

Translation Thai Maritime Labour Act of 2015 by Mrs.Natthanicha Lephilibert

Translation

Maritime Labour Act,

B.E. 2558 (2015)

BHUMIBOL ADULYADEJ, REX;

Given on the 1th Day of October B.E. 2558;

Being the 70th Year of the Present Reign.

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

Whereas it is expedient to have a law on maritime labour;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

Section 1. This Act is called the “Maritime Labour Act, B.E. 2558”.

Section 2. This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

Section 3. In this Act:

“ship” means a ship other than one which normally navigates in seawater for commercial purposes but shall not include:

- (1) a ship used for fishing or other ships with similar purposes;
- (2) a ship traditionally built;
- (3) a governmentally military ship ;
- (4) other ships as prescribed by Ministerial Regulations;

“seafarer” means a person who is hired by a ship owner or assigned to permanently work on board a ship while receiving wage but shall not include a person working temporarily on board a ship;

“ship owner” means

(1) a person having ownership in such ship;

(2) a renter of an empty ship;

(3) a person who is assigned to carry out tasks on behalf of the persons in (1) or (2);

(4) a person who is assigned to act on behalf of the persons in (1), (2) or (3);

(5) a person who is assigned to be a person who recruits seafarer for the benefit of the persons in (1), (2) or (3) and such act is not a recruitment business regardless of such person being a supervisor or being responsible for the wage of seafarers;

“master of the ship” means a person having the highest authority in a ship;

“employment agreement of a seafarer” means an employment contract or agreement specifying details in accordance with this Act and shall include an agreement occurred after a negotiation between seafarer and ship-owner;

“gross tonnage” means the unit used to specify the size of the ship calculated in accordance with rules for ship inspection under the law on Ship Navigation in Thai Waters;

“maritime labour certificate” means a document issued by an agency assigned by the Minister to certify that employment condition, working and living conditions of seafarers are complied with this Act;

“declaration of maritime labour compliance” means a document produced to illustrate conditions and measures of ship owner for the execution of this Act;

“committee” means maritime labour committee;

“normal working day” means days specified for seafarers to carry out work as normal;

“holiday” means days specified for seafarers to be a weekly holiday, traditional holiday or annual holiday;

“on leave” means a day which seafarers is on leave under this Act;

“wage” means money which ship-owner and seafarer agrees to be paid hourly, daily, weekly, monthly or any other period, as wage for working under the contract for the normal working time or by calculating the outputs which such seafarer has produced during the normal working day and it shall include money paid by ship-owner on holidays and leave days which the seafarer does not work but has the right to receive such wage under this Act;

“wage on working day” means wage paid for full-time work during normal working hour;

“rate of minimum wage for seafarer” means the rate of minimum remuneration for seafarer as prescribed by the Minister;

“working hour” means the time period which a seafarer is required to work and shall include normal working hours, overtime hours, working on holiday and overtime work on holiday;

“rest hour” means the time period outside working hours which shall not include resting from work for a short period of time;

“overtime work” means time worked outside or in excess of the normal hour of work hour or in excess of the normal hour of work of each day as agreed by the ship-owner and seafarer under this Act on working day or holiday, as the case may be;

“overtime pay” means money paid by the ship-owner to a seafarer as compensation for working overtime on the working day;

“recruit” means conducting a business operation of recruitment for a job seeker in order to select and appoint a seafarer or recruit a seafarer for a ship-owner regardless of receipt of service fee and it shall include requesting for money or assets or other benefits for selecting and appointing as a seafarer;

“service fee” means money or other benefits as remuneration for recruitment;

“expense” means an expense for recruitment service;

“license for recruitment service” means license to recruit a job seeker to work as seafarers;

“licensee for recruitment service” means a recruiter who obtains a license for recruiting people to be employed as seafarers;

“recruiting agent” means a person obtained a license to recruit who is registered as a recruiting agent for recruiting people to be employed as seafarers;

“office” means a recruitment office of a licensee to recruit;

“job seeker” means a person wishing to work as a seafarer;

“Registrar” means a Registrar of the central recruitment under the law on recruitment and protection of job seekers;

“shipping port” means business operation concerning shipping ports and it shall include shipyard and other related operation or compartment of shipping ports;

“competent official” means a person appointed by the Minister for the execution of this Act;

“Director-General” means the Director-General of Department of Consular Affairs, the Director-General of Department of Employment, the Director-General of Department of Marine, the Director-General of Department of Skill Development, the Director-General of Department of Labour Protection and Welfare, the Secretary-General of Social Security Office, and the Director-General of Department of Health, for the execution of this Act for the part relating to their powers and duties;

“Minister” means the Minister having charge and control of the execution of this Act.

Section 4. Employment between ship-owner and a seafarer under this Act shall not be subject to the law on labour protection, the law on safety, occupational health and working conditions, the law on social security and the law on compensation.

A ship-owner shall ensure that a seafarer is protected in respect of social security and compensation in accordance with rules, procedures and conditions as prescribed by the Minister of Labour.

Section 5. The Minister of Foreign Affairs, the Minister of Transportations, the Minister of Labour and the Minister of Public Health shall have charge and control of the execution of this Act and each Minister shall have powers to appoint competent officials and issue Ministerial Regulations, Rules or Notifications for the execution of this Act, only for the parts relating to the duties or such Minister.

Ministerial Regulations, Rules or Notifications shall be in force upon their publications in the Government Gazette.

CHAPTER I

General Provisions

Section 6. In the case where there is no provision of law to be applied with, the principle of conventions of seafarers working on board a ship, customs and traditions of ship navigation or related international terms or standards shall be applied in accordance with each case.

For the performance of duties under this Act, a ship-owner shall carry out all acts normally and appropriately as a ship navigation profession.

Section 7. Demanding or obtaining of rights or benefits under this Act shall not waive the rights or benefits which a seafarer or a worker on board a ship shall have under other laws.

Section 8. Obligations occurred from a ship-owner having to pay a seafarer and obligations of a ship-owner being obliged to pay under this Act shall have a preferential right over all properties of the ship-owner for the same level of preferential right in the value of taxation under the Civil and Commercial Code.

Section 9. In the case where this Act requires a ship-owner to notify any matter to a competent official, the ship-owner shall, himself or herself, notify by mail, facsimile, electronic transmitter or any other means in accordance with rules and procedures as prescribed by the Director-General of Department of Labour Protection and Welfare.

Section 10. In the case where a ship-owner is required to have documents under this Act, the ship-owner shall ensure that such documents are in Thai and English.

Section 11. In the case where this Act requires a ship-owner to carry any matter with expenses, the ship-owner shall be responsible for such expenses.

Section 12. A ship owner shall ensure that a copy of Maritime Labour Convention B.E. 2549 and this Act including its amendments are held on board.

