

Ministerial Regulation
on Labour Protection in Sea Fishing Work (NO. 2) B.E. 2561

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. This Regulation shall come into force a day following the date of its publication in the Government Gazette except Clause 6 which shall come into force after forty five days following the date of its publication in the Government Gazette.

Clause 2. Clause 3 of the Ministerial Regulation on Labour Protection in Sea Fishing Work B.E. 2557 (2014) shall be repealed and replaced by:

“Clause 3. Labour protection in sea fishing work shall comply with this Regulation but in relation to the following provisions, an employer and an employee shall comply with the provisions regulated in the Labour Protection Act B.E.2541(1998); Chapter 1 General Provision, Section 7, Section 8, Section 9, Section 10, Section 11, Section 11/1, Section 12, Section 13, Section 14, Section 14/1, Section 15, Section 16, Section 17, Section 18, Section 19, Section 20, and Section 21, Chapter 5 Wages, Overtime Pay, Holiday Pay, and Holiday Overtime Pay, Section 76, and Section 77, Chapter 6 Wage Committee, Section 89, Chapter 12 Lodgement and Consideration of Complaints, Section 123, Section 124, Section 124/1, and Section 125, Chapter 13 Employee Welfare Fund, Section 134, Section 135, Section 136, and Section 137, Chapter 14 Labour Inspectors, Section 139, Section 140, Section 141, and Section 142, and Chapter 15 Delivery of Notices, Section 143.”

Clause 3. Clause 8 of the Ministerial Regulation on Labour Protection in Sea Fishing Work B.E. 2557 (2014) shall be repealed and replaced by:

“Clause 8. An employer shall produce a document regarding payment of wage and holiday pay in Thai and keep such document at a workplace of the employer and employee available for a labour inspector. The document thereof shall contain at least the following particulars:

- (1) name and surname of each employee;
- (2) position and duty in sea fishing work; and

(3) rate of wage and holiday pay that the employer has agreed to pay to each employee and amount of wage and holiday pay received by each employee.

When wage or holiday pay is paid to an employee, the employer shall prepare the document under paragraph 1 to be signed by the employee as evidence.

The employer shall retain the document under paragraph 1 for at least 2 years from the date of payment.”

Clause 4. Clause 10 of the Ministerial Regulation on Labour Protection in Sea Fishing Work B.E. 2557 shall be repealed and replaced by:

“Clause 10. An employer shall pay wage and holiday pay correctly according to a mutual agreement, and not less than once a month.

Shared profits in which an employer has agreed to pay according to the value of the aquatic animals being caught shall be paid according to mutually agreed payment schedule and shall be made at least once in every 3 months.”

Clause 5. The following provisions shall be added as Clause 10/1 of the Ministerial Regulation on Labour Protection in Sea Fishing Work B.E. 2557:

“Clause 10/1. An employer shall pay wages to an employee on a monthly basis which not less than daily minimum wage rate, as prescribed by the Wage Committee, multiplied by 30.”

Clause 6. The following provisions shall be added as Clause 10/2 of the Ministerial Regulation on Labour Protection in Sea Fishing Work B.E. 2557:

“Clause 10/2. An employer shall pay wages and holiday pay to an employee via bank account of the employee and the expenses in transferring money to the employee’s bank account shall be borne by the employer.”

Clause 7. The following provisions shall be added as Clause 16/1 of the Ministerial Regulation on Labour Protection in Sea Fishing Work B.E. 2557:

“Clause 16/1. An employer who operates overseas fishing under the legislations on fishing shall provide equipment or a system of satellite communication that data can be transferred not less than 1 Megabyte (MB) Per Person/Per Month, accessible and available for not less than one-fourth of all employees on the fishing vessel in order to

contact or coordinate with an official, government agency, husband, wife or relatives, all the time. The expenses of such equipment or system shall be borne by the employer.

Whereas the equipment or system of satellite communication is not able to be used, the employer shall provide other methods as a substitute until the equipment or system of satellite communication is fixed or able to be used normally.

Given on this 31st B.E. 2561

Police General Adul Sangsingkeo

Minister of Labour

Remark :- The reason for issuance of this Ministerial Regulation is that the Ministerial Regulation on Labour Protection in Sea Fishing Work B.E. 2557 issued by virtue of the Labour Protection Act B.E. 2541 has some provisions that are not consistent with the conditions of employment in sea fishing work and existing laws on fishing. It is, therefore, appropriate to revise and add more rules as well as the method of wage payment in order to better protect employees; to enable them to receive fair wages; and to require the employers operating overseas fishing to provide equipment or system of satellite communication that enable the fishers to contact officials, government agencies, husbands, wives or relatives at all times. It is, as a result, necessary to issue this regulation.