

(2) work to be done on scaffolding which is higher than ten (10) meters or more from the ground;

(3) production or transportation of explosives or flammable materials;

(4) the types of work as prescribed by Ministerial Regulations.

**Section 39.** ~~No Employer shall be permitted to require pregnant female Employees to work from 22.00 hr. to 06.00 hr; to work overtime, to work on Holiday or to perform any of the following:~~

~~(1) Work at a vibrating plant or use of vibrating equipment;~~

~~(2) Driving or riding in a vehicle;~~

~~(3) Work involving the lifting, carrying on the back, head, or sholuders, or pulling or pushing loads that weigh more than fifteen (15) kilograms;~~

~~(4) Work on water-going vessels; or,~~

~~(5) Such other work as designated by Ministerial Regulations.~~

No Employer shall request any female Employee who is pregnant to engage in any of the following work:

(1) Work in connection with machinery or engine which involves vibration;

(2) Work involve driving a vehicle or being on such vehicle;

(3) Work in connection with lifting, carrying on shoulders, carrying on the head, hauling or pushing a weight exceeding fifteen (15) kilograms;

(4) Working in a water-going vessel; or,

(5) Other works as prescribed in the Ministerial Regulations.[[27]](#footnote-27)

**Section 39/1.** No Employer shall ask a female Employee who is pregnant to work during 22.00 hours to 06.00 hours, to work overtime or to work on Holiday.[[28]](#footnote-28)

In the case a female Employee who is pregnant works in a position of an executive, engages in technical work, administrative work, or works in connection with money or accounting, the Employer may ask the said Employee to work overtime on a work day insofar as it does not affect the health of the female Employee who is pregnant, however, a consent must be obtained from the Employee each time.[[29]](#footnote-29)

**Section 40.** Where the Employer requires the female Employee to work from 24.00 hr. to 06.00 hr. and in the opinion of the Labour Inspector, such work may be hazardous to health and safety of such woman, the Labour Inspector shall report to the Director-General or to persons appointed by the Director-General to consider the matter and issue an order to the Employer to change the working hours or to reduce working hours as deemed appropriate; and the Employer shall accordingly obey the said order.

**Section 41.** ~~Pregnant female Employees shall be entitled to take the maternity leave of not more than 90 days pursuant to the foregoing paragraph inclusive of Holidays in between the maternity leave period.~~

A female Employee who is pregnant shall have the right to take maternity leave at not more than ninety eight (98) days each time.[[30]](#footnote-30)

The number of days of maternity leave under paragraph one shall include the days taken leave for pregnancy examination before child delivery as well.[[31]](#footnote-31)

The number of days taken leave under paragraph one shall include Holidays in between as well.[[32]](#footnote-32)

**Section 42.** Where a pregnant female Employee presents a medical certificate issued by a First Class medical practitioner to confirm that she shall not be able to continue in performing her duty in the same job position, such Employee shall be entitled to ask the Employer to change the job position temporarily either before or after childbirth; and the Employer shall consider changing a suitable job for such Employee.

**Section 43.** No Employer shall be permitted to terminate employment of female Employee by reason of pregnancy.

**CHAPTER 4**

**Employment of Child Labour**

**Section 44** No Employer shall be permitted to hire a juvenile person aged below fifteen (15) years to work as Employee.

**Section 45** In the case of employment of a juvenile person aged below eighteen, the Employer must:

(1) report to the Labour Inspector about the employment of juvenile person within fifteen (15) days from the date of employment;

(2) prepare the employment condition record in case there are any changes and keep such record in the office of the Employer and make it available for inspection by the Labour Inspector during the office hours;

(3) report the end of employment of the juvenile person to the Labour Inspector within seven days of the juvenile person leaving the job.

Reporting or preparation of the record under paragraph one shall be in accordance with the form specified by the Director-General.

**Section 46** The Employer shall provide the juvenile Employee not less than one (1) continuous hour of break time in a day after the juvenile Employee has been working for not more than four (4) hours; but within such four (4) hours, the juvenile Employee shall have a break time as shall be determined by the Employer.

**Section 47** No Employer shall be permitted to require a juvenile person aged below eighteen to work during 22.00 hr. to 06.00 hr., unless it is approved in writing by the Director-General or by person authorised by the Director-General.

Employer may allow the juvenile Employee aged below eighteen and who is an actor in a motion picture; a performer in a play or any other similar plays to work during the said period of time, provided, however, the Employer shall provide a reasonable rest period for such juvenile Employee as appropriate.

**Section 48** No Employer shall be permitted to require juvenile Employee aged below eighteen to work overtime or to work on Holidays.

**Section 49** No Employer shall be permitted to require the Employee who is a juvenile person aged below eighteen to perform any particular type of work as follows:

(1) melting, blowing, founding or rolling metal;

(2) die-cutting, pressing of metal;

(3) work in relation to heat, cold, vibration, sound and light at the level at variance with the normal level which may be hazardous as prescribed in the Ministerial Regulations;

(4) work relating to chemical substances which are hazardous as prescribed in the Ministerial Regulations;

(5) work relating to toxic micro-organisms which may be viruses, bacteria, fungi or other germs as prescribed in the Ministerial Regulations;

(6) work relating to any toxic substances explosives or inflammable materials save for working in a petrol service station as prescribed in the Ministerial Regulations;

(7) work involving driving and operating a forklift or a crane as prescribed in the Ministerial Regulations;

(8) work involving use of any electric saws or engines;

(9) job which requires working underground or underwater, in the caves, tunnels or the crater;

(10) work in relation to radioactivity as prescribed in the Ministerial Regulations;

(11) work involves cleaning machinery or engine while it is still running;

(12) work which requires to perform on the scaffolding which is higher than ten metres above the ground;

(13) other work as prescribed in the Ministerial Regulations.

**Section 50** ~~No Employer shall be permitted to require any juvenile Employee aged below eighteen (18) to work in any of the following workplaces:~~

~~(1) Slaughterhouses;~~

~~(2) Casinos;~~

~~(3) Dance halls having space available for~~ *~~Ramwong~~* ~~dance or~~ *~~Rong Ngeng~~* ~~dance;~~

~~(4) Establishments where food, alcoholic drink, tea or any other kinds of beverages are sold, whereby services are provided by waitresses to wait on customers or space available for sleeping in or where massaging service is provided to customers; or,~~

~~(5) Any other establishments as designated by Ministerial Regulations.~~

**Section 51** ~~No Employer shall be permitted to pay a Wage due to juvenile Employee to a person other than the Employee.~~

~~No Employer shall be permitted to demand for or receive any guarantee money for any purposes from any juvenile Employee.~~

~~Where the Employer, juvenile Employee, parents or guardian of the juvenile Employee pays or receives advance money or any benefit in advance of employment, upon commencement of employment, or before payment of Wage for any period, it shall not be regarded as payment or the receipt of a Wage of such juvenile Employee, and the Employer shall not be permitted to deduct said money or interest from the Wage of the juvenile Employee at the due date.~~

No Employer shall demand or accept a security for any purposes from a child Employee.[[33]](#footnote-33)

No Employer shall pay Wages of the child Employee to other persons.[[34]](#footnote-34)

In the case the Employer pays money or any benefits to the child Employee, his/her parents, guardian or other persons in advance before employment, at the time of employment, or before the period of payment of Wages to the child Employee is due each time, it shall not be regarded as payment or acceptance of Wages for the said child Employee, and no Employer shall deduct the said money or benefits from the Wages payable to the child Employee according to the scheduled payment period.[[35]](#footnote-35)

**Section 52** In the interests of developing and promoting the quality of life and working environment of the minor, the juvenile Employee, who is a minor, aged under eighteen years shall be entitled to take leave of absence to attend meetings, seminars; to receive training or drills or to take leave of absence for other purposes organised by educational institutes, government or any private agencies approved by the Director-General. For this purpose, the juvenile Employee shall give advance notice thereof to the Employer of the reason clearly for taking such leave of absence together with submission of related documents, if there is any; and the Employer shall pay Wage to juvenile Employee of the amount equal to the Work Day Wage throughout period of leave; but not more than thirty days in a year.

**CHAPTER 5**

**Wage, Overtime Pay, Holiday Pay and Overtime Pay for Working on Holiday**

**Section 53** ~~Where the work is of uniform characteristics and quality and of equal quantity, the Employer shall fix the rate of Wage, Overtime Pork, Holiday Pay, and Holiday Ovetime Pay for Employees on an equal basis without discrimination in regard to male or female Employee.~~

Section 53. For the work of the same description, quality and quantity, or the work of equal value, an Employer shall fix Wages, Overtime Pay, Holiday Pay, and Holiday Overtime Pay, at the equal rates, regardless of whether the Employee is male or female.[[36]](#footnote-36)

**Section 54** Employer shall pay to Employee a Wage, Overtime Pay, Holiday Pay, Holiday Overtime Pay, and other employment-related interests which is to be paid in money must be payable in Thai currency except with consent otherwise of the Employees to be paid in the form of money notes or in foreign currencies.

**Section 55** Employer shall pay to Employee a Wage, Overtime Pay, Holiday Pay, Holiday Overtime Pay, or other employment-related interests at the Employee's place of work. If the payment is to be made at other place or by any other means, the consent of the Employee must be obtained.

**Section 56** Employer shall pay Employee Wage at the rate equal to the Wage on normal Work Day for working on the Holiday as follows:

(1) weekend Holidays save for Employee who is paid hourly or daily rate of Wage or is paid on a piecework basis calculated in unit;

(2) public Holidays; and

(3) annual leave.

**Section 57** Employer shall pay a Wage to Employee during sick leave pursuant to Section 32 equal to rate of Wage on the Work Day throughout period of sick leave; but in one (1) year must not be more than thirty Work Days.

Where Employee exercises the right to leave of absence for having sterilisation operation under Section 33, the Employer must pay a Wage to Employee on such leave of absence.

**Section 57/1.**[[37]](#footnote-37) An Employer shall pay Wages to an Employee for necessary business leave under Section 34 equivalent to the Wages paid on work day throughout the period of leave, but it shall not be more than three (3) work days in a year.

**Section 58** Employer shall pay Wage to Employee during leave for Military Service under Section 35 equal to the rate of Wage on the Work Day throughout the period of leave, but not more than sixty (60) days in a year.

**Section 59** ~~Employer shall pay Wage to female Employee who is on maternity leave throughout the period of maternity leave equal to the rate of Wage on the Work Day, but it shall not be more than forty five (45) days.~~

An Employer shall pay Wages to a female Employee during the maternity leave under Section 41 equivalent to the Wages paid on work day throughout the period of leave, however, it shall not exceed forty five (45) days.[[38]](#footnote-38)

**Section 60** For the purpose of payment of Wage under Section 56, Section 57, Section 58, Section 59, Section 71 and Section 72, where the Employee is paid a Wage on a piecework basis calculated in unit, the Employer shall pay Wage for working on Holidays or for leave of absence equal to average Wage on the Work Day received by Employee in the pay period before such Holiday or leave of absence.

**Section 61** Where the Employer requires the Employee to work overtime on the Work Day, the Employer shall pay Overtime Pay not less than one and a half (1.5) times of the hourly rate of Wage on the Work Day according to the hours worked or not less than one and a half (1.5) times of the unit rate of Wage on the Work Day according to the quantity of piecework done for Employee who is paid on a piecework basis calculated in unit.

**Section 62** Where the Employer requires the Employee to work on the Holiday under Section 28, Section 29 or Section 30, the Employer shall pay the Holiday Pay to the Employee at the rate as follows:

(1) For the Employee who is entitled to receive the Holiday Pay, extra pay will be paid in addition to the Wage not less than one (1) time of the hourly rate on the Work Day according to the total hours worked or not less than one (1) time of unit rate of Wage on the Work Day according to the quantity of piecework done for Employee who is paid on a piecework basis calculated in unit.

(2) Employee who is not entitled to Wage for working on Holiday shall be paid not less than two (2) times of hourly rate on Work Day according to the number of hours worked or not less than two (2) times of the unit rate of Work Day Wage according to the amount of piecework done for Employee who is paid on a piecework basis calculated in unit.

**Section 63** Where the Employer requires the Employee to work overtime on the Holiday, the Employer shall pay Holiday Overtime Pay to the Employee at the rate not less than three (3) times the hourly rate on the Work Day according to the hours worked or not less than three (3) times the unit rate of Wage on the Work Day according to the quantity of piecework done for Employee who is paid on a piecework basis calculated in unit.

**Section 64** Where the Employer does not provide for day off work for Employee or does provide for days off work for Employee less than that which are prescribed in Section 28, Section 29 and Section 30, the Employer shall make Holiday Pay and Holiday Overtime Pay to the Employee at the rate prescribed in Section 62 and Section 63 as if the Employer has required the Employee to work on the Holiday.

**Section 65** ~~Employee who has duty and responsibility for or for which the Employer requires the Employee to perform the following work shall not be entitled to Overtime Pay under Section 61 or Overtime Pay for working on the Holiday under Section 63, but the Employee who is required by the Employer to work under sub-clauses (2), (3), (4), (5), (6), (7) or (8) shall be entitled to receiving the remuneration in money equal to the hourly rate on Work Day according to the number of hours worked:~~

~~(1) Employee who has duty or responsibility to work on behalf of Employer in relation to employment, payment of gratuity, pay reduction or termination of employment;~~

~~(2) work in the process of handling railway activities, namely, the work performed on the railway carriages and work to facilitate railway traffic;~~

~~(3) work involving closing and opening the water gate or sluice gate;~~

~~(4) work involving reading water level or measuring the volume of water;~~

~~(5) fire fighting or a public disaster prevention work;~~

~~(6) work of characteristics or condition entailing performance outside of working premises and by virtue of characteristics or condition of the work, it may not be possible to make definite work schedule;~~

~~(7) work relating to guarding, protecting places or property from danger which are not directly related to normal duty of the Employee;~~

~~(8) other types of work as prescribed by the Ministerial Regulations;.~~

~~except where the Employer agrees to pay Overtime Pay, or Holiday Overtime Pay to an Employee.~~

The Employee who has the following duties or whom the Employer has asked to perform any kind of the following works shall not be entitled to receive Overtime Pay under Section 61 and Holiday Overtime Pay under Section 63. However, the Employee who has been asked by the Employer to engage the works under (3), (4), (5), (6), (7), (8) or (9) shall be entitled to receive remunerations in money at the rate equivalent to hourly Wages on work day according to the number of hours worked:[[39]](#footnote-39)

(1) Employee who has the power and duty to work on behalf of the Employer in respect employment, granting of gratuities, or termination of employment.

(2) Peddling or inducing for the buying of goods for which the Employer has paid brokerage fee from the sale of goods to the Employee.

(3) Railway traffic operations, namely works operated on train and works that afford railway traffic.

(4) Sluice and waterlocks.

(5) Water quantity measurement and water level reading.

(6) Fire extinguishing or public disaster prevention.

(7) Work of a description or nature that must be carried out outside premises, and by its description or nature, the work hour is not definite.

(8) Guarding the premises or property which is not a regular duty of the Employee.

(9) Other works as prescribed in the Ministerial Regulations.

However, except where the Employer agrees to make Overtime Pay or Holiday Overtime Pay to the said Employee.[[40]](#footnote-40)

**Section 66** Employee under Section 65 (1) shall not be entitled to Holiday Pay under Section 62 unless the Employer agrees to pay the Holiday Pay to the Employee.

**Section 67** ~~Where the Employer terminates employment of the Employee without the Employee having committed any wrong-doings under Section 119, the Employer shall pay Wage to the Employee for paid annual leave of the year in which the employment is terminated in proportion to the Employee's annual leave entitlement including accrued annual leave under Section 30~~

In case the Employer terminates employment of his Employee whereby it is not a case under Section 119, the Employer shall pay Wages to the Employee for the annual vacation of the year the employment is terminated according to the proportion of the annual vacation the Employee is entitled under Section 30.[[41]](#footnote-41)

In case the Employee terminates the contract of employment, whether such termination of employment is a case under Section 119, the Employer shall pay Wages to the Employee for the accumulated annual vacation the Employee is entitled under Section 30.[[42]](#footnote-42)

**Section 68** For the purpose of calculating Overtime Pay, Holiday Pay, Holiday Overtime Pay, where the Employee is paid on monthly basis, the hourly rate on the Work Day means a monthly salary divided by a multiple of 30 and the number of working hours on Work Day per day by the average.

**Section 69** For the purpose of calculating the number of overtime hours, where the Employer prescribes normal working hours on weekly basis, the public Holidays, annual leave and other leave of absence shall also be accounted for as Work Days.

**Section 70** ~~The Employer shall pay a Wage, Overtime Pay, Holiday Pay, and Holiday Overtime Pay correctly and in timely manner as follows:~~

~~(1) Where a Wage is calculated on monthly, daily, hourly basis or on the basis of other period of time of not more than one (1) month or according to piecework done calculated in unit, there shall be paid Wage not less than one (1) time in a month save for it is agreed otherwise in the interests of Employee.~~

~~(2) Where a Wage is calculated besides sub-clause (1), payment of Wage shall be made according to the specified time agreed between the Employer and the Employee.~~

~~(3) Overtime Pay, Holiday Pay, and Holiday Overtime Pay shall be paid not less than one (1) time in a month.~~

~~Where Employer terminates the employment of Employee, the Employer shall pay a Wage, Overtime Pay, Holiday Pay and Holiday Overtime Pay to the Employee of the amount to which the Employee is entitled within three (3) days of the date of termination of employment.~~

An Employer shall pay Wages, Overtime Pay, Holiday Pay, Holiday Overtime Pay, and the money an Employer is obliged to pay under this Act correctly and according to the following periods of time:[[43]](#footnote-43)

(1) In the case of making calculation of Wages in monthly, daily, hourly basis, or other period of time which does not exceed one (1) month, or according to work accomplishment calculated in unit, payment shall be made at no less than one (1) time per month, except where there is an agreement otherwise which is beneficial to the Employee.

(2) In the case of making calculation of Wages other than (1), payment shall be made according to the period of time agreed by the Employer and the Employee.

(3) Overtime Pay, Holiday Pay, Holiday Overtime Pay, and money the Employer is obliged to pay under this Act, shall be made at least once a month.

In the event an Employer terminates employment of his Employee, the Employer shall pay the said Employee the Wages, Overtime Pay, Holiday Pay, Holiday Overtime Pay, and money the Employer is obliged to pay under this Act, according to that entitled by the Employee, within three (3) days from the date of termination of employment.[[44]](#footnote-44)

**Section 71** Where Employer requires Employee to travel to work in another locality apart from the locality for regular working on the Holiday, the Employer shall pay a Wage equal to the Work Day Wage to the Employee who is not entitled to a Wage on Holiday under Section 56 (1) for such travelling.

**Section 72** Where the Employer requires the Employee to travel to work in another locality apart from the locality for regular work, the Employee shall not be entitled to Overtime Pay under Section 61 and the Overtime Pay for working on the Holiday under Section 63 in the course of travel; but for a journey made on a Holiday, the Employer shall also pay a Wage equal to the Work Day Wage to the Employee who is not entitled to Wage on Holiday under Section 54 (1) save for the Employer agrees to pay the Overtime Pay or the Overtime Pay on the Holiday to the Employee.

**Section 73** The Employer shall meet the travelling expenses under Section 71 and Section 72.

**Section 74** Where the Employer agrees to pay the Overtime Pay, Holiday Pay and Holiday Overtime Pay at the rate higher than the rate prescribed under Section 61, Section 62 and Section 63, the said agreement must be duly observed.

