

**MINISTERIAL REGULATION ON
THE PROTECTION OF LABOUR IN SEA FISHERIES,
B.E. 2557 (2014)**

By virtue of section 6 paragraph one and section 22 of the Labour Protection Act, B.E. 2541 (1998), the Minister of Labour hereby issues the Ministerial Regulation as follows:

Clause 1. The Ministerial Regulation No. 10 (B.E. 2541) issued by virtue of the Labour Protection Act, B.E. 2541 (1998) shall be repealed.

Clause 2. In this Ministerial Regulation:

“sea fisheries” means work or other actions related to fishing operations in the sea by using the fishing boat or other types of boat related to fishing;

“fishing boat” means a boat used for the purpose of sea fisheries;

“employer” means an employer under the labour protection law, and shall include an owner of a fishing boat using or allowing other persons to use the fishing boat for sea fisheries for the purpose of sharing the benefit, but shall not include an owner of a fishing boat leasing the fishing boat to other persons for the purpose of doing business of sea fisheries without any involvement;

“wages” means wages under the labour protection law, and shall include a portion of money that the employer agrees to pay to the employee in proportion to the price of the captured aquatic animal.

Clause 3. The protection of labour in sea fisheries shall be in accordance with this Ministerial Regulation, except for the protection of labour under Chapter I General Provision, section 7, section 8, section 9, section 10, section 11, section 11/1, section 12,

* Translated by Mr. Sitthi Leekchai, and reviewed by Prof. Phijaisakdi Horayangkura under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

section 13, section 14, section 14/1, section 15, section 16, section 17, section 18, section 19, section 20 and section 21, Chapter V Wages, Overtime Pay, Holiday Premium Pay and Holiday Overtime Pay, section 76 and section 77, Chapter VI Wage Committee, section 89, section 90, Chapter XII Submitting and Considering of Petition, section 123, section 124, section 124/1 and section 125, Chapter 13 XII Employee Assistance Fund, section 134, section 135, section 136 and section 137, Chapter XIV Labour Inspection Officer, section 139, section 140, section 141 and section 142 and Chapter XV Delivery of Official Documents, section 143, the employer and the employee shall comply with Labour Protection Act, B.E. 2541 (1998).

Clause 4. No employer shall employ the employee with the age under eighteen to work on the fishing boat.

Clause 5. The employer shall provide the employee with a rest period of not less than ten hours during the working time of twenty-four hours, and not less than seventy-seven hours during the working time of seven days, and shall prepare the evidence of the rest period for the inspection of the labour inspection officer.

In case of emergency or necessity, the employer may require the employee to work during the rest period on the condition that the employer shall compensate the rest period without delay and prepare the evidence of such rest period.

Clause 6. The employer shall make a written contract of employment in two identical copies and one copy of the contract of employment shall be given to the employee for the inspection of the labour inspection officer.

The contract of employment under the first paragraph shall comply with the form as specified by the Director-General.

The employer shall take the employee to report to the labour inspection officer once a year as from the date of the conclusion of the contract of employment under the first paragraph.

Clause 7. In the case that the employer employs ten employees or more, the employer shall prepare the register of employees in Thai language and retain it at the workplace of the employer and the employees for the inspection of the labour inspection officer and the copy of the register of employees shall be delivered to the Director-General

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or the person assigned by the Director-General within thirty days as from the first day of employment.

The form of the register of employees under the first paragraph shall comply with the form specified by the Director-General.

The employer shall retain the register of employees for not less than two years as from the day of the termination of employment of each employee.

When there is a change in any particular in the register of employees, the employer shall complete the amendment of the register of employees within sixty days as from the date that the change occurs and the change shall be notified to the Director – General or the person assigned by the Director – General every time that the change occurs.

Clause 8. In addition to the compliance with the procedures under Clause 7, the employer shall prepare documents related to the payment of wages and holiday premium pay in Thai Language and retain them at the workplace of the employer and the employee for the inspection of the labour inspection officer and such documents shall contain at least the following particulars:

- (1) name and surname;
- (2) position and duty in sea fisheries;
- (3) rate and amount of wages and holiday premium pay that the employer agreed to pay to the employee.