Section 13. A ship-owner shall not treat a seafarer discriminately and unfairly for the reasons of differences in origins, nationalities, languages, age, disabilities, physical conditions or health, status of a person, economic or social status, religious belief, education or political view.

Section 14. All cases arisen from disputes between a ship-owner and a seafarer or heir or between such person and official or governmental organization relating to rights and duties under this Act shall fall within the jurisdiction of Labour Court.

CHAPTER II

Working Conditions on Board

Section 15. No ship-owner shall allow a person under sixteen years of age to work on board a ship.

Section 16. No ship-owner shall allow a seafarer under eighteen years of age to work on board a ship at night unless it is a training with advanced plan, or a training in accordance with position and duties of a seafarer whereby such seafarer shall carry out during such period. It shall not negatively affect health and good living condition of a seafarer with an approval of the Director-General of Department of Labour Protection and Welfare, or a person assigned by the Director-General. In this respect, working during nighttime shall be, at least, nine hours starting before midnight and finishing after five o'clock.

Section 17. No ship-owner shall allow a seafarer who is under eighteen years of age to carry out work which may be hazardous to health or safety of a seafarer in accordance with the type of work prescribed by the Director-General of Department of Labour Protection.

Section 18. No ship-owner shall allow a seafarer to work on board a ship without a medical certificate illustrating that such seafarer is fit to carry out the duties on board a ship in accordance with rules, procedures and conditions as prescribed by the Minister of Public Health.

Section 19. No ship-owner shall allow a seafarer to work on board a ship except if such seafarer is trained in accordance with rules, procedures and conditions as prescribed by the Director-General of Marine Department.

CHAPTER III

Recruitment for a person to work as a seafarer

Section 20. No person shall recruit a seafarer to work on board a ship except otherwise is permitted by the Registrar.

An application for permission, permission and issuance of license to recruit shall be in accordance with rules, procedures and conditions as prescribed by the Minister of Labour in Ministerial Regulations.

Section 21. An applicant to recruit a seafarer working on board a ship shall have qualifications and not be under prohibitions, as follows:

- (1) being of Thai nationality;
- (2) being not less than twenty years of age;
- (3) being a licensee to recruit whose license is under a suspension, having the license revoked, being a member of the Board, partner or manager of a juristic person that obtains a license to recruit and being a member of the Board, partner or manager of a juristic person whose license to recruit is revoked under this Act;
- (4) not being a licensee whose license is suspended, having the license revoked, being a member of the Board, partner or manager of a juristic person that obtains a license to recruit and being a member of the Board, partner or manager of a juristic person whose license to recruit is revoked under the law on employment and protection of job seekers;
- (5) being an incompetent person or a quasi-incompetent person;
- (6) having conducted or conducted notorious or immoral acts;
- (7) having been sentenced by a final judgment to imprisonment as provided by law in an offence which corruption is an element of such offence or an offence under this Act or under the law on employment and protection of job seekers;

In the case where an applicant for recruitment service is a juristic person, such juristic person shall be of Thai nationality by which no less than seventy five per cent of shares are held by persons with Thai nationality. Such juristic person shall consist of a committee whereby no less than three –fourth of the total members of such committee are of Thai nationality and consist of a manager who is an agent of such juristic person with qualifications and and not be under prohibitions in paragraph one.

Section 22. A license for recruitment service shall expire two years as from the date of issuance of such license.

A licensee to recruit who wish to renew the license for recruitment service shall submit an application for no less than thirty days before such license is expired. Upon such submission, the business operation shall continue unless the Registrar orders not to renew the license for recruiting service.

The renewal of license for recruitment service and permission shall be in accordance with rules, procedures and conditions as prescribed by the Minister of Labour in Ministerial Regulations.

Section 23. In the case where the license for recruitment service is substantially damaged, lost or destroyed, the licensee for recruitment service shall submit an application for a replacement of license within fifteen days as from the date of acknowledgment of such damage, loss or destroy.

The submission of application and issuance of replacement of license for recruitment shall be accordance with rules, procedures and conditions as prescribed by the Minister of Labour in Ministerial Regulations.

Section 24. The licensee for recruitment service shall display the license in a disclosed and easy-to-be-seen place at an office as specified in the license.

Section 25. The office shall be in proportion, disclosed, permanent location and not be a prohibited place under the Rules as prescribed by the Minister of Labour.

Section 26. No licensee for recruitment service shall move an office or establish a temporary office except otherwise is permitted by the Registrar.

The application and permission shall be as prescribed by Rules, by the Minister of Labour.

Section 27. In the case where a licensee for recruitment service which is a juristic person wishes to change a manager, such juristic person shall submit an application to the Registrar.

The application and permission shall be as prescribed by Rules, by the Minister of Labour.

Section 28. Prior to the issuance of a license for recruiting service, an applicant shall place a security to assure damages which may occur from the operation of the applicant for the amount of money as prescribed by the Ministerial Regulations, by the Minister of Labour, but such

security shall not be less than five million Baht and shall be placed before the Registrar as an assurance of the compliance of this Act.

The placement of security, maintenance of security, deduction of security, change of security, deduction from the security money to compensate job seekers and ship-owners in the case where damage occurs, a call for additional security and return of the security shall be in accordance with rules, procedures and conditions as prescribed by Ministerial Regulations, by the Minister of Labour.

In the case where the security money, placed by the licensee for recruitment service under paragraph one, is deducted as an expense under this Act, the Registrar shall order such licensee to place additional security as specified within thirty days as from the date of receipt of such order.

Section 29. The security placed by the licensee for recruitment service under section 28 shall not be within the liability of executing cases so far as the licensee has not dissolved the business operation of recruitment service as permitted under this Act or has dissolved the business operation of recruitment service but is not relieved from the liability under this act.

In the case where the licensee for recruitment service does not request for the security to be returned within five years as from the date that the business operation of recruitment service is dissolved, such security shall vest in the State.

Section 30. A licensee for recruitment service shall submit an application for registering an agent and employee whose duties related to recruitment service before the Registrar in accordance with rules, procedures and conditions as prescribed by Ministerial Regulations, by the Minister of Labour.

An agent for recruitment service shall have qualifications and not be under the prohibitions in section 21 (1) to (7) and an employee whose duties concerning recruitment service shall not be under the prohibitions in section 21 (3) to (7). In this regard, an agent and employee whose duties related to recruitment service shall not, at the same time, be an agent for recruitment service or an employee whose duties related to recruitment service of the licensee for other recruiting services under the law on employment and protection of job seekers.

The licensee for recruitment service shall display the registration of agent and employee whose duties related to recruitment service at an office for job seekers to inspect such agent and employee.

The license for recruitment service issued to any licensee for recruitment service shall protect an agent and employee whose duties related to recruitment service which such licensee has registered.

