PERSOL HR DATA BANK in APAC

THAILAND

Labor Laws

March 2019
introduction

When a company wishes to dismiss an employee in Thailand, the permission of authorities and the consent of the trade union are not required, but "fair grounds for dismissal" are required. However, Thailand’s Labor Courts Act merely prescribes as follows: "If in the opinion of the Labor Court the employee has been unfairly dismissed, the court has the power to order the reinstatement of the employee at the same wage rate that previously applied", and judgment needs to be made based on the accumulation of individual precedents. Generally speaking, the fact that employees cannot be dismissed easily is not that different from Japan. Meanwhile, unlike Japan, it should be noted that companies are required to pay a statutory "severance allowance" upon the dismissal or retirement of an employee.

When a company wishes to acquire a visa for a foreign worker, the company is required to ensure employment of a Thailand national within the same company, and it cannot be said that Thailand is a jurisdiction that is generous in employing foreigners.

Moreover, since there is a constant shortage of manpower, a major challenge for Japanese companies is to establish and maintain an appealing working environment to prevent the job-hopping of employees.

*Overview of Common Law and Civil Law

Common Law is a legal system mainly in use in the UK and in nations formerly part of the British Empire (the US, Canada, Australia, New Zealand, etc.), which emphasizes decisions based upon traditions, customs, and precedent.

On the other hand, civil law developed on the European continent in nations such as France and Germany, and as a legal system compared to common law, civil law places emphasis on statutes. Japan uses a civil law legal system.
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1. Points to consider regarding labor management in Thailand, characteristics of labor practice in Thailand, and status of recent labor policy

1-1. Civil Law

Thailand is considered to fall under the Civil Law system. However, what is unique about Thailand is that it is not strongly influenced by a former colonial power as a result of not experiencing colonial rule by any Western country - which is rare among Asian countries. Thailand’s legal system is structured with its Constitution at the top and various individual laws, including labor-related laws, positioned therebeneath. Nevertheless, because Royal Decrees, Ministerial Regulations and Municipal Ordinances are additionally positioned below the individual laws, it should be noted that reference to such decrees, regulations and ordinances is also required upon interpreting and applying labor laws.

1-2. Workers’ market and problems arising from dismissal of employees

The unemployment rate in Thailand is extremely low at around 1%. Because it is a workers’ market, Japanese corporations and Western corporations are scrambling to hire management-level employees and talented personnel.

Meanwhile, the turnover rate in Thailand is high. In particular, it is said that young Thai workers (new graduates) switch jobs every 2 to 3 years. One reason for this high turnover rate is because the general understanding is that the rate of pay raise from switching jobs is higher than the rate of pay raise from continuous employment. Which is why, in Thailand, it is recommended that a system be designed based on the premise that personnel will come and go to some extent, rather than designing an HR management system based on the premise of permanent employment which is often adopted in Japan.

While voluntary resignation is common as described above on the one hand, the hurdle for dismissing employees is quite high on the other. It may not be an exaggeration to say that the most common labor-related problem encountered by Japanese corporations in Thailand is related to the dismissal of employees. Upon dismissing employees, not only is it necessary to take procedures pursuant to laws, due cause for the dismissal is also required. It should be noted that, when a court determines that the dismissal was wrongful, the court may order the employer to reinstate the employee at the same amount of wage at the time that the employee was dismissed, or order the employer to compensate damages if it is acknowledged that continued employment is difficult (Act Establishing Labor Courts and Labor Procedure, Article 49). Unfortunately, there are many Japanese corporations that become embroiled in a labor trial as a result of dismissing their employees without adequately considering the due cause of dismissal.
1-3. Increase of minimum wage

The minimum wage in Thailand had been uniformly set to 300 baht/day throughout the country in January 2013, but has been increased throughout the country (including capital) in Thailand from April 1, 2018 as per the following table. There are now disparities in the minimum wage among provinces (including capital).

<table>
<thead>
<tr>
<th>Minimum wage (per day)</th>
<th>Applicable provinces (including capital)</th>
</tr>
</thead>
<tbody>
<tr>
<td>308 baht (3 provinces)</td>
<td>Narathiwat, Pattani and Yala</td>
</tr>
<tr>
<td>310 baht (22 provinces)</td>
<td>Kamphaeng Phet, Chaiyaphum, Chumphon, Chiang Rai, Trang, Tak, Nakhon Si Thammarat, Phichit, Phrae, Maha Sarakham, Mahaongson, Ranong, Ratchaburi, Lamphun, Loei, Lamphun, Srirak, Satun, Songkhla, Sukhothai, Nong Bua Lamphu, Amnat Charoen and Uthai Thani</td>
</tr>
<tr>
<td>315 baht (21 provinces)</td>
<td>Kanchanaburi, Chainat, Nakhon Phanom, Nakhon Sawan, Nan, Bueng Kan, Buriram, Prachuap Khiri Khan, Phayao, Phatthalung, Phitsanulok, Phetchaburi, Phetchabun, Yasothon, Rai Et, Loei, Sa Kaeo, Surin, Ang Thong, Udonthani and Uthai Thani</td>
</tr>
<tr>
<td>318 baht (7 provinces)</td>
<td>Kalasin, Chanthaburi, Nakhon Ratchasima, Prachinburi, Mukdahan, Sakhon Nakhon and Samutsongkhram</td>
</tr>
<tr>
<td>320 baht (14 provinces)</td>
<td>Krabi, Khon Kaen, Chiang Rai, Trat, Nakhon Ratchasima, Phra Nakhon Si Ayutthaya, Phayao, Lopburi, Songkhla, Suphanburi, Suraburi, Surat Thani, Nong Khai and Ubon Ratchathani</td>
</tr>
<tr>
<td>325 baht (7 provinces (including capital))</td>
<td>Bangkok, Chachoengsao, Nakhon Pathom, Nonthaburi, Pathum Thani, Samut Prakan, Samut Sakhon</td>
</tr>
<tr>
<td>330 baht (3 provinces)</td>
<td>Chonburi, Phuket and Rayong</td>
</tr>
</tbody>
</table>

In Thailand, the Wage Committee headed by the Vice Minister of the Ministry of Labor and Social Welfare has the powers and duties to decide the minimum wage rate, and said Committee determines the minimum wage upon giving consideration to 10 items including consumer prices and GDP (Labor Protection Act B.E. 2541, Article 79, Item 3, Article 87 and Article 88). The recent increase of minimum wage was announced through the official gazette on March 9, 2018.

