

Labor Protection Act (No. 3), B.E.2551 (2008)

Translation

BHUMIBOL ADULY ADEJ, REX.

Given on the 15th February B.E. 2551

Being the 63rd year of the present Reign

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

Whereas it is expedient to revise the Law Governing Labor Protection.

This Act contains the provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law.

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

Section 1

This Act shall be called "Labor Protection Act (No.3), B.E. 2551."

Section 2

This Act shall come into force from the day following the date of its publication in the Government Gazette.

Section 3

The definition of the words "base minimum wage rate" under Section 5 of Labor Protection Act, B.E. 2541, shall be repealed.

Section 4

The definition of the words "workmanship standard wage rate" shall be inserted in between the definition of the word "minimum wage rate" and "overtime working" under Section 5 of Labor Protection Act, B.E. 2541.

"Workmanship standard wage rate" means the wage rate prescribed by Wage Committee for each career field in accordance with the workmanship."

Section 5

The contents under Section 79 of Labor Protection Act, B.E. 2541, shall be repealed and superseded by the following contents:

"Section 79 Wage Committee shall have the power and duty as follows:

- (1) Proposing opinions and giving advices and recommendations to the Council of Ministers in relation to the policy and development on the wages and revenues.
- (2) Prescribing guidance for use in the employers' considerations in making wage adjustment in accordance with the economic and social situation.
- (3) Fixing the minimum wage rates.
- (4) Fixing workmanship standard wage rates.
- (5) Giving advices on the academic aspect and way on interest coordination for various governments both in the government and private sectors as well as the general public.
- (6) Performing other tasks prescribed by law or as assigned by the Council of Ministers or Minister.

In proposing such opinions to the Council of Ministers, Wage Committee may as well come up with any observations in relation to the country revenue system development."

Section 6

The contents under Section 82 of Labor Protection Act, B.E. 2541, shall be repealed and superseded by the following contents:

"Section 82

The Wage Committee meeting shall be attended by members of not less than a half of the total number of the Committee members which, at least one of each shall be a member on the employer's and employee's sides, to constitute a quorum.

In a meeting to consider the fixing of the minimum wage rates and workmanship standard wage rates in accordance with Section 79, there must be members of not less than two third of the total number of the Committee members which, at least two of each shall be members on the employer's and employee's sides, attending the meeting to constitute a quorum.

In any meeting sessions to consider the fixing of the minimum wage rates and workmanship standard wage rates, if the quorum cannot be constituted in accordance with paragraph two above, the meeting shall be held once again within fifteen days from the date of the first meeting session schedule. In the succeeding meeting, even there may be no member from the employer and employee sides in attendance, if the meeting is attended by members of not less than two third of the total number of the total Committee members, the quorum shall be considered as constituted and that the resolution, at least, at two third of the members in attendance must be attained."

Section 7

The contents under Section 84 of Labor Protection Act, B.E. 2541, shall be repealed and superseded by the following contents:

"Section 84

Wage Committee shall have the power to appoint a Sub-Committee to consider or perform any acts assigned by Wage Committee.

Wage Committee shall prescribe the quorum and operational procedures of the Sub-Committee as appropriate."

Section 8

The following contents shall be added thereto as Section 84/1 of Labor Protection Act, B.E. 2541.

"Section 84/1

Wage Committee shall have the power to appoint qualified persons not exceeding five of them as Advisors to Wage Committee and that among them, at least, there must be qualified persons in the field of labor, wage and salary administration, economics, industry or law.

On the aspect of holding and vacating office of the Advisors appointed by Wage Committee under paragraph one above, the provisions under Section 80 and Section 81 shall apply *mutatis mutandis*."

Section 9

The contents under Section 87, Section 88, Section 89, Section 90 and Section 91 of Labor Protection Act, B.E. 2541, shall be repealed and superseded by the following contents:

"Section 87

In the consideration on the fixing of the minimum wage rate, Wage Committee shall study and consider the facts relating to the wage rate having been currently received by the employees in conjunction with the other facts by taking into account the cost of living index, inflation rate, subsistence standard, production

cost, goods and service price, business capability, labor productivity, gross domestic product (GSP) and economic and social condition.

In a consideration on the fixing of the minimum wage rate, it may be fixed for use specifically for whichever business, work or career field category, to what extent and locality.

In the consideration on the fixing of the workmanship standard wage rate, Wage Committee shall study and consider the facts relating to the wage rate having been currently received by the employees in each career field in accordance with the prescribed workmanship standard by measuring the value of skill, knowledge and capability provided, however, that the workmanship standard wage rate shall not be lower than the minimum wage rate fixed by Wage Committee.

Section 88

Once a study on information data and considerations on the facts prescribed under Section 87, have already been conducted, Wage Committee shall announced and prescribed the minimum wage rate or workmanship standard wage rate by submitting to the Council of Ministers for publication in the Government Gazette.

Section 89

The Announcements on the minimum wage rate or workmanship standard wage rate in accordance with Section 88 shall apply to all employers and employees without any discrimination.

Section 90

Once the Announcements on the minimum wage rate or workmanship standard wage rate have come into force, no employer shall pay the wages to employees lesser than the prescribed minimum wage rate or workmanship standard wage rate.

Labor Inspectors shall forward the Announcements on the minimum wage rate or workmanship standard wage rate to employers within the scope of the enforcement and that the employers shall post such Announcements at the openly highly visible place at the employee's working places to so inform the employees throughout the period on which such Announcements have still been in effect.

Section 91

There shall be a Wage Committee Office in Ministry of Labor, having the power and duty as follows:

- (1) Preparing the Country Wage System and Revenue Development Plan for submission to Wage Committee.
- (2) Preparing the Project Plan for submission to Wage Committee and Sub-Committee.
- (3) Coordinating the plans and work operations of Wage Committee and Sub-Committee.
- (4) Compiling, studying, researching, analyzing and assessing the situation on economics, labors, subsistence conditions, labor market expansions, labor productivity, investments, labor migration and other related information data for use in mapping out the plan on the development of the country wage system and revenues and as the information data to support the considerations of Wage Committee and Sub-Committee.
- (5) Giving recommendations on the results of the study and academic considerations and other supplementary measures to Ministry of Labor and related organizations for the advantage in the developments of wage system and revenues.

- (6) Making follow-ups and assessment on the country wage system and revenues as well as the performances in accordance with the resolution of Wage Committee.
- (7) Performing other tasks as assigned by Wage Committee and Sub-Committee."

Section 10

All rules, announcements or orders issued under the provisions of Section 79, Section 84, and Section 88 of Labor Protection Act, B.E. 2541, enforceable prior to the date on which this Act has come to force shall continue to be enforceable as long as they are not contradictory to or inconsistent with this Act until there shall be rules, announcements or orders issued under Section 79, Section 84, and Section 88 of Labor Protection Act, B.E. 2541, which have been revised by this Act.

Section 11

Labor Minister shall have charge and control over the executions under this Act.

Countersigned by

General Surayuth Chulanond

Prime Minister

Disclaimer

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