Any act related to recruitment service of an agent and employee whose duties related to recruitment service which the licensee has registered shall be deemed an act of licensee for recruiting service.

Section 31. While carrying out work outside of the office, the licensee for recruiting service, manager, agent, or employee whose duties related to recruitment service shall present an identification card to a concerned person.

Such identification card of the licensee for recruiting service, manager, agent or employee whose duties related to recruitment service shall be in accordance with the form as prescribed by the Director-General of Department of Employment and shall expire two years after the date of issuance.

In the case where the identification card is substantially damaged, lost or destroyed, the licensee for recruiting service, manager, agent, or employee whose duties related to recruitment service shall submit an application for a replacement of identification card within fifteen days as from the day of acknowledgement of such damage, loss or destroy.

The application for identification card, issuance of an identification card and issuance of a replacement of identification card shall be as prescribed by Rules, by the Director-General of Department of Employment.

Section 32. A manager, an agent, or an employee whose duties related to recruitment service who vacates from such position shall return his or her identification card to the Registrar or the licensee for recruitment service within seven days as from the day of vacating the position of manager, agent, or employee whose duties related to recruiting service.

The licensee for recruitment service who receives the identification card under paragraph one shall return such identification card to the Registrar within seven days as from the day of receipt of such identification card.

Section 33. The licensee or an agent for recruitment service shall conduct a recruitment contract with a ship-owner in accordance with the form prescribed by the Director-General of Department of Employment.

The licensee for recruitment service shall submit a recruitment contract which the licensee for recruitment service or an agent has conducted with a ship-owner to the Director-General of Department of Employment including samples of terms of working conditions of a seafarer which a ship-owner is to conclude with a job seeker and other evidence as prescribed by the Director-General of Department of Employment before such job seeker works on board a ship.

Section 34. No agent for recruitment service shall conduct a contract with a ship-owner on behalf of a licensee for recruitment service unless otherwise is authorised, in writing, in accordance with a form prescribed by the Director-General of Department of Employment, by the licensee for recruitment service and the licensee notifies, in writing, the Registrar.

If the agent for recruitment service is not authorised by the licensee or is authorised but the authorisation letter does not conform to the form as prescribed by the Director-General of Department of Employment, this shall not be a reason for a ship-owner or third party who acted in good faith to lose their right.

Section 35. No licensee for recruitment service shall request or accept service fee or expenses from a job seeker except for the following expenses:

- (1) an expense for the issuance of medical certificate;
- (2) fee for a seafarer documentation issued by the Marine Department;
- (3) passport fee or documents used for travelling but shall not include fee for immigration stamp;
- (4) other expenses as prescribed in Ministerial Regulations.

A ship-owner shall be responsible for the fee or expenses incurred from recruitment under paragraph one.

Other fees or expenses, in addition to the specification in paragraph two, the licensee for recruitment service shall request or accept for the amount not exceeding the rate prescribed in Ministerial Regulations.

Section 36. A licensee for recruitment service shall comply with the followings:

- (1) to provide a registration book of job seekers, accounting book, and documents related to the business operation in accordance with the form and list as prescribed by the Director-General of Department of Employment;
- (2) to prepare and submit, to the Registrar, a monthly report on recruitment, in accordance with the form prescribed by the Director-General of Department of Employment, within the tenth day of the following month;
- (3) to maintain the registration book of job seekers who are selected and appointed, for no less than two years, for the inspection of the competent official;
- (4) to notify, in writing, to a job seeker, the rights and duties of a seafarer in accordance with the employment agreement of the seafarer before or during the assignment and shall allow the job seeker to examine such agreement before and after signing including submitting, at least, one copy of the agreement.

If there is an incident to be noted on the registration book of job seekers, accounting book, or any documents related to his or her business, the licensee for recruitment service shall write down the details of such incident in the registration book of job seekers, accounting book, or such documents within seven days as from the day that the incident occurs.

Section 37. The licensee for recruitment service shall inspect if a ship-owner has laid out the method for protecting a seafarer in a difficult condition at a foreign shipping port in accordance with the form as prescribed by the Director-General of Department of Employment.

In the case where a claim relating to recruiting a person as a seafarer to work on board a ship before the competent official, the licensee for recruitment service shall inspect and inform the competent official within fifteen days as from the date of receipt of the letter from the competent official.

Section 38. In the case where a job seeker does not get to work as specified in the employment agreement of a seafarer and such job seeker does not wish to continue such work, the licensee for recruitment service shall arrange for the job seeker to return to his or her domicile and pay for the transportation, accommodation, food and other necessary expenses for such travel. The licensee shall also notify, in writing, to the Registrar within fifteen days as from the day of having duties to make such arrangement.

In the case where a job seeker does not get to work as specified in the employment agreement of a seafarer and such job seeker does not wish to return to his or her domicile or in the case where a ship-owner gets a job seeker who does not have qualifications as specified in the employment agreement but the ship-owner wishes to continue to employ such job seeker, the licensee for recruitment service shall not be responsible for such job seeker to return to the domicile under paragraph one or paragraph two but he or she shall notify the Registrar within fifteen days as from the day of having duties to make such arrangement.

Section 39. If the Registrar knows of the incident which the licensee for recruitment service should arrange for the job seeker to return to the domicile under section 38 paragraph one or paragraph two but the licensee has not proceed within fifteen days as from the day of the incident, the Registrar shall cooperate with related agencies to provide assistance to such job seeker.

The expenses occurred from the arrangement for the job seeker to return to the domicile under paragraph one, the Registrar shall notify in writing to the licensee for recruitment service to reimburse within the prescribed time period. If the licensee is unable to reimburse the money within the prescribed time period, the Registrar shall deduct such amount of money from the security placed under section 28 and return to the agencies providing assistance to such job seeker.

Section 40. In the case where the licensee for recruitment service fails to comply with section 38 paragraph one and paragraph two and the job seeker has paid for the transportation, accommodation, food, and other expenses necessary for the arrangement to return to the domicile, the job seeker shall have the right to submit an application, to the Registrar, for the reimbursement of such paid expenses. If the Registrar sees that the job seeker does not get to work as specified in the employment agreement of a seafarer and such job seeker has paid for the arrangement for himself or herself to return home, the Registrar shall notify, in writing, the licensee for recruitment service to reimburse within the specified time period. If the licensee is unable to reimburse the money within the specified time period, the Registrar shall deduct such amount of money from the security placed under section 28 and return such money to the job seeker.

Section 41. In the case where the licensee for recruitment service does not reimburse the service fee and expenses to the ship-owner under section 38 paragraph two, the Registrar shall notify, in writing, to the licensee to reimburse such money within the specified time period. If the licensee is unable to reimburse the money within the specified time period, the Registrar shall deduct the amount of money for service fee and expenses from the security placed under section 28 and return it to the ship-owner.