1-4. Introduction of class action system

Pursuant to the amendment of the Civil Procedure Code in December 2015, class action lawsuits are now available for
protecting rights under labor laws. Excluding certain exceptions, the Civil Procedure Code prescribes that all courts in Thailand have jurisdiction to try class action lawsuits. If the class action pertains to the infringement of rights of workers, a labor court will be the court of jurisdiction.

In Thailand, the term "class" is defined relatively broadly as 1 or more persons who mutually have similar interests against a defendant in cases where the respective members of that class have identical rights arising from "common issues of fact". The Civil Procedure Code additionally prescribes that class members will receive a notice regarding the commencement of class action upon taking certain notification procedures, and can thereby proceed with the class action procedures. The period of prescription of class members will be suspended for all class members once the class action is initiated.

In Thailand, unlike the class action lawsuits in the U.S., the grouping of a class is allowed only on grounds that the nature of damages is different, and grouping on grounds that there are differences regarding factual issues or legal issues within the class is not allowed.

Members of the same class are only entitled to file an appeal regarding judgment debts, and are not entitled to file an appeal with an appellate court or a supreme court on grounds of legal or factual errors.
2. Overview of basic labor laws of Thailand

2-1. Legal system

As described above, the legal system of Thailand is classified as being the Civil Law system as with Japan, but because Thailand has no history of colonization - which is rare among Asian countries - it is also said that its legal system also contains elements based on independent culture.


The Civil and Commercial Code of Thailand, which is the basic law pertaining to civil and commercial affairs, prescribes matters related to employment contracts in Article 575 to Article 586. Specifically, matters related to the conclusion of employment contract (Article 575), transfer of employment contract (Article 577), termination of employment contract (Article 577 to Article 579), and time for payment of salary as the remuneration for labor (Article 580) are prescribed. Nevertheless, these matters are often subject to the application of the Labor Protection Act described later and handled pursuant to the interpretation of said Act. Thus, the foregoing provisions under the Civil and Commercial Code rarely become an issue.


The Labor Protection Act has been enacted as the basic law pertaining to the protection of workers. The Labor Protection Act prescribes important rules related to employment contracts including matters related to working days, working time, holidays, overtime work, holiday work, holiday overtime work, paid holidays, leaves, disciplinary measures, and wages.

(1) Working days, working time, holidays

(i) Working days

The term "working day" means a day scheduled for an employee to work regularly (Article 5, Item 7 of the Labor Protection Act; hereinafter referred to as "LPA"), and corresponds to days other than holidays and leaves.
(ii) Normal working time

The term "normal working time" refers to the period between commencing time and ending time of work and, as a general rule, the working hours of any day shall not exceed 8 hours, and the total working hours of any week shall not exceed 48 hours (LPA, Article 23, Paragraph 1).

As an exception, for work (dangerous work) which may be harmful to the health and safety of employees as prescribed in the Ministerial Regulations, the working hours of any day shall not exceed 7 hours, and the total working hours of any week shall not exceed 42 hours. Dangerous work includes work involving radiation, welding of metals, transport of hazardous materials, and work under dangerous environments.

(iii) Rest period

A rest period of not less than 1 hour must be arranged for each working day, and such rest period must be arranged before the lapse of 5 consecutive hours of working time (LPA, Article 27, Paragraph 1). When the total rest period is set to be not less than 1 hour, the employer and the employee may agree in advance to divide the total rest period into several rest periods. However, it should be noted that any rest period that is set to be too short for taking a break may be deemed invalid.

(iv) Holidays

The term "holiday" means a day scheduled for an employee to take a weekly holiday, traditional holiday, or annual paid holiday (LPA, Article 5, Item 8).

(a) Weekly holiday

A weekly holiday of not less than 1 day per week must be provided (LPA, Article 28, Paragraph 1). However, because many companies are now adopting the 5-day workweek system (with no work on Saturdays and Sundays), employees often request a day off on Saturdays in addition to Sundays during their job interview.

(b) Traditional holidays

An employer must set not less than 13 traditional holidays, including National Labor Day on May 1, and must announce the same to employees in advance (LPA, Article 29, Paragraph 1). On a practical level, employers set the traditional holidays of the following year with reference to public holidays around December of the preceding year, and announce the traditional holidays to employees by distributing an internal calendar indicating the traditional holidays.

[Reference]

National Holidays & Observances in Thailand - 2018 (Source: Tourism Authority of Thailand)


(2) Overtime work, holiday work, holiday overtime work

(i) Overtime work

Work exceeding the normal working time of a normal working day (as a general rule, 8 hours or less per day and 48
hours or less per week) is referred to as "overtime work".

As a general rule, an employer may not cause an employee to engage in overtime work without obtaining the prior consent of that employee (LPA, Article 24, Paragraph 1). As exceptions, an employer may cause an employee to engage in overtime work as needed when the description or nature of work requires it to be performed continuously and stoppage may cause damage to the work, or it is emergency work, or other work as prescribed in the Ministerial Regulations (LPA, Article 24, Paragraph 2).

Furthermore, when an employer is to cause an employee to engage in overtime work for 2 hours or longer after the normal working time, the employer must grant a rest period of not less than 20 minutes to the employee before he/she commences the overtime work (LPA, Article 27, Paragraph 4). However, an employer is not required to grant this rest period when the employee is to perform work of a continuous nature or character and the consent of that employee has been obtained, or in the case of emergency work (LPA, Article 27, Paragraph 5).

(ii) Holiday work

Work performed during a holiday such as a weekly holiday, traditional holiday, or paid holiday is referred to as "holiday work".

(iii) Extra pay

Extra pay to be paid for overtime work, holiday work, and holiday overtime work is as per the following table (LPA, Article 61, Article 62, Article 63).

<table>
<thead>
<tr>
<th>Type</th>
<th>Extra pay (relative to normal wage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normal overtime pay</td>
<td>1.5x or more</td>
</tr>
<tr>
<td>Holiday work pay (paid holiday)</td>
<td>1.0x or more</td>
</tr>
<tr>
<td>Holiday work pay (unpaid holiday)</td>
<td>2.0x or more</td>
</tr>
<tr>
<td>Holiday overtime pay</td>
<td>3.0x or more</td>
</tr>
</tbody>
</table>

The amount of holiday work pay to be paid will vary depending on whether the holiday is a paid holiday or an unpaid holiday (LPA, Article 62). The term "paid" holiday refers to cases where an employee is entitled to receive wages on that holiday. An example of a paid holiday would be when an employee who is paid based on a monthly salary plan or an employee who is paid based on a daily rate, hourly rate or piece rate works on a traditional holiday or an annual paid holiday. Meanwhile, the term "unpaid" holiday refers to cases where an employee is not entitled to receive wages on that holiday. An example of an unpaid holiday would be when an employee who is paid based on a daily rate, hourly rate or piece rate works on a weekly holiday (LPA, Article 56).
(iv) Employees who are not entitled to receive overtime pay, etc.