**Section 75** ~~Where the Employer finds it necessary to cease business in whole or in part temporarily due to any circumstances which is not force majure, the Employer shall pay money to the Employee amounting to not less than fifty percent (50%) of the total Wage on the Work Days which the Employee has received prior to the cessation of the Employer's business throughout the period of time during which the Employer has not required the Employee to work.~~

~~The Employer shall give prior notice to the Employee and the Labour Inspector for information prior to commencing the cessation of business pursuant to the foregoing paragraph.~~

~~In case the Employer finds it necessary by an important reason which affects his business operation to an extent that he is no longer able to operate his business normally, and which is not a force majeure, and must suspend his business either wholly or partly for a temporary period, the Employer shall pay Wages to the Employee at not less than seventy five percent (75%) of the Wages on work day that the Employee received prior to the Employer suspends the operations of his business throughout the period the Employer discontinues the service of the said Employee.~~[[45]](#footnote-45)

In the case an Employer finds it necessary by an important reason which affects his business operation to an extent that he is unable to operate his business normally, and which is not a force majeure, and must suspend his business either in whole or in part for a temporary period, the Employer shall pay Wages to his Employees at not less than seventy percent of the Wages on work day that the Employees received prior to the Employer’s suspension of his business operation throughout the period the Employer discontinues the service of the Employees at the place of payment under Section 55 and within the period of payment under Section 70 (1).[[46]](#footnote-46)

The Employer shall notify the Employee and the Labour Inspector of the date he will suspend the operations of his business under paragraph one not less than three (3) work days in advance.[[47]](#footnote-47)

**Section 76** No Employer shall be permitted to deduct a Wage, Overtime Pay, Holiday Pay and Holiday Overtime Pay, except for deduction for:

(1) payment of income tax of the amount payable by the Employee as provided for by the law;

(2) payment of dues to the Labour Union according to the Labour Union regulations;

(3) payment of debt to the Savings Co-operative or to any other co-operatives similar in characteristics to the Savings co-operative, or any other debts created solely for the welfare of the Employee with prior consent of the Employee;

(4) guarantee money under Section 10 or compensation payable to the Employer for damage caused by negligence or wilful act of the Employee with consent of the Employee;

(5) Savings under the agreement relating to the saving fund.

Deductions under (2), (3), (4) and (5) shall not, in each case, exceed ten per cent and collective deductions shall not exceed one-fifths (1/5) of the total amount to which the Employee is entitled on scheduled time for payment as under Section 70 except with consent of the Employee.

**Section 77** Where the Employer must have consent of the Employee or an agreement made with Employee in relation to payment under Section 54, Section 55 or for deduction of money under Section 76, the Employer must arrange for such consent to be given in writing with the Employee's signature or a specific, express agreement duly executed to that effect .

**Chapter 6**

**The Wage Committee**

**Section 78** There shall be established the Wage Committee consisting of the Permanent Secretary of Ministry of Labour and Social Welfare as the Chairman of the Wage Committee, four (4) representatives of the Government and five (5) representatives representing Employer and five (5) representatives representing the Employees as member of the Wage Committee who are appointed by the Cabinet, and one Minister-appointed government official from Ministry of Labour and Social Welfare as Secretary to the Wage Committee.

 Criteria and procedures for enlisting support of qualified representatives for both Employer and Employee sides under the foregoing paragraph shall be in accordance with the regulations prescribed by the Minister.

**Section 79** ~~The Wage Committee shall have powers and duties as follows:~~

~~(1) to propose opinions to he Cabinet in relation to the Wage policy;~~

~~(2) to propose opinions to the Cabinet in relation to recommendations to the private sector to determine Wage level and annual Wage adjustment;~~

~~(3) to determine Basic Minimum Wage Rate;~~

~~(4) to determine minimum Wage which Employee should be paid appropriate to the economic and social conditions;~~

~~(5) to propose opinions to the Cabinet for the development of Wage system;~~

~~(6) to give technical advice and propose guidelines for co-ordination of interests to various private organisations;~~

~~(7) to propose report to the Minister at least once a year in relation to Wage situation and trends of Wage including relevant measures to be implemented;~~

~~(8) to carry out any other activities which are provided for in this Act or in other relevant laws to be the powers and duties of the Wage Committee or as assigned by the Cabinet or the Minister.~~

~~In proposing opinions to the Cabinet, the Wage Committee may also make an observation on how to develop the nation's revenue system.~~

The Wage Committee shall have the following powers and duties:

(1) Propose its opinions and give advice to the Council of Ministers relating to policy and development of Wages and incomes.

(2) Prescribe guidelines for consideration by the Employer in regard to adjustment of Wages according to the economic and social situations.

(3) Fix Minimum Wage Rate.

(4) Fix Skill-Standard Wage Rates.

(5) Give advice on technical aspects as well as guidelines on coordination of interests to various agencies in the government sector, the private sector and the general public.

(6) Carry out any other actions provided by laws or as assigned by the Council of Ministers or the Minister.[[48]](#footnote-48)

In proposing opinions to the Council of Ministers, the Wage Committee may make its comments on the development of national income system as well.[[49]](#footnote-49)

**Section 80** The Minister-appointed members of the Wage Committee shall be in office for a two (2) year term. Any member of the Wage Committee who vacates office may be re-appointed.

In case of vacation of office by the Minister-appointed member of the Wage Committee before the end of term of office, the Cabinet shall appoint same category of members of the Wage Committee to the vacancy; and the person who is appointed to vacant office shall be in office for the remainder of term of office of his/her predecessor; save for the remainder of term of office of the out-going member of the Wage Committee is less than 180 days, a successor may not be appointed.

In the case of vacation of office by the Minister-appointed member of the Wage Committee at the end of term of office pending the appointment of a successor, such out-going member of the Wage Committee shall continue in office for the time being pending the appointment of a successor which must be made within 90 days of the vacation of office by the out-going member of the Wage Committee

**Section 81** Apart from vacation of office under Section 80, the Cabinet-appointed member of the Wage Committee shall vacate office upon:

(1) death;

(2) resignation;

(3) being removed from office by the Cabinet for absence from scheduled meetings for three (3) consecutive times without justifiable cause;

(4) becoming a bankrupt person;

(5) becoming an incompetent or quasi-incompetent person ;

(6) having been sentenced to imprisonment by final court judgement, save for offence committed by negligence or misdemeanour.

**Section 82** ~~The meeting of the Wage Committee to form a quorum must consist of not less than half of the total members of the Wage Committee who are present at the meeting including at least one (1) member of the Wage Committee each representing the Employer and the Employees.~~

~~At a meeting held to consider determining Basic Minimum Wage Rate or minimum Wage scale under Section 79, not less than two-thirds (2/3)~~~~of total members of the Wage Committee including at least one (1) members of the Wage Committee each representing the Employer and Employees must be present to form a quorum of the meeting. And a resolution of the meeting shall be adopted by a vote of at least two-thirds (2/3) of the total members of the Wage Committee who are present at the meeting.~~

~~At any meeting held to consider determining minimum Wage, if it does not form a quorum as prescribed in para. 2, the adjourned meeting shall be called once again within 15 days of the date of the first meeting. At the adjourned meeting, although members of the Wage Committee representing the Employer and Employees are not present, if the number of members of the Wage Committee present at the meeting is not less than two-thirds (2/3) of total members of the Wage Committee, the meeting shall form a quorum. A resolution of the meeting must be adopted with a vote of at least two-thirds (2/3) of total members of the Wage Committee present at the meeting.~~

At a meeting of the Wage Committee there shall be committee members attending the meeting at not less than one half (1/2) of the total number of committee members, with at least one (1) committee member from the Employer’s and the Employee’s sides, to form a quorum.[[50]](#footnote-50)

At a meeting to consider fixing the Minimum Wage Rates, or the Skill-Standard Wage Rates under Section 79, there shall be committee members attending the meeting at not less than two-thirds (2/3) of the total number of committee members, with at least two (2) committee members each from the Employer’s and the Employee’s sides, to form a quorum, and a resolution must be by two-thirds (2/3) of the number of committee members attending the meeting.[[51]](#footnote-51)

At any meeting to consider fixing the Minimum Wage Rates, or Skill-Standard Wage Rates, if no quorum is formed as stated in paragraph two, another meeting must be held within fifteen (15) days from the date the first meeting was called. As for this subsequent meeting, though there may be no committee members from the Employer’s or from the Employee’s sides attending the meeting, if there are committee members attending the meeting at not less than two-thirds (2/3) of the total number of committee members, it shall be regarded that the quorum is formed, and a resolution must be by two-thirds (2/3) of the number of committee members attending the meeting.[[52]](#footnote-52)

**Section 83** If at any meetings, the Chairman is not presented or is unable to conduct the meeting, members of the Wage Committee who are present at the meeting shall elect anyone of them as the Chairman of the meeting.

A final decision of the meeting shall require a majority of votes. One (1) member of the Committee shall be entitled to one (1) vote. If there is an equal number of the votes, the Chairman of the meeting shall cast an extra vote to finalise the issue.

**Section 84** ~~The Wage Committee shall have powers to appoint the following sub-committees to consider or carry out any acts or activities on its behalf:~~

~~(1) the Minimum Wage Sub-Committee~~

~~(2) the Provincial Minimum Wage Sub-Committee~~

~~(3) Other sub-committees deemed appropriate by the Wage Committee.~~

~~The Wage Committee shall prescribe quorum of the meeting and set out performance procedures for the sub-committees as appropriate.~~

The Wage Committee shall have the power to appoint a sub-committee to consider any matter or to perform any duty as assigned by it.[[53]](#footnote-53)

The Wage Committee shall set the quorum and the procedures for the operations of the sub-committee as it deems suitable.[[54]](#footnote-54)

**Section 84/1.**[[55]](#footnote-55) The Wage Committee shall have the power to appoint qualified persons of not more than five (5) in number asits advisers, among whom shall at least be qualified persons in the fields of labour, Wage and salary management, economy, industry or law.

The provisions of Section 80 and Section 81 shall apply to the office term and the retirement of the advisers appointed by the Wage Committee under paragraph one mutatis mutandis.”

**Section 85** In the discharge of duties, the Wage Committee, the sub-committee, or any persons designated by the Wage Committee or the sub-committee shall have powers:

(1) to send a letter calling for the presence of any persons to make affidavit or to deliver any documents or materials to support consideration as deemed necessary.

(2) to require any persons or organisations to co-operate in the survey of any businesses which may affect the economy;

(3) to enter any place of business or office of the Employer during business hours to study, survey, research, inspect or enquire into facts to obtain the information to support the consideration under Section 79. For this purpose, the Employer or related persons shall provide convenience, furnish or produce documents or give the information of facts and shall not obstruct the performance of duty by the said person;

**Section 86** In the discharge of duty under Section 85, the Wage Committee, the sub-committee or persons designated by the Wage Committee or sub-committees shall produce his/her identification card or a letter of appointment as the case may be to the related persons.

The identification card of members of the Wage Committee and members of the sub-committee under para. 1 shall be according to the form prescribed by the Minister.

**Section 87** ~~To consider and prescribe the minimum Wage and Basic Minimum Wage Rate, the Wage Committee shall study and consider the facts in relation to the rate of Wage received by Employee coupled with other facts, in particular, the cost of living index, inflation rate, living standard, production cost and price of goods, capacity of business, productivity, labour, Gross National Product and economic and social conditions.~~

~~The consideration to determine the minimum Wage may be applicable exclusively to any particular or every category of business or to any particular locality.~~

~~The consideration to determine the minimum Wage must not be less than the Basic Minimum Wage Rate prescribed by the Wage Committee.~~

~~If no minimum Wage is determine for any particular locality, it shall be regarded that the Basic Minimum Wage Rate is the minimum Wage for such locality.~~

~~In considering fixing the Minimum Wage Rate, the Wage Committee shall study and consider the facts relating to the rates of Wages currently received by the Employees, along with other facts, by taking into account the cost of living index, the rate of inflation, the standard of living, the costs of production, the prices of goods and services, the capabilities of businesses, the labour productivity, the gross national product, and the economic and social situations~~.[[56]](#footnote-56)

~~In considering fixing the Minimum Wage Rate, it may be enforced specifically on a specific type of business, work or branch of profession of any category and to any extent in any locality~~.[[57]](#footnote-57)

~~In considering fixing the Skill-Standard Wage Rates, the Wage Committee shall study and consider the facts relating to the Wage rates received by the Employees in each profession according to the skill standards prescribed, as based on the skills, knowledge and ability, but it must not be lower than the Minimum Wage Rate fixed by the Committee~~.[[58]](#footnote-58)

In considering fixing the Minimum Wage Rate, the Wage Committee shall study and consider the facts relating to the rate of Wages the Employee has received as well as other facts, taking into account the cost of living index, the rate of inflation, the standard of living, the cost of production, the prices of goods and services, the business capabilities, the labour productivity, the gross domestic product, and the economic and social conditions.[[59]](#footnote-59)

In considering fixing the Minimum Wage Rates, it may be fixed specifically for any type of business or all types of businesses, or in any specific locality.[[60]](#footnote-60)

For the purpose of promoting employment and providing labour protection for certain groups or categories of Employees, the Wage Committee may consider fixing Minimum Wage Rates different from that considered in paragraph two for applying to said groups or categories of Employees in any type of business or all types of businesses, or in any specific locality. However, the said Wages must not be lower than the Minimum Wage Rates fixed by the Wage Committee under paragraph two.[[61]](#footnote-61)

In considering fixing the Minimum Wage Rates according to skill standard, the Wage Committee shall study and consider facts concerning the rate of Wages the Employee has received in each profession according to the skill standard so prescribed, taking into account skill, knowledge, and ability, but it must not be lower than the Minimum Wage Rates fixed by the Wage Committee.[[62]](#footnote-62)

**Section 88** ~~When various data and facts as prescribed in Section 87 have been scrutinised, the Wage Committee shall prescribe and propose the minimum Wage together with various details as appropriate to the Minister for publication in the Government Gazette.~~

Upon having studied the data and considered the facts as prescribed in Section 87, the Wage Committee shall fix the Minimum Wage Rates, or Skill-Standard Wage Rates by proposing same to the Council of Ministers for publication in the Government Gazette.[[63]](#footnote-63)

**Section 89** ~~The Notification of the minimum Wage under Section 88 shall be applicable to Employer and Employees irrespective of nationality, religion or sex.~~

The notice fixing the Minimum Wage Rates, or Skill-Standard Wage Rates under Section 88 shall be enforced on the Employer and all Employees without any discrimination.[[64]](#footnote-64)

**Section 90** ~~When the announced minimum Wage becomes effective, Employer shall be prohibited to pay Employee a Wage less than the established minimum Wage.~~

~~Employers who are subject to the Notification of the Minimum Wage shall be required to post said Notification at open place for information of the Employee at the Employee's place of work throughout the period of time such Notification is in force.~~

When the notice fixing the Minimum Wage Rates becomes effective, no Employer shall pay Wages to the Employee less than the Minimum Wage Rates or Skill-Standard Wage Rates.[[65]](#footnote-65)

The Labour Inspector shall send the notice fixing Minimum Wage Rates or Skill-Standard Wage Rates to the Employer under the enforcement, and the said Employer shall post the said notice at a conspicuous place so that the Employee may learn of such notice at the place of work of the Employee throughout the period the said notice is enforced.[[66]](#footnote-66)

**Section 91** ~~There shall be established the Office of the Wage Committee in the Ministry of Labour and Social Welfare. The Office of the Wage Committee shall have powers and duties:~~

~~(1) to prepare work plans and projects for submission to the Wage Committee and the Sub-committee;~~

~~(2) to co-ordinate the work plans and performance of the Wage Committee and Sub-committee including other related organisations;~~

~~(3) to compile, study, research, analyse and forecast the economic, labour and living conditions; the expansion of the labour market, labour productions. investments, migration and relevant information to support the consideration by the Wage Committee and the Sub-committee;~~

~~(4) to make recommendations on the results of the study and of the technical information consideration and other supplementary measures to the Ministry of Labour and Social Welfare and other relevant organisations in the interests of development of the Wage and income system;~~

~~(5) to follow up and make evaluation of the implementation of the resolution the Wage Committee;~~

~~(6) to carry out any other work as assigned by the Wage Committee and the Sub-committee.~~

There shall be established an Office of Wage Committee in the Ministry of Labour, whose powers and duties are as follows:[[67]](#footnote-67)

(1) Prepare Wage and national income system development plan and propose same to the Wage Committee.

(2) Prepare project plans and propose same to the Wage Committee and sub-committee.

(3) Coordinate with the Wage Committee and sub-committee in regard to their plans and operations.

(4) Gather, study, conduct a research, analyze and assess the economic and labour situations, living conditions, expansion of labour market, labour productivity, investment, migration and other related information for use in the drafting of Wage and national income system development plan and for use as supporting data for consideration of the Wage Committee and sub-committees.

(5) Propose the results of studies and the results of consideration on technical data as well as other additional measures to the Ministry of Labour and related agencies for the purpose of development of Wage and income system.

(6) Monitor and assess the results of the implementations of Wage and national income system development plan and the operations under the resolutions of the Wage Committee.

(7) Carry out other works as assigned by the Wage Committee or sub-committee.[[68]](#footnote-68)

**CHAPTER 7**

**Welfare**

**Section 92** There shall be established the Labour Welfare Committee comprising the Permanent Secretary of the Ministry of Labour and Social Welfare as Chairman, four (4) members of the Committee representing the Government, five (5) Minister-appointed members of the Labour Welfare Committee each representing the Employer and the Employees and the Minister-appointed officials from the Department of Labour Protection and Welfare as secretary.

**Section 93** ~~The Labour Welfare Committee shall have powers and duties:~~

~~(1) to give opinions to the Minister on policies, guidelines and measures regarding labour welfare;~~

~~(2) to give opinions to the Minister on issuance of Ministerial Regulations, notifications or regulations relating to the provision of welfare at places of business;~~

~~(3) to give advice on the arrangement of labour welfare for each type of business.~~

~~(4) to follow up, evaluate and report on the results of performance to the Minister; and~~

~~(5) to carry out any other activities where prescribed to be taken under this Act or other laws within powers and duties of the Labour Welfare Committee or as instructed by the Minister.~~

The Labour Welfare Committee shall have the following powers and duties:

(1) Propose its opinion to the Minister relating to policy, guidelines and measures on labour welfare.

(2) Propose its opinion to the Minister in issuing Ministerial Regulations, Notifications, or Regulations concerning the arrangement of welfare in a place of business.

(3) Give advice on the arrangement of labour welfare for place of business of each category.

(4) Monitor, assess and report the results of operations to the Minister.

~~(5) Order the Employer to pay Special Severance Pay or Special Severance Pay in lieu of notice in advance under Section 120.~~

(5) Order an Employer to pay Special Severance Pay in lieu of notice in advance under Section 120/1.[[69]](#footnote-69)

(6) Carry out any other works as provided by this Act or other laws as being under the powers and duties of the Labour Welfare Committee, or as assigned by the Minister.[[70]](#footnote-70)

**Section 94** ~~Section 78, para. 2; Section 80, Section 81, Section 82, para 1; Section 83 and Section 84 shall apply to the Labour Welfare Committee on a~~ *~~mutatis mutandis~~* ~~basis.~~

The provisions of 78, paragraph two, Section 80, Section 81, Section 82, paragraph one, Section 83, Section 84, Section 85, and Section 86 shall apply to the Labour Welfare Committee mutatis mutandis.[[71]](#footnote-71)

**Section 95** The Minister shall have powers to issue the Ministerial Regulations requiring the Employer to provide any particular type of welfare or prescribing the arrangement of any particular type of welfare to meet the defined standard.

**Section 96** At place of business with upwards of fifty Employees, the Employer shall arrange for the establishment of a labour welfare committee comprising at least five (5) representatives of the Employees.

Members of the labour welfare committee shall be elected according to the criteria and procedures prescribed by the Director-General.

Where any place of business of the Employer has already had the Employee committee under the Labour Relations Law, the Employee Committee shall perform duties as the Welfare Committee at place of business pursuant to this Act.

**Section 97** The Welfare Committee at place of business shall have power and duties:

(1) to jointly consult with the Employer on arranging for the provision of welfare to Employees;

(2) to give advice and express opinions to the Employer on the arrangement of welfare for Employees;

(3) to inspect, control and supervise the arrangement of welfare for Employees by Employer.

(4) to make comments and recommend guidelines to the Labour Welfare Committee regarding the provision of welfare which is beneficial to Employees.

**Section 98** Employer shall arrange for consultative meeting with the Welfare Committee at place of business to be held at least once every three (3) months; or when at the request of more than half of total members of the Welfare Committee or the Labour Union with appropriate reason.

**Section 99** Employer shall post a notice regarding the provision of welfare scheme pursuant to the Ministerial Regulations issued under Section 95 or under an agreement reached with the Employees for information of the Employee at open place at the Employee's place of work

**CHAPTER 8**

**Safety, Occupational Health and Working Environment**

**Section 100** There shall be established the Safety, Occupational Health and Working Environment Committee comprising the Permanent Secretary of Ministry of Labour and Social Welfare as the Chairman, the Director-General of the Department of Labour Protection and Welfare, the representative of the Department of Health, the representative of the Department of Industrial Works, the representative of the Department of Public Works, and the representative of the Pollution Control Department as members, and seven representatives of the Employer and seven representatives of the Employees appointed by the Minister as members; and the Minister-appointed official from the Department of Labour Protection and Welfare as member and secretary.