Section 42. The provisions of the law on employment and protection of job seekers for the parts relating to the Committee on employment development and protection of job seekers, control and rate of fee shall be applied to a recruitment service to recruit a person as a seafarer, *mutatis mutandis*. The powers and duties of the Committee on employment development and protection of job seekers shall be deemed the powers and duties of the Committee and powers and duties of the competent official under the law on employment and protection of job seekers shall be deemed powers and duties of the competent official and the penalty provisions relating to the control under the law on employment and protection of job seekers shall be applied with the control under this Act.

CHAPTER IV

Employment Conditions

Section 43. A ship-owner shall ensure that an employment agreement of a seafarer, in writing, with the signature of the ship-owner and the seafarer and a copy of such agreement is held on board and one copy of such agreement for the seafarer to be stored. Such agreement shall be made available for the inspection of the competent official.

An employment agreement of a seafarer under paragraph one shall contain, at least, the following details:

- (1) name and surname including the title of the seafarer;
- (2) date, month, year of birth and age of the seafarer;
- (3) place of birth of the seafarer;
- (4) current address of the seafarer;
- (5) place and date of the agreement of the seafarer;
- (6) place and date when the agreement comes into force;
- (7) assigned position or work in duty of the seafarer;
- (8) name and surname including title of the ship-owner, in the case where the ship owner is a juristic person, names of members of the juristic person who acts on behalf of the juristic person shall be specified;
- (9) current address of the ship-owner;
- (10) name and nationality of the ship;
- (11) main route and destination shipping port in the case where a single ship navigation is agreed;
- (12) the starting date of employment, wage, remuneration or calculation method;
- (13) numbers of paid annual holiday or calculation method;

- (14) benefits from the social security and health protection provided by the ship-owner;
- (15) rights of the seafarer to be repatriated;
- (16) agreement reached by negotiation;
- (17) the termination date or conditions for termination of contract;
- (18) others as prescribed by the Minister.

Section 44. An employment agreement of a seafarer shall be terminated upon the specified time in the contract or terminate upon the conditions agreed in the contract without any notice given.

In the case where an employment agreement of a seafarer does not specify the time period, a ship-owner or a seafarer may terminate the employment agreement of a seafarer by a notice given in advance to the other Party but the minimum period of notice which must be given before is seven days or not exceeding thirty days.

The termination of an employment agreement of a seafarer prior to the time period specified under the employment agreement of a seafarer shall be as agreed by a seafarer and a ship-owner but the minimum period of notice is seven days or not exceeding thirty days.

Section 45. If there is a necessary or emergency reason or it conforms to the agreement between a seafarer and a ship-owner or other reasons as prescribed by the Director-General of the Labour Protection and Welfare, the seafarer or ship-owner may terminate an employment agreement of a seafarer for no less than seven day notice or within any notice given.

In the case of termination of an employment agreement of a seafarer under paragraph one, the seafarer shall not be liable for any damages occurred from a breach of contract.

Section 46. The Minister of Labour, upon the recommendation of the Committee, may prescribe the minimum wage for a seafarer to be applied with in a ship that flies Thai flag to ensure that the seafarer receives the rate of remuneration appropriately and fairly.

Consideration of the rate of remuneration for a seafarer shall take into account the standard of living, cost of operating the business, price of goods and services, business capacity, labour productivity and economic and social environment of the country including the customs of the employment of seafarer.

Section 47. In the case where the Minister of Labour prescribes the minimum wage under section 46, no ship-owner shall pay, a seafarer, the wage less than the prescribed minimum wage.

Section 48. For the purpose of calculating the overtime pay, in the case where a seafarer receives wage monthly, the rate of wage per hour during the working day means a monthly

wage divided by the result of thirty times the number of hours worked on the working day per day in average.

Section 49. A ship-owner shall pay the wages and overtime pay correctly and in accordance with the specified time as follows:

- (1) in the case where the wages are calculated monthly, daily, hourly or other time period of not exceeding one month or in accordance with units of outputs, the wages shall be paid, at least, once a month except otherwise is agreed for the benefit of a seafarer;
- (2) in the case where the wages are calculated in addition to (1), such wages shall be paid as agreed by a ship-owner and seafarer;
- (3) the overtime pay shall be paid at least once a month.

In the case where a ship-owner dismisses a seafarer, such ship-owner shall pay the wage and overtime pay, in accordance with the right of the seafarer, to the seafarer within seven days as from the day of dismissal.

Section 50. In the case where a ship-owner fails to pay wages and overtime under this Act within the specified time as provided in section 49, such ship-owner shall pay the interest of fifteen per cent per year to the seafarer during the time of failure to pay.

In the case where the ship-owner intentionally fails to pay the money under paragraph one, upon the time period of seven days as from the payment due date, the ship-owner shall make an additional payment of fifteen per cent of the due amount of money every seven days.

Section 51. A ship-owner shall arrange for a seafarer to transfer, wholly or partly, the money received to a person specified by the seafarer in accordance with the agreed time period by which the ship-owner may charge the actual expense from the seafarer.

Section 52. A ship owner shall conduct a document related to the payment of wages and overtime to a seafarer each time the payment is made and shall contain, at least, the followings:

- (1) days and working time;
- (2) outputs of the seafarer receiving wages in accordance with the outputs by calculating in units;
- (3) the rate of wage, the amount of wage and overtime received by each seafarer;
- (4) the exchange rate in the case where another currency is paid and such currency is different from what is specified in the employment agreement of a seafarer. The exchange rate shall be in accordance with the exchange rate of the Bank of Thailand.

Section 53. In respect of the payment of wage and overtime to a seafarer, a ship-owner shall pay at a workplace of a seafarer except as otherwise agreed.

Section 54. No ship-owner shall deduct the wage and overtime except otherwise is deducted for:

- (1) payment of income tax in accordance with the amount which shall be paid by a seafarer or other payments as provided by law;
- (2) payment of labour union or organisation of seafarers;
- (3) payment of debts of saving cooperation or other cooperation with the same characteristics as the saving cooperation or debts for the welfare which solely benefits a seafarer, with a consent from a seafarer;
- (4) reserved money in accordance with the agreement related to reserved money Fund.

In respect of the deduction under (2), (3) and (4), each case shall not be deducted over ten per cent and, together, it shall not be deducted over ten fifth of the money a seafarer has the right to receive in accordance with the specified time for payment under section 49 except as otherwise approved, in writing, by a seafarer.

Section 55. In the case where a ship-owner requests a seafarer to work overtime, the ship-owner shall pay the overtime to a seafarer for the rate of no less than one point two five times the rate of wage per hour in accordance with the number of overtime hours.

Section 56. A seafarer shall have the right for shore leave as agreed with a ship-owner except if it is a shore leave for a reason of health and well-being in accordance with rules, procedures and conditions as prescribed by the Director-General of Department of Labour Protection and Welfare.

