

(Translation)

Unofficial Translation\*

THE MARITIME LABOUR ACT  
B.E.2558

BHUMIBOL ADULYADEJ, REX.  
Given on the 1<sup>st</sup> Day of October B.E. 2558;  
Being the 70<sup>th</sup> Year of the Present Reign

His Majesty King Bhumibol Adulyadej has the Royal Proclamation to announce that:

Whereas it is expedient to have the law on maritime labour;

Therefore, His Majesty the King Bhumibol Adulyadej has graciously been pleased to enact this Act, with the advice and consent of the National Legislative Assembly, as follows:

**Section 1** This Act shall be called the “Maritime Labour Act B.E. 2558”.

**Section 2**<sup>1</sup> This Act shall come into force when a period of one hundred and eighty days as from the date following the date of its publication in the Government Gazette has been elapsed.

**Section 3** In this Act:

“Ship” means water vessels of all types normally used for commercial seagoing purposes but it shall not include:

- (1) Fishing boats or other fishing-related vessels;
- (2) Traditionally built boats;
- (3) Military ships;
- (4) Other ships as prescribed in Ministerial Regulations;

“Seafarer” means a person who is hired or assigned by the ship owner to be stationed on board with pay, excluding those who are working on board on a temporary basis;

“Ship Owner” means:

- (1) A person who owns a ship;
- (2) A hire-purchaser of a ship;
- (3) A renter of an empty ship;

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<sup>1</sup> The Government Gazette, Volume 132 Section 98A, Page 21 dated 8<sup>th</sup> October 2015

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(4) A person who has been assigned to act on behalf of persons under (1) (2) or (3);

(5) A person who has been assigned by persons under (1) (2) (3) or (4) to provide seafarers for the benefits of persons under (1) (2) (3) or (4), other than the employment business operation no matter whether such person shall be responsible for supervision of work or for wage payment to the employed seafarers or not;

“Master of a Ship” means the chief commanding officer of a ship;

“Seafarer Employment Agreement” means the employment contract or agreement prescribing details under this Act and it shall also include agreements made by negotiations between seafarers and the ship owner;

“Gross Tonnage” means the unit used for determination of size of a ship calculated in accordance with the rules for ship inspection under the Navigation in Thai Waters Act;

“Maritime Labour Certificate” means a document issued by an agency designated by the Minister to certify that the employment condition, the working condition and the living condition of seafarers are in accordance with those prescribed in this Act;

“Declaration of Maritime Labour Compliance” means a document prepared to elaborate the requirements and measures for compliance of ship owner for the execution of this Act;

“Committee” means the Maritime Labour Committee;

“Normal Working Time” means the time prescribed as the normal working time of seafarers;

“Holiday” means the day prescribed as weekly holiday, customary holiday or annual holiday for seafarers;

“Leave Day” means a day that a seafarer has taken leave under this Act;

“Wages” means money that the ship owner and seafarers agreed to be paid as remunerations for contract works on hourly, daily, weekly or monthly basis or under other periods of time or paid as per performances of work actually done by seafarers during normal working time of a working day, and it shall also include money paid by the ship owner to seafarers for holidays and leave days taken by seafarers as per their entitlements granted under this Act;

“Wages for Normal Working Day” means wages paid for full-time work during normal working time;

“Minimum Wage Rates for Seafarers” means the rates of minimum remunerations for seafarer as announced and prescribed by the Minister of Labour;

“Working Hours” means the period of time that seafarers are required to work, and it shall include normal working time, overtime work, working on holidays and working overtime on holidays;

“Rest Hour” means the period of time other than the working hours, which shall not include the work break time;

“Overtime Work” means the work outside or exceeding the normal working hours or exceeding the number of daily working hours agreed by the ship owner and seafarers under this Act on working days or holidays, as the case may be;

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“Overtime Pay” means money paid by the ship owner to seafarers as compensation for their working overtime on a working day;

“Employment” means the business operation of employment for job-seekers by means of selection and job placement of seafarers or supply of seafarers for ship owners irrespective of demand or receipt of service fees, and it shall also include the demand for money or assets or any other benefits for the purposes of selection and job placement of seafarers;

“Service Fees” means money or other benefits given as remunerations for the employment tasks;

“Expense” means expense in the employment tasks;

“Employment License” means a license for employment of job-seekers as seafarers;

“Employment Licensee” means an employment service provider who has received a license for employment of job-seekers as seafarers;

“Employment Agent” means a person registered by an employment licensee as an agent for employment of job-seekers as seafarers;

“Office” means an employment office of an employment licensee;

“Job-seeker” means a person who intended to work as a seafarer;

“Registrar” means the Central Employment Registrar under the Employment and Job-Seeker Protection Act;

“Port” means the business concerning ports and it shall also include docks and other businesses in connection with or incorporated to ports;

“Competent Official” means a person appointed by the Minister for the execution of this Act;

“Minister” means the Minister taking charge under this Act;

**Section 4** Employment between the ship owner and seafarers under this Act shall not be subject to the Labour Protection Act, the Safety, Occupational Health and Working Environment Act, the Social Security Act, and the Workmen’s Compensation Act.