**Section 101** The Committee for Safety, Occupational Health, and Working Environment shall have powers and duties:

(1) to give opinions to the Minister on policies, work plan or safety measures, occupational health and development of Employee's working environment;

(2) to give opinions to the Minister on issuance of Ministerial Regulations, notifications or regulations for the purpose of implementing this Act;

(3) to give opinions to government agencies on promoting Employee's physical safety, occupational health and working environments;

(4) to carry out any other acts prescribed by this Act or by other laws or as assigned by the Minister to be within the powers and duties of the Safety, Occupational Health, and Working Environment Committee.

**Section 102** Section 78 para. 2; Section 80, Section 81, Section 82 para. 1; Section 83 and Section 84 shall apply to the Safety, Occupational Health, and Working Environment Committee on a *mutatis mutandis* basis.

**Section 103** The Minister shall have powers to issue the Ministerial Regulations prescribing standards to be met by the Employer in the administration and management of safety, occupational health, and working environment.

Where Ministerial Regulations under the foregoing paragraph require any documentation or documentary evidence or any particular report to be notarised or verified or examined by any person according to the defined criteria and procedures, such Ministerial Regulations may also prescribe the criteria and procedures for registration and revocation of registration, rates of registration fee not to exceed the rates attached hereto and maximum rates of service fee to be charged by said person.

**Section 104** Where the Labour Inspector finds that any Employer has violated or not complied with the Ministerial Regulations issued under Section 103, the Labour Inspector shall have powers to give written order to Employer to improve working environments and the premises or to make or modify machinery or equipment used by Employee in performance of work, or involved in the performance of work correctly or suitably within the prescribed period of time.

**Section 105** Where the Labour Inspector has found that the working environment and the premises, machinery or equipment used by Employees shall be unsafe either to the Employees or Employer or that the Employer has not complied with the order of the Labour Inspector under Section 104, the Labour Inspector, having received approval from the Director-General or person authorised by the Director-General, shall have powers to order the Employer to suspend the use of machinery or equipment temporarily, either in whole or in part.

The Employer, who has been ordered by the Labour Inspector to suspend use of machinery or equipment pursuant to para.1, shall pay money to the Employee equal to the Work Day Wage throughout the period of time the Employee has been away from work until the Employer shall have remedied the situation correctly according to the order of such Labour Inspector.

**Section 106** Appeal against the order of the Labour Inspector under Section 104 or Section 105 shall be referred to the Safety, Occupational Health, and Working Environment Committee within thirty days of acknowledgement of the order. The award of the Committee shall be final.

The appeal under the foregoing paragraph shall not mitigate the compliance with the order of the Labour Inspector unless the Safety, Occupational Health, and Working Environment Committee shall give the instructions otherwise.

**Section 107** The Employer shall arrange for the availability of medical examination to the Employees and report the results of said medical examination to the Labour Inspector according to the criteria and procedures prescribed in the Ministerial Regulations.

**CHAPTER 9**

**Control**

**Section 108** ~~The Employer with upwards of ten (10) Employees shall arrange for the availability of the work rules in Thai language and such work rules shall at least contain the details in relation to the following:~~

~~(1) Normal Work Days, working hours and rest[break] time;~~

~~(2) Holidays and criteria on taking Holiday;~~

~~(3) Criteria for working overtime and working on Holiday.~~

~~(4) Date and place to pay Wage, Overtime Pay, Holiday Pay and Holiday Overtime Pay;~~

~~(5) Leave of absence and criteria for taking leave of absence;~~

~~(6) Disciplines and disciplinary action;~~

~~(7) Lodging of grievances; and~~

~~(8) Termination of employment, Severance Pay and Special Severance Pay.~~

~~The Employer shall announce the enforcement of the work rules within fifteen (15) days of the date the Employer has had upwards of ten (10) Employees. The Employer shall at all time keep a copy of the work rules at the work place or at the Employer's office and~~ **~~deliver one (1) copy of the work rules to the Director-General~~** ~~or persons authorised by the Director-General within seven days of the announcement of the said work rules.~~

~~The Director-General or persons authorised by the Director-General shall have powers to give order to the Employer to amend the work rules which are in conflict with the law correctly within the specified period of time.~~

~~The Employer shall publicise and post the work rules openly at the Employee's work place for information of and inspection by the Employees.[[72]](#footnote-72)~~

The Employer who employs altogether ten (10) Employees upwards shall prepare work regulations in Thai language, and such work regulations shall at least contain the following:[[73]](#footnote-73)

(1) Work day, regular work hour, and rest period.

(2) Holidays and bases on taking Holidays.

(3) Bases on working overtime and working on Holidays.

(4) Date and place of payment of Wages, Overtime Pay, Holiday Pay, and Holiday Overtime Pay.

(5) Leave of absence and bases on taking leave of absence.

(6) Discipline and disciplinary punishment.

(7) Lodging of complaint.

(8) Termination of employment, Severance Pay, and Special Severance Pay.

The Employer shall announce the work regulations within fifteen (15) days from the day the Employer employs ten (10) Employees upwards, and the Employer shall keep a copy of such work regulations at the place of business or at his office at all times.[[74]](#footnote-74)

The Employer **shall publish and post** the work regulations conspicuously at the place of work of the Employees, **or he may also publish same by electronic means**, so that the Employees may know of and access to said work regulations conveniently.[[75]](#footnote-75)

**Section 109** The lodging of [complaints] grievances under Section 108 (7) must at least contain the following details:

(1) Scope and meaning of the complaints,

(2) Procedures and steps for lodging complaint,

(3) Investigation and consideration of complaint,

(4) Process for settlement of complaint; and

(5) Protection of the complainant and persons involved.

**Section 110** ~~In case of the amendment to the work rules, the Employer shall announce the amended work rules within seven days of the enforcement of the amended work rules; and for this purpose, Section 108 para 2, para. 3 and para. 4 shall apply~~ *~~mutatis mutandis~~*~~.~~

An amendment to the work regulations announced for enforcement by the Employer under Section 108 shall be published by the Employer, and, in this respect, the provisions of Section 108, paragraph two and paragraph three, shall apply thereto mutatis mutandis.[[76]](#footnote-76)

**Section 111** When the Employer has announced the enforcement of the Work Rules under Section 108, although, subsequently, the Employer shall have had less than ten [10] Employees, the Employer shall have the duty to continue in complying with Section 108 and Section 110.

**Section 112** The Employer who has upwards of ten Employees shall prepare the *Employee register* in Thai language and keep it at the Employer's place of business or office for inspection by the Labour Inspector during working hours.

The preparation of the *Employee register* under the foregoing paragraph shall be completed by the Employer within fifteen (15) days of the beginning of work by the Employee

**Section 113** The ***Employee Register*** shall at least contain the following items:

(1) Name and surname

(2) Sex

(3) Nationality

(4) Date, month and year of birth or age.

(5) Present address

(6) Date of employment

(7) Job position or assigned duty

(8) Rate of Wage and other remunerative benefits the Employer agrees to pay to the Employee

(9) Date of termination of employment.

When it is necessary to change the items in the *Employee register*, the Employer shall complete the amendment to the Employee Register within fifteen (15) days of the date such change is made, or within fifteen (15) days of the date the Employee has notified the Employer of such change.

**Section 114** The Employer with upwards of ten (10) Employees altogether shall arrange for the availability of documents relating to payment of Wage, Overtime Pay, Holiday Pay and Holiday Overtime Pay at least containing the following particulars:

(1) Work Days and hours;

(2) The amount of work completed for Employee who is paid on a piecework basis calculated in unit terms;

(3) Rate and amount of Wage, Overtime Pay, Holiday Pay, and Holiday Overtime Pay due to each Employee.

When Wage, Overtime Pay, Holiday Pay, and Holiday Overtime Pay is paid to Employee, the Employer shall require the Employee to sign his/her respective name on documents under the foregoing paragraph

The items contained in the documents under the foregoing paragraph shall either be in one (1) single document or in several separate documents.

Where the Employer pays Wage, Overtime Pay, Holiday Pay and Holiday Overtime Pay to the Employee by crediting the payments to deposit account(s) at commercial bank(s) or at other financial institution(s), it shall be regarded that the evidence of crediting [transferring] the money to the Employee's deposit account shall be the documents relating to the said payments.

**Section 115** The Employer shall keep the register of Employees for at least two (2) years from the date of termination of employment of each Employee; and the Employer shall keep the documents in relation to payment of Wage, Overtime Pay, Holiday Pay, and Holiday Overtime Pay made to the Employees for at least two (2) years from the date of said payment.

In the event of complaints lodged under Chapter 12 of this Act, or a labour dispute under the law on labour relations, or a legal proceedings in relation to labour dispute, the Employer shall keep the register of Employees and documents in relation to payment of Wage, Overtime Pay, Holiday Pay, and Holiday Overtime Pay until final judgement is entered on the said matter.

**Section 115/1.[[77]](#footnote-77)** For the purpose of carrying out duties of the Labour Inspector under Section 139, the Employer who has Employees from ten persons upwards shall file a form showing condition of employment and condition of working to the Director-General or the person assigned by him within January of each year. In this respect, the Labour Inspector shall send the form prescribed by the Director-General to the Employer within December of each year.

 In the case where the facts concerning the condition of employment and the condition of working duly filed under paragraph one have changed, the Employer shall report such change in writing to the Director-General or the person assigned by him within the month following the month of such change.

**CHAPTER 10**

**Suspension of work**

**Section 116**  Where the Employer has conducted investigation of an Employee accused of committing an offence, the Employer shall be prohibited from ordering a suspension of the Employee in the course of the said investigation unless there is in force the work rules or Employment Contract which empowers the Employer to suspend the Employee. For this purpose, the Employer shall issue a suspension order in writing specifying the offence and duration of the suspension for not more than seven days. The Employee must be given advance notice prior to suspension of work.

During suspension of work pursuant to the foregoing paragraph, the Employer shall pay Wage to the Employee at the rate specified in the work rules or as mutually agreed between the Employee and the Employer in the Employment Contract. Such rate must not be less than fifty percent[50%] of Work Day Wage at which the Employee is paid before being suspended.

**Section 117** On completion of the investigation, it appears that the Employee is not guilty, the Employer shall pay Wage to the Employee equal to the Work Day Wages with effect from the date the Employee has been ordered suspended. The money paid by the Employer under Section 116 shall be part of the Wage under this Section together with the interest at the rate of fifteen percent (15 %) per annum.

**CHAPTER 11**

**Severance Pay**

**Section 118** An Employer shall pay Severance Pay to an Employee whose employment has been terminated as follows[[78]](#footnote-78):

1. An Employee who has worked for an uninterrupted period of at least one hundred twenty (120) days, but less than one (1) year shall be paid not less than thirty (30) days worth, at the rate of his/her last Wage; or not less than worth the Wage for the last thirty (30) days of work performed, if Wages were payable on a work accomplishment basis calculated in units.
2. An Employee who has worked for an uninterrupted period of at least one (1) year, but less than three (3) years shall be paid not less than ninety (90) days worth, at the rate of his/her last Wage; or not less than worth the Wage for the last ninety (90) days of work performed, if Wages were payable on a work accomplishment basis calculated in units.
3. An Employee who has worked for an uninterrupted period of at least three (3) years, but less than six (6) years shall be paid not less than one hundred eighty (180) days worth, at the rate of his/her last Wage; or not less than worth the Wage for the last one hundred eighty (180) days of work performed, if Wages were payable on a work accomplishment basis calculated in units.
4. An Employee who has worked for an uninterrupted period of at least six (6) years, but less than ten (10) years shall be paid not less than two hundred forty (240) days worth, at the rate of his/her last Wage; or not less than worth the Wage for the last two hundred forty (240) days of work performed, if Wages were payable on a work accomplishment basis calculated in units.
5. ~~An Employee who has worked for an uninterrupted period of at least ten (10) years shall be paid not less than three hundred (300) days worth, at the rate of his/her last Wage; or not less than worth the Wage for the last three hundred (300) days of work performed, if Wages were payable on a work accomplishment basis calculated in units.~~
6. An Employee who has worked for an uninterrupted period of at least ten (10) years, but less than twenty (20) years shall be paid not less than three hundred (300) days worth, at the rate of his/her last Wage; or not less than worth the Wage for the last three hundred (300) days of work performed, if Wages were payable on a work accomplishment basis calculated in units. [[79]](#footnote-79)
7. An Employee who has worked for an uninterrupted period of twenty (20) years or more shall be paid not less than four hundred (400) days worth, at the rate of his/her last Wage; or not less than worth the Wage for the last four hundred (400) days of work performed, if Wages were payable on a work accomplishment basis calculated in units.[[80]](#footnote-80)

**Termination of employment** under this Section means any act of the Employer who does not allow the Employee to continue in working and does not pay Wage whether or not due to the expiration of Employment Contract or other causes; and shall inclusively means instances in which the Employee has not worked and has not been paid due to inability of the Employer to continue business.

The provisions of the foregoing paragraph shall not apply to the Employee with definite period of employment whose employment is terminated according to such specified period.

Employment with definite period pursuant to para. 3., shall be allowed for employment for specific projects which are not normal work of the Employer's business or trade which must have specified beginning and end; or for occasional work with specified ending or completion; or seasonal work for which the Employee is engaged within such season and the work must be completed within not more than two (2) years; and for which both the Employer and Employee have entered into a contract in writing from the beginning of employment.

**Section 118/1.**[[81]](#footnote-81) A retirement agreed upon between the Employer and the Employee or as prescribed by the Employer shall be regarded as a termination of employment under [Section 118](#Section_118), paragraph two.

 In the event there is no agreement or prescription on retirement, or there is an agreement or prescription on retirement at more than sixty (60) years old, the Employee who has reached the age of sixty (60) years old upwards shall have a right to state his/her intention to retire by stating such intention to the Employer, and it shall become valid upon the lapse of thirty days (30) from the date of stating his/her intention, and the Employer shall pay Severance Pay to the retired Employee under [Section 118](#Section_118), paragraph one.

**Section 119** ~~The Employer shall not pay Severance Pay to the Employee when the Employee is terminated from employment in either of the following cases:~~

~~(1) Having been guilty of dishonesty or having intentionally committed criminal offence against the Employer;~~

~~(2) Wilfully caused damage to the Employer.~~

~~(3) Guilty of recklessness which caused serious damage to the Employer.~~

~~(4) Violation of work rules or regulations or disobedience to fair and lawful order of the Employer and in relation to which the Employer has already given a written warning except for a serious case where the Employer does not need to give a warning.~~

~~A written warning shall be effective for not more than one (1) year from the date the Employee committed an offence.~~

~~(5) Abandonment of duties for three (3) consecutive Work Days regardless of whether or not there is a Holiday in between without justifiable grounds;~~

~~(6) Having been sentenced to imprisonment by final court judgement save for penalty for an offence committed due to recklessness or for petty offenses.~~

The Employer needs not pay Severance Pay to any Employee whose employment has been terminated for any one (1) of the following reasons:[[82]](#footnote-82)

(1) Dishonestly performed his duty or intentionally committed a criminal offence against the Employer.

(2) Deliberately caused damages to the Employer.

(3) Committed negligent acts causing the Employer to have sustained serious damages.

(4) Violated the work regulations, lawful and fair regulations or orders of the Employer and for which a letter of warning had previously been served, except for a serious case for which no warning is necessary.

 The letter of warning shall be effective for not more than one (1) year from the date of commission of the wrongdoing by the Employee.

(5) Abandoned his/her work for three (3) consecutive days, whether or not having Holidays in between, without justifiable reasons.

(6) Has been sentenced to imprisonment by final court judgement.

In the case of (6), if it is an offence committed through negligence or minor offence, it must be a case where it has caused damages to the Employer.[[83]](#footnote-83)

For the termination of employment without payment of Severance Pay under paragraph one, if the Employer does not specify the facts which caused the termination of employment in the notice of termination of employment, or does not notify the Employee of the cause of termination of employment at the time of termination of employment, the Employer may not cite such a cause thereafter.[[84]](#footnote-84)

**Section 120** ~~In case of relocation of the Employer's place of business to another location which has significantly affected the normal way of living of the Employee or his/her family, the Employer must notify the Employees in advance not less than thirty days prior to the date of relocation. In such case, if the Employees do not wish to continue to work at the new place of business, the Employee shall have the right to terminate the contract of employment and be entitled to Special Severance Pay of not less than fifty percent of the Severance Pay to which the Employees are entitled under~~ [~~Section 118~~](#Section_118)~~.~~

~~In case of failure by the Employer to notify the Employee of the relocation of place of business in advance pursuant to para.1, the Employer shall pay Special Severance Pay to the Employee in lieu of giving advance notice equal to last 30-day Wage rate or equal to a Wage of last 30 Work Days for the Employee who is paid on a piecework basis calculated in units.~~

~~The Employee has the right to file a request to the Labour Welfare Committee to consider the matter within thirty days of the date the Employer relocated the place of business as whether or not this is the case which the Employer must notify the Employee in advance or the Employee has the right to terminate the contract of employment with the right to receive Special Severance Pay under para. 1.~~

~~The decision of the Labour Welfare Committee shall be final unless either the Employer or the Employee shall appeal the decision to the Court within thirty days of receipt of the notice of the decision. In the case of the Employer who takes the matter to court, the Employer must deposit a sum of money with court equal to the amount payable to the Employee who has filed the application under para. 3.~~

~~For the purpose of termination of contract of employment under this Section, the Employee must exercise the right within thirty days of the date on which the Employer relocated the place of business or the date on which the decision of the Labour Welfare Committee or of the Court becomes final.~~

 ~~Where the emplolyer relocates its place of business elsewhere which significantly effects the maintenance of normal life of the Employee or his/her family, the Employer shall notify the Employee of such relocation at least thirty (30) days prior to the relocation of the place of business. In such case, if the Employee does not wish to work at that place, the Employee shall have the right to terminate the contract of employment within thirty (30) days after the date of being notified by the Employer or the date of removal of the place of business of the Employer, whichever the case may be, whereby the Employee shall be entitled to Severance Pay payment at not less than the rate of Severance Pay payment he/she is entitled under Section 118.[[85]](#footnote-85)~~

 ~~In case the Employer fails to notify the Employee in advance under paragraph one, the Employer shall pay Special Severance Pay in lieu of the notice in advance equivalent to the rate of Wages of the last thirty (30) days, or equivalent to the Wages of the work done in the last thirty days (30) for the Employee who is paid on a piecework basis calculated in units~~.[[86]](#footnote-86)

 ~~The Employer shall pay Special Severance Pay or Special Severance Pay in lieu of notice in advance to the Employee within seven (7) days from the date of termination of contract by the Employee~~.[[87]](#footnote-87)

 ~~In the case where the Employer fails to make payment of Special Severance Pay or Special Severance Pay in lieu of notice in advance under paragraph three, the Employee shall have the right to file a petition to the Labour Welfare Committee within thirty (30) days from the lapse of the prescribed period of payment of Special Severance Pay or Special Severance Pay in lieu of notice in advance~~.[[88]](#footnote-88)

 ~~The Labour Welfare Committee shall consider the matter and issue an order within sixty (60) days from the date of receipt of the petition~~.[[89]](#footnote-89)

 ~~Upon the Labour Welfare Committee having considered the matter and it appears that the Employee is entitled to Special Severance Pay or Special Severance Pay in lieu of notice in advance, the Labour Welfare Committee shall issue an order in writing instructing the Employer to make payment of Special Severance Pay or Special Severance Pay in lieu of notice in advance, as the case may be, to the Employee within thirty (30) days from the date of learning, or regarded as having learnt, of the order~~.[[90]](#footnote-90)

 ~~In the case where the Labour Welfare Committee has considered the matter and it appears that the Employee is not entitled to receive Special Severance Pay or Special Severance Pay in lieu of notice in advance, as the case may be, the Labour Welfare Committee shall issue an order in writing and notify the Employer and the Employee of such~~.[[91]](#footnote-91)

 ~~The order of the Labour Welfare Committee shall be final, except where the Employer or the Employee may lodge an appeal against the order to the court within thirty (30) days from the date of learning of the order. In the case the Employer is the party who files the case to the court, the Employer shall place a deposit with the court of the amount payable under the said order, or else the court shall not accept the suit for its hearing~~.[[92]](#footnote-92)

In the case where an Employer wishes to remove any of his place of business to a new location or to other place of business of the Employer, the Employer shall post a notice notifying the Employees of such in advance, whereby said notice shall be posted at a conspicuous place where the place of business is located so that the Employees can see it clearly for a continuous period of not less than thirty (30) days prior to the date of removal of place of business, and said notice must contain clear statements sufficient for good understanding that which Employees are to be transferred to any place and when.[[93]](#footnote-93)

In the case the Employer fails to post the notice under paragraph one, the Employer shall pay Special Severance Pay in lieu of notice in advance to the Employees who do not wish to work at a new place of business equivalent to the last rate of Wages for (30) thirty days, or equivalent to the Wages for work done during the last thirty (30) days for the Employee receiving Wages according to work accomplishment calculated in unit.[[94]](#footnote-94)

In any Employee considers that the said removal of place of business sends significant effects to the maintenance of normal life of the Employee or his/her family, and does not wish to work at the new place of business, he/she must notify the Employer of such in writing within thirty (30) days from the date of posting of the notice, or from the date of removal of place of business in the case the Employer did not post the notice under paragraph one, and it shall be regarded that the contract of employment is terminated on the day the Employer removes his place of business, whereby the Employee shall be entitled to Special Severance Pay at not less than the rate of Severance Pay he/she is so entitled under [Section 118](#Section_118).[[95]](#footnote-95)

The Employer shall pay Special Severance Pay in lieu of notice in advance under paragraph two or Special Severance Pay under paragraph three to the Employee within seven (7) days from the date of termination of contract of employment.[[96]](#footnote-96)

In the case the Employer disagrees with the reasons of the Employee under paragraph three, the Employer shall file a petition to the Labour Welfare Committee within thirty (30) days from the date of being notified of such in writing.[[97]](#footnote-97)

**Section 120/1.**[[98]](#footnote-98) Upon the Labour Welfare Committee having received a petition under Section 120, paragraph five, and deemed that the Employee is entitled to Special Severance Pay in lieu of notice in advance or Special Severance Pay, the Labour Welfare Committee shall order the Employer to pay Special Severance Pay in lieu of notice in advance or Special Severance Pay, as the case may be, to the Employee within thirty (30) days from the day the Employers learns of the order.