Section 57. A seafarer shall have the right to sick leaves for the actual sick days but shall not exceed one hundred and thirty days and shall be deemed as working days.

Section 58. A ship-owner shall notify the normal working hours to a seafarer and specify the starting and finishing time of each day for a seafarer. Such working hours for each day shall not exceed eight hours and the total amount of hours for each week shall not exceed forty eight hours.

Section 59. A ship-owner may request a seafarer to work overtime as necessary but, when combining with the normal working hours under section 58, it shall not exceed fourteen hours in any twenty four hour period and shall not exceed seventy two hours in seven days period.

Section 60. In the case where it is necessary for safety of a ship, or for the purpose of providing assistance to another ship or person to be rescued at sea, master of a ship may allow a seafarer to work as necessary until the situation returns to normality.

In the case under paragraph one, if a master of a ship requests a seafarer on board a ship to work during hours of rest, he or she shall allow such seafarer to rest without delay. The master of a ship shall record the incident occurred, reason and sign.

Section 61. On working days, a ship-owner shall set up a short break for seafarer during working period for no less than one hour per day. In this regard, a ship-owner and a seafarer may agree, in advance, that each break may be less than one hour but, in one day, the total of breaks shall not be less than one hour.

A break during working period shall not be deemed hours of work and shall not be counted with the numbers hours of rest in section 62.

Section 62. A ship-owner shall set up hours of rest for a seafarer for no less than ten hours in any twenty four hour period and shall not be less than seventy seven hour in any seven day period.

Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed fourteen hours.

Section 63. A seafarer who is pregnant shall have the right for maternity leave for no more than ninety days per pregnancy.

Section 64. A seafarer assigned by a ship-owner to carry out one of the following works shall not have the right to overtime pay:

- (1) necessary and urgent work for the safety of a ship navigating at sea, goods or people on board a ship;
- (2) work conducted to save a life or a person to be rescued at sea;
- (3) extra work relating to compliance with the rules of the Customs Department, prevention of transmitted diseases or other medical health check;
- (4) work during an extra period for a normal change of security guard shift.

Section 65. A ship-owner shall provide paid annual leave for no less than thirty days in a year for a seafarer. In this regard, the ship-owner shall specify such leave in advance.

No ship-owner shall allow a seafarer to carry out work on the annual leave except if it is an emergency case upon the seafarer's consent. The ship-owner may allow the seafarer to work on

such annual leave but the ship-owner shall pay wages for the work conducted on the annual leave to the seafarer for no less than one time of the wage calculated by number of hours worked.

In the case where an employment agreement of a seafarer is less than one year, the ship-owner shall calculate the annual leave proportionately.

CHAPTER V

Repatriation

Section 66. A seafarer shall have the right to return to the domicile or any place as agreed and a ship owner shall arrange or pay for any expenses occurred during the travel in the following cases:

- (a) when the time specified in an employment agreement of a seafarer is complete while the seafarer works in a place which is not the place specified in the employment agreement of the seafarer;
- (b) when the ship-owner is no longer able to continue the business of ship navigation;
- (c) when the ship is wrecked or can no longer be used;
- (d) when the ship is bound for a war zone;
- (e) other cases as prescribed by the Minister.

Section 67. A ship-owner are required to provide insurance for each seafarer in relation to repatriation of a seafarer under section 66 and such insurance shall not be less than the standard of international maritime insurance.

The insurance in paragraph one shall be in accordance with rules, procedures and conditions as prescribed by the Director-General of Marine Department.

Section 68. A ship-owner shall not pay for the expenses incurred during the travel in section 66 in the case of termination of contract when a seafarer conducts an offence against the law of the flag of a state or commits a negligent offence on duty or fails to comply with an employment agreement of a seafarer.

Section 69. In the case where a competent official sees that a ship-owner fails to comply with section 66, the competent official shall ensure that a seafarer is repatriated under the rules, procedures and conditions as prescribed by the Director-General of the Customs Department.

In the case where the competent official has proceeded under paragraph one, Department of Consular Affairs or an assigned person shall have the right to request exhaustively for compensation for the expenses paid under paragraph one and other damages from the ship-owner

including the interest of fifteen per cent per year as from the day of the payment of the expenses for repatriation of the seafarer under paragraph 66 and shall succeed the rights, from the ship-owner, relating to assets or rights of security under section 67.

The right to request exhaustively for compensation or succession of right under paragraph two shall have a ten year statute of limitation as from the day of payment of such expenses.

CHAPTER VI

Damages in the case where a ship is damaged or shipwreck

Section 70. In the event where a ship is damaged or shipwreck, a ship-owner shall pay the following persons damages:

- (1) a seafarer who is injured as a result of a damaged ship or shipwreck;
- (2) a seafarer who receives damages as a result of a damaged ship or shipwreck;
- (3) a seafarer who is unemployed as a result of a damaged ship or shipwreck.

In the case under (1) and (2), the seafarer shall request money from the ship-owner for the actual amount paid as necessary or as damaged.

In the case of (3), the damages shall be paid for the amount of wage the seafarer is received under an employment agreement of a seafarer but shall not exceed a two month wage.

CHAPTER VII

Manning Level

Section 71. A ship-owner shall recruit seafarers to carry out works on board a ship and ensure that the ship is manned by sufficient amounts of personnel, levels of work, duration of ship navigation, distance, type and size of the ship. This is to allow the ship to be operated efficiently and safely by taking in to account of physical conditions of seafarers and route of the ship.

The manning level for each type and size of ship shall be in accordance with the rules, procedures and conditions as prescribed by the Director-General of Marine Department.

CHAPTER VIII

Standard of accommodation, facilities, food and nutrition on board

Section 72. A ship-owner shall provide the following accommodation and facilities:

- (1) sleeping rooms;
- (2) mess rooms;
- (3) shower rooms;
- (4) toilet rooms;
- (5) living rooms;
- (6) break room during work;
- (7) first-aid room;
- (8) empty space on the deck of the ship;
- (9) working room for mechanist officials;
- (10) working room for the navigating department;
- (11) Others as prescribed by the Director-General of Marine Department

In addition to paragraph one, the ship-owner shall provide a religion room, if necessary, in accordance with the religious condition of seafarers.

The standard of accommodation and facilities under paragraph one and paragraph two shall be in accordance with the rules, procedures and conditions as prescribed by the Director-General of Marine Department.

Section 73. A ship-owner shall provide services and facilities in accordance with the standard, appropriateness, necessity and sufficiency for seafarers and shall be in accordance with the rules, procedures and conditions as prescribed by the Director-General of Marine Department.

Section 74. A ship-owner shall provide food and drinking water with quality, nutritious and in the sufficient amount for seafarers by taking into account the cultural and religion differences of seafarers without demanding any expenses from seafarers.