In paying wage to the employee, the employer shall have the employee signed his or her name in the documents under the first paragraph to be retained as evidence.

In the case that the employer pays wages or holiday premium pay to the employee by the transfer of money to the bank account of a commercial bank or other financial institutions, it shall be deemed that the evidence of the transfer of money is the document related to the payment of such amount of money.

The employer shall retain the documents under the first paragraph for not less than two years as from the date of payment.

Clause 9. In the case that there is a submission of petition that the employer does not comply with this Ministerial Regulation or there is a legal dispute in regard to labour law or when there is a litigation, the employer shall retain the register of

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employees and documents related to the payment of wages and holiday premium pay until there is a final court order or judgment in such regards.

Clause 10. The employer shall punctually and correctly pay wages and holiday premium pay as follows:

(1) in the case that wages are calculated on a monthly, daily, hourly basis or on other basis not longer than one month, wages shall be paid not less than once a month, except otherwise agreed in a manner favorable to the employee;

(2) a portion of money that the employer agreed to pay to the employee in proportion to the price of the captured aquatic animal, shall be paid at the agreed time but not later than once every three months;

(3) holiday premium pay shall be paid not less than once a month.

Clause 11. In the case that the employer is in default of paying wages and holiday premium pay, the employer shall pay the interest to the employee at the rate of fifteen per cent per year during the period of default.

In the case that the employer is intentionally in default of the payment of money under the first paragraph without appropriate reason, upon the lapse of seven days as from the day that the payment is due, the employer shall pay additional money to the employee at the rate of fifteen per cent of the unpaid amount at every seven-day interval.

If the employer is prepared to pay money under the first and the second paragraph and has delivered such amount of money to the labour inspection officer at the locality where the contract of employment is concluded or at the area where the employer is domiciled in order to pay to the employee, the payment of interest or additional money of the said sum shall cease as from the date that the employer delivers the money.

Clause 12. The employer shall provide the employee with annual leave not less than thirty days per year which the employer shall specify in advance or as the employer and the employee mutually agree. During the annual leave, the employee shall be paid not less than the rate of the minimum wage, except in the case that the employer agrees to pay wages at a higher rate, the payment of wages shall be in accordance with such agreement.

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If the employer requires the employee to work on annual leave under the first paragraph, the employer shall pay holiday premium pay to the employee not less than one time of wages under the first paragraph.

Clause 13. The employee is entitled to sick leave according to actual sickness and the employer shall pay wages to the employee on sick day equal to wages on working day throughout the period that the employee is on sick leave; however, not more than thirty working days per year.

Clause 14. In the case that the employee is stranded abroad for reasons of working for the employer, the employer shall pay the employee not less than fifty percent of the minimum wage rate throughout the time that the employee is stranded abroad, except in the case that the employer agrees to pay a higher rate of wages, such higher rate shall be applied as a basis for calculation.

The first paragraph shall not apply if the employer notifies the responsible governmental agency in writing within sixty days as from the date that the employee is stranded abroad by which the employer expresses an intention to take action for the return of all of the employees to the place where the employer agrees to employ the employees and pay for expenses for such return.

Clause 15. The employer shall take action or pay for the return of the employee to the place where the employer agrees to employ the employee in the following cases:

- (1) boat capsizes or becomes utterly inoperative;
- (2) the employee has a work-related accident, sickness or death;
- (3) the employer terminates the contract of employment prior to the end of the term or modifies terms and conditions of the contract of employment without consent of the employee;
- (4) the contract of employment expires during the time that the employee performs his or her duties in other areas not the place of the conclusion of the contract of employment.

In the case that the employer does not take action under the first paragraph and a governmental agency has taken action for the return of the employee, such

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governmental agency shall have the right of recourse against the employer for the return of any expense paid.

Clause 16. The employer shall provide sufficient, clean and hygienic food and drinking water, toilet, medical supplies and medicines for the use in giving first aid suitable for work and period spent on board.

Clause 17. The employer shall provide to the employee knowledge related to working conditions, the use of equipment, sanitation, living conditions on board and safety equipment on board prior to the start of work.

Countersigned by
General Surasak Kanjanarat
Minister of Labour

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