In the case the Labour Welfare Committee has considered that the Employee is not entitled to Special Severance Pay in lieu of notice in advance or Special Severance Pay, as the case may be, the Labour Welfare Committee shall notify the Employer and the Employee of its decision for information.

For the consideration and issuance of order of the Labour Welfare Committee, it shall be completed within sixty (60) days from the date of receipt of petition, and shall notify the order to the Employer and the Employee within fifteen (15) days from the date of issuance of order.

An order of the Labour Welfare Committee shall be final, except where the Employer or the Employee will lodge an appeal against said order to the Court within thirty (30) days from the date of learning of the order. In the case the Employer files the case to the Court, the Employer shall place a security with the Court according to the amount payable under said order so as to further the proceeding of such case.

Section 143 shall apply to the sending of an order of the Labour Welfare Committee mutatis mutandis.

**Section 120/2**.[[99]](#footnote-99) In the case the Employer has lodged an appeal against an order of the Labour Welfare Committee within the period of time fixed under Section 120/1, paragraph four, and has complied with the judgment or order of the Court, criminal proceedings against the Employer shall be dismissed.

**Section 121** In the case of termination of employment of the Employee initiated by the Employer by virtue of the Employer's reorganisation, improvement on production process, distribution or service due to the introduction of machinery or replacement of machinery or application of technology to the extent it entails reduction of the number of Employees, [Section 17 para. 2](#Section_17_Para_2), shall *not* apply; and the Employer shall report to the Labour Inspector the date of termination of employment, reason for termination of employment and list of Employees and notify the Employee whose employment shall be terminated in advance not less than 60 days prior to the date of termination of employment.

In the case of failure by the Employer to give advance notice to the Employee or give advance notice less than the period of time prescribed in the foregoing paragraph, besides receiving the Special Severance Pay under [Section 118](#Section_118), the Employer shall also pay the Special Severance Pay in lieu of giving advance notice equal to last 60-day Wage rate or equal to a Wage of last 60 Work Days for the Employee who is paid on a piecework basis calculated in unit.

In the event of payment of Special Severance Pay in lieu of giving advance notice pursuant to para. 2, it shall also be regarded that the Employer has paid remuneration in lieu of giving advance notice under the Civil and Commercial Code.

**Section 122** In the case of termination of employment by the Employer under Section 121 and such Employee has been working for more than six (6) consecutive years or more, the Employer shall pay increased Special Severance Pay in addition to the Severance Pay under [Section 118](#Section_118) not less than last 15-day Wage rate per one (1) full year of employment or not less than a Wage for last 15 Work Days per one (1) full year of employment for Employee who is paid on a piecework basis calculated in units. But the Severance Pay in total under this Section shall not exceed last 360-day's Wage rate or not more than a Wage of last 360 Work Days for the Employee who is paid on a piecework basis calculated in units.

For the purpose of calculating the Special Severance Pay in the event of employment period of less than one (1) full year, if the fraction of employment period is more than 180 days, it shall be rounded up to one (1) full year of employment.

**CHAPTER 12**

**Filing and Consideration of Petition**

**Section 123** In the case of violation of or non-compliance with the requirements on the part of the Employer regarding the right to receive any particular type of payments under this Act; and the Employee's wish to have the competent official take an action under this Act, the Employee shall have the right to file a petition [complaint] with the Labour Inspector in the locality in which the Employee is working or in the locality where the Employer is domiciled by using the Form prescribed by the Director-General.

Where the matter is related to the right to receive any particular type of payments under this Act, if the Employee has died, the deceased's statutory heir shall have the right to file a petition with the competent Labour Inspector.

**Section 124** When an petition has been filed under Section 123, the Labour Inspector shall investigate facts of the matter and issue an order in relation thereto within sixty (60) days of receipt of the petition.

In the case of necessity which precludes the issuance of an order within the time specified in para. 1, the Labour Inspector shall file a request for an extension of the period of time giving the reason with the Director-General or the person authorised by the Director-General. The Director-General or the person authorised by the Director-General may consider granting approval as may be deemed appropriate, however, the extension shall not exceed thirty days of the date of expiration under para. 1.

~~On completion of the investigation by the Labour Inspector, it appears that the Employee shall be entitled to receive any particular type of payment which the Employer has the duty to pay under this Act, the Labour Inspector shall order the Employer to make such payment to the Employee or to a statutory heir of the deceased Employee using the~~ *~~Form~~* ~~prescribed by the Director-General within fifteen (15) days of the date of the acknowledgement of or deemed to have acknowledgement of the order.~~

On completion of the investigation by the Labour Inspector, it appears that the Employee shall be entitled to receive any particular type of payment which the Employer has the duty to pay under this Act, the Labour Inspector shall order the Employer to make such payment to the Employee or to a statutory heir of the deceased Employee using the form prescribed by the Director-General within thirty (30) days from the date that, the Employer learns of the order, or deemed to have learned of the order.[[100]](#footnote-100)

The Employer shall make payment under para. 3 to the Employee or a statutory heir of the deceased Employee at the Employee's work place. In case of a petition filed by the Employee or a statutory heir of the deceased Employee, the Labour Inspector shall have the powers to order the Employer to make such payment at the Labour Inspector's Office or at other place as agreed on by the Employer and the Employee or a statutory heir of the deceased Employee.

In event of the failure by the Employee or the statutory heir of the deceased Employee to collect said payment within fifteen (15) days of the date the order was issued by Labour Inspector, the Labour Inspector shall remit such money to the Employee Welfare Fund to be further deposited with a bank. Any interest or fruits accrued on the deposit shall become the entitlement of the Employee or a statutory heir of the deceased Employee who shall be entitled to receive such money.

Where the Labour Inspector deems that the Employee or a statutory heir of the deceased Employee shall not be entitled to the money under Section 123, the Labour Inspector shall issue an order and give a notice in writing to the Employer and the Employee or a statutory heir of the deceased Employee for information.

**Section 124/1.[[101]](#footnote-101)** ~~In the case the Employer complies with the order of the Labour Inspector under Section 124 within the period of time prescribed or has complied with the judgement or the order of the court, a legal proceeding against the Employer shall be dropped.~~

In the case where the Employer has complied with an order of the Labour Welfare Committee under Section 124 within the period of time fixed, criminal proceedings against the Employer shall be dismissed.[[102]](#footnote-102)

**Section 125** When the Labour Inspector has issued an order under Section 124, if the Employer, the Employee or a statutory heir of the deceased Employee are not happy with such order, the case shall be further brought to court within thirty days of the date of acknowledgement of the order.

Where the Employer, the Employee or a statutory heir of the deceased Employee has not brought the case to Court within the prescribed time, such order shall become final.

Where the Employer has brought the case to Court, the Employer shall be required to place a deposit with the Court of the amount due payable according to such order if the lawsuit is to be instituted.

~~When the case is final and the Employer has the duty to pay any sum of money to the Employee or to a statutory heir of the deceased Employee, the Court shall have power to pay the money to the Employee or to the statutory heir of the deceased Employee.~~

When the case is final and the Employer has the duty to make payment of any amount to the Employee or the statutory heir of the deceased Employee, the court shall be empowered to make payment from the amount placed with the court to the Employee or the legitimate heir of the deceased Employee, or to the Employee Welfare Fund in the case of making payment under Section 134, as the case may be.[[103]](#footnote-103)

**Section 125/1.[[104]](#footnote-104)** In the case the Employer files a case to the Court within the period of time fixed under Section 125 and has complied with the judgment or the order of the Court, criminal proceedings against the Employer shall be dismissed.

**Chapter 13**

**The Employee Welfare Fund**

**Section 126** There shall be established the Employee Welfare Fund in the Department of Labour Protection and Welfare with the objective to provide benefits in case of termination of employment or death of the Employee or in other cases as prescribed by the Employee Welfare Fund Committee .

**Section 127** The Employee Welfare Fund comprises of:

(1) Savings and Contributions;

(2) Money belonging to the Employee Welfare Fund under Section 133 and Section 136;

(3) Additional money under Section 131;

(4) Fines from penalty levied on violators of this Act;

(5) Donations in cash or in kind from donors;

(6) Government subsidies;

(7) Other income;

(8) Fruits of the fund of the Employee Welfare Fund.

The Employee Welfare Fund shall make available the accounts comprising:

(1) the accounts of the Fund members showing items of the Savings, Contributions and fruits of the said moneys of each member;

(2) the central funds account showing other items than the items under (1).

**Section 128** Remittance of fines under Section 127 (4) towards the Employee Welfare Fund and the schedule for such remittance shall be in accordance with the regulations prescribed by the Employee Welfare Fund Committee by way of publication in the Government Gazette.

**Section 129** For the purpose of implementing this Act, the money and assets of the Employee Welfare Fund under Section 127 shall be regarded as the property of the Department of Labour Protection and Welfare which shall not be remitted to the Ministry of Finance as Government revenue.

There shall be established the Employee Welfare Fund Committee comprising the Permanent Secretary of the Ministry of Labour and Social Welfare as the Chairman, the representatives from the Ministry of Finance, the Office of the National Economic and Social Development Board, the Bank of Thailand respectively as members; and five (5) representatives of the Employer and five (5) representatives of the Employees appointed by the Minister as members and the Director-General of the Department of Labour Protection and Welfare as member and secretary of the Committee.

The Employee Welfare Fund Committee shall have powers:

(1) to lay down policies on management and disbursement of money from the Employee Welfare Fund as approved by the Minister;

(2) to consider and give opinions to the Minister in relation to the issuance of the royal decree, Ministerial Regulations, notifications or regulations in order to implement this Act;

(3) to establish the regulations on receipt of money, payment of money and safe-keeping of money of the Employee Welfare Fund with consent of the Minister;

(4) to establish the regulations relating to investment for financial returns of the capital fund of the Employee Welfare Fund as approved by the Minister;

(5) to allocate not more than 10 % annually of the fruits earned from fund of the Employee Welfare Fund as administrative expenditure of the Employee Welfare Fund;

(6) to carry out any other activities as prescribed in this Act or in other laws to be powers and duties of the Employee Welfare Fund Committee or as authorised by the Minister.

Section 78 para. 2, Section 80, Section 81, Section 82 para. 1; Section 83 and Section 84 respectively shall apply to the Employee Welfare Fund Committee *mutatis mutandis.*

**Section 130** Employees of the business having upwards of 10 Employees or more shall be members of the Employee Welfare Fund.

Provisions in para.1 shall *not* apply to businesses where the Employers have arranged for a *Provident Fund* to be set upunder the law governing the provident fund; or other Employee welfare benefits in the event of termination of employment or death according to the criteria and procedures as prescribed in the Ministerial Regulations.

Whenever the provisions in para. 1 shall apply to the Employee of business having less than 10 Employees shall be enforced by enactment of a royal decree.

The Employee Welfare Fund Committee may issue the regulations requiring the Employees of business not subject to this Act to apply for membership of the Employee Welfare Fund when the Employees wish to join the Employee Welfare Fund with consent of their Employer; and the Employer shall therefore have duty under this Act as if such business is subject to this Act.

The Employer having Employees who are member of the Employee Welfare Fund under para. 1 shall be required to submit the *Registration Form* to show a list of Employees and other particulars. When the Employer has submitted the said *Registration Form*, the Department of Welfare and Labour Protection shall issue a certificate of registration to the Employer.

In the case of alteration or amendment made to the particulars in the submitted *Registration Form*, the Employer shall notify in writing the Department of Welfare and Labour Protection for amendment to the said Employee Registration Form.

The application for alteration or amendment to the particulars in the Employee list of *Registration Form* and the issuance of a certificate of registration to the Employer shall be according to the standard form, criteria and procedures prescribed by the Employee Welfare Fund.

It shall be regarded that a person who submits the *Employee Registration Form* or the application for amendment or alteration to the Registration Form under the law government social security has already duly complied with the provisions in para. 5, para. 6 and para. 7 of this Section.

**Section 131** With effect from the date the Employee has been admitted as member the Employee Welfare Fund, for every payment of a Wage, the Employee is to contribute towards the Savings to be withheld by the Employer from the Employee's Wage; and the Employer is to make such contribution to the Employee Welfare Fund at the rate prescribed in the Ministerial Regulations; but the contribution shall not exceed 5 % of the Wage.

If the Employer fails to pay Wage on specified time, the Employer shall have duty to remit the Savings and Contributions as if the Wage has already been paid.

Where the Employer fails to remit the Savings or Contributions or has remitted partial amount within the period of time prescribed in para. 4, the Employer shall pay extra sum of money to the Employee Welfare Fund at the rate of 5 % per month of the amount of non-remitted Savings or Contributions or the amount in arrears with effect from the scheduled date for remittance of the said money. A fraction of a month, if it is up to 15 days or more, it shall be counted as one (1) month. If it is less than that number, it must be rounded off. No Employer shall be allowed to raise the Employer's failure to deduct the Contributions from the Wage or the fact of having made partial deduction of such money as a ground for release of the Employer's liability to remit such money.

Remittance of the Savings and Contributions and extra payment towards the Employee Welfare Fund shall be according to the criteria and procedures prescribed by the Employee Welfare Fund Committee.

**Section 132** Where the Employer has not remitted the Savings or Contributions or has remitted partial amount on scheduled time, the Labour Inspector shall give a written warning notice to the Employer to remit the arrears within not less than 30 days of receipt of such notice.

For the purpose of giving a warning notice under para. 1, if the definite amount of the Wage is unknown, the Labour Inspector shall have power to estimate the amount of the Savings and Contributions to be remitted according to the criteria and procedures prescribed by the Employee Welfare Fund Committee.

**Section 133** Where he Employee leaves the job, the Department of Labour Protection and Welfare shall disburse the money from the Employee Welfare Fund to the Employee from the portion of the Savings, Contributions and fruits earned from such money.

In the event of death of the Employee, if the Employee has not named any beneficiary to receive the money from the Employee Welfare Fund in writing using the Form prescribed by the Director-General and delivered in trust with the Department of Labour Protection and Welfare; or the beneficiary has been named, but has died earlier, the money from the Employee Welfare Fund shall be paid to the living children, spouse, parent(s) of the deceased Employee, each in equal amount.

If the deceased Employee does not have any person who shall be entitled to receive the money from the Employee Welfare Fund under para. 2, such money shall become the property of the Employee Welfare Fund.

**Section 134** The disbursement of money from the Employee Welfare Fund in other circumstances than the cases under Section 133, the Employee Welfare Fund Committee shall prescribe the regulations for payment of the welfare money, the rate of payment and period of payment considering the amount of money in the Employee Welfare Fund which is not payable under Section 133.

**Section 135** ~~Where the Department of Labour Protection and Welfare has disbursed the money from the Employee Welfare Fund, either in whole or in part, to the Employee pursuant to Section 134, the Employee Welfare Fund shall have the right to demand that a person who has the duty under the law to pay the said money to the Employee to refund the money paid out by the Employee Welfare Fund together with accrued interest at 15 per cent per annum.~~

~~The claim in relation to the Employee Welfare Fund shall have statutory length of 10 years of the date the money is disbursed from the Employee Welfare Fund under para. 1.~~

Where the Department of Labour Protection and Welfare has paid a sum from the Employee Welfare Fund, either in whole or in part, to the Employee under Section 134, the Department of Labour Protection and Welfare shall have the right of recourse against the person who has the duty under the law to make such payment to the said Employee, plus interest at the rate of fifteen percent (15%) per annum from the day the Department of Labour and Protection Welfare has made payment from the Employee Welfare Fund, however, irrespective of whether or not the person with duty under the law will have paid such amount to the said Employee.[[105]](#footnote-105)

The right of recourse under paragraph one shall have the prescription period of ten (10) years from the date of payment from the Employee Welfare Fund.[[106]](#footnote-106)

**Section 136** The Labour Inspector shall have powers to issue order in writing to seize, attach and to sell by auction the assets belonging the persons who have the duty under the law for failing to remit the Savings, Contributions or extra money or to remit full amount of money or money payable under Section 135.

The order for seizure or attachment of the assets under the foregoing paragraph may be permitted only after a written warning has been given to the persons having duty under the law to remit the Savings, Contributions or the extra sum of money in arrears, or the money payable under Section 135 within the prescribed time, but not less than 30 days of the date of receipt of the warning by that person and failing to remit the money within the prescribed time.

Criteria and procedures for seizure, attachment and auction of assets under paragraph one shall be in accordance with the regulations prescribed by the Minister. The criteria and procedures under the Civil Procedures Code shall apply *mutatis mutandis.*

Deductions from the proceeds from auction of assets shall be made for expenses relating to seizure, attachment, auction; for payment of Savings, Contributions or extra sum in arrears or the money payable by the person having duty under the law to pay under Section 135. Any balance left after deduction shall be immediately returned to such person as soon as possible. The Labour Inspector shall give a notice by registered reply mail to such person to collect the balance. The balance which is unclaimed within 5 years shall become the property of the Employee Welfare Fund.

**Section 137** The claim for the money from the Employee Welfare Fund shall be non-transferrable and shall not be subject to legal execution liability.

**Section 138** Within 120 days of the end of the calendar year, the Employee Welfare Fund Committee shall present the Balance Sheet and Report on Income and Expenditure of the Employee Welfare Fund of the preceding year to the Office of the Auditor-General of Thailand for audit prior to being proposed to the Minister.

The said Balance Sheet and Report on Income and Expenditure shall be presented to the Cabinet by the Minister for acknowledgement and shall be published in the Government Gazette.

**CHAPTER 14**

**Labour Inspector**

**Section 139** In the discharge of duty, the Labour Inspector shall have powers:

(1) to enter places of business or office of the Employer and work place of the Employee during working hours in order to inspect the working and employment conditions of the Employees; to make enquiries into facts, take photographs, to obtain copies of documents relating to employment, payment of Wage, Overtime Pay, Holiday Pay, Holiday Overtime Pay and to inspect the register of Employees; to collect samples of materials or products for analysis on safety in the work place; and to carry out other acts to obtain the facts for the purpose of enforcing this Act.