The standard of food and drinking water under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed by the Director-General of Department of Health.

Section 75. A ship-owner shall recruit a seafarer on board a ship in the position of chef who is responsible for food preparation and has passed the training standard and obtained qualifications appropriate for such position in accordance with the rules, procedures and conditions as prescribed by the Director-General of Department of Skill Development.

No ship owner shall assign or hire a seafarer in the position of chef who is under eighteen years of age.

Section 76. A ship-owner shall ensure that a seafarer assigned to work to provide food has passed the appropriate training standard or obtains qualifications in accordance with the rules, procedures and conditions as prescribed by the Director-General of Marine Department.

Section 77. A ship-owner shall provide space and equipment relating to kitchen for providing food with hygienic condition and nutrition, in accordance with the rules, procedures and conditions as prescribed by the Director-General of Department of Health.

CHAPTER IX

Medical care, protection of life, body and hygiene of seafarers

Part I

Medical care on board ship and ashore

Section 78. A ship-owner shall provide a medical care room on board ship, equipments and facilities in medical care, training of first aid and doctors or personnel whose duties are on medical care. In this regard, it shall be in accordance with the rules, procedures and conditions as prescribed by the Minister of Public Health.

Section 79. In the case where a seafarer is injured or sick, a ship-owner shall provide an immediate medical care to such seafarer in accordance with the appropriateness of such injury or illness.

Section 80. A ship-owner shall provide a measure of health protection of seafarers to ensure the immediate receipt of medical care on board ship and ashore.

The measure under paragraph one shall be as prescribed by the Minister of Transportation in the Ministerial Regulations.

Part II

Liabilities of a ship-owner towards a seafarer

Section 81. A ship-owner is liable to seafarers in the followings cases:

- (1) the costs for seafarers working on their ships in respect of sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated;
- (2) expense relating to financial security as follows:
 - (a) In the case where a seafarer is dead or disable for a long period of time due to injury, sickness or harm resulting from work to ensure compensation;
 - (b) in the case where a seafarer is abandoned;
 - (c) other cases as prescribed by the Minister of Labour;
- (3) the expense of medical care, medical treatment, the supply of the necessary medicines and therapeutic appliances, food and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character, as agreed by the ship-owner and seafarer. In this regard, it shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness until the seafarer is repatriated except if injury incurred otherwise than in the service of the ship-owner, injury or sickness due to the willful misconduct of the seafarer; or sickness or infirmity intentionally concealed when the engagement is entered into.
- (4) the cost of burial and other expenses in the case of death occurring on board or ashore during the period of duty under the employment contract;
- (5) other expenses as provided in the Minister Regulations.

Part III

Accident prevention and safety protection and hygiene

Section 82. A ship-owner shall ensure that seafarers on board a ship are provided with management, arrangement, and procedures in safety and hygiene environment in accordance with the standard prescribed by the Minister of Transportations, Minister of Labour, or Minister of Public Health, as the case may be.

Section 83. A ship-owner shall provide, on board a ship, tools or equipments for occupational safety and specify measure for occupational safety on board in accordance with the standard prescribed by the Minister of Transportations in the Ministerial Regulations.

A seafarer shall use the tools or equipments for safety and shall comply with the measures for safety on board a ship as specified by the ship-owner.

Section 84. A ship-owner shall ensure that seafarers are provided with training on safety, hygiene and environment, on board a ship, in accordance with the rules, procedures and conditions as prescribed by the Director-General of Marine Department.

Section 85. In the event of serious incident at sea resulting in a seafarer being injured or loses their lives, a ship-owner of the master of the ship shall, without delay, report to the competent official.

The implementation under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed by the Director-General of Marine Department.

CHAPTER X

Maritime Labour Certificate and

Declaration of Maritime Labour Compliance

Section 86. A ship of five hundred gross tonnage or over, engaged in international voyages are required to obtain a maritime labour certificate certifying that the working and living conditions of seafarers on the ship are complied with the conditions as specified in the declaration of maritime labour compliance issued under this Act.

Section 87. Rules and procedures in the submission of an application for maritime labour certificate and declaration of maritime labour compliance, form of the maritime labour certificate and declaration of maritime labour compliance, issuance of the temporary certificate, time period and renewal of maritime labour certificate and declaration of maritime labour compliance, inspection and revocation of maritime labour certificate and declaration of maritime labour compliance shall be as prescribed by the Director-General of Marine Department and the Director-General of Department of Labour Protection and Welfare.

Rules, procedures and conditions concerning the appeal of the issuance of maritime labour certificate and declaration of maritime labour compliance, renewal and revocation of maritime labour certificate and declaration of maritime labour compliance shall be as prescribed, in the Ministerial Regulations, by the Minister of Transportations and the Minister of Labour.

Section 88. The inspection of a ship and issuance of Maritime Labour Certificate and endorsement on the certificate may be made by the authorised person or recognised organisations from the Marine Department.

The specification of qualifications, rules, procedures and conditions of authorisation, withdrawal of the authorisation, performance evaluation method and announcement of the list of persons under paragraph one shall be as prescribed, in the Ministerial Regulations, by the Minister of Transportations.

CHAPTER XI

On-board complaint procedure

Section 89. A ship-owner shall ensure that documents with complaint procedure relating to employment conditions, working and living conditions of seafarers are provided to seafarers under this Act.

In the case where a seafarer files a complaint under paragraph one, the ship-owner shall conduct a factual inquiry and report the result to the seafarer openly and without delay.

Such complaint shall not waive the right of seafarer to file a complaint to a governmental agency, a State where the ship fly its flag, or the port state or relevant governmental organisations which such seafarer holds the nationality.

No ship-owner shall terminate the employment or conduct any act which may negatively affect or result in the seafarer or related person being unable to work due to the complaint filed or being a witness under paragraph two and paragraph three.

CHAPTER XII

The right to form a union and bargain

Section 90. Seafarers or ship-owners have the rights to form a union in order to bargain or request the rights or benefits relating to employment condition and working conditions under this Act.

Section 91. Seafarers or ship-owners has the right to form an organisation to provide and protect the benefits relating to employment condition and promote good relationship between one another.

Section 92. In regard to the right to form a union and bargain under section 90 and the right to establish an organisation under section 91, the law on labour relations or the law on state enterprise labour relations shall apply, *mutatis mutandis*, as the case may be.

To provide, or change and precede an agreement on employment conditions and other relevant matters, the law on labour relations or the law on state enterprise labour relations shall apply, *mutatis mutandis*, as the case may be.

In the case under paragraph one and paragraph two, seafarers shall be deemed employees, ship-owners shall be deemed employers and competent officials under this Act shall be deemed labour dispute negotiator, as the case may be.

The Minister of Labour shall have the power to issue Notifications for execution of this section.