An employer is not required to pay any overtime pay or holiday overtime pay to an employee who is authorized to hire employees, grant bonuses or terminate employment (LPA, Article 65). Whether or not an employee corresponds to the above is determined not based on formality, such as the title of the employee, but based on specific facts. Thus, for instance, even if an employee has the title of "Managing Director" or "President", if he/she does not possess the foregoing authority, it should be noted that such employee may be entitled to receive overtime pay.

(3) Paid holidays

An employee who has worked for a continuous period of 1 year is entitled to annual paid holidays of not less than 6 working days in 1 year (LPA, Article 30, Paragraph 1). Six days of annual paid holidays are uniformly granted to employees who have worked for a continuous period of 1 year or longer, and the number of days of annual paid holidays that is granted does not change depending on the years of service. Moreover, an employer may arbitrarily grant annual paid holidays to an employee who has not yet completed 1 year of service in proportion to the length of service of that employee (LPA, Article 30, Paragraph 4). The day on which an employee may take his/her paid holiday is to be designated by the employer, or prescribed based on an agreement between the employer and the employee (LPA, Article 30, Paragraph 1). Any annual paid holiday that was not used in a certain year may be carried over to the following year based on a prior agreement between the employer and the employee (LPA, Article 30, Paragraph 2).

(4) Leaves

Statutory leaves

The Labor Protection Act of Thailand prescribes the following leaves.

[Statutory leaves]

(a) Sick leave (LPA, Article 32)
(b) Leave for sterilization (LPA, Article 33)
(c) Leave for necessary business (LPA, Article 34)
(d) Leave for military service (LPA, Article 35)
(e) Leave for training or development of knowledge and skills (LPA, Article 36)
(f) Maternity leave (LPA, Article 41)

(a) Sick leave

An employee is entitled to sick leave on grounds of being sick (LPA, Article 32).

- Medical certificate
  
  When an employee takes sick leave for 3 or more consecutive days, the employer may request the employee to submit a medical certificate of a qualified physician or an official medical institution.

- Period with pay
  
  An employee is entitled to receive wages during his/her sick leave up to 30 days per year (LPA, Article 57, Paragraph 1).
(b) Leave for sterilization

Leave for sterilization is a system that is unique to Thailand. In other words, an employee is entitled to this leave to undergo sterilization procedures (LPA, Article 33).

It should be noted that this leave is often misunderstood to be leave for contraceptive treatment. An employee may take leave for sterilization for a period determined as necessary by a physician (LPA, Article 33). Furthermore, an employee is entitled to receive wages during his/her leave for sterilization (LPA, Article 57, Paragraph 2).

(c) Leave for necessary business

An employee is entitled to leave to deal with necessary business (LPA, Article 34).

(d) Leave for military service

An employee is entitled to leave for military service to undergo inspection or training for military service under laws. Under current laws, an employee is entitled to receive wages during his/her leave for military service up to 60 days per year (LPA, Article 58).

(e) Leave for training or development of knowledge and skills

An employee is entitled to leave for training or development of knowledge and skills pursuant to the rules and procedures prescribed in the Ministerial Regulations (LPA, Article 36). Because the Labor Protection Act does not specify that wages must be paid for this leave, the employer is not required to pay wages to employees who take this leave.

(f) Maternity leave

A pregnant female employee is entitled to take maternity leave of not more than 90 days for each pregnancy (LPA, Article 41, Paragraph 1). Because holidays during the maternity leave are also included in the foregoing 90 days, the period of maternity leave will be not more than 90 days including holidays (LPA, Article 41, Paragraph 2). Of the maternity leave period, an employee is entitled to receive wages during her maternity leave up to 45 days (LPA, Article 59).

(5) Disciplinary measures

Types of disciplinary measures

Disciplinary measures can be broadly classified into the following 5 types.

(a) Verbal warning
(b) Written warning
(c) Suspension
(d) Dismissal
(e) Other disciplinary measures

(a) Verbal warning

A verbal warning is the lightest among the disciplinary measures, and often used for urging an employee to reflect on
his/her conduct and make changes.

(b) Written warning

Unlike a verbal warning, a written warning is an important disciplinary measure that is issued in anticipation of future dismissal. If a written warning is issued at the time an employee violates or breaches a laws, a rule or an order, an employer may dismiss that employee without any advance notice or payment of severance pay in the event he/she engages in the same violation or breach within 1 year from the written warning (LPA, Article 17, Paragraph 4, Article 199, Paragraph 1, Item 4). However, whether the dismissal of an employee is actually acknowledged as a legitimate dismissal needs to be examined on a case-by-case basis.

(c) Suspension

There are 2 types of suspensions; specifically, suspension with (partial) pay for investigating the offense as prescribed under the Labor Protection Act, and suspension for genuinely punishing an employee.

· Suspension for investigating the offense

The period of suspension for investigating the offense must not exceed 7 days (LPA, Article 116, Paragraph 1). Moreover, the period of suspension for investigating the offense must be with pay, and an employer is required to pay 50% of the wages that were being received by the employee before being suspended (LPA, Article 116, Paragraph 2).

Furthermore, if it is discovered that there was no offense as a result of the investigation, an employer is required to pay the same amount of wages equivalent to the wages that the employee should have received during the period of suspension (LPA, Article 117). In the foregoing case, the wages that were paid during the period of suspension will be appropriated as a part of the employee’s wages described above and a late payment charge at a rate of 15% per annum.

· Suspension as punishment

The general understanding is that an employer is not required to pay wages during the period of suspension as punishment. Moreover, while there are no clear rules regarding the length of suspension as punishment, the length is normally around 1 week to 2 weeks.

(d) Dismissal

While dismissal will be described in detail later, it is crucial to confirm the various procedures and requirements in advance, including advance notice, payment of severance pay, and satisfaction of due cause.

(e) Other disciplinary measures

While pay cut and demotion are conceivable as disciplinary measures other than those listed above, as a general rule, it is difficult to implement these measures. If an employer intends to impose a pay cut or demotion on its employee, the employer should consult with an expert in advance.
2-4. **Labor Relation Act B.E. 2518 (1975)**

The Labor Relation Act prescribes procedures related to collective bargaining, strikes and other related matters.


The Act Establishing Labor Courts and Labor Procedure prescribes matters related the court proceedings in a labor court having exclusive jurisdiction over labor cases.

