

Ministerial Regulation
Concerning Labour Protection of Employee in Agricultural Work B.E. 2547

By virtue of Section 6 and Section 22 of the Labour Protection Act B.E. 2541 by which the individual rights and freedom are limited as allowed by Section 29 read together with Section 31, 35, 48 and Section 50 of the Constitution of the Royal Kingdom of Thailand in relevant to certain provisions of the law, the Minister of Labour hereby issues the following Ministerial Regulation:

Clause 1. Provision (1) of the Ministerial Regulation No. 9 (B.E. 2542) issued by virtue of the Labour Protection Act B.E. 2541 shall be repealed.

Clause 2. In this Ministerial Regulation, “Agricultural Work” means work regarding plantation, livestock, forestry, salt-field and fishery other than sea fishery work.

Clause 3. An employer who employs an employee to perform agricultural work for the whole year shall act in accordance with the Labour Protection Act B.E. 2541.

Clause 4. The employer in agricultural work, who does not employ the employee for the whole year and does not require the employee to perform any industrial work subsequent to agricultural work, has to comply with Section 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 37, 38, 39, 40, 41, 42, 43, 47, 49, 51, 53, 54, 55, 70, 76, 100, 101, 102, 103, 104, 105, 106, 107, 112, 113, 114, 115, 123, 124, 125, 126, 127, 128, 129, 134, 135, 136, 137, 139, 140, 141, 142, and 143 of the Labour Protection Act B.E. 2541 and the provisions as prescribed in this Ministerial Regulation.

Clause 5. The employee who has worked for an uninterrupted period of 180 days is entitled to holiday of not less than 3 days, and the employer is required to determine the holidays in advance for the working employee or as agreed between the employer and the employee.

The employer shall pay wages to the employee for the holidays as if the employee performs work on the holidays.

Whereas the employer requires the employee to work on the holiday as referred in paragraph 1, the employer shall pay the holiday pay to the employee at a rate of not less than one and a half times of the hourly wage rate for the number of hours of work done, or of not less than one and a half times of the piece rate of wages for work done where the employee receives wages on a piece rate basis.

Clause 6. Whereas the employer fails to provide a holiday for the employee or provides less than that prescribed under Section 5, the employer shall pay holiday pay to the employee of not less than one time of the working day as if the employee performs work on the holidays.

Clause 7. The employee is entitled to sick leave as long as he or she is actually sick. For sick leave of 3 working days or more, the employer may require the employee to produce a certificate from a first class physician or public medical services. If the employee is unable to produce the certificate from a first class physician or public medical services, the employee shall give an explanation to the employer.

The employer shall pay wages to the employee for sick leave equivalent to wages of a working day throughout the leave period, but not exceeding 15 working days.

Clause 8. The employer is prohibited to employ a child under 15 years of age as the employee.

During school holidays or outside school-hours, the employer may employ a child over 13 years of age to perform work which is not likely to be harmful to health and not prejudice to the quality of life promotion and development of such child; provided that the prior consent of such child's father, mother or guardian must be obtained.

Clause 9. The employer shall provide the clean drinking water in adequate quantity to the employee.

Where the employee lives with the employer, the employer shall provide the clean, hygienic and safe accommodation to the employee.

The employer shall provide other welfares beneficial to the employee as prescribed by the Director-General.

Clause 10. This Ministerial Regulation shall come into force after ninety days from the date of its publication in the Government Gazette.

Dated 29th December B.E. 2547

Uraivan Thienthong
The Minister of Labour