(2) to send a letter of enquiry or a letter asking Employer, Employee or persons involved to give explanations or statement of facts or to deliver any relevant materials or documents to support the consideration.

(3) to give written order to the Employer or Employee to comply with this Act accordingly.

**Section 140** In the discharge of the duty in the capacity as the Labour Inspector pursuant to Section 139(1), the Labour Inspector shall produce his/her identification card to the Employer or related person. And the Employer or related persons shall provide convenience and shall not obstruct the performance of duty of the Labour Inspector.

The identification card of the Labour Inspector shall be in accordance with the form prescribed by the Minister.

**Section 141** ~~In the event of due compliance with the order of the Labour Inspector by the Employer or Employee under Section 139 (3) within the specified period, the criminal proceeding against the Employer or Employee shall as a result be extinguished.~~

An appeal against an order of the Labour Inspector under Section 139 (3) shall be lodged to the Director-General or the person assigned by him within the period of time specified in the order, and the Director-General or the person assigned by him shall consider the appeal and notify the appellant of his decision without delay, however, it must not exceed thirty days from the date of receipt of the appeal. The decision of the Director-General or of the person assigned by him shall be final.[[107]](#footnote-107)

The appeal under paragraph one shall not respite the compliance with the order of the Labour Inspector, except where the Director-General or the person assigned by him will have ordered otherwise, or when there has been placed a security as prescribed by the Director-General or the person assigned by him.[[108]](#footnote-108)

In case the Employer or the Employee has duly complied with the order of the Labour Inspector under Section 139 (3) or has complied with the decision of the Director-General or of the person assigned by him under paragraph one within the timeframe prescribed, a criminal proceeding against the Employer or the Employee shall be dropped.[[109]](#footnote-109)

**Section 142** For inspection of the place of business or the office of the Employer or work place of the Employee, the Director-General or the person authorised by the Director-General may arrange for a physician, a social worker or a specialist appointed by the Minister to enter such place to give opinions or provide assistance to the Labour Inspector in the course of performing duty under this Act.

The Employer or related persons shall provide convenience and shall not obstruct the performance of duty by the physician, social worker or specialist under the foregoing paragraph..

**CHAPTER 15**

**Delivery of Document**

**Section 143** The delivery of an order or a letter of the Director-General or the Labour Inspector to be made under this Act shall be delivered by registered reply mail or by hand by the Labour Inspector or by the officer at the domicile or address or office of the Employer during the Employer's working hours. If the Employer is not present at the domicile or address or at the office of the Employer, or the Employer is present but refuses to receive the order, the letter may be delivered to any person who is of legal age who is present or works in the house or at the office which appears to belong to the Employer. Having taken said action, it shall be regarded that the Employer shall have duly received the order or letter of the Director-General or the Labour Inspector.

If the delivery under the foregoing paragraph is not possible, such order or letter of the Director-General shall be delivered by posting it at open place at the Employer's office, at the Employee's work place, at the Employer's domicile or address. Having taken said action and not less than 15 days has elapsed, it shall be regarded that the Employer shall have duly received such order or letter of the Director-General or the Labour Inspector.

**CHAPTER 16**

**Penalty Clause**

**Section 144** ~~Any Employer who violates or fails to comply with Section 10, Section 22, Section 24, Section 25, Section 26, Section 37, Section 38, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 49, Section 50, Section 51 Section, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90 para. 1; the Ministerial Regulations issued under Section 95, Section 107, Section 116 para 1., for failure to pay the Special Severance Pay pursuant to~~ [~~Section 118~~](#Section_118) ~~para. 1; or fails to pay Special Severance Pay under Section 120, para.1 to para 2; Section 121 para. 2; or Section 122, shall be punishable by not more than 6 months imprisonment or by a fine of not more than one hundred thousand Baht (100,000 Baht) or by both.~~

~~Where the Employer who violates or fails to comply with Section 37, Section 38, Section 39, Section 42, Section 47, Section 48, Section 49 or Section 50 which has caused bodily or mental harm to or death of the Employee, shall be punishable by not more than 1 year imprisonment or a fine of not more than two hundred thousand Baht (200,000 Baht) or by both.~~

~~Any Employer who violates or fails to comply with Section 10, Section 22, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 49, Section 50, Section 51, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one, the Ministerial Regulations issued under Section 95, Section 107,~~ [~~Section 118~~](#Section_118)~~, paragraph one, and who fails to pay Special Severance Pay in lieu of notice in advance or Special Severance Pay under Section 120, Section 121, or Section 122, shall be punished with imprisonment for a term not exceeding six (6) months, or fine not exceeding Baht one hundred thousand (100,000 Baht), or both.[[110]](#footnote-110)~~

~~In case the Employer violates or fails to comply with Section 37, Section 38, Section 39, Section 39/1, Section 42, Section 47, Section 48, Section 49 or Section 50, thus causing the Employee to sustain bodily or mentally injury or death, he shall be punished with imprisonment for a term not exceeding one (1) year or fine not exceeding Baht two hundred thousand, or both.~~[[111]](#footnote-111)

~~Any Employer who violates or fails to comply with Section 10, Section 22, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 49, Section 50, Section 51, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one, the Ministerial Regulations issued under Section 95,~~ [~~Section 118~~](#Section_118)~~, paragraph one, and who fails to pay Special Severance Pay in lieu of notice in advance or Special Severance Pay under Section 120, Section 121, or Section 122, shall be punished with imprisonment for a term not exceeding six (6) months, or fine not exceeding Baht one hundred thousand, or both~~.[[112]](#footnote-112)

Any Employer violates or fails to comply with the following provisions shall be punished by imprisonment not exceeding six (6) months or fine not exceeding Baht one hundred thousand, or both.[[113]](#footnote-113)

1. ~~Section 10, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 51, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one, or~~ [~~Section 118~~](#Section_118)~~, paragraph one.~~

~~Section 10, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 51, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one,~~ [~~Section 118~~](#Section_118)~~, paragraph one, or~~ [~~Section 118~~](#Section_118)~~/1, paragraph two~~.[[114]](#footnote-114)

(1) Section 10, Section 17/1, Section 23, paragraph two, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 51, Section 57/1, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one, [Section 118](#Section_118), paragraph one, or Section 118/1, paragraph two.[[115]](#footnote-115)

1. ~~Section 120, Section 121, or Section 122, in the part relating to failure to make payment of Special Severance Pay in lieu of advance notice or Special Severance Pay.~~

(2) Section 120, Section 120/1, Section 121, or Section 122, in the part relating to failure to pay Special Severance Pay in lieu of notice in advance or Special Severance Pay.[[116]](#footnote-116)

(3) Ministerial Regulations issued under Section 22 in the part relating to labour protection in various cases not related to employment of child below the age fixed in the Ministerial Regulations as Employee, or acceptance of child below the age fixed in the Ministerial Regulations for work, or prohibition of Employer from employing child under eighteen years old for works according to the categories and the places prescribed in the Ministerial Regulations or the Ministerial Regulations issued under Section 95.

In the case an Employer violates or fails to comply with Section 37, Section 38, Section 39, Section 39/1, Section 42, Section 47, or Section 48, thereby causing the Employees to sustain dangers to body or mind, or death, the Employer shall be punished by imprisonment not exceeding one (1) year or fine not exceeding Baht two hundred thousand, or both.[[117]](#footnote-117)

**Section 144/1**.[[118]](#footnote-118) Any business operator fails to comply with Section 11/1 shall be punished by fine not exceeding Baht one hundred thousand.

**Section 145** ~~Any Employer who fails comply with Section 23 shall be punishable by a fine of not more than five thousand Baht.~~

Any Employer fails to comply with Section 23, paragraph one or paragraph three, shall be liable to fine not exceeding Five thousand Baht (5,000 Baht).[[119]](#footnote-119)

**Section 146** ~~Any Employer who fails comply with Section 15, Section 27, Section 28, Section 29, Section 30 para 1; Section 45, Section 53, Section 54, Section 56, Section 57, Section 58, Section 59, Section 65, Section 66, section 73, Section 74, Section 75, para. 1; Section 77, Section 99, Section 105, para. 2; Section 108, Section 111, Section 112, Section 113, Section 114, Section 115, Section 117 or fails to give advance notice pursuant to Section 120, Section 121, para. 1 or Section 139(2) or (3) shall be punishable by a fine of not more than twenty thousand Baht.~~

 ~~Any Employer who fails to comply with Section 15, Section 27, Section 28, Section 29, Section 30, paragraph one, Section 45, Section 53, Section 54, Section 56, Section 57, Section 58, Section 59, Section 65, Section 66, Section 73, Section 74, Section 75, paragraph one, Section 77, Section 99, Section 108, Section 111, Section 112, Section 113, Section 114, Section 115, Section 117, or fails to give a notice in advance under Section 120, Section 121, paragraph one, or Section 139 (2) or (3), shall be punished with fine not more than Baht twenty thousand~~.[[120]](#footnote-120)

Any Employer fails to comply with Section 15, Section 27, Section 28, Section 29, Section 30, paragraph one, Section 45, Section 53, Section 54, Section 56, Section 57, Section 58, Section 59, Section 65, Section 66, Section 73, Section 74, Section 75, paragraph one, Section 77, Section 99, Section 108, Section 111, Section 112, Section 113, Section 114, Section 115, Section 117, or fails to give notice in advance under Section 121, paragraph one, or Section 139 (2) or (3), shall be liable to fine not exceeding Baht twenty thousand[[121]](#footnote-121).

**Section 147** Any person who violates Section 16 shall be punishable by a fine of not more than twenty thousand Baht.

**Section 148** ~~Any Employer who violates Section 31 or Section 44, or fails to comply with the Ministerial Regulations issued by virtue of Section 103 para. 1, shall be punishable by not more than one (1) year imprisonment of or a fine of not more than two hundred thousand Baht (200,000 Baht) or by both.~~

~~Any Employer who violates Section 31 or Section 44 shall be punished with imprisonment for a term not more than one (1) year or fine not more than Baht two hundred thousand, or both~~.[[122]](#footnote-122)

Any Employer violates Section 31 shall be punished by imprisonment not exceeding one (1) year or fine not exceeding Baht two hundred thousand, or both.[[123]](#footnote-123)

**Section 148/1.**[[124]](#footnote-124) Any Employer violates Section 44 or the Ministerial Regulations issued under Section 22 in the part relating to employment of child whose age is lower than that prescribed in the Ministerial Regulations as an Employee, or acceptance of child whose age is lower than that prescribed in the Ministerial Regulations for work, shall be punished by fine from Baht four hundred thousand (400,000 Baht) to Baht eight hundred thousand (800,000 Baht) per one (1) Employee, or imprisonment not exceeding two (2) years, or both.

**Section 148/2.**[[125]](#footnote-125) Any Employer violates Section 49 or Section 50 or the Ministerial Regulations issued under Section 22 in the part relating to prohibition of Employer from employing a child under eighteen years old to work according to the categories of work and the places prescribed by the Ministerial Regulations shall be punished by fine from Baht four hundred thousand (400,000 Baht) to Baht eight hundred thousand (800,000 Baht) per one (1) Employee, or imprisonment not exceeding two (2) years, or both.

 If the offences under paragraph one cause the Employees to sustain dangers to body or mind, or death, the Employer shall be punished by fine from Baht eight hundred thousand (800,000 Baht) to Baht two million (2,000,000 Baht) per one (1) Employee, or imprisonment not exceeding four (4) years, or both.

**Section 149** Any Employer who fails comply with Section 52, Section 55, Section 75 para. 2; Section 90 para. 2; Section 110 or Section 116 shall be punishable by a fine of not more than ten thousand Baht (10,000 Baht).

**Section 150** ~~Any person who does not provide convenience, fails to appear to give an affidavit, deliver any documents or materials according to a summon letter of the Wage Committee or the Sub-Committee or a person authorised by the Wage Committee or the Sub-Committee; or does not accord convenience to the Labour Inspector, the physician, social worker or specialist shall be punishable by not more than one (1) month imprisonment or a fine of not more than two thousand Baht or by both.~~

Whoever fails to afford convenience, fails to give statement, fails to send documents or any articles under the summons issued by the Wage Committee, the Labour Welfare Committee, the sub-committees thereof, or the persons assigned by the said Committees or sub-committees, as the case may be, or fails to afford convenience to the Labour Inspector, physician, social worker, or expert under Section 142, shall be punished with imprisonment for a term not exceeding one (1) month, or fine not exceeding Baht two thousand (2,000 Baht), or both.[[126]](#footnote-126)

**Section 151** ~~Any person who obstructs the discharge of duty by the Wage Committee or the Sub-Committee or persons authorised by the Wage Committee or the Sub-Committee, the Labour Inspector, physician, social worker or specialist shall be punishable by not more than one (1) year imprisonment or a fine of not more than twenty thousand Baht or by both.~~

~~Any person who fails to comply with the order of the Labour Inspector which is issued under Section 124 shall be punishable by not more than one (1) year imprisonment or a fine of not more twenty thousand Baht or by both.~~

Whoever obstructs the carrying out of duties of the Wage Committee, the Labour Welfare Committee, the sub-committees thereof, or the person assigned by the said Committees or sub-committees, as the case may be, the Labour Inspector, physician, social worker, or expert, shall be punished with imprisonment for a term not exceeding one (1) year, or fine not exceeding Baht twenty thousand, or both.[[127]](#footnote-127)

~~Whoever fails to comply with the order of the Labour Welfare Committee issued under Section 120 or the order of the Labour Inspector issued under Section 104, Section 105, or Section 124 shall be punished with imprisonment for a term not exceeding one (1) year, or fine not exceeding Baht twenty thousand, or both~~.[[128]](#footnote-128)

~~Whoever fails to comply with the order of the Labour Welfare Committee issued under Section 120 or the order of the Labour Inspector issued under Section 124 shall be punished with imprisonment for a term not exceeding one (1) year, or fine not exceeding Baht twenty thousand, or both.~~[[129]](#footnote-129)

Whoever fails to comply with an order of the Labour Inspection Officer issued under Section 124 shall be liable to imprisonment not exceeding one (1) year or fine not exceeding Baht twenty thousand, or both.[[130]](#footnote-130)

**Section 155/1.**[[131]](#footnote-131) ~~Any Employer fails to file or report the form of condition of employment and condition of working under Section 115/1 and who has received a letter of warning from the Labour Inspector and still fails to file or report same within fifteen (15) days from the date of receipt of the said letter of warning shall be punished by fine not exceeding Baht twenty thousand.~~

Any Employer who fails to submit or file the Form Showing Employment Conditions and Working Conditions under Section 115/1 shall be liable to fine not exceeding Baht twenty thousand.[[132]](#footnote-132)

**Section 152** Any Employer who fails to comply with Section 96 shall be punishable by a fine of not more than fifty thousand Baht.

**Section 153** Any Employer who fails comply with Section 98 shall be punishable by not more than one (1) month imprisonment or a fine of not more than two thousand Baht or by both.

**Section 154** Any Employer who fails to prepare document, evidence or report in accordance with the Ministerial Regulations issued under Section 103, or who prepares a false document, evidence or report by filling out false statements shall be punishable by not more than six (6) months imprisonment or a fine of not more than one hundred thousand Baht (100,000 Baht) or by both.

**Section 155** Any person having the duty to certify or examine the document, evidence or report in accordance with the Ministerial Regulations issued under Section 103 gives false statement in relation to certification or examination of the document, evidence or report shall be punishable by not more than one (1) year imprisonment or a fine of not more than two hundred thousand Baht (200,000 Baht) or by both.

**Section 156** Any Employer who fails to submit a registration form or to give a written notice requesting for alteration or amendment to the registration form within prescribed time pursuant to Section 130 or submits the registration form or a written notice requesting for alteration or amendment to the registration form pursuant to Section 130 which contains false information [misrepresentations]shall be punishable by not more than 6 months imprisonment or a fine of not more than ten thousand Baht or by both.

**Section 157** Any competent officer who divulges any facts in relation to business of the Employer which should normally be kept confidential by the Employer which the competent officer has acquired or has had the knowledge of in the course of implementing this Act shall be punishable by not more than one (1) month imprisonment or a fine of not more than two thousand Baht or by both excepting the disclosure made in the course of performing duty for the purpose of this Act or in the interests of labour protection, labour relations or investigation or legal proceeding.

**Section 158** Where the offender is a juristic person, if the offence committed by such juristic person occurs as a result of giving order or acts done by any person or not giving an order or not doing anything which is the duty to do by the managing director or any person who is liable for the actions of such juristic person, such person shall also be punishable by the penalty particularly prescribed for such offence.

**Section 159** For all offences under this Act save for the offences under Section 157, if the following competent officer is of the view that the offender should not be penalised by imprisonment or should not be sued, the following competent officer shall have powers to mete out fine penalty as follows:

(1) Director-General or persons authorised by the Director-General, for offence which has been committed in Bangkok Metropolis;

(2) provincial governor or persons authorised by the provincial governor, for the offence committed in other provinces.

In the event of investigation being carried out, if the investigator finds that there has been a violator of this Act and the violator agrees to be fined, the investigator shall forward the matter to the Director-General or to the provincial governor as the case may be within 7 days of the date such violator has consented to being fined.

When the violator has paid the fine in the prescribed amount within 30 days, the case shall be void under the Civil Procedures Code.

If the violator has not agreed to be fined out of court or when having given consent thereto but fails to make payment of fine within period of time specified in para. 3, the legal proceedings shall continue.

**PROVISIONAL CLAUSE**

**Section 160** Section 45 shall not apply to an Employee who is a minor aged 13 years but aged under 15 years who has been employed by the Employer under the Announcement of the Revolutionary Party No. 103 dated 16 March 1972 before the effective of this Act.

**Section 161** The Employer is to report the employment of a minor aged under 18 years who has been employed under the Announcement of the Revolutionary Party No. 103 dated 16 March 1972 before the effective date of this Act within 15 days of the date this Act coming into force.

**Section 162** The Wage Committee, the Sub-committee and the Working Group who are in office on the date this Act comes into force shall remain in office until the end of the term of office.

**Section 163** Collection of Savings and Contributions towards Employee Welfare Fund under the provisions relating to the Employee Welfare Fund in Chapter 13 shall be enforced by means of promulgation of a Royal Decree.

**Section 164** A petition which is not yet finalised or the case is in the course of trial by a law court before the effective date of this Act shall be enforced pursuant to the Notification of the Ministry of Interior or the Notification of Ministry of Labour and Social Welfare which is issued by virtue of the Announcement of the Revolutionary Party No. 103 dated 16 march 1972 until such petition or case is finalised.

**Section 165** Any person who is entitled to receive a Wage or other moneys from the Employer under the Announcement of the Revolutionary Party No. 103 dated 16 March 1972 before the effective date of this Act shall continue to receive such Wage or money.

**Section 166** All announcements or orders issued under the Announcement of the Revolutionary Party No. 103 dated 16 March 1972 shall continue to be in force insofar as it does not contravene or is *not* in conflict with this Act pending the coming into force of the Ministerial Regulations, rules and notifications which are issued under this Act.

**Countersigned by:**

Chuan Leekpai

Prime Minister

**Rate of Fee**

|  |  |
| --- | --- |
| Fee for registration as accredited notary public or [certified] examiner of document, evidence and report | 5,000 Baht per year |

***REMARKS***: The rationale for enactment of this Act of Parliament is because the Announcement of the Revolutionary Party No. 103 dated 16 March 1972 has been in force for a long time; some provisions were found unsuitable to the present situation coupled with the requirements in relation to labour protection which was issued under the said Announcement of the Revolutionary Party are in the form of the Ministerial Regulations considered a secondary legislation; thus, it gives rise to the problem of its acceptability. Therefore in order for the employment of labour to be increasingly fair and appropriate to the changing situation, e.g., the empowering of the Cabinet Minister to issue the Ministerial Regulations to provide protection to certain categories of the employment of labour which is exceptional to general employment of labour; the prohibition imposed on Employer from terminating female Employee from employment by reason of pregnancy; the provision for Employee who is a minor to be entitled to leave of absence for education or training; the requirement for the Employer to pay compensation for loss of income by Employee in the event of closure of the Employer's business; the prescribing of certain conditions which provide for certain indebtedness to be deducted from remuneration; the working of Employee and the establishment of the Employee Welfare Fund or the beneficiary as named by the deceased Employee or in the case of unnamed beneficiary, an heir of the deceased Employee shall receive benefit from the Employee Welfare Fund including the amendment to penalties to be more appropriate to present economic situation. It is therefore imperative that this Act be enacted into law.