A ship owner shall provide protection on social security and compensation to seafarers so that seafarers shall receive benefits from such protection as per the criteria, methods and conditions as prescribed by the Minister of Labour.

**Section 5** The Minister of Foreign Affairs, the Minister of Transport, the Minister of Labour and the Minister of Public Health shall take charge under this Act; and each Minister shall have powers to appoint competent officials and issue Ministerial Regulations, rules or announcements for the execution of this Act, thus, in connection with the official service of such ministry.

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Ministerial Regulations, rules or announcements shall come into force upon their publication in the Government Gazette.

## CHAPTER 1 GENERAL PROVISIONS

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**Section 6** In case, there is no applicable legal provision, then, the principles of traditional operation of seafarers, marine navigation customs and traditions or related international requirements or standards shall apply as the case may be.

Relating to the performance of duties under this Act, a ship owner shall take all reasonable and normal actions for operators of marine navigation.

**Section 7** The demand or acquisition of rights or benefits under this Act shall not deprive the eligible rights or benefits of seafarers or maritime labour under other laws.

**Section 8** Debts payable by the ship owner to seafarers and debts payable by the ship owner under this Act shall have a preferential right over all properties of the ship owner with the same level of preferential right in the value of taxation under the Civil and Commercial Code.

**Section 9** In case, the ship owner is required by this Act to notify any matter to the competent official, then, the ship owner shall notify the same in person by post, facsimile, electronic media or any other methods, thus, in accordance with criteria and methods as announced and prescribed by the Director-General of Department of Labour Protection and Welfare.

**Section 10** In case, the ship owner is required to provide documents under this Act, the ship owner shall provide such documents in the Thai language and the English language.

**Section 11** In case, this Act requires a ship owner to take any action with expenses, the ship owner shall bear expenses for such purpose.

**Section 12** The ship owner shall provide, on board, a copy of the Maritime Labour Convention 2006 and this Act, including its amendments.

**Section 13** The ship owner shall not unfairly discriminate seafarers due to differences in national origins, races, languages, genders, age, disabilities, physical conditions or health, personal statuses, economic or social statuses, religious beliefs, education and training or political opinions.

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**Section 14** All cases of disputes between the ship owner and seafarers or their successors, or disputes between such people and government officials or agencies relating to rights and duties under this Act shall be within the jurisdiction of the Labour Court.

## CHAPTER 2 WORKING CONDITION ON BOARD

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**Section 15** Ship owners shall be prohibited to hire people who are under completely sixteen years of age to work on board.

**Section 16** Ship owners shall be prohibited to assign seafarers who are under completely eighteen years of age to work on board in the nighttime, except for training which has been planned in advance or routine training of seafarers which shall be conducted during such period of time; provided that it shall not impair good health and living condition of seafarers; and such training must be approved by the Director-General of the Department of Labour Protection and Welfare, or by the person designated by the Director-General; provided that the operation of work in the nighttime of seafarers shall last for at least nine hours, starting before midnight and ending after 05.00 hrs onwards.

**Section 17** Ship owners shall be prohibited to assign seafarers who are under completely eighteen years of age to carry out any health-hazard or unsafe work as per types of work announced and prescribed by the Director-General of the Department of Labour Protection and Welfare.

**Section 18** Ship owners shall be prohibited to assign seafarers to work on board without producing a medical certificate to confirm their health fitness for carrying out work on board, thus, in accordance with the criteria, methods and conditions as announced and prescribed by the Minister of Public Health.

**Section 19** Ship owners shall be prohibited to assign seafarers to work on board unless having received training in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Marine Department.

## CHAPTER 3 EMPLOYMENT OF JOB-SEEKERS TO WORK AS SEAFARERS

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**Section 20** No person shall be allowed to employ job-seekers to work as seafarers unless receiving permission from the Registrar.