2-6. **Social Security Act B.E. 2533 (1990)**

The Social Security Act prescribes matters related to injury or sickness benefits, maternity benefits, invalidity benefits, death benefits, child benefits, old-age benefits, and unemployment benefits.


The Foreigners’ Working Management Emergency Decree prescribes procedures for an alien who is not of Thai nationality to obtain a work permit upon working in Thailand.

Alien Working Act B.E. 2551 (2008) has been repealed by the Foreigners’ Working Management Emergency Decree.

3-1. Duty to prepare work rules under laws

An employer who employs 10 or more persons is required to prepare work rules (LPA, Article 108, Paragraph 1). The work rules must be prepared in Thai (LPA, Article 108, Paragraph 1).

3-2. Deadline for preparing work rules

An employer must announce the work rules within 15 days from the date that the employer employs 10 or more persons (LPA, Article 108, Paragraph 2).

3-3. Storage and distribution

An employer must keep a copy of the work rules at the workplace at all times (LPA, Article 108, Paragraph 2).

An employer must also publicly announce its work rules and post such work rules at a public location within the workplace, additionally, the employer can distribute the work rules in electronic form, making it easily accessible to the employees (LPA, Article 108, Paragraph 4). When new work rules are prepared, the new work rules must be distributed to the employees within 15 days, and when the work rules are revised, the revised work rules must be distributed to the employees within 7 days.

3-4. Abolition of duty of notification

Conventionally, an employer was required to deliver a copy of its work rules to the Director-General or a person entrusted by the Director-General of the Department of Labor, Protection and Welfare within 7 days from the date of enforcement of such work rules (LPA, Article 108, Paragraph 2), and in such a case the Director-General or a person entrusted by the Director-General was allowed to order the amendment of the work rules if necessary (LPA, Article 108, Paragraph 3).

Nevertheless, the duty of notification has been abolished pursuant to Order No. 21/2560 of the National Council for Peace
3. Duty to prepare Employment Handbook in Thailand, and contents of such Employment Handbook and Order (NCPO) of Thailand which was published and took effect on April 4, 2017.

3-5. When the number of employees becomes less than 10 persons

Even when the number of employees becomes less than 10 persons after the work rules are announced, an employer is required to continue the preparation, storage and distribution of work rules (LPA, Article 111).

3-6. Breach of duty and penalty

An employer who neglects to prepare, store and distribute work rules will be penalized with a fine not exceeding 20,000 baht (LPA, Article 146).

3-7. Details to the included in the work rules

Details to be included in the work rules are as follows (LPA, Article 108, Paragraph 1, respective items). The items of actual work rules are often set in accordance with the following format.

(1) Working days, normal working time and rest period
(2) Holidays and rules of taking holidays
(3) Rules governing overtime work and holiday work
(4) Date and place of payment of wages, overtime pay, holiday work pay and holiday overtime pay
(5) Leave and rules of taking the leave
(6) Discipline and disciplinary measures
(7) Lodging of grievances
(8) Termination of employment, severance pay and special severance pay

Among the above, for (7) lodging of grievances, it is necessary to include at least the following particulars (LPA, Article 109).

(a) Scope and meaning of grievances
(b) Method and steps of dealing with grievances
(c) Investigation and consideration of grievances
(d) Procedures for settlement of grievances
(e) Protection for the claimant and any involved persons
4. Overview of wage system (bonus, retirement benefit, overtime payment) and other legal systems in Thailand

4-1. Definition of wage

The term "wage" means the basic pay and all other allowances to be paid in cash to an employee in return for the work performed under the employment contract.

4-2. Due date of wage payment

As a general rule, wages must be paid not less than once a month when they are calculated on a monthly, daily or hourly basis or on the basis of another period of not more than 1 month, or when they are calculated on a piece rate basis (LPA, Article 70, Paragraph 1, Item 1, Item 2).

Exceptions are as follows.

1. In cases where wages are calculated in the same manner as described above, if a separate agreement is reached between the employer and the employee regarding a different method of payment in favor of the employee, wages will be paid on the agreed payment date (LPA, Article 70, Paragraph 1, Item 1, proviso).

2. In cases where wages are calculated according to a method that is different than the foregoing method, wages will be paid on the payment date that is agreed upon between the employer and the employee (LPA, Article 70, Paragraph 1, Item 2).

4-3. Due date of payment of overtime pay, etc.

Overtime pay, holiday work pay and holiday overtime pay must be paid not less than once a month (LPA, Article 70, Paragraph 1, Item 3).

4-4. Place of payment of wages

As a general rule, an employer must pay wages, overtime pay, holiday work pay, holiday overtime pay and other pecuniary
benefits related to employment to an employee at the workplace (LPA, Article 55).

As an exception, an employer may make the payment of wages, etc. at a location other than the workplace upon obtaining the consent of the employee (LPA, Article 55). Accordingly, when an employer wishes to make the payment of wages, etc. by way of bank transfer, the employer is required to obtain the consent of the employee.

4-5. Deduction from wages

The following items may be deducted from wages, overtime pay, holiday work pay, and holiday overtime pay (LPA, Article 76).

(1) Income tax that is legally due, and other payments provided by law
(2) Labor union fees based on labor union regulations
(3) Payment of debts owed to the saving cooperatives or other cooperatives of the same description, or of debts for welfare that is beneficial only to the employee (consent of the employee is required)
(4) Payment of the deposit under Article 10 of the Labor Protection Act, or as compensation for the damage suffered by the employer due to the willfulness or negligence of the employee (consent of the employee is required)
(5) Contributions under an agreement related to a provident fund

When the consent of the employee has not been obtained, the deductions based on (2) to (5) above shall not be made in excess of 10% in each case of overtime pay, holiday work pay, and holiday overtime pay, and shall not exceed 20% in total.

4-6. Bonus

There are no legal provisions that stipulate matters related to bonuses. Accordingly, from a legal perspective, an employer may arbitrarily determine whether or not to pay any bonus, as well as the amount of such bonus, in light of the business climate and the employee’s performance. However, on a practical level, most companies are paying bonuses, and it has been reported that over 90% of the companies are scheduled to pay bonuses in 2017.

4-7. Retirement allowance

In the event that an employee reaches a general retirement age of 60 and there is no retirement age set out by the employer, or the retirement is set out over 60 years of age, the law allows the employees to retire by notifying the employer of their

1. The Daily NNA Thailand Edition No. 05390, p. 10
intention to cease working. The retirement will become valid after 30 days from the date of notification.