**Labour Protection Act**

**(No. 2)**

**B.E. 2551 (2008)**

**Bhumibol Adulyadej, Rex.**

Given this 15th day of February 2008,

Being the 63rd year of the present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that,

Whereas it is deemed expedient to amend the law governing labour protection,

And whereas this Act contains certain provisions relating to the restriction of personal rights and freedom, for which Section 29 incorporating Section 41 and Section 43 of the Constitution of the Kingdom of Thailand provide that such can be made by virtue of the provisions of a law,

Be it, therefore, enacted an Act by H.M. the King, by and with the advice and consent of the National Legislative Assembly, as follows:

**Section 1.** This Act shall be called “Labour Protection Act (No. 2) B.E. 2551 (2008)”.

**Section 2.** This Act shall be enforced after the lapse of ninety days from the date of its publication in the Government Gazette onwards.

**Section 3.** The provisions of the definition of “Employer” in Section 5 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“ “Employer”refers to a person who agrees to engage an Employee to work for which Wages are paid, and it shall mean to include:

(1) a person who is authorized to work for the Employer;

(2) in case the Employer is a juristic person, it shall mean to include the person with authority to act on behalf of such juristic person, and a person authorized by the person with the authority to act on behalf of the juristic person to act on his behalf as well.”

**Section 4.** The provisions of paragraph one of Section 9 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 9. In case the Employer refuses to refund the security which is money under Section 10, paragraph two, or refuses to pay Wages, Overtime Pay, Holiday Pay, and Holiday Overtime Pay, within the period of time prescribed under Section 70, or Severance Pay under [Section 118](#Section_118), Special Severance Pay in lieu of notice in advance or Special Severance Pay under Section 120, Section 121, and Section 122, the Employer shall pay interest to the Employee during the time of default at fifteen percent (15%) per annum.”

**Section 5.** The provisions of Section 10 and Section 11 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 10. Subject to Section 51, paragraph one, no Employer shall demand or accept any security for employment or any security for damages from employment, whether it be money, other property or personal guaranty, from the Employee, except the description or the nature of the said work requires the Employee to be responsible for money or property of the Employer and which may create damages to the Employer. However, the description or the nature of work where a security can be demanded or accepted from the Employee, including the category of security, the amount of the security and the keeping of same, shall be per the bases and procedures prescribed by the Minister.

In case the Employer demands for or accepts the security, or executes a security contract with the Employee for compensation of damages caused by the Employee, when the Employer terminates employment of the Employee, or when the Employee resigns from work, or when the security contract expires, the Employer shall refund the security plus interest, if any, to the Employee within seven days from the date of termination of employment or the date of resignation or the date of expiration of the security contract, as the case may be.

Section 11. The debts arisen from the money that must be paid by the Employer under this Act, or the money that must be compensated to the Employee Welfare Fund under Section 135 for the Employee or the Department of Labour Protection and Welfare, as the case may be, shall have preferential right over the entire property of the Employer who is a debtor in the same rank as the preferential right in the tax and duty under the Civil and Commercial Code.”

**Section 6.** The following shall be added as Section 11/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 11/1. In the case the business operator assigns any person to recruit worker whereby it is not a job procurement business operation, and such work is a part in the manufacturing process or the business under the responsibility of the business operator, and whether or not such person may supervise the work or be responsible for payment of Wages to the said worker, it shall be regarded that the business operator is the Employer of the said worker.

The business operator shall arrange for the contracted Employee who works in the same description as an Employee under direct contract of employment to receive fair benefits and welfare without discrimination.”

**Section 7.** The following shall be added as Section 14/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 14/1. For contract of employment between the Employer and the Employee, work regulations, regulations or orders of the Employer which permit the Employer to have an advantage over the Employee excessively, the court shall be empowered to order that the said contract of employment, work regulations, regulations or orders be enforceable insofar as it is fair and appropriate to the circumstances.”

**Section 8.** The provisions of Section 16, Section 17 and Section 18 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 16. No Employer, work chief, supervisor or inspector shall commit an act of sexual harassment, sexual advance, or sexual disturbance against the Employee.

Section 17. Any contract of employment shall be considered terminated when the period prescribed in the contract expires, whereby a notice in advance of the termination is not necessary.

In case the contract of employment has no definite period, the Employer or the Employee may terminate the contract of employment by notifying the other party in advance in writing on or before any due date of payment of Wages, so as to create an effect that the contract be terminated when the next payment of Wages is due, however, a notice needs not be given more than three (3) months in advance, and it shall be regarded that the contract for probationary employment is a contract of employment of indefinite period as well.

In terminating the contract of employment under paragraph two, the Employer may pay Wages according to the amount payable up to the time of termination of the contract as notified, and the Employer may cease employment at once.

The notice in advance under this Section shall not apply to the termination of employment under Section 119 of this Act and under Section 583 of the Civil and Commercial Code.

Section 18. In case this Act provides that the Employer must report any proceedings or send any documents to the Director-General or the person assigned by him or the Labour Inspector, the Employer may report or send same by himself, by post, by phone, by facsimile, by electronics means, or by other kind of information technology means, however, it shall be in accordance with the bases and procedures prescribed by the Director-General.”

**Section 9.** The provisions of Section 23 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 23. The Employer shall announce the regular work hours to the Employee, by stating the starting time and the closing time of work on each day of the Employee at not exceeding the work hours of each category of work as prescribed in the Ministerial Regulations, however, it shall not exceed eight hours per day. In the case the work hours on any day is less than eight hours, the Employer and the Employee may agree to include the said remaining work hours with the work hours on any regular work day, however, it must not exceed nine hours per day. And when adding the work hours altogether, it must not exceed forty eight hours per week, except the work that may be hazardous to the health and the safety of the Employee as prescribed in the Ministerial Regulations, whereby the regular work hour per day must not exceed seven hours, but when adding work hours altogether, it shall not exceed forty two (42) hours per week.

In the case the Employer and the Employee have agreed to include the remaining work hours with the work hours on other regular work day under paragraph one exceeding eight hours per day, the Employer shall pay remunerations at not less than one and a half (1.5) time of the hourly Wage rate on the work day according to the hours worked overtime for daily Wage Employee and hourly Wage Employee, or not less than one and a half (1.5) time of the rate of Wage per unit on the work day according to the amount of work accomplished in the hours worked overtime for the Employee who receives Wages according to work accomplishment.

In case the Employer cannot announce the starting time and the closing time of work on each day owing to description or nature of such work, the Employer and the Employee shall agree on the number of work hours on each day to be not exceeding eight hours, and when adding work hours altogether, it must not exceed forty eight hours per week.”

**Section 10.** The provisions of Section 38 and Section 39 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 38. No Employer shall ask any female Employee to engage in any of the following works:

(1) Mining work or construction work which must be carried out underground, underwater, in a cave, tunnel or crater, except where the description of such work is not dangerous to the health or body of the said Employee.

(2) Work that must be carried out on a scaffold of a height from ten metres upwards above the ground.

(3) Production or transport of explosives or inflammables, except where the description of such work is not dangerous to the health or body of the said Employee.

(4) Other works as prescribed in the Ministerial Regulations.

Section 39. No Employer shall ask any female Employee who is pregnant to engage in any of the following works:

(1) Works in connection with machinery or engine which involves vibration.

(2) Works involve driving a vehicle or being on such vehicle.

(3) Works in connection with lifting, carrying on shoulders, carrying on the head, hauling or pushing a weight exceeding fifteen (15) kilograms.

(4) Works in a vessel.

(5) Other works as prescribed in the Ministerial Regulations.”

**Section 11.** The following shall be added as Section 39/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 39/1. No Employer shall ask a female Employee who is pregnant to work during 22.00 hours to 06.00 hours, to work overtime or to work on Holiday.

In the case a female Employee who is pregnant works in a position of an executive, engages in technical work, administrative work, or works in connection with money or accounting, the Employer may ask the said Employee to work overtime on a work day insofar as it does not affect the health of the female Employee who is pregnant, however, a consent must be obtained from the Employee each time.”

**Section 12.** The provisions of Section 50 and Section 51 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 50. No Employer shall allow a child Employee who is below eighteen years old to engage in works in the following places:

(1) Slaughter house.

(2) Gambling place.

(3) Service establishment under the law governing service establishment.

(4) Other places as prescribed in the Ministerial Regulations.

Section 51. No Employer shall demand or accept a security for any purposes from a child Employee.

No Employer shall pay Wages of the child Employee to other persons.

In the case the Employer pays money or any benefits to the child Employee, his/her parents, guardian or other persons in advance before employment, at the time of employment, or before the period of payment of Wages to the child Employee is due each time, it shall not be regarded as payment or acceptance of Wages for the said child Employee, and no Employer shall deduct the said money or benefits from the Wages payable to the child Employee according to the scheduled payment period.”

**Section 13.** The provisions of Section 65 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 65. The Employee who has the following duties or whom the Employer has asked to perform any kind of the following works shall not be entitled to receive Overtime Pay under Section 61, and Holiday Overtime Pay under Section 63. However, an Employee who has been asked by the Employer to engage the works under (3), (4), (5), (6), (7), (8) or (9) shall be entitled to receive remunerations in money at the rate equivalent to hourly Wages on work day according to the number of hours worked:

(1) Employee who has the power and duty to work on behalf of the Employer in respect employment, granting of gratuities, or termination of employment.

(2) Peddling or inducing for the buying of goods for which the Employer has paid brokerage fee from the sale of goods to the Employee.

(3) Railway traffic operations, namely works operated on train and works that afford railway traffic.

(4) Sluice and waterlocks.

(5) Water quantity measurement and water level reading.

(6) Fire extinguishing or public disaster prevention.

(7) Work of a description or nature that must be carried out outside premises, and by its description or nature, the work hour is not definite.

(8) Guarding the premises or property which is not a regular duty of the Employee.

(9) Other works as prescribed in the Ministerial Regulations.

However, except where the Employer agrees to make Overtime Pay or Holiday Overtime Pay to the said Employee.”

**Section 14.** The provisions of Section 67 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 67. In case the Employer terminates employment of his Employee whereby it is not a case under Section 119, the Employer shall pay Wages to the Employee for the annual vacation of the year the employment is terminated according to the proportion of the annual vacation the Employee is entitled under Section 30.

In case the Employee terminates the contract of employment, whether such termination of employment is a case under Section 119, the Employer shall pay Wages to the Employee for the accumulated annual vacation the Employee is entitled under Section 30.”

**Section 15.** The provisions of Section 75 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 75. In case the Employer finds it necessary by an important reason which affects his business operation to an extent that he is no longer able to operate his business normally, and which is not a force majeure, and must suspend his business either wholly or partly for a temporary period, the Employer shall pay Wages to the Employee at not less than seventy-five percent (75%) of the Wages on work day that the Employee received prior to the Employer suspends the operations of his business throughout the period the Employer discontinues the service of the said Employee.

The Employer shall notify the Employee and the Labour Inspector of the date he will suspend the operations of his business under paragraph one not less than three (3) work days in advance.”

**Section 16.** The provisions of Section 93 and Section 94 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 93. The Labour Welfare Committee shall have the following powers and duties:

(1) Propose its opinion to the Minister relating to policy, guidelines and measures on labour welfare.

(2) Propose its opinion to the Minister in issuing Ministerial Regulations, Notifications, or Regulations concerning the arrangement of welfare in a place of business.

(3) Give advice on the arrangement of labour welfare for place of business of each category.

(4) Monitor, assess and report the results of operations to the Minister.

(5) Order the Employer to pay Special Severance Pay or Special Severance Pay in lieu of notice in advance under Section 120.

(6) Carry out any other works as provided by this Act or other laws as being under the powers and duties of the Labour Welfare Committee, or as assigned by the Minister.

Section 94. The provisions of 78, paragraph two, Section 80, Section 81, Section 82, paragraph one, Section 83, Section 84, Section 85, and Section 86 shall apply to the Labour Welfare Committee mutatis mutandis.”

**Section 17.** The following shall be added as Section 115/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 115/1. For the purpose of carrying out duties of the Labour Inspector under Section 139, the Employer who has Employees from ten persons upwards shall file a form showing condition of employment and condition of working to the Director-General or the person assigned by him within January of each year. In this respect, the Labour Inspector shall send the form prescribed by the Director-General to the Employer within December of each year.

In the case where the facts concerning the condition of employment and the condition of working duly filed under paragraph one have changed, the Employer shall report such change in writing to the Director-General or the person assigned by him within the month following the month of such change.”

**Section 18.** The provisions of Section 119 and Section 120 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 119. The Employer needs not pay Severance Pay to any Employee whose employment has been terminated for any one (1) of the following reasons:

(1) Dishonestly performed his duty or intentionally committed a criminal offence against the Employer.

(2) Deliberately caused damages to the Employer.

(3) Committed negligent acts causing the Employer to have sustained serious damages.

(4) Violated the work regulations, lawful and fair regulations or orders of the Employer and for which a letter of warning had previously been served, except for a serious case for which no warning is necessary.

The letter of warning shall be effective for not more than one (1) year from the date of commission of the wrongdoing by the Employee.

(5) Abandoned his/her work for three (3) consecutive days, whether or not having Holidays in between, without justifiable reasons.

(6) Has been sentenced to imprisonment by final court judgement.

In the case of (6), if it is an offence committed through negligence or minor offence, it must be a case where it has caused damages to the Employer.

For the termination of employment without payment of Severance Pay under paragraph one, if the Employer does not specify the facts which caused the termination of employment in the notice of termination of employment, or does not notify the Employee of the cause of termination of employment at the time of termination of employment, the Employer may not cite such a cause thereafter.

Section 120. In the case where the Employer removes his place of business elsewhere which sends significant effects to the maintenance of normal life of the Employee or his/her family, the Employer shall notify the Employee of such at least thirty days prior to the removal of the place of business. In this respect, if the Employee does not wish to work at that place, the Employee shall have the right to terminate the contract of employment within thirty days from the date of being notified by the Employer or the date of removal of place of business of the Employer, whichever the case may be, whereby the Employee shall be entitled to Severance Pay payment at not less than the rate of Severance Pay payment he/she is entitled under [Section 118](#Section_118).

In case the Employer fails to notify the Employee in advance under paragraph one, the Employer shall pay Special Severance Pay in lieu of the notice in advance equivalent to the rate of Wages of the last thirty days, or equivalent to the Wages of the work done in the last thirty days for the Employee receiving Wages according to work accomplishment calculated in unit.

The Employer shall pay Special Severance Pay or Special Severance Pay in lieu of notice in advance to the Employee within seven days from the date of termination of contract by the Employee.

In the case where the Employer fails to make payment of Special Severance Pay or Special Severance Pay in lieu of notice in advance under paragraph three, the Employee shall have the right to file a petition to the Labour Welfare Committee within thirty days from the lapse of the prescribed period of payment of Special Severance Pay or Special Severance Pay in lieu of notice in advance.

The Labour Welfare Committee shall consider the matter and issue an order within sixty (60) days from the date of receipt of the petition.

Upon the Labour Welfare Committee having considered the matter and it appears that the Employee is entitled to Special Severance Pay or Special Severance Pay in lieu of notice in advance, the Labour Welfare Committee shall issue an order in writing instructing the Employer to make payment of Special Severance Pay or Special Severance Pay in lieu of notice in advance, as the case may be, to the Employee within thirty days from the date of learning, or regarded as having learnt, of the order.

In the case where the Labour Welfare Committee has considered the matter and it appears that the Employee is not entitled to receive Special Severance Pay or Special Severance Pay in lieu of notice in advance, as the case may be, the Labour Welfare Committee shall issue an order in writing and notify the Employer and the Employee of such.

The order of the Labour Welfare Committee shall be final, except where the Employer or the Employee may lodge an appeal against the order to the court within thirty days from the date of learning of the order. In the case the Employer is the party who files the case to the court, the Employer shall place a deposit with the court of the amount payable under the said order, or else the court shall not accept the suit for its hearing.”

**Section 19.** The provisions of paragraph three of Section 124 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Upon the Labour Inspector having carried out an investigation and it appears that the Employee is entitled to receive any kind of payment that the Employer is obliged to pay under this Act, the Labour Inspector shall order the Employer to make such payment to the Employee or the legitimate heir of the deceased Employee, as per the form prescribed by the Director-General, within thirty days from the date the Employer learns of the order or regarded as having learnt of the order.”

**Section 20.** The following shall be added as Section 124/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 124/1. In the case the Employer complies with the order of the Labour Inspector under Section 124 within the period of time prescribed or has complied with the judgement or the order of the court, a legal proceeding against the Employer shall be dropped.”

**Section 21.** The provisions of paragraph four of Section 125 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“When the case is final and the Employer has the duty to make payment of any amount to the Employee or the legitimate heir of the deceased Employee, the court shall be empowered to make payment from the amount placed with the court to the Employee or the legitimate heir of the deceased Employee, or to the Employee Welfare Fund in the case of making payment under Section 134, as the case may be.”

**Section 22.** The provisions of Section 135 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“In the case the Department of Labour Protection and Welfare has paid a sum from the Employee Welfare Fund, either partly or wholly, to the Employee under Section 134, the Department of Labour Protection and Welfare shall have the right of recourse against the person who has the duty under the law to make such payment to the said Employee, plus interest at the rate of fifteen percent (15%) per annum from the day the Department of Labour and Protection Welfare has made payment from the Employee Welfare Fund, however, irrespective of whether or not the person with duty under the law will have paid such amount to the said Employee.

The right of recourse under paragraph one shall have the prescription period of ten years from the date of payment from the Employee Welfare Fund.”

**Section 23.** The provisions of Section 141 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 141. An appeal against an order of the Labour Inspector under Section 139 (3) shall be lodged to the Director-General or the person assigned by him within the period of time specified in the order, and the Director-General or the person assigned by him shall consider the appeal and notify the appellant of his decision without delay, however, it must not exceed thirty days from the date of receipt of the appeal. The decision of the Director-General or of the person assigned by him shall be final.

The appeal under paragraph one shall not respite the compliance with the order of the Labour Inspector, except where the Director-General or the person assigned by him will have ordered otherwise, or when there has been placed a security as prescribed by the Director-General or the person assigned by him.

In case the Employer or the Employee has duly complied with the order of the Labour Inspector under Section 139 (3) or has complied with the decision of the Director-General or of the person assigned by him under paragraph one within the timeframe prescribed, a criminal proceeding against the Employer or the Employee shall be dropped.”

**Section 24.** The provisions of Section 144 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 144. Any Employer who violates or fails to comply with Section 10, Section 22, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 49, Section 50, Section 51, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one, the Ministerial Regulations issued under Section 95, Section 107, [Section 118](#Section_118), paragraph one, and who fails to pay Special Severance Pay in lieu of notice in advance or Special Severance Pay under Section 120, Section 121, or Section 122, shall be punished with imprisonment for a term not exceeding six (6) months, or fine not exceeding Baht one hundred thousand, or both.

In case the Employer violates or fails to comply with Section 37, Section 38, Section 39, Section 39/1, Section 42, Section 47, Section 48, Section 49 or Section 50, thus causing the Employee to sustain bodily or mentally injury or death, he shall be punished with imprisonment for a term not exceeding one (1) year or fine not exceeding Baht two hundred thousand, or both.”

**Section 25.** The following shall be added as Section 144/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 144/1. Any business operator fails to comply with Section 11/1 shall be punished by fine not exceeding Baht one hundred thousand.”

**Section 26.** The provisions of Section 150 and Section 151 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 150. Whoever fails to afford convenience, fails to give statement, fails to send documents or any articles under the summons issued by the Wage Committee, the Labour Welfare Committee, the sub-committees thereof, or the persons assigned by the said Committees or sub-committees, as the case may be, or fails to afford convenience to the Labour Inspector, physician, social worker or expert under Section 142, shall be punished with imprisonment for a term not exceeding one (1) months, or fine not exceeding Baht two thousand, or both.

Section 151. Whoever obstructs the carrying out of duties of the Wage Committee, the Labour Welfare Committee, the sub-committees thereof, or the person assigned by the said Committees or sub-committees, as the case may be, the Labour Inspector, physician, social worker, or expert, shall be punished with imprisonment for a term not exceeding one (1) year, or fine not exceeding Baht twenty thousand, or both.

