

Thailand – Labour Law

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physician or an official medical establishment. When the employee is unable to produce a medical certificate from a doctor of first class modern medicine or from a government medical facility, the employee must give an explanation to the employer. A day which an employee cannot work because of injury or illness caused by work or maternity, must not be regarded as sick leave.

An important point worth mentioning is so-called “necessary business”. An employee is entitled to leave for necessary business in accordance with the work rules of his/her workplace. Necessary business is regarded as personal matters. Clients often ask what “Personal Business” actually means, and the common understanding is that it is a matter that belongs purely to the personal hemisphere, such as a visit to a doctor or similar. An employee is further entitled to leave for sterilisation and leave as a result of sterilisation for a determined period, and a certificate issued by a first class physician. An employee can take leave in respect of military service; for inspection, military drilling or readiness testing under the law concerning military service.

A pregnant employee is entitled to maternity leave of not more than 90 days for each pregnancy (Section 41). An employee is entitled to leave for training or development of his/her knowledge and skills for the benefit of labour and social welfare, or the increase of skills and expertise in order to increase working efficiency; and for educational examinations organised or allowed to be organised by the Government. Such training and development must have a programme or course with a definite and clear duration.

An employee must inform an employer clearly about the reasons for leave and present relevant evidence, if any, not less than seven days before taking leave.

f. Wages (Section 53 and following)

Wages must be paid only in money and must not be less than the minimum wage rate. From 1 January, 2013 Thailand’s employers must pay all employees at least 300 baht a day. If they don’t pay, they can face six months in jail and/or a 100,000 baht fine for not complying. In cases where the normal working time is defined as exceeding eight hours a day, the remuneration of such exceeded hours must be paid at a rate not less than one and a half times the hourly wage rate, or the piece rate of wages in a working day at a rate of not less than three times the hourly wage rate, or the piece rate of wages in a working day. (Section 61)

An employer must pay wages to an employee for a weekly holiday, a traditional holiday and an annual holiday. Exceptionally, an employee who receives wages calculated on a daily, hourly or piece rate basis is not entitled to weekly holiday pay. (Section 56)

Wages must also be paid for sick leave not exceeding 30 working days per year. However, there must be paid leave for sterilisation and military service (not exceeding 60 days per year), as well as for maternity leave not exceeding 45 days per year.

Additionally, wages for public holidays must be paid to an employee who is not entitled to wages for holidays at a rate of not less than the hourly wage rate or the piece rate. Public holidays play an important role, because at this moment Thailand has 13 public holidays. Holiday wages must be paid additionally to an employee who is not entitled to wages on holidays at a rate of not less than twice the hourly wage rate or the piece rate.

Remuneration must be paid equally to male and female employees for work of the same nature,

- - Dishonesty in carrying out duties or deliberate commission of a crime against the employer.
 - - Intentionally causing the employer to suffer damage.
 - - Negligence, causing the employer to suffer serious damage.
 - - Violation of the work rules and regulations or the employer's lawful and legitimate regulations or orders, where the employer had already issued a written warning, except in serious cases where the employer need not issue such a warning. A letter of warning shall be enforceable for not more than one year, calculated from the date on which the employee committed the offence.
 - - Abandonment of a post for three consecutive working days, regardless of whether there was a holiday in between or not, for no appropriate reason.
 - - Imprisonment under a final judgment ordering imprisonment, unless the sentence was for an offence which was committed out of negligence, or a petty offence. (Section 119)
- When employment is defined by a period of termination, a contract of employment must expire upon the completion of the period specified in the contract without the need to give advance notice.

Source: *Labour Protection Act B.E. 2541, Department of Labour Protection and Welfare, Ministry of Labour, <http://www.labour.go.th/en/>*

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