The employer is subjected to make full severance payment in accordance with the Labor Protection Act. The employer who fails to comply with this rule shall be subjected to imprisonment not exceeding 6 months, or fine not exceeding THB 100,000 or both.
5. Method and points to consider regarding ordinary dismissal, punitive dismissal, and dismissal on grounds of reorganization in Thailand

5-1. Dismissal

Employees are heavily protected under the Labor Protection Act, and it is often said that the dismissal of an employee is difficult. Furthermore, because it is easy to initiate a labor case in Thailand, wrongful dismissal is often contested at a later date. Accordingly, in order to prevent disputes, not only is it important to properly perform the dismissal procedures prescribed under laws, it is also important to prescribe grounds that would result in a dismissal in the employment contract and work rules, as well as preserve objective evidence that would support the rightfulness of the dismissal.

5-2. Dismissal procedures

In Thailand, there is no clear legal classification of ordinary dismissal, punitive dismissal and dismissal on grounds of reorganization (excluding dismissal on grounds of reorganization based on adoption of machinery described later). Thus, legal procedures that are common to the dismissal of employees in Thailand are explained below.

(1) Advance notice

(i) General principle

As a general rule, upon dismissing an employee whose period of employment is not specified in the employment contract, an employer must give an advance notice in writing to the employee (LPA, Article 17, Paragraph 2).

While the foregoing notice must be given to an employee on or before the due date of wage payment preceding the scheduled date of dismissal, there is no requirement for an advance notice of more than 3 months (LPA, Article 17, Paragraph 2). The dismissal will take effect as of the expiration of the foregoing period.

What is important here is the timing of giving the notice; specifically, "on or before the due date of wage payment". For example, when a company that is paying wages on the last day of each month wishes to dismiss an employee as of the last day of March, the company must give an advance dismissal notice on or before the last day of February. If the advance notice is late by 1 day and given on March 1, the dismissal will take effect on the last day of April. Accordingly, it should be noted that, when the timing of giving the advance notice is delayed as in the foregoing case, companies will be required
to continue employing that employee for 1 month or longer than initially scheduled.

(ii) Exceptions

In the following cases, as exceptions, an employer may immediately dismiss an employee without having to wait for the expiration of the advance notice period (LPA, Article 17, Paragraph 3, Paragraph 4).

(a) An employee will immediately dismiss an employee by making an advance payment of the monies to be paid on the scheduled date of dismissal indicated in the dismissal notice; or

(b) An employee will dismiss an employee due to the following reasons (LPA, Article 119, Paragraph 1, Paragraph 2, Civil and Commercial Code, Article 583):

- an employee performs his/her duties dishonestly or intentionally commits a criminal offense against the employer;
- an employee willfully causes damage to the employer;
- an employee commits negligent acts causing serious damage to the employer;
- an employee engages in a material breach or violation of work rules or laws;
- an employee breaches or violates the same work rules or laws within 1 year after being warned;
- an employee absents himself/herself from duty without justifiable reason for 3 consecutive working days; or
- an employee is sentenced to imprisonment by a final court judgment.

(2) Severance pay

(i) General principle

An employer is required to pay a severance pay upon dismissing an employee (LPA, Article 118, Paragraph 1). The amount of severance pay will vary depending on the service years of the employee. Details are shown in the following table.

<table>
<thead>
<tr>
<th>Service years</th>
<th>Amount of severance pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 120 days</td>
<td>No payment obligation</td>
</tr>
<tr>
<td>120 days or longer but less than 1 year</td>
<td>Not less than employee’s last rate of wages for 30 days</td>
</tr>
<tr>
<td>1 year or longer but less than 3 years</td>
<td>Not less than employee’s last rate of wages for 90 days</td>
</tr>
<tr>
<td>3 years or longer but less than 6 years</td>
<td>Not less than employee’s last rate of wages for 180 days</td>
</tr>
<tr>
<td>6 years or longer but less than 10 years</td>
<td>Not less than employee’s last rate of wages for 240 days</td>
</tr>
<tr>
<td>10 years or longer</td>
<td>Not less than employee’s last rate of wages for 300 days</td>
</tr>
</tbody>
</table>
(ii) Exceptions

As exceptions, an employer may not be required to pay any severance pay in the following cases.

(a) The length of service of an employee is less than 120 days (refer to LPA, Article 118, Paragraph 1, Item 1)
(b) An employee is employed based on a special employment contract (i.e., seasonal work) for a definite period which will be terminated within 2 years or less (LPA, Article 118, Paragraph 3)
(c) An employee is dismissed for the following reasons (LPA, Article 119, Paragraph 1, Paragraph 2):
   - an employee performs his/her duties dishonestly or intentionally commits a criminal offense against the employer;
   - an employee willfully causes damage to the employer;
   - an employee commits negligent acts causing serious damage to the employer;
   - an employee engages in a material breach or violation of work rules or laws;
   - an employee breaches or violates the same work rules or laws within 1 year after being warned;
   - an employee absents himself/herself from duty without justifiable reason for 3 consecutive working days; or
   - an employee is sentenced to imprisonment by a final court judgment.

(3) Due cause for dismissal

In order to dismiss an employee, there must be due cause for such dismissal (Act Establishing Labor Courts and Labor Procedure, Article 49).

When the dismissal is determined to be wrongful in a labor case, the labor court may order the employer to reinstate the employee at the same amount of wage at the time that the employee was dismissed, or order the employer to compensate the damages suffered by the employee if it is acknowledged that continued employment is difficult in light of labor-management relations (Act Establishing Labor Courts and Labor Procedure, Article 49). The labor court may decide the amount of damages to be paid in the latter case by giving comprehensive consideration to the age of the employee, service years of the employee, level of hardship to be endured by the employee when dismissed, cause of dismissal, and amount of compensation the employee is entitled to receive (Act Establishing Labor Courts and Labor Procedure, Article 49).

It is clearly stipulated that an employer may not dismiss a pregnant female employee on grounds of her pregnancy (Act Establishing Labor Courts and Labor Procedure, Article 43).

(4) Payment for unused annual paid holidays

Upon dismissing an employee, an employer must pay for unused annual paid holidays as follows.

(i) Annual paid holidays for the year of dismissal

(a) General principle

When an employer is to dismiss an employee, as a general rule, the employee must pay for the unused annual paid holidays to which the employee is entitled for the year that the dismissal will take effect (LPA, Article 67, Paragraph 1).
(b) Exceptions

As exceptions, an employer is not required to pay for unused annual paid holidays upon dismissing an employee for the following reasons (LPA, Article 67, Paragraph 1).