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An application for permission, permission and issuing of an employment license shall be in accordance with the criteria, methods and conditions as prescribed in Ministerial Regulations by the Minister of Labour.

**Section 21** An applicant for employment license for jobseekers to work as seafarers shall have qualifications and shall not have any prohibited characteristics, as follows:

- (1) Being of Thai nationality;
- (2) Aged not lower than completely twenty years old;
- (3) Not being an employment licensee whose employment license is being suspended or having ever been revoked, not being a member of the Board of Directors, partner or manager of a juristic person who is an employment licensee; and not being a member of the Board of Directors, partner or manager of a juristic person whose employment license has been revoked under this Act;
- (4) Not being a licensee whose license is being suspended or having ever been revoked; not being a member of the Board of Directors, partner or manager of a juristic person who is an employment licensee; and not being a member of the Board of Directors, partner or manager of a juristic person whose employment license has been revoked under the law on employment and protection of job-seekers;
- (5) Not being an incompetent person or a quasi-incompetent person;
- (6) Not being a person who has or used to have infamous or immoral conducts;
- (7) Not having been sentenced by a final judgment to imprisonment for an offence as provided by laws that an action in bad faith shall be an element of such offence, or for an offence under this Act or under the law on employment and protection of job-seekers;

In case, an applicant for employment license is a juristic person, such juristic person shall be of the Thai nationality, with the proportion of shareholding of not less than seventy-five percent of the total shares held by such juristic persons. Such juristic person shall have Thai members of the Board of Directors equal to not less than three-fourth of the total members of the Board of Directors and shall have a manager representing the juristic person who shall have qualifications and shall not have any prohibited characteristics under Paragraph 1.

**Section 22** An employment license shall be valid for two years as from the date of issuing thereof.

An employment licensee who wishes to renew the employment license shall submit an application thereof for not less than thirty days before such license shall expire. Upon the submission of such application thereof, the business operation shall continue until the Registrar shall order not to renew the employment license.

An application for employment license renewal and permission shall be in accordance with criteria, methods and conditions as prescribed in Ministerial Regulations by the Minister of Labour.

**Section 23** In case, the employment license is substantially damaged, lost or destroyed, the employment licensee shall submit an application for a replacement license within fifteen days as from the date of acknowledgment of such damage, loss or destruction.

An application for and the issuing of a replacement employment license shall be accordance with criteria, methods and conditions as prescribed in Ministerial Regulations by the Minister of Labour.

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**Section 24** The employment licensee shall display its employment license in an open and conspicuous place at the office as specified in the employment license.

**Section 25** The office shall be in a private, open and permanent location, which shall not be prohibited by the Regulations as prescribed by the Minister of Labour.

**Section 26** An employment licensee shall be prohibited to relocate its office or to establish its temporary office unless receiving permission from the Registrar.

An application for and the issuing of permission shall be in accordance with the Regulations as prescribed by the Minister of Labour.

**Section 27** In case, an employment licensee that is a juristic person wishes to replace its manager, such employment licensee shall submit an application thereof to the Registrar.

An application for and the issuing of permission shall be in accordance with the Regulations as prescribed by the Minister of Labour.

**Section 28** Prior to the issuing of an employment license, an applicant shall give a security for guarantee of damages which may occur from the operation of the applicant, for an amount as prescribed in Ministerial Regulations by the Minister of Labour, but not less than five million Baht, to the Registrar as a performance security under this Act.

Regarding the giving, retention, deduction or change of security, as well as deduction of money from the security as compensation to job-seekers and ship owners, in case, any damage has occurred, the demand for additional security and the request for return of the security shall be in accordance with criteria, methods and conditions as prescribed in Ministerial Regulations by the Minister of Labour.

In case, the security as given by the employment licensee under Paragraph 1 has decreased due to the spending thereof under this Act, the Registrar shall order such employment licensee to give additional security to refill the full amount thereof as prescribed within thirty days as from the date of receipt of such order.

**Section 29** The security as given by the employment licensee under Section 28 shall not be subject to the liabilities of execution as long as the employment licensee has not ceased the employment business operation as licensed under this Act, or has ceased the employment business operation but has not yet been released from the liabilities under this act.

In case, the employment licensee fails to request for the return of security within five years as from the date of dissolution of the employment business operation, the ownership of such security shall be vested in the State.

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**Section 30** An employment licensee shall submit an application for registration of employment agent and workers to the Registrar in accordance with criteria, methods and conditions as prescribed in Ministerial Regulations by the Minister of Labour.