Whoever fails to comply with the order of the Labour Welfare Committee issued under Section 120 or the order of the Labour Inspector issued under Section 104, Section 105, or Section 124 shall be punished with imprisonment for a term not exceeding one (1) year, or fine not exceeding Baht twenty thousand, or both.”

**Section 27.** The following shall be added as Section 155/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 155/1. Any Employer fails to file or report the form of condition of employment and condition of working under Section 115/1 and who has received a letter of warning from the Labour Inspector and still fails to file or report same within fifteen (15) days from the date of receipt of the said letter of warning shall be punished by fine not exceeding Baht twenty thousand.”

Countersigned:

**General Surayud Chulanont**

Prime Minister

**Note:** This Act is promulgated because the Labour Protection Act B.E. 2541 (1998) currently enforced contains some provisions which are not in line with the present situations and are not favourable to the proceeding in providing protection for the Employee. It is deemed suitable to amend the said Act by prohibiting the Employer to demand or to accept a security for working or damages from working, by empowering the court to order that contract of employment, work regulations, regulations or orders of the Employer may be enforced insofar as they are fair and appropriate to the circumstances, by allowing the Employer and the Employee to agree on including the regular work hours in short of eight hours with the regular work hours on other days which must not exceed nine hours per day, by empowering the Labour Welfare Committee to order the Employer to make payment of Special Severance Pay or Special Severance Pay in lieu of notice in advance in the case there is a removal of place of business, and by prescribing that the Employer must file the form of condition of employment and condition of working, and also adding penalties so that it be appropriate and be in conformity with the said amendments, so that the providing of protection for the Employee be efficient and the Employee may receive more protection. Hence, it is necessary that this Act be enacted.

[Ref.: Government Gazette, Legislation Issue, Volume 125, Part 39 Kor., Page 4-17, of

27th February 2008]

**Labour Protection Act**

**(No. 3)**

**B.E. 2551 (2008)**

**Bhumibol Adulyadej, Rex.**

Given this 15th day of February 2008,

Being the 63rd year of the present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that,

Whereas it is deemed expedient to amend the law governing labour protection,

And whereas this Act contains certain provisions relating to the restriction of personal rights and freedom, for which Section 29 incorporating Section 43 of the Constitution of the Kingdom of Thailand provide that such can be made by virtue of the provisions of a law,

Be it, therefore, enacted an Act by H.M. the King, by and with the advice and consent of the National Legislative Assembly, as follows:

**Section 1.** This Act shall be called “Labour Protection Act (No. 3) B.E. 2551 (2008)”.

**Section 2.** This Act shall be enforced on and from day following the date of its publication in the Government Gazette onwards.

**Section 3.** The provisions of the definition of “Basic Minimum Wage Rate” in Section 5 of the Labour Protection Act B.E. 2541 (1998) shall be repealed.

**Section 4.** The definition of “Skill-Standard Wage Rates” shall be incorporated between the definitions of “Minimum Wage Rate” and “Overtime Work” in Section 5 of the Labour Protection Act B.E. 2541 (1998):

“ “Skill-Standard Wage Rates” refers to the Wage rate fixed by the Wage Committee in each branch of profession according to the skill standards.”

**Section 5.** The provisions of Section 79 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 79. The Wage Committee shall have the following powers and duties:

(1) Propose its opinions and give advice to the Council of Ministers relating to policy and development of Wages and incomes.

(2) Prescribe guidelines for consideration by the Employer in regard to adjustment of Wages according to the economic and social situations.

(3) Fix Minimum Wage Rate.

(4) Fix Skill-Standard Wage Rates.

(5) Give advice on technical aspects as well as guidelines on coordination of interests to various agencies in the government sector, the private sector and the general public.

(6) Carry out any other actions provided by laws or as assigned by the Council of Ministers or the Minister.

In proposing opinions to the Council of Ministers, the Wage Committee may make its comments on the development of national income system as well.”

**Section 6.** The provisions of Section 82 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 82. At a meeting of the Wage Committee there shall be committee members attending the meeting at not less than one half (1/2) of the total number of committee members, with at least one (1) committee member from the Employer’s and the Employee’s sides, to form a quorum.

At a meeting to consider fixing the Minimum Wage Rates or the Wage rates according to skill standards under Section 79, there shall be committee members attending the meeting at not less than two-thirds (2/3) of the total number of committee members, with at least two committee members each from the Employer’s and the Employee’s sides, to form a quorum, and a resolution must be by two-thirds (2/3) of the number of committee members attending the meeting.

At any meeting to consider fixing the Minimum Wage Rates or the Wage rates according to skill standards, if no quorum is formed as stated in paragraph two, another meeting must be held within fifteen (15) days from the date the first meeting was called. As for this subsequent meeting, though there may be no committee members from the Employer’s or from the Employee’s sides attending the meeting, if there are committee members attending the meeting at not less than two-thirds (2/3) of the total number of committee members, it shall be regarded that the quorum is formed, and a resolution must be by two-thirds (2/3) of the number of committee members attending the meeting.”

**Section 7.** The provisions of Section 84 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 84. The Wage Committee shall have the power to appoint a sub-committee to consider any matter or to perform any duty as assigned by it.

The Wage Committee shall set the quorum and the procedures for the operations of the sub-committee as it deems suitable.”

**Section 8.** The following shall be added as Section 84/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 84/1. The Wage Committee shall have the power to appoint qualified persons of not more than five (5) in number asits advisers, among whom shall at least be qualified persons in the fields of labour, Wage and salary management, economy, industry or law.

The provisions of Section 80 and Section 81 shall apply to the office term and the retirement of the advisers appointed by the Wage Committee under paragraph one mutatis mutandis.”

**Section 9.** The provisions of Section 87, Section 88, Section 89, Section 90 and Section 91 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 87. In considering fixing the Minimum Wage Rate, the Wage Committee shall study and consider the facts relating to the rates of Wages currently received by the Employees, along with other facts, by taking into account the cost of living index, the rate of inflation, the standard of living, the costs of production, the prices of goods and services, the capabilities of businesses, the labour productivity, the gross national product, and the economic and social situations.

In considering fixing the Minimum Wage Rate, it may be enforced specifically on a specific type of business, work or branch of profession of any category and to any extent in any locality.

In considering fixing the Skill-Standard Wage Rates, the Wage Committee shall study and consider the facts relating to the Wage rates received by the Employees in each profession according to the skill standards prescribed, as based on the skills, knowledge and ability, but it must not be lower than the Minimum Wage Rate fixed by the Committee.

Section 88. Upon having studied the data and considered the facts as prescribed in Section 87, the Wage Committee shall fix the Minimum Wage Rates or the Wage rates according to skill standards by proposing same to the Council of Ministers for publication in the Government Gazette.

Section 89. The notice fixing the Minimum Wage Rates or the Wage rates according to skill standards under Section 88 shall be enforced on the Employer and all Employees without any discrimination.

Section 90. When the notice fixing the Minimum Wage Rates becomes effective, no Employer shall pay Wages to the Employee less than the Minimum Wage Rates or Wage rates according to skill standards.

The Labour Inspector shall send the notice fixing Minimum Wage Rates or Wage rates according to skill standards to the Employer under the enforcement, and the said Employer shall post the said notice at a conspicuous place so that the Employee may learn of such notice at the place of work of the Employee throughout the period the said notice is enforced.

Section 91. There shall be established an Office of Wage Committee in the Ministry of Labour, whose powers and duties are as follows:

(1) Prepare Wage and national income system development plan and propose same to the Wage Committee.

(2) Prepare project plans and propose same to the Wage Committee and sub-committee.

(3) Coordinate with the Wage Committee and sub-committee in regard to their plans and operations.

(4) Gather, study, conduct a research, analyze and assess the economic and labour situations, living conditions, expansion of labour market, labour productivity, investment, migration and other related information for use in the drafting of Wage and national income system development plan and for use as supporting data for consideration of the Wage Committee and sub-committees.

(5) Propose the results of studies and the results of consideration on technical data as well as other additional measures to the Ministry of Labour and related agencies for the purpose of development of Wage and income system.

(6) Monitor and assess the results of the implementations of Wage and national income system development plan and the operations under the resolutions of the Wage Committee.

(7) Carry out other works as assigned by the Wage Committee or sub-committee.”

**Section 10.** All regulations, notifications or orders issued under Section 79, Section 84, and Section 88 of the Labour Protection Act B.E. 2541 (1998) which are enforced prior to the enforcement date of this Act shall still be enforceable so long as they are not contradictory to or inconsistent with this Act, until there will have been regulations, notifications or orders issued under Section 79, Section 84 and Section 88 of the Labour Protection Act B.E. 2541 (1998) amended by this Act.

**Section 11.** The Minister of Labour shall have charge and control of the execution of this Act.

Countersigned:

**General Surayud Chulanont**

Prime Minister

**Note:** This Act is enforced because the provisions of Chapter 6 of the Labour Protection Act B.E. 2541 (1998) are not in line with the present situation, it is then deemed appropriate to amend the powers and duties of the Wage Committee, by increasing its powers in fixing the Skill-Standard Wage Rates and in appointing advisers to the Wage Committee, by prescribing that the Wage Committee shall propose the Wage rates fixed to the Council of Ministers for publication in the Government Gazette, as well as empowering the Office of Wage Committee to prepare the Wage and national income system development plan to the Wage Committee and to also monitor and assess the implementation of said development plan, in order that the fixing of Wage rate of the Wage Committee be efficient and fair to the Employee. Therefore, it is a necessity that this Act is promulgated.

[Ref.: Government Gazette, Legislation Issue, Volume 125, Part 39 Kor., Page 18-23, of

27th February 2008]

**Labour Protection Act**

**(No. 4)**

**B.E. 2553 (2010)**

**Bhumibol Adulyadej, Rex.**

Given this 27th day of December 2010,

Being the 65th year of the present Reign.

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that,

Whereas it is deemed expedient to amend the law governing labour protection,

Be it, therefore, enacted by H.M. the King, by and with the advice and consent of the Parliament, as follows:

**Section 1.** This Act shall be called "Labour Protection Act (No. 4) B.E. 2553 (2010)".

**Section 2.** This Act shall be enforced after the lapse of one hundred and eighty days from the date of its publication in the Government Gazette onwards.

**Section 3.** The provisions of Chapter 8, Safety, Occupational Health, and Environments in Work Performance, Section 100 till Section 107, of the Labour Protection Act B.E. 2541 (1998), shall be repealed.

**Section 4.** The provisions of paragraph one of Section 144 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2008), shall be repealed and replaced by the following:

"Section 144. Any Employer who violates or fails to comply with Section 10, Section 22, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 49, Section 50, Section 51, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one, the Ministerial Regulations issued under Section 95, [Section 118](#Section_118), paragraph one, and who fails to pay Special Severance Pay in lieu of notice in advance or Special Severance Pay under Section 120, Section 121, or Section 122, shall be punished with imprisonment for a term not exceeding six (6) months, or fine not exceeding Baht one hundred thousand, or both."

**Section 5.** The provisions of Section 146 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

"Section 146. Any Employer who fails to comply with Section 15, Section 27, Section 28, Section 29, Section 30, paragraph one, Section 45, Section 53, Section 54, Section 56, Section 57, Section 58, Section 59, Section 65, Section 66, Section 73, Section 74, Section 75, paragraph one, Section 77, Section 99, Section 108, Section 111, Section 112, Section 113, Section 114, Section 115, Section 117, or fails to give a notice in advance under Section 120, Section 121, paragraph one, or Section 139 (2) or (3), shall be punished with fine not more than Baht twenty thousand."

**Section 6.** The provisions of Section 148 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

"Section 148. Any Employer who violates Section 31 or Section 44 shall be punished with imprisonment for a term not more than one year or fine not more than Baht two hundred thousand, or both."

**Section 7.** The provisions of paragraph two of Section 151 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2008), shall be repealed and replaced by the following:

"Whoever fails to comply with the order of the Labour Welfare Committee issued under Section 120 or the order of the Labour Inspector issued under Section 124 shall be punished with imprisonment for a term not exceeding one year, or fine not exceeding Baht twenty thousand, or both."

**Section 8.** The provisions of Section 154 and Section 155 of the Labour Protection Act B.E. 2541 (1998) shall be repealed.

Countersigned:

**Abhisit Vejjajiva**

Prime Minister

**Note:** The reasons in enacting this Act is because there has been promulgated the law governing safety, occupational health, and environments in work performance to prescribe the control, supervision, and management in respect of safety, occupational health, and environments in work performance specifically, and in order that the management thereof be carried out uniformly. It is then deemed expedient to repeal the provisions relating to such issues as provided in the law governing labour protection, and to amend the penalties so that they be in conformity with the repealing of said provisions. Hence, it is necessary that this Act be enacted.

[Ref.: Government Gazette, Legislation Issue, Volume 128, Part 4 Kor., Page 1-4, of 17th January 2011]

**Labour Protection Act**

**(No. 5)**

**B.E. 2560 (2017)**

**His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun**

Given this 23rd day of January 2017,

Being the 2nd year of the present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun has been graciously pleased to proclaim that,

Whereas it is deemed expedient to amend the law governing labour protection,

Be it, therefore, enacted by H.M. the King, by and with and advice and consent of the National Legislative Assembly, as follows:

**Section 1.** This Act shall be called “Labour Protection Act (No. 5) B.E. 2560 (2017)”.

**Section 2.** This Act shall be enforced after the lapse of thirty days from the date of publication in the Government Gazette onwards.

**Section 3.** The provisions of Section 144 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2009), shall be repealed and replaced by the following:

“Section 144. Any Employer violates or fails to comply with the following provisions shall be punished by imprisonment not exceeding six (6) months or fine not exceeding Baht one hundred thousand, or both.

(1) Section 10, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 51, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one, or [Section 118](#Section_118), paragraph one.

(2) Section 120, Section 121, or Section 122, in the part relating to failure to make payment of Special Severance Pay in lieu of advance notice or Special Severance Pay.

(3) Ministerial Regulations issued under Section 22 in the part relating to labour protection in various cases not related to employment of child below the age fixed in the Ministerial Regulations as Employee, or acceptance of child below the age fixed in the Ministerial Regulations for work, or prohibition of Employer from employing child under eighteen years old for works according to the categories and the places prescribed in the Ministerial Regulations or the Ministerial Regulations issued under Section 95.

In the case an Employer violates or fails to comply with Section 37, Section 38, Section 39, Section 39/1, Section 42, Section 47, or Section 48, thereby causing the Employees to sustain dangers to body or mind, or death, the Employer shall be punished by imprisonment not exceeding one (1) year or fine not exceeding Baht two hundred thousand, or both.”

**Section 4.** The provisions of Section 148 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 4) B.E. 2553 (2010), shall be repealed and replaced by the following:

“Section 148. Any Employer violates Section 31 shall be punished by imprisonment not exceeding one (1) year or fine not exceeding Baht two hundred thousand, or both.”

**Section 5.** The following shall be added as Section 148/1 and Section 148/2 of the Labour Protection Act B.E. 2541 (1998):

“Section 148/1. Any Employer violates Section 44 or the Ministerial Regulations issued under Section 22 in the part relating to employment of child whose age is lower than that prescribed in the Ministerial Regulations as an Employee, or acceptance of child whose age is lower than that prescribed in the Ministerial Regulations for work, shall be punished by fine from Four hundred thousand Baht (400,000 Baht) to Eight hundred thousand Baht (800,000 Baht) per one (1) Employee, or imprisonment not exceeding two years, or both.

Section 148/2. Any Employer violates Section 49 or Section 50 or the Ministerial Regulations issued under Section 22 in the part relating to prohibition of Employer from employing a child under eighteen years old to work according to the categories of work and the places prescribed by the Ministerial Regulations shall be punished by fine from Four hundred thousand Baht (400,000 Baht) to Eight hundred thousand Baht (800,000 Baht) per one (1) Employee, or imprisonment not exceeding two years, or both.

If the offences under paragraph one cause the Employees to sustain dangers to body or mind, or death, the Employer shall be punished by fine from Eight hundred thousand Baht (800,000 Baht) to Baht two million (2,000,000 Baht) per one (1) Employee, or imprisonment not exceeding four (4) years, or both.”

Countersigned:

 **General Prayuth Chan-o-cha**

Prime Minister

**Note:** This Act is promulgated because the Labour Protection Act B.E. 2541 (1998) has been enforced for a long time, and thus certain provisions thereof are not in line with the changed situations, specifically the penalties for offences relating to child labour. Therefore, in order to prevent, stop, and eliminate problems of human trafficking in term of labour so that it be efficient, it is then deemed suitable to prescribe harsher penalties for such offences. Hence, it is a necessity that this Act be enacted.

[Ref.: Government Gazette, Volume 134, Legislation Issue, Part 10 Kor., Page 52-54, of

24th January 2017]

**Labour Protection Act**

**(No. 6)**

**B.E. 2560 (2017)**

**His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun**

Given this 27th day of August 2017,

Being the 2nd year of the present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun has been graciously pleased to proclaim that,

Whereas it is deemed expedient to amend the law governing labour protection,

Be it, therefore, enacted by H.M. the King, by and with the advice and consent of the National Legislative Assembly, acting as the Parliament, as follows:

**Section 1.** This Act shall be called “Labour Protection Act (No. 6) B.E. 2560 (2017)”.

**Section 2.** This Act shall be enforced on and from the day following the date of its publication in the Government Gazette onwards.

**Section 3.** The provisions of Section 87 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Ac (No. 3) B.E. 2551 (2009), shall be repealed and replaced by the following:

“Section 87. In considering fixing the Minimum Wage Rate, the Wage Committee shall study and consider the facts relating to the rate of Wages the Employee has received as well as other facts, taking into account the cost of living index, the rate of inflation, the standard of living, the cost of production, the prices of goods and services, the business capabilities, the labour productivity, the gross domestic product, and the economic and social conditions.

In considering fixing the Minimum Wage Rates, it may be fixed specifically for any type of business or all types of businesses, or in any specific locality.

For the purpose of promoting employment and providing labour protection for certain groups or categories of Employees, the Wage Committee may consider fixing Minimum Wage Rates different from that considered in paragraph two for applying to said groups or categories of Employees in any type of business or all types of businesses, or in any specific locality. However, the said Wages must not be lower than the Minimum Wage Rates fixed by the Wage Committee under paragraph two.

In considering fixing the Minimum Wage Rates according to skill standard, the Wage Committee shall study and consider facts concerning the rate of Wages the Employee has received in each profession according to the skill standard so prescribed, taking into account skill, knowledge, and ability, but it must not be lower than the Minimum Wage Rates fixed by the Wage Committee.”

**Section 4.** The provisions of Section 108 of the Labour Protection Act B.E. 2541 (1998), amended by the Order of Leader of National Council for Peace and Order No. 21/2560 Re Amendment of Laws to Facilitate Business Operation, dated 4th April 2017, shall be repealed and replaced by the following:

“Section 108. The Employer who employs altogether ten Employees upwards shall prepare work regulations in Thai language, and such work regulations shall at least contain the following:

(1) Work day, regular work hour, and rest period.

(2) Holidays and bases on taking Holidays.

(3) Bases on working overtime and working on Holidays.

(4) Date and place of payment of Wages, Overtime Pay, Holiday Pay, and Holiday Overtime Pay.

(5) Leave of absence and bases on taking leave of absence.

(6) Discipline and disciplinary punishment.

(7) Lodging of complaint.

(8) Termination of employment, Severance Pay, and Special Severance Pay.

The Employer shall announce the work regulations within fifteen (15) days from the day the Employer employs ten Employees upwards, and the Employer shall keep a copy of such work regulations at the place of business or at his office at all times.

The Employer shall publish and post the work regulations conspicuously at the place of work of the Employees, or he may also publish same by electronic means, so that the Employees may know of and access to said work regulations conveniently.”

**Section 5.** The provisions of Section 110 of the Labour Protection Act B.E. 2541 (1998), amended by the Order of Leader of National Council for Peace and Order No. 21/2560 Re Amendment of Laws to Facilitate Business Operation, dated 4th April 2017, shall be repealed and replaced by the following:

“Section 110. An amendment to the work regulations announced for enforcement by the Employer under Section 108 shall be published by the Employer, and, in this respect, the provisions of Section 108, paragraph two and paragraph three, shall apply thereto mutatis mutandis.”

