

Ministerial Regulation
concerning Labour Protection in Agricultural Work B.E.2557 (2014)

By virtue of Section 6 paragraph 1 and Section 22 of the Labour Protection Act B.E.2541 (1998), the Minister of Labour hereby issues the following Ministerial Regulation ;

Clause 1 The Ministerial Regulation concerning Labour Protection in Agricultural Work B.E.2547 (2004) issued under the Labour Protection Act B.E.2541 (1998) shall be repealed.

Clause 2 In this Ministerial Regulation, “Agricultural work” means works related to plantation, animal husbandry, forestry, salt-field, and fishing other than sea fishing.

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 (1998).

Clause 4 An employer in agricultural work who does not employ an employee for the whole year and does not require an employee to perform continuing agriculture-related works shall comply with section 7, section 8, section 12, section 13, section 14, section 15, section 19, section 20, section 21, section 37, section 40, section 41, section 42, section 43, section 44, section 46, section 47, section 49, section 53, section 54, section 55, section 70, section 76, section 112, section 113, section 114, section 115, section 123, section 126, section 127, section 128, section 129, section 134, section 136, section 137, section 139, section 140, section 142, and section 143 of the Labour Protection Act B.E. 2541 (1998), and section 9, section 10, section 11, section 11/1, section 16, section 17, section 18, section 38, section 39, section 51, section 124, section 124/1, section 125, section 135, and section 141 of the Labour Protection Act B.E. 2541 (1998) amended by the Labour Protection Act (No.2) B.E.2551 (2008) , and this Ministerial Regulation.

Clause 5 An employee who has worked for a period of 180 consecutive days is entitled to holidays as equivalent to 3 or more workdays. In this regard, an employer shall determine the date of such holidays in advance or in according to mutual agreement between an employer and an employee.

An employer shall pay wage to an employee on holidays thereof as same as payment of wage on workday.

Whereas an employer requires an employee to work on holidays under paragraph 1, an employer shall pay holiday pay in addition to wage to an employee at the rate of not less than 1 time of hourly wage rate on workday based on the number of hours worked, or at the rate of 1 time of piece rate on workday base on the number of units of work done in case of piecework.

Clause 6 Whereas an employer does not provide holidays under Clause 5 or provide fewer holidays than the number of holidays regulated in Clause 5 to an employee, an employer shall pay holiday pay in addition to wage to an employee at the rate of not less than 1 time of wage rate on workday.

Clause 7 An employee is entitled to sick leave according to actual sickness. In case of sick leave that has a duration of 3 or more workdays, an employer may require an employee to show a medical certificate issued by a first-class licensed physician or a public medical service institute. If an employee is unable to show a medical certificate thereof, an employee shall give explanation to an employer.

An employer shall pay wage to an employee during sick leave at the same rate as wage on workday, but the payment of wage during sick leave thereof shall cover only 15 days of sick leave per year.

Clause 8 An employer shall provide adequate hygienic drinking water to an employee. In case an employee lives with an employer, an employer shall provide a clean, hygienic and safe accommodation to an employee.

An employer shall provide other welfares in favor of an employee as prescribed by the Director-General of the Department of Labour Protection and Welfare.

Given on this 12nd day of December B.E. 2557(2014)
General Surasuk Kanchanarat
The Minister of Labour

Remark : The reason of the enactment of this Ministerial Regulation is that the Ministerial Regulation concerning Labour Protection in Agricultural Work B.E.2547 (2004) regulated that an employer may employ an employee aged 13 years or beyond during a school vacation or after class if such employment in agriculture is not likely to be harmful to children's health or the development and the quality of life of children and an employer has obtained a permission from father, mother or guardian of an employee thereof. Such regulation does not comply with current situation in which the labour protection among children is more focused, and it does not comply with the Minimum Age Convention,1973 (No.138) and the Worst Forms of Child Labour Convention,1999 (No.182) which regulate the minimum age for general employment as 15 years of age. In addition, as there was a revision of the labour protection law in this regard, therefore there should be a revision of standard on labour protection in agriculture regarding protection of children in order to comply with the ILO conventions thereof and the labour protection law and to prevent and combat human trafficking for labour exploitation which is Thai government's priority, and it leads to the enactment of this Ministerial Regulation.