- an employee performs his/her duties dishonestly or intentionally commits a criminal offense against the employer;
- an employee willfully causes damage to the employer;
- an employee commits negligent acts causing serious damage to the employer;
- an employee engages in a material breach or violation of work rules or laws;
- an employee breaches or violates the same work rules or laws within 1 year after being warned;
- an employee absents himself/herself from duty without justifiable reason for 3 consecutive working days; or
- an employee is sentenced to imprisonment by a final court judgment.

(ii) Accumulated annual paid holidays

An employer must pay, without exception, for accumulated unused annual paid holidays to which the employee to be dismissed is entitled (LPA, Article 67, Paragraph 2).

5-3. Special dismissal requiring special severance pay

When an employer is to dismiss an employee in connection with the relocation of its office or on grounds of reorganization involving the adoption of machinery, etc., special procedures are prescribed for each of these cases.

(1) Dismissal due to relocation of office

(i) Advance notice

When an employer relocates its office and such relocation will significantly affect the daily living of an employee or his/her family, the employer must notify the employee of such relocation at least 30 days before the date of relocation. An employee who does not wish to work at the new location is entitled to terminate his/her employment contract within 30 days from the date of notice or the date of relocation (LPA, Article 120, Paragraph 1).

(ii) Special severance pay

When an employee is to terminate his/her employment contract based on the foregoing reason, the employer must pay to the employee security money (special severance pay) of an amount that is higher than the security money to be paid in the case of ordinary dismissal (LPA, Article 120, Paragraph 1).

The special severance pay must be paid within 7 days from the day that an employee notifies his/her intent to terminate the employment contract (LPA, Article 120, Paragraph 3).
(iii) Procedural violation

(a) Violation of notification procedures and penalty

If an employer neglects to notify an employ of the relocation of its office, the employer must pay to the employee security money in an amount corresponding to the employee’s last rate of wages for 30 days (special severance pay in lieu of an advance notice; LPA, Article 120, Paragraph 2).

(b) Failure to pay special severance pay and lodging of complaint

If an employer fails to pay the special severance pay or the special severance pay in lieu of an advance notice, the employee is entitled to lodge a complaint to the Labor Welfare Committee within 30 days from the due date of such payment (LPA, Article 120, Paragraph 4). The Labor Welfare Committee that received the complaint will consider the complaint within 60 days from the date of receiving the complaint and, upon determining that the employee is entitled the special severance pay or the special severance pay in lieu of an advance notice, issue an order to the employer to make such payment (LPA, Article 120, Paragraph 5, Paragraph 6).

(2) Dismissal on grounds of reorganization involving adoption of machinery, etc.

(i) Advance notice

If it becomes necessary to reduce the number of employees for an employer to improve production, sales or services in its reorganization involving the adoption of machinery or the change of machinery or technology, the employer must notify the employee to be dismissed and the Labor Inspector at least 60 days before the contemplated dismissal (LPA, Article 121, Paragraph 1). This notice shall indicate the name of employee to be dismissed, termination date of the employment contract, and the reason for terminating the employment contract (LPA, Article 121, Paragraph 1).

What is different from the other forms of dismissal is that the notice must also be given to the Labor Inspector. Furthermore, when an employer is to dismiss an employee based on the reasons described above, the employer must take all procedures explained in this section, and may not dismiss the employee based on a standard advance notice (LPA, Article 121, Paragraph 1).

(ii) Special severance pay

When the length of service of an employee whose employment contract will be terminated pursuant to the foregoing dismissal on grounds of reorganization is 6 years or longer, an employer must pay, in addition to the standard severance pay, a special severance pay that is not less than the employee’s last rate of wages for 15 days for each year of service (LPA, Article 122, Paragraph 1).

(iii) Procedural violation

If an employer neglects to give the foregoing advance notice, the employer must pay to the employee, in addition to the standard severance pay, an amount that is not less than the employee’s last rate of wages for 60 days (LPA, Article 121, Paragraph 2).
(iv) Remedies for wrongful dismissal

When an employee wishes to contest his/her wrongful dismissal, the employee may initiate legal action in a labor court (Act Establishing Labor Courts and Labor Procedure, Article 8). As a general rule, an employee is required to initiate legal action in a labor court having jurisdiction over his/her workplace (Act Establishing Labor Courts and Labor Procedure, Article 33, Paragraph 1, Paragraph 2).

What is unique about this system is that an employee may state his/her claim orally (Act Establishing Labor Courts and Labor Procedure, Article 35, Paragraph 1) and that court costs are exempted (Act Establishing Labor Courts and Labor Procedure, Article 27).

As described above, when the dismissal is determined to be wrongful in a labor case, the labor court may order the employer to reinstate the employee at the same amount of wage at the time that the employee was dismissed, or order the employer to compensate the damages suffered by the employee if it is acknowledged that continued employment is difficult in light of labor-management relations (Act Establishing Labor Courts and Labor Procedure, Article 49).

A labor case adopts a 2-trial system. Thus, if an employee is dissatisfied with the decision of the labor court in the first instance, the employee may appeal to the supreme court, as a last resort, within 15 days from the day that the decision was rendered by the labor court (Act Establishing Labor Courts and Labor Procedure, Article 54, Paragraph 1). However, an employee may not file an appeal on grounds of being dissatisfied with the findings, and an appeal may be filed only on grounds of legal issues (Act Establishing Labor Courts and Labor Procedure, Article 54, Paragraph 1).
6. Types of foreigner visas and acquisition requirements

6-1. Types of visas

The visas being granted by the Royal Thai Embassy Tokyo, Japan can be broadly classified into the following 4 types of visas:

1. Tourist visa
2. Transit visa
3. Non-immigrant visa
4. Smart visa

(1) Tourist visa

A tourist visa permits a foreigner to enter Thailand for tourism purposes. The validity of a tourist visa is 3 months for a single entry, and 6 months for a multiple entry. The stay of each entry for a tourist visa is 60 days or less, but permission for extension may be requested at the Immigration Office of Thailand.

(2) Transit visa

A transit visa permits a foreigner to enter Thailand for transit purposes. In cases of going to a third country via Thailand, if a foreigner is in possession of airline tickets of all routes and will remain in a Thai airport for a transit within 12 hours, then a visa is not required. A foreigner must apply for a transit visa upon deviating from the foregoing conditions. A foreigner whose transit at a Thai international airport will be 12 hours or longer must apply for a transit visa even if he/she will not enter Thailand. The validity of a transit visa is 3 months for a single entry, and 6 months for a double/triple entry. The stay of each entry for a transit visa is 30 days or less, and the extension of stay is not allowed.

(3) Non-immigrant visa

There are the following types of non-immigrant visa.