An employment agent shall have qualifications and shall not have any prohibited characteristics under Section 21 (1)-(7); and an employment worker shall not have any prohibited characteristics under Section 21 (3)-(7); provided that an employment agent and an employment worker shall not, at the same time, be an employment agent or an employment worker of other employment licensees under the law on employment and protection of job-seekers.

The employment licensee shall display the register of employment agent and employment worker at the office for job-seekers to inspect the status of such employment agent and employment worker.

The employment license issued to any employment licensee shall cover any employment agent and employment worker as registered by such employment licensee.

Any action relating to employment of an employment agent and an employment worker as registered by such employment licensee shall be regarded as action of such employment licensee.

**Section 31** Upon the field operation, the employment licensee, manager, employment agent or employment worker shall present an identification card to the related personnel.

Such identification card of the employment licensee, manager, agent or employment worker shall be in accordance with the form as announced and prescribed by the Director-General of Department of Employment and shall be valid for two years after the date of issuing thereof.

In case, the identification card is substantially damaged, lost or destroyed, the employment licensee, manager, employment agent or employment worker shall submit an application for a replacement identification card within fifteen days as from the day of acknowledgement of such damage, loss or destruction thereof.

An application for or the issuing of identification card and a replacement identification card shall be in accordance with the Regulations as prescribed by the Director-General of Department of Employment.

**Section 32** The manager, employment agent or employment worker who has vacated the office shall return his or her identification card to the Registrar or to the employment licensee within seven days as from the date of vacation of office thereof.

The employment licensee who has received the return of such identification card under Paragraph 1 shall hand over such identification card to the Registrar within seven days as from the date of receipt of the return of such identification card.

**Section 33** The employment licensee or the employment agent shall execute an employment contract with the ship owner as per the form announced and prescribed by the Director-General of the Department of Employment.

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The employment licensee shall submit an employment contract made between the employment licensee or the employment agent and the ship owner to the Director-General of the Department of Employment, including samples of the terms of employment of seafarers to be executed by the ship owner with job-seekers, and other evidences as announced and prescribed by the Director-General of the Department of Employment before such job-seekers shall work on board.

**Section 34** An employment agent shall be prohibited to execute an employment contract on behalf of the employment licensee with the ship owner unless receiving a written authorization from the employment licensee as per the form announced and prescribed by the Director-General of the Department of Employment, and notified in writing by the employment licensee to the Registrar.

The fact that the employment agent has not been authorized by the employment licensee or has been authorized but the letter of authorization failed to be in accordance with the form as announced and prescribed by the Director-General of the Department of Employment, shall not be cited as the cause of impairment of rights of the ship owner or a third party who acted in good faith.

**Section 35** An employment licensee shall be prohibited to demand or accept service fees or expenses from job-seekers, except for the following expenses:

- (1) Expense for the issuing of medical certificate;
- (2) Fees for documentation issued by the Marine Department to seafarers;
- (3) Fees for issuing of passports or travelling documents, thus, excluding visa fees;
- (4) Other expenses as prescribed in Ministerial Regulations.

The ship owner shall be responsible for the employment fees or expenses under Paragraph 1; meanwhile, the employment licensee may demand or accept fees or expenses other than those prescribed in Paragraph 2 not exceeding the rates prescribed in Ministerial Regulations.

**Section 36** An employment licensee shall comply with the followings:

- (1) To provide a register of job-seekers, accounts and documents relating to its business operation as per the form and list announced and prescribed by the Director-General of the Department of Employment;
- (2) To prepare and submit a monthly employment report to the Registrar as per the form announced and prescribed by the Director-General of the Department of Employment, within the tenth day of the following month;
- (3) To keep the register of job-seekers who have been selected and offered with job placement, for not less than two years, for inspection by the competent official;
- (4) To notify job-seekers, in writing, of the rights and duties of seafarers as per the employment agreement of the seafarers before or during the assignment of work so that job-seekers shall be able to check such employment agreement before and after the signing thereof; and to submit at least one set of the copy thereof;

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When there is an event which must be recorded in the register of job-seekers, accounts, or any documents relating to its business operation, the employment licensee shall record such event in the register of job-seekers, accounts or such documents within seven days as from the date of occurrence of such event which must be recorded therein.

**Section 37** The employment licensee shall check if the ship owner has provided methods for protection of seafarers who experienced any difficulties at a foreign port as per the form announced and prescribed by the Director-General of the Department of Employment.