Employment condition under this section means employment or working conditions, accommodation, entertainment facilities, food, food providing, days and time of work, wages, termination of employment, or other benefits of the ship-owners or seafarers relating to employment or working.

Section 93. The Minister of Labour shall have the powers to issue the Ministerial Regulations to prescribe the rules, procedures, and conditions relating to maritime labour dispute settlement, lock-out, and strike, unfair conduct and others related matters for seafarers or ship-owners.

Section 94. No ship-owner shall terminate employment or conduct any act which may result in a seafarer not being able to bear to work for the reason that the seafarer acted or is acting under section 90 and section 91 or rally or about to rally, submit a complaint, initiate the legal proceeding, be a witness or provide evidence to the competent official as provided by law or to the Court.

Upon the notifying of demand for a specification or change in the agreement relating to employment condition of seafarers, if the demand is under the negotiation, settling, or decisive rule of the labour dispute, no ship-owner shall terminate the employment or remove such seafarer, agent to a seafarer, members of the committee, members of the sub-committee, or members of the seafarer organization related to such demand except if such person:

- (1) is dishonest in duties or intentionally committed a criminal offence against a ship-owner;
- (2) intentionally causes a ship-owner damages;
- (3) fails to comply with the legitimate rules, regulations or orders of the ship-owner by which such ship-owner has, in writing, informed and warned except in a serious case, the ship-owner does not need to inform or warn. In this regard, such rules, regulations or orders shall not be issued in order to obstruct such person to proceed the matters relating to the demand;
- (4) abandons his or her duties for three consecutive days without reasons.

No seafarer, agent to a seafarer, members of the committee, members of the sub-committee, or members of the seafarer organization related to such demand shall support or cause a lock-out.

CHAPTER XIII

Competent official

Section 95. For the execution of this Act, the competent officials shall have powers and duties as follows:

- (1) to step on board or enter into an office of a ship-owner and working place to inspect the employment condition, working and living condition, to inquire facts, to photograph, photocopy documents relating to employment condition, wage payment, overtime and registration of seafarers, logbook, registration document, certificate and other related information, to collect sample of objects or products to conduct an analysis on work safety and to conduct other acts in order to obtain fact for the execution of this Act;
- (2) to issue a letter to inquire or summon a ship-owner, a seafarer or any related person to provide a statement or submit a relevant object or documents for consideration;
- (3) to order, in writing, a ship-owner or seafarer to comply with this act.

For the performance of duties under paragraph one, the competent official shall present his or her identification card to the ship-owner or relevant persons and the ship-owner or relevant persons shall facilitate and does not obstruct the performance of duties of the competent official.

The identification card of the competent official shall be in accordance with the form prescribed by the Minister.

Section 96. The competent official shall have the powers to enter on board a ship and inspect a foreign ship which enters into Thai waters to inspect for the execution of this Act including the rights of seafarers relating to employment condition, working and living condition of seafarers. Upon the inspection, if the competent official finds that the ship-owner fails to comply with this Act for the part relating to employment condition, working and living condition of seafarers, the competent official shall have the powers to issue, in writing, an order for the ship-owner to correct their conduct or to conduct any act as seen appropriated by the competent official.

In the case where the competent official finds that there is a gross violation or incompliance with this Act or may cause a seafarer injury or is a violation which causes a serious incident or is a repeated violation, the competent official shall have the powers to detain such ship including specifying any condition as appropriate until the ship-owner is complied with this Act or shall have the powers to allow the ship-owner to present a plan. Upon compliance or submission of a plan, the ship-owner shall inform the competent official for inspection and shall pay for the inspection expenses. If the competent official sees that the ship-owner complies with this Act or the competent official approves of the plan, he or she shall order such ship to be released.

The detainment, submission of the rehabilitation plan and inspection expenses shall be in accordance with the rules, procedures and conditions as prescribed by the Minister of Transportations.

Section 97. In the event of serious incident at sea resulting in the injury or loss of a seafarer, the competent official shall conduct the factual inquiry and report to the relevant agencies and disclose such outcome to the public.

Section 98. For the execution of this Act, the competent official shall be official under the Penal Code.

Chapter XIV

Maritime Labour Committee

Section 99. There shall be a committee called "Maritime Labour Committee" consisting of the Permanent Secretary of Ministry of Labour as chairperson, Director-General of the Consular Affairs, the Director-General of Department of Employment, the Director-General of Marine Department, the Director-General of Department of Skill Development, the Secretary-General of Social Security Office, a representative of the Ministry of Public Health, a representative of the Medical Council of Thailand, a representative of Emerging Medical Institute of Thailand, two qualified members in the field of maritime labour appointed by the Minister of Labour, five representatives from ship-owners, and five representatives from seafarers appointed by the Minister of Labour as members.

The Director-General of Department of Labour Protection and Welfare shall be member and secretary and the Director - General of Department of Labour Protection and Welfare shall appoint no more than two government officials of the Department of Labour Protection and Welfare as the assistants to the secretary.

Qualifications, prohibitions and selection procedure of the qualified members and members from the ship-owners and seafarers shall be in accordance with the rules, procedures and conditions as prescribed by the Minister of Labour.

Section 100. The committee shall have the powers and duties as follows:

- (1) to provide recommendation and opinion to the Minister concerning the policy on maritime labour;
- (2) to provide opinion for the amendment of this Act to be in accordance with the Maritime Labour Convention;
- (3) to consider opinion and submit it to the Minister in the issuance of Ministerial Regulations, Rules, and Notification for the execution of this Act;
- (4) to provide an approval in sending representatives to attend tri-partisan extraordinary committee meeting of the ILO;
- (5) to provide opinion concerning the rate of minimum wage for seafarers to the Minister of Labour;
- (6) to appoint a sub-committee for consideration or for the execution as assigned by the Committee;

- (7) to make a decisive judgment on maritime labour dispute and unfair conduct under section 93 and section 94;
- (8) to conduct any other acts as provided in this Act or as provided by other laws as the duties of the Maritime Labour Committee or as assigned by the Minister.

Section 101. Qualified members, members from the representatives of the ship-owners and representatives of the seafarers shall be in office for a period of three years. A qualified member who vacates an office may be reappointed but shall not be in office for two consecutive terms.

In the case where a qualified member vacates an office before the expiration of term, the Minister of Labour shall appoint a member to place such qualified member and the appointee shall be in office for the unexpired term of office of the qualified member replaced except if the remaining term of office of such member is less than one hundred and eighty days, the Minister may not appoint any replacement.

In the case where a member who is a representative of the ship-owners or seafarers vacates office before the expiration of term, the Minister of Labour shall appoint the same type of member to replace such member and the appointee shall be in office for the unexpired term of office of the qualified member replaced except if the remaining term of office of such member is less than one hundred and eighty days, the Minister may not appoint any replacement.