For the purpose of working in Thailand, a foreigner will enter Thailand upon acquiring a business visa (B Visa).

When a family member of a foreigner working in Thailand wishes to enter and reside in Thailand, he/she must acquire...

a visa for accompanying spouse or family members (O Visa).

<table>
<thead>
<tr>
<th>Name</th>
<th>Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Business visa (B Visa)</td>
<td>Visa for foreigners who will engage in the following types of work:</td>
</tr>
<tr>
<td></td>
<td>• Meeting with business partners</td>
</tr>
<tr>
<td></td>
<td>• Participation in professional or business meetings and conferences</td>
</tr>
<tr>
<td></td>
<td>• Performance of a pre-arranged professional job</td>
</tr>
<tr>
<td>2 Education visa (ED Visa)</td>
<td>Visa for foreigners who wish to:</td>
</tr>
<tr>
<td></td>
<td>• Conduct research in a private or public educational institution</td>
</tr>
<tr>
<td></td>
<td>• Conduct research in or participate in the field trip to public organizations, national projects or international institutions</td>
</tr>
<tr>
<td></td>
<td>• Study Buddhism or engage in ascetic training</td>
</tr>
<tr>
<td></td>
<td>• Conduct research in a flying academy</td>
</tr>
<tr>
<td>3 Voluntary services visa (O Visa)</td>
<td>This visa is issued to foreigners who wish to participate in voluntary services</td>
</tr>
<tr>
<td>4 Visa for spouse and children of Thai nationals (O Visa)</td>
<td>This visa is issued to the spouse and children of Thai nationals</td>
</tr>
<tr>
<td>5 Visa for accompanying spouse or family members (O Visa)</td>
<td>• This visa is issued to the spouse or family member to accompany the foreigner to work in Thailand</td>
</tr>
<tr>
<td></td>
<td>• Applicant's spouse or close family member must have a permit for officially working or residing in Thailand</td>
</tr>
<tr>
<td>6 Long-stay visa (O Visa)</td>
<td>Following conditions are applicable:</td>
</tr>
<tr>
<td></td>
<td>• Applicant must personally file the application</td>
</tr>
<tr>
<td></td>
<td>• Applicant must be aged 50 years or older at the time of filing the application</td>
</tr>
<tr>
<td></td>
<td>• Applicant must not be placed in the lookout book of those who are prohibited from entering the Kingdom of Thailand</td>
</tr>
<tr>
<td></td>
<td>• Applicant must not have any criminal record in Japan or the country of the applicant's nationality or residence that would endanger the peace and order of the Kingdom of Thailand</td>
</tr>
<tr>
<td></td>
<td>• Applicant must be a Japanese national or have permanent residency in Japan</td>
</tr>
<tr>
<td></td>
<td>• Applicant is prohibited from working in the Kingdom of Thailand</td>
</tr>
<tr>
<td>7 Media visa (M Visa)</td>
<td>• This visa is issued to media personnel, journalists and film crew who will stay in Thailand for 3 months or longer</td>
</tr>
<tr>
<td></td>
<td>• To acquire a media visa, the applicant must first meet with the Public Affairs Officer</td>
</tr>
<tr>
<td>8 Diplomatic/Official visa</td>
<td>• Applicant must be a diplomat recognized by the Japanese government or an office working as a diplomatic representative recognized by the Japanese government or an official working for an organization of the Japanese government</td>
</tr>
</tbody>
</table>

(4) Smart visa

Smart visa is provided for highly-skill experts and investors who intend to work or invest in "10- S-Curve" (10 country's target industries). The business must be certified as being the ones using technology in manufacturing or delivering service and being in the targeted industries by the relevant agencies.

10 country’s target industries are

1. Next-Generation Automotive
2. Smart Electronics
3. Affluent, Medical and Wellness Tourism
4. Agriculture and Biotechnology
5. Food for the Future
There are 5 types of Smart visa;

1. Smart T for talent experts in the fields of science and technology, working in targeted industries
2. Smart I for investors whose investment amount is THB 20 million or more (directly invest in one company or more).
3. Smart E for senior executives working in the targeted industries
4. Smart S for foreign startup entrepreneurs who want to invest in targeted industries
5. Smart O for spouse and children of Smart visa holders.

The privileges for Smart visa holder are

1. Maximum 4-year visa, but not exceeding the employment contract term (except for SMART-S which received 1-year visa for the first time, renewable for less than 2 (two) years or equivalent if requirements are met)
2. No work permit required for working in the endorsed companies or projects. Prior to any changes of job details or additional job must be approved by official.
3. 90-days reporting to the Immigration extended to 1 year
4. No re-entry permit required
5. Spouses and children granted permission to stay in Thailand and to work without work permit (the jobs must not be on the prohibited list of occupations and professions for foreigners.)

6-2. Work permit and B Visa

(1) Work permit

In order for a foreigner to legally work in Thailand, he/she must acquire a work permit under the Foreigners’ Working Management Emergency Decree in addition acquiring to a business visa (Non Immigrant Visa B; commonly known as "B Visa") (Foreigners’ Working Management Emergency Decree, Article 8). There is a common misunderstanding that the acquisition of a B Visa will enable the applicant (foreigner) to legally work in Thailand, but that is not the case. A work permit needs to be separately acquired in order to legally work in Thailand.

(2) Acquisition of B Visa and work permit

After a foreigner acquires a B Visa at the Royal Thai Embassy Tokyo, Japan or other diplomatic office of Thailand and then enters Thailand, he/she will subsequently take procedures to apply for a work permit.
In order to acquire a work permit, if the employer is a company that was established in Thailand, as a general rule, certain conditions need to be satisfied; for instance, the company must have a paid-in capital of at least 2 million baht for each foreigner (Article 5 of the Department of Employment Rules on General Principle of Approval/Disapproval of Work Permit of Aliens); save for cases where privileges are granted by The Board of Investment in Thailand (BOI) under the Investment Promotion Act B.E.2520 (1977) (Investment Promotion Act, Article 25, Article 26).

(3) Renewal of B Visa

While the initial validity of a B Visa is 90 days, a foreigner may apply for an extension during a period of 1 year after the work permit is issued. As the conditions for extending the B Visa, as a general rule, the employment of 4 Thai nationals for each foreigner is required, and, in the case of a Japanese national, he/she must be receiving a monthly salary of 50,000 baht or more.

(4) Cases where a work permit is required, and various exceptions

(i) Cases where a work permit is required

A work permit is required when a foreigner is to work in Thailand. With respect to this point, according to the Embassy of Japan in Thailand, Because "work" is not limited to cases where fees are paid or an employment relationship exists, expatriate personnel or business partners from Japan visiting a company in Thailand and conducting audits or engaging in business negotiations also correspond to "work." Accordingly, it should be noted that activities without pay could also be classified as "work", and in such a case the acquisition of a work permit will be required.