**Section 6.** The following shall be added as [Section 118](#Section_118)/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 118/1. A retirement agreed upon between the Employer and the Employee or as prescribed by the Employer shall be regarded as a termination of employment under [Section 118](#Section_118), paragraph two.

In the event there is no agreement or prescription on retirement, or there is an agreement or prescription on retirement at more than sixty (60) years old, the Employee who has reached the age of sixty (60) years old upwards shall have a right to state his/her intention to retire, by stating such intention to the Employer, and it shall become valid upon the lapse of thirty days from the date of stating his/her intention, and the Employer shall make Severance Pay payment to the retired Employee under [Section 118](#Section_118), paragraph one.”

**Section 7.** The provisions of (1) of Section 144 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 5) B.E. 2560 (2017), shall be repealed and replaced by the following:

“(1) Section 10, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 51, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one, [Section 118](#Section_118), paragraph one, or Section 118/1, paragraph two.”

Countersigned:

**General Prayuth Chan-o-cha**

Prime Minister

**Note:** This Act is promulgated because the Labour Protection Act B.E. 2541 (1998) has been enforced for a long time, and there are certain provisions which are inappropriate to the changed circumstances. It is then deemed suitable to add provisions relating to fixing of Minimum Wage Rates for certain groups or categories of Employees, such as, school student, university student, disabled, and elderly, so as to promote employment and to provide labour protection for said groups or categories of Employees, the work descriptions of which may be different from general Employees, and to also revise provisions relating to amendment of work regulations so that it be in conformity with each other and be more appropriate, and to add provisions relating to retirement and payment of Severance Pay to Employee in case of retirement for the protection of retired Employee and for clarity of law enforcement, including addition of penalties in the case the Employer fails to make Severance Pay payment to the Employee in the case of retirement. Hence, it is a necessity that this Act be enacted.

[Ref.: Government Gazette, Legislation Issue, Volume 134, Part 88 Kor., Page 7-10, of

31st August 2017]

**Labour Protection Act**

**(No. 7)**

**B.E. 2562 (2019)**

**His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun**

Given this 4th day of April 2019,

Being the 4th year of the present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun has been graciously pleased to proclaim that,

Whereas it is deemed expedient to amend the law governing labour protection,

And whereas this Act contains certain provisions relating to the restriction of personal rights and freedom, for which Section 26 incorporating Section 40 of the Constitution of the Kingdom of Thailand provide that such can be made by virtue of provisions of a law,

And the reasons and necessity in restricting personal rights and freedom under this Act are to upgrade the Employees’ protection so that it be in line with international standards and that it be more effective, which would enable Employees who are the majority of people of the country to have job security and better quality of life and which would be beneficial to the economic stability of the country, and the enactment of this Act is in conformity with the conditions set forth in Section 26 of the Constitution of the Kingdom of Thailand:

Be it, therefore, enacted by H.M. the King, with the advice and consent of the National Legislative Assembly acting as Parliament, as follows:

**Section 1**. This Act shall be called “Labour Protection Act (No. 7) B.E. 2562 (2019)”.

**Section 2**. This Act shall be enforced after the lapse of thirty days from the date of its publication in the Government Gazette onwards.

**Section 3**. The provisions of paragraph one of Section 9 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2008), shall be repealed and replaced by the following:

“Section 9. In the case an Employer refuses to return the security which is money under Section 10, paragraph two, refuses to pay money in the case of termination of contract of employment without notice in advance under Section 17/1, or refuses to pay Wages, Overtime Pay, Holiday Pay, Holiday Overtime Pay, and money an Employer is obliged to make payment under this Act, within the period of time prescribed under Section 70, or refuses to make payment in the case an Employer suspends his business under Section 75 or Severance Pay under [Section 118](#Section_118), Special Severance Pay in lieu of notice in advance or Special Severance Pay under Section 120, Section 120/1, Section 121, and Section 122, the Employer shall pay interest to the Employee during the time of default at fifteen percent (15%) per annum.”

**Section 4.** The provisions of Section 13 of the Labour Protection Act B.E. 2541 (1999) shall be repealed and replaced by the following:

“Section 13. In case any business changes the Employer, or in case the Employer is a juristic person and there has been registered a change, a transfer, or a merger with any juristic person, if it causes any Employee to be an Employee of the new Employer, such must receive consent from the said Employee as well, and the rights that the Employee has had with the former Employer shall remain with the Employee throughout, whereby the new Employer shall accept the rights and duties relating to the said Employee in all respects.”

**Section 5.** The following shall be added as Section 17/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 17/1. In the case an Employer terminates contract of employment without giving a notice in advance to an Employee under Section 17, paragraph two, the Employer shall make payment to the Employee equivalent to the amount of Wages the Employee should receive as from the date of termination of employment up to the effective date of termination of contract of employment under Section 17, paragraph two, whereby payment shall be made on the date of termination of employment of the Employee.”

**Section 6.** The provisions of Section 34 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 34. An Employee shall have the right to take necessary business leave at no less than three (3) work days.”

**Section 7.** The provisions of Section 41 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 41. A female Employee who is pregnant shall have the right to take maternity leave at not more than ninety eight (98) days each time.”

The number of days of maternity leave under paragraph one shall include the days taken leave for pregnancy examination before child delivery as well.

The number of days taken leave under paragraph one shall include Holidays in between as well.”

**Section 8.** The provisions of Section 53 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 53. For the work of the same description, quality and quantity, or the work of equal value, an Employer shall fix Wages, Overtime Pay, Holiday Pay, and Holiday Overtime Pay, at the equal rates, regardless of whether the Employee is male or female.”

**Section 9.** The following shall be added as Section 57/1 of the Labour Protection Act B.E. 2541 (1998):

“Section 57/1. An Employer shall pay Wages to an Employee for necessary business leave under Section 34 equivalent to the Wages paid on work day throughout the period of leave, but it shall not be more than three (3) work days in a year.”

**Section 10.** The provisions of Section 59 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 59. An Employer shall pay Wages to a female Employee during the maternity leave under Section 41 equivalent to the Wages paid on work day throughout the period of leave, however, it shall not exceed forty five days.”

**Section 11.** The provisions of Section 70 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 70. An Employer shall pay Wages, Overtime Pay, Holiday Pay, Holiday Overtime Pay, and the money an Employer is obliged to pay under this Act correctly and according to the following periods of time:

(1) In the case of making calculation of Wages in monthly, daily, hourly basis, or other period of time which does not exceed one (1) month, or according to work accomplishment calculated in unit, payment shall be made at no less than one (1) time per month, except where there is an agreement otherwise which is beneficial to the Employee.

(2) In the case of making calculation of Wages other than (1), payment shall be made according to the period of time agreed by the Employer and the Employee.

(3) Overtime Pay, Holiday Pay, Holiday Overtime Pay, and money the Employer is obliged to pay under this Act, shall be made at least once a month.

In the event an Employer terminates employment of his Employee, the Employer shall pay the said Employee the Wages, Overtime Pay, Holiday Pay, Holiday Overtime Pay, and money the Employer is obliged to pay under this Act, according to that entitled by the Employee, within three (3) days from the date of termination of employment.”

**Section 12.**  The provisions of paragraph one of Section 75 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2008), shall be repealed and replaced by the following:

“Section 75. In the case an Employer finds it necessary by an important reason which affects his business operation to an extent that he is unable to operate his business normally, and which is not a force majeure, and must suspend his business either in whole or in part for a temporary period, the Employer shall pay Wages to his Employees at not less than seventy percent of the Wages on work day that the Employees received prior to the Employer’s suspension of his business operation throughout the period the Employer discontinues the service of the Employees at the place of payment under Section 55 and within the period of payment under Section 70 (1).”

**Section 13.** The provisions of (5) of Section 93 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2008), shall be repealed and replaced by the following:

“(5) Order an Employer to pay Special Severance Pay in lieu of notice in advance under Section 120/1.”

**Section 14.** The provisions of (5) of [Section 118](#Section_118) of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“(5) An Employee who has worked for an unbroken period of ten years but less than twenty years, at not less than the last rate of Wages for three hundred (300) days, or not less than the Wages for work done during the last three hundred (300) days for the Employee receiving Wages according to work accomplishment calculated in unit.”

**Section 15.** The following shall be added as (6) of [Section 118](#Section_118) of the Labour Protection Act B.E. 2541 (1998):

“(6) An Employee who has worked for an unbroken period from twenty years upwards, at not less than the last rate of Wages for four hundred (400) days, or not less than the Wages for work done during the last four hundred (400) days for the Employee receiving Wages according to work accomplishment calculated in unit.”

**Section 16.**  The provisions of Section 120 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2008), shall be repealed and replaced by the following:

“Section 120. In the case where an Employer wishes to remove any of his place of business to a new location or to other place of business of the Employer, the Employer shall post a notice notifying the Employees of such in advance, whereby said notice shall be posted at a conspicuous place where the place of business is located so that the Employees can see it clearly for a continuous period of not less than thirty days prior to the date of removal of place of business, and said notice must contain clear statements sufficient for good understanding that which Employees are to be transferred to any place and when.

In the case the Employer fails to post the notice under paragraph one, the Employer shall pay Special Severance Pay in lieu of notice in advance to the Employees who do not wish to work at a new place of business equivalent to the last rate of Wages for thirty days, or equivalent to the Wages for work done during the last thirty days for the Employee receiving Wages according to work accomplishment calculated in unit.

In any Employee considers that the said removal of place of business sends significant effects to the maintenance of normal life of the Employee or his/her family, and does not wish to work at the new place of business, he/she must notify the Employer of such in writing within thirty days from the date of posting of the notice, or from the date of removal of place of business in the case the Employer did not post the notice under paragraph one, and it shall be regarded that the contract of employment is terminated on the day the Employer removes his place of business, whereby the Employee shall be entitled to Special Severance Pay at not less than the rate of Severance Pay he/she is so entitled under [Section 118](#Section_118).

The Employer shall pay Special Severance Pay in lieu of notice in advance under paragraph two or Special Severance Pay under paragraph three to the Employee within seven days from the date of termination of contract of employment.

In the case the Employer disagrees with the reasons of the Employee under paragraph three, the Employer shall file a petition to the Labour Welfare Committee within thirty days from the date of being notified of such in writing.”

**Section 17.** The following shall be added as Section 120/1 and Section 120/2 of the Labour Protection Act B.E. 2541 (1998):

“Section 120/1. Upon the Labour Welfare Committee having received a petition under Section 120, paragraph five, and deemed that the Employee is entitled to Special Severance Pay in lieu of notice in advance or Special Severance Pay, the Labour Welfare Committee shall order the Employer to pay Special Severance Pay in lieu of notice in advance or Special Severance Pay, as the case may be, to the Employee within thirty days from the day the Employers learns of the order.

In the case the Labour Welfare Committee has considered that the Employee is not entitled to Special Severance Pay in lieu of notice in advance or Special Severance Pay, as the case may be, the Labour Welfare Committee shall notify the Employer and the Employee of its decision for information.

For the consideration and issuance of order of the Labour Welfare Committee, it shall be completed within sixty days from the date of receipt of petition, and shall notify the order to the Employer and the Employee within fifteen (15) days from the date of issuance of order.

An order of the Labour Welfare Committee shall be final, except where the Employer or the Employee will lodge an appeal against said order to the Court within thirty days from the date of learning of the order. In the case the Employer files the case to the Court, the Employer shall place a security with the Court according to the amount payable under said order so as to further the proceeding of such case.

Section 143 shall apply to the sending of an order of the Labour Welfare Committee mutatis mutandis.

Section 120/2. In the case the Employer has lodged an appeal against an order of the Labour Welfare Committee within the period of time fixed under Section 120/1, paragraph four, and has complied with the judgment or order of the Court, criminal proceedings against the Employer shall be dismissed.”

**Section 18.** The provisions of Section 124/1 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2008), shall be repealed and replaced by the following:

“Section 124/1. In the case where the Employer has complied with an order of the Labour Welfare Committee under Section 124 within the period of time fixed, criminal proceedings against the Employer shall be dismissed.”

**Section 19.** The following shall be added as Section 125/1 of Chapter 12, Submission of Petition and Consideration of Petition, of the Labour Protection Act B.E. 2541 (1998):

“Section 125/1. In the case the Employer files a case to the Court within the period of time fixed under Section 125 and has complied with the judgment or the order of the Court, criminal proceedings against the Employer shall be dismissed.”

**Section 20.** The provisions of (1) of Section 144 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 6) B.E. 2560 (2017), shall be repealed and replaced by the following:

“(1) Section 10, Section 17/1, Section 23, paragraph two, Section 24, Section 25, Section 26, Section 37, Section 38, Section 39, Section 39/1, Section 40, Section 42, Section 43, Section 46, Section 47, Section 48, Section 51, Section 57/1, Section 61, Section 62, Section 63, Section 64, Section 67, Section 70, Section 71, Section 72, Section 76, Section 90, paragraph one, [Section 118](#Section_118), paragraph one, or Section 118/1, paragraph two.”

**Section 21.** The provisions of (2) of Section 144 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 5) B.E. 2560 (2017), shall be repealed and replaced by the following:

“(2) Section 120, Section 120/1, Section 121, or Section 122, in the part relating to failure to pay Special Severance Pay in lieu of notice in advance or Special Severance Pay.”

**Section 22.** The provisions of Section 145 of the Labour Protection Act B.E. 2541 (1998) shall be repealed and replaced by the following:

“Section 145. Any Employer fails to comply with Section 23, paragraph one or paragraph three, shall be liable to fine not exceeding Five thousand Baht (5,000 Baht).”

**Section 23.** The provisions of Section 146 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 4) B.E. 2553 (2010), shall be repealed and replaced by the following:

“Section 146. Any Employer fails to comply with Section 15, Section 27, Section 28, Section 29, Section 30, paragraph one, Section 45, Section 53, Section 54, Section 56, Section 57, Section 58, Section 59, Section 65, Section 66, Section 73, Section 74, Section 75, paragraph one, Section 77, Section 99, Section 108, Section 111, Section 112, Section 113, Section 114, Section 115, Section 117, or fails to give notice in advance under Section 121, paragraph one, or Section 139 (2) or (3), shall be liable to fine not exceeding Baht twenty thousand.”

**Section 24.** The provisions of Section 151 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 4) B.E. 2553 (2010), shall be repealed and replaced by the following:

“Whoever fails to comply with an order of the Labour Inspection Officer issued under Section 124 shall be liable to imprisonment not exceeding one (1) year or fine not exceeding Baht twenty thousand, or both.”

**Section 25.** The provisions of Section 155/1 of the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2008), shall be repealed and replaced by the following:

“Section 155/1. Any Employer who fails to submit or file the Form Showing Employment Conditions and Working Conditions under Section 115/1 shall be liable to fine not exceeding Baht twenty thousand.”

Countersigned:

**General Prayuth Chan-o-cha**

Prime Minister

**Note:** This Act is enacted because the Labour Protection Act B.E. 2541 (1998) has been enforced for a long time, and, as such, certain provisions are not in line with the present situation and not favourable to the operations for Employees’ protection. It is then deemed suitable that the Act be amended by prescribing that a change of Employer must obtain consent from Employees, that Employees are entitled to business leave in case of necessity in a year not less than three (3) work days, that pregnant Employee may take leave for pregnancy examination before child delivery when it shall be taken as maternity leave, that the rate of Severance Pay for Employee who has worked for twenty years continuously upwards shall be increased, that a removal of place of business shall include a removal of place of business to a new location or to other place of the Employer, and that the Employer shall fix the Wages, Overtime Pay, Holiday Pay, and Holiday Overtime Pay, at equal rates for male and female Employees who carry out works of equal value, so that it be in line with international standards. Hence, it is a necessity that this Act be enacted.

[Ref.: Government Gazette, Volume 136, Legislation Issue, Part 43 Kor., Page 21-29, of 5th April 2019]

1. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-1)
2. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-2)
3. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-3)
4. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-4)
5. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-5)
6. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-6)
7. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-7)
8. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-8)
9. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-9)
10. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-10)
11. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-11)
12. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-12)
13. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-13)
14. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-14)
15. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-15)
16. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-16)
17. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-17)
18. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-18)
19. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-19)
20. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-20)
21. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-21)
22. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-22)
23. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-23)
24. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-24)
25. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-25)
26. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-26)
27. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-27)
28. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-28)
29. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-29)
30. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-30)
31. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-31)
32. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-32)
33. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-33)
34. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-34)
35. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-35)
36. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-36)
37. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-37)
38. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-38)
39. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-39)
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41. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-41)
42. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-42)
43. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-43)
44. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-44)
45. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-45)
46. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-46)
47. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-47)
48. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-48)
49. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-49)
50. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-50)
51. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-51)
52. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-52)
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54. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-54)
55. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-55)
56. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-56)
57. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-57)
58. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-58)
59. As amended by the Labor Protection Act (No. 6) B.E. 2551 (2017) [↑](#footnote-ref-59)
60. As amended by the Labor Protection Act (No. 6) B.E. 2551 (2017) [↑](#footnote-ref-60)
61. As amended by the Labor Protection Act (No. 6) B.E. 2551 (2017) [↑](#footnote-ref-61)
62. As amended by the Labor Protection Act (No. 6) B.E. 2551 (2017) [↑](#footnote-ref-62)
63. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-63)
64. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-64)
65. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-65)
66. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-66)
67. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-67)
68. As amended by the Labor Protection Act (No. 3) B.E. 2551 (2008) [↑](#footnote-ref-68)
69. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-69)
70. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-70)
71. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-71)
72. As amended by the Labor Protection Act (No. 6) B.E. 2560 (2017) [↑](#footnote-ref-72)
73. As amended by the Labor Protection Act (No. 6) B.E. 2560 (2017) [↑](#footnote-ref-73)
74. As amended by the Labor Protection Act (No. 6) B.E. 2560 (2017) [↑](#footnote-ref-74)
75. As amended by the Labor Protection Act (No. 6) B.E. 2560 (2017) [↑](#footnote-ref-75)
76. As amended by the Labor Protection Act (No. 6) B.E. 2560 (2017) [↑](#footnote-ref-76)
77. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-77)
78. |  |  |  |
| --- | --- | --- |
|  | Length of Consecutive Employment | Severance Pay (Of latest Wages) |
| (1) | 120 days or more, and short of 1 full year | 30 days worth |
| (2) | 1 year or more, and short of 3 full years  | 90 days worth |
| (3) | 3 years or more, and short of 6 full years | 180 days worth |
| (4) | 6 years or more, and short of 10 full years | 240 days worth |
| (5) | 10 years or more, and short of 20 full years | 300 days worth |
| (6) | 20 years or more | 400 days worth |

 [↑](#footnote-ref-78)
79. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-79)
80. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-80)
81. As amended by the Labor Protection Act (No. 6) B.E. 2560 (2017) [↑](#footnote-ref-81)
82. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-82)
83. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-83)
84. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-84)
85. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-85)
86. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-86)
87. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-87)
88. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-88)
89. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-89)
90. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-90)
91. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-91)
92. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-92)
93. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-93)
94. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-94)
95. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-95)
96. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-96)
97. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-97)
98. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-98)
99. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-99)
100. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-100)
101. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-101)
102. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-102)
103. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-103)
104. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-104)
105. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-105)
106. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-106)
107. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-107)
108. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-108)
109. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-109)
110. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-110)
111. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-111)
112. As amended by the Labor Protection Act (No. 4) B.E. 2551 (2010) [↑](#footnote-ref-112)
113. As amended by the Labor Protection Act (No. 5) B.E. 2560 (2017) [↑](#footnote-ref-113)
114. As amended by the Labor Protection Act (No. 6) B.E. 2560 (2017) [↑](#footnote-ref-114)
115. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-115)
116. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-116)
117. As amended by the Labor Protection Act (No. 5) B.E. 2551 (2017) [↑](#footnote-ref-117)
118. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-118)
119. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-119)
120. As amended by the Labor Protection Act (No. 4) B.E. 2551 (2010) [↑](#footnote-ref-120)
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126. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-126)
127. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-127)
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129. As amended by the Labor Protection Act (No. 4) B.E. 2551 (2010) [↑](#footnote-ref-129)
130. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-130)
131. As amended by the Labor Protection Act (No. 2) B.E. 2551 (2008) [↑](#footnote-ref-131)
132. As amended by the Labor Protection Act (No. 7) B.E. 2562 (2019) [↑](#footnote-ref-132)