In the case where a member vacates office at the expiration of the term, if a new member has not yet been appointed, the member whose term of office has expired shall be in office to continue to perform his or her duties until a new member has been appointed.

Section 102. In addition to vacating office on the expiration of term, a qualified member, member who is a representative of the ship-owners or seafarers vacate office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Minister of Labour due to negligence or dishonesty in the performance of duty, disgraceful behaviour, or incapability;
- (4) becoming bankrupt;
- (5) incompetence or quasi incompetence;
- (6) being sentenced by a final court judgment to imprisonment;
- (7) lack of qualifications or be under the prohibitions as prescribed by the Minister.

Section 103. At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum and there shall be at least one member who is a representative of the ship owners and one member who is a representative of the seafarer.

If the Chairperson does not attend, or is unable to perform their duties, the members present in the meeting shall elect one among themselves to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote each member shall have one vote. In the case of an equality of votes, the person presiding over the meeting shall have an additional vote as the casting vote.

Section 104. At a meeting of the sub-committee, the presence of not less than one-half of the total number of members is required to constitute a quorum and section 103 shall apply to a meeting of the sub-committee, *mutatis mutandis*.

CHAPTER XV

Penalties

Section 105. In the case where the competent official reveals the fact relating to the business operation of a ship owner, which under a normal circumstance shall not be revealed, which is acquired or known from the performance of duties under this Act, such competent official shall be liable to imprisonment for a term not exceeding one month, or to a fine not exceeding two thousand baht, or to both, except in the case where the disclosed of information is for the benefit of this Act or for the purpose of labour protection, labour relations, safety of working conditions of seafarers, or investigation or case consideration.

Section 106. In the case where the offender liable under this Act is a juristic person, if such offence resulted from the order or conduct or any person or failure to order or act upon the duties of the managing director, managing partner, or any person liable for the execution of the juristic person, such person shall also be liable for the punishment prescribed for such offence.

Section 107. Any ship-owner who fails to comply with section 53 shall be liable to a fine not exceeding ten thousand Baht.

Section 108. Any ship-owner or master of the ship who violates or fails to comply with section 10, section 12, section 18, section 19, section 51, section 52, section 57, section 59, section 60, section 61, section 62, section 63, section 71, section 72, section 73, section 74, section 75, section 76, section 78, section 79, section 80 or section 85 shall be liable to a fine not exceeding twenty thousand Baht.

Section 109. Any ship owner who violates or fails to comply with section 16, section 17, section 49, section 54, section 55, section 65, section 66, section 70 or section 81 shall be

liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand Baht, or to both.

Section 110. Any ship-owner who violates or fails to comply with section 15, section 43 or section 47 shall be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding two hundred thousand Baht, or to both.

Section 111. Any person who violates section 20 shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding sixty thousand baht, or to both.

Section 112. Any licensee for recruitment, manager, agent for recruitment or employee whose duties relating to recruitment who violates or fails to comply with section 24, section 25, section 26 paragraph one, section 27 paragraph one, section 31 paragraph one, section 32, section 33, or section 34 paragraph one shall be liable to a fine not exceeding twenty thousand Baht.

Section 113. Any licensee for recruitment who fails to comply with section 23 paragraph one or section 30 paragraph one shall be liable to a fine not exceeding five thousand Baht.

Section 114. Any licensee for recruitment who fails to comply with orders of the Registrar under section 28 paragraph three shall be liable to imprisonment for a term not exceeding six months and a fine of two times the amount of money required to submit to the security.

Section 115. Any person who falsely represents himself or herself as a recruitment agent or employee whose duties related to recruitment of the licensee for recruitment shall be liable to imprisonment for a term of one year to three years, or to a fine of twenty thousand Baht to sixty thousand Baht, or to both.

Section 116. Any licensee for recruitment who violates section 35 shall be liable to imprisonment for a term not exceeding one year and a fine of five times the amount of service fee or expenses.

Section 117. Any licensee for recruitment who fails to comply with section 36 or section 37 shall be liable to imprisonment for a term of not exceeding six months, or to a fine not exceeding ten thousand Baht, or to both.

Section 118. Any licensee for recruitment who falsely lists or conducts a report under section 36 shall be liable to imprisonment for a term of not exceeding one year, or to a fine not exceeding twenty thousand Baht, or to both.

Section 119. Any licensee for recruitment who fails to comply with section 38 paragraph one or paragraph two shall be liable to imprisonment for a term of not exceeding two years, or to a fine not exceeding forty thousand Baht, or to both.

Section 120. Any licensee for recruitment who fails to comply with section 38 paragraph three shall be liable to a fine not exceeding five thousand Baht.

Section 121. Any ship-owner who fails to comply with the standard prescribed in the Ministerial Regulation issued under section 82 shall be liable to imprisonment for a term of not exceeding one year, or to a fine not exceeding four hundred thousand Baht, or to both.

Section 122. Any ship-owner, seafarer or relevant person who fails to comply with section 95 (2) and (3) shall be liable to imprisonment for a term of not exceeding one month, or to a fine not exceeding two thousand Baht, or to both.

Any person who obstructs or fails to facilitate the competent official for the performance of duties under section 95 paragraph two shall be liable to imprisonment for a term of not exceeding one month, or to a fine not exceeding two thousand Baht, or to both.

Section 123. In respect of all the offences under this Act except for the offence under section 105, if the following competent officials see that the offender should not be punished in term of imprisonment or the legal proceeding should not be initiated against such person, the officials shall have the powers to fine as penalty:

(1) a competent official who has the power to settle the offence punishable by fine only or an offence with less than one month imprisonment or a fine not exceeding ten thousand Baht or to both;

(2) a committee who has the power to settle other offences in addition to (1).

A committee who has the power to settle the case under paragraph one shall consist of a representative from Office of the Attorney General as the Chairperson of the Committee, a representative of the Royal Police Force, a representative from the Department of Employment, a representative from the Department of Welfare and Labour Protection as members and a representative of the Marine Department as member and secretary. There shall be a committee within Bangkok Metropolitan Area and regional level as prescribed by the committee.

Rules and procedure for consideration of a competent official and the committee to settle the case shall be as prescribed by the committee.

If the offender pays for the fine within thirty days as from the day of receipt of the letter for fine, the case shall deem to be settled under the Criminal Procedural Code.

Transitory Provisions

Section 124. Maritime labour certificate and declaration of maritime labour compliance issued under the Notification of the Ministry of Labour on Standard of Maritime Labour before this Act comes into force shall continue to be in effect until its expiration date.

Section 125. A license for recruitment of seafarers issued under the Employment and Protection of Job Seekers Act B.E. 2528 before this Act comes into force shall continue to be in effect until the expiration date of such license.

Countersigned by:

General Prayuth Chan-O-Cha

Prime Minister

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