(ii) Activities that do not require a work permit

The following 7 activities are not classified as "work", and do not require an application for a work permit:

(a) Entering Thailand as a "participant" of a meeting, conference or seminar without being involved in the realization of the relevant project (employees and contractors of the host of such meeting, conference or seminar will be classified as being engaged in "work")
(b) Entering Thailand as a "visitor" of an exhibition or trade fair
(c) Entering Thailand as a "person in charge of visiting businesses or taking part in business negotiations" on behalf of a company ("employees or contractors of the party that arranged such visit or negotiation" will be classified as being engaged in "work")
(d) Entering Thailand as an "audience" of a special lecture or academic lecture
(e) Entering Thailand as an "audience" of technical training or lecture
(f) Entering Thailand as a "purchaser of goods" at a trade fair
(g) Attending a board of directors' meeting of one's own company

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(iii) 15-day urgent notification system

(a) Even in cases where a work permit is required, for urgent work to be completed within 15 days, a foreigner may perform such work by submitting an urgent work notification form known as Tor Thor 10, and obtaining a reception stamp (Foreigners’ Working Management Emergency Decree B.E. 2560(2017), Article 61, Paragraph 1). However, companies should note that this system is applicable only to cases of urgency. As an example, a case where machinery, which cannot be repaired domestically, breaks down and a foreigner qualified for the repair enters Thailand and repairs such machinery, corresponds to a case of urgency.

At one time, an official of the Department of Employment presented a condition that the same person can only submit the urgent work notification form 3 times in the same year, and in certain cases the Tor Thor 10 form was not accepted. However, today, whether or not Tor Thor 10 is accepted is determined based on whether or not there are necessary and urgent circumstances for the applicant (foreigner) to enter Thailand on a case-by-case basis, and it has been clarified that there is no limit to the number of times that the Tor Thor 10 form may be submitted.

Additionally, Tor Thor 10 can be extended for another 15 days if the employer submits a letter requesting to extend before the first 15 days elapsed.

(b) Activities determined to be “Urgent” including⁴:
1. Organizing or setting up conferences, training and/or seminars
2. Conducting special educational lecture
3. Aviation superintendent work
4. Occasional internal audit
5. Inspection, follow-up and technical solution works
6. Inspection of products/goods quality
7. Inspection or improvement of production process
8. Inspection or repairing machinery and electricity generation equipment/systems
9. Machine repairing or installing work
10. Electric train system technical work
11. Aircraft or aircraft equipment system technical work
12. Advisory on machine repairing or testing work
13. Machinery demonstrative or testing work
14. Movie taking and photography work
15. Recruitment of job seeker for oversea job placement
16. Skill testing work for oversea job placement

(5) Occupations prohibited for foreigners

A work permit does not allow a foreigner to engage in the work of all occupations. The following 39 types of work⁵ are

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⁴ Notification of Department of Employment RE: Prescribing Type of Works which are Necessary and Urgent
⁵ JETRO translation (https://www.jetro.go.jp/world/asia/th/invest_05.html)
prohibited for foreigners to begin with (Royal Decree Prescribing Occupations and Professions Prohibited for Foreign Workers).

1. Labor work
2. Agriculture, animal husbandry, forestry, or fishery (except work requiring expertise, specialized work, or farm supervision work)
3. Bricklaying, carpentry or other construction work
4. Wood carving
5. Driving motor vehicles, driving a non-mechanically propelled carrier or driving a mechanically propelled carrier (except for piloting international aircraft)
6. Shop/outlet attendance
7. Auction
8. Supervising, auditing or providing services in accounting (except internal auditing on occasions)
9. Cutting or polishing diamond or precious stones
10. Haircutting, hairdressing or beauty treatment
11. Cloth weaving by hand
12. Mat weaving or utensil making from reeds, rattan, hemp, straw or bamboo pellicle
13. Mulberry paper making by hand
14. Lacquer ware making
15. Making Thai musical instruments
16. Nielloware making
17. Gold ornaments, silverware or pink gold making
18. Bronze-ware making
19. Thai doll making
20. Mattress and quilt blanket making
21. Alms bowl making
22. Hand making of silk products
23. Buddha image making
24. Knife making
25. Paper or cloth umbrella making
26. Shoemaking
27. Hat-making
28. Brokerage or agency work (except broker or agency work in international trade)
29. Civil engineering works concerning design and calculation, organization, research, project planning, testing, construction supervision or advising (excluding work requiring special expertise)
30. Architectural work concerning designing, drawing of plans, cost estimating, construction directing or advising
31. Dressmaking
32. Pottery or ceramic ware making
33. Cigarette rolling by hand
34. Tour guide or sightseeing tour operation
35. Street vending
36. Typesetting of Thai characters
37. Silk reeling and twisting by hand
38. Clerical and secretarial work
39. Legal service or lawsuit work (except being an arbitrator or being a lawyer in the arbitration procedure)
7. Penalty under the Foreigners’ Working Management Emergency Decree B.E. 2560

7-1. Obligation of the employer

Within 15 days after the employer employed a foreign worker, the employer must inform the Registrar regarding the name, nationality and the type of work that such foreign employee handles. In addition, the employer must inform the Registrar within 15 days after the foreign employee resigned or terminated. (Article 13 of Foreigners’ Working Management Emergency Decree B.E. 2560(2017))

Failing to do so may be subject to a fine penalty not exceeding THB 20,000 (Article 103 of Foreigners’ Working Management Emergency Decree B.E. 2560(2017))

7-2. Obligation of the foreigner

A foreigner who enters into Thailand to work in a 15-Day urgent notification system must inform the Registrar by submitting Tor Thor 10 before commencing work. (Article 61 of Foreigners’ Working Management Emergency Decree B.E. 2560(2017))

Failing to do so may be subject to a fine penalty not exceeding THB 50,000 (Article 119 of Foreigners’ Working Management Emergency Decree B.E. 2560(2017))

A foreigner who receives work permit must inform the Registrar regarding the employer, place of employment and the type of work, within 15 days after commencing work or changing employer. (Article 64/2 of Foreigners’ Working Management Emergency Decree B.E. 2560(2017))

Failing to do so may be subject to a fine penalty not exceeding THB 20,000 (Article 119/1 of Foreigners’ Working Management Emergency Decree B.E. 2560(2017))
About this document

About the information compiled in this document

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  June/2018

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