In case, there is a complaint to the competent official relating to the employment of job-seekers to work as seafarers, the employment licensee shall check and clarify such complaint to the competent official within fifteen days as from the date of receipt of a written notice thereof from the competent official.

**Section 38** In case, a job-seeker is not offered with the job placement as specified in the employment agreement of a seafarer, and such job-seeker intends not to operate such work, the employment licensee shall arrange for such job-seeker's return to his or her domicile and shall also bear expenses of travelling, accommodation, food and other expenses required for such job-seeker's return to his or her domicile; and shall give a written notice thereof to the Registrar within fifteen days as from the date of such arrangement.

In case, the ship owner fails to receive job-seekers as specified in the employment agreement, or having received job-seekers whose qualifications are not in accordance with those prescribed in the employment agreement; and the ship owner intends not to employ such job-seekers, the employment licensee shall refund the service fees and expenses under Section 35 Paragraph 2 to the ship owner within thirty days as from the date when the ship owner has requested for the refund thereof and shall arrange for such job-seeker's return to his or her domicile and shall also bear expenses of travelling, accommodation, food and other expenses required for such job-seeker's return to his or her domicile; and shall give a written notice thereof to the Registrar within fifteen days as from the date of such arrangement.

In case, a job-seeker is not offered with the job placement as specified in the employment agreement of a seafarer but such job-seeker intends not to return to his or her domicile; or in case, the ship owner has received job-seekers whose qualifications are not in accordance with those prescribed in the employment agreement but the ship owner intends to employ such job-seekers, the employment licensee shall not be responsible for arrangement of such job-seeker's return to his or her domicile under Paragraph 1 or Paragraph 2 but shall give a written notice thereof to the Registrar within fifteen days as from the date of such arrangement.

**Section 39** When the Registrar has been notified of the event that the employment licensee must arrange for such job-seeker's return to his or her domicile under Section 38 Paragraph 1 or Paragraph 2 but the employment licensee fails to take such action within fifteen days as from the date of such event, the Registrar shall liaison with the related agencies to provide assistance to such job-seeker.

The Registrar shall give a written notice to the employment licensee relating to the amount of expenses incurred from the arrangement for such job-seeker's return to his or her domicile

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under Paragraph 1 so that the employment licensee shall reimburse such amount thereof within the prescribed period of time. In case, the employment licensee fails to reimburse such amount of money within the prescribed period of time, the Registrar shall deduct such amount of money from the security given under Section 28 to be refunded to the related agencies that have provided assistance to such job-seeker.

**Section 40** In case, the employment licensee fails to comply with Section 38 Paragraph 1 and Paragraph 2 and the job-seeker has borne expenses of travelling, accommodation, food and other expenses required for such job-seeker's return to his or her domicile, the job-seeker shall have the right to submit an application, to the Registrar, for the reimbursement of such paid expenses; and in case, the Registrar has considered the matter and agreed that the job-seeker is not offered with the job placement as specified in the employment agreement of a seafarer and such job-seeker has personally paid for the arrangement for the return to his or her domicile, the Registrar shall give a written notice thereof to the employment licensee to reimburse such amount of money within the prescribed period of time. In case, the employment licensee fails to reimburse such amount of money within the prescribed period of time, the Registrar shall deduct such amount of money from the security given under Section 28 to be refunded to the job-seeker.

**Section 41** In case, the employment licensee does not reimburse the service fees and expenses to the ship owner under Section 38 Paragraph 2, the Registrar shall notify, in writing, to the licensee to reimburse such amount of money within the prescribed period of time. If the licensee is unable to reimburse such amount of money within the prescribed period of time, the Registrar shall deduct the amount of money for service fees and expenses from the security given under Section 28 to be returned to the ship owner.

**Section 42** The provisions of the law on employment and protection of job-seekers relating to the Committee on employment development and protection of job-seekers, control and rates of fees shall, *mutatis mutandis*, apply to the employment of job-seekers for work as seafarers. The powers and duties of the Committee on employment development and protection of job-seekers shall be deemed as powers and duties of the Committee; and powers and duties of the competent official under the law on employment and protection of job-seekers shall be deemed as powers and duties of the competent official, and the stipulated penalty relating to the control under the law on employment and protection of job-seekers shall apply to the control under this Act.

#### CHAPTER 4 EMPLOYMENT CONDITION

**Section 43** The ship owner shall provide an employment agreement of seafarers, in writing, with signatures of the ship owner and seafarers; whereas, one copy of such agreement shall be kept on board and one copy thereof shall be kept by seafarers, which shall be available for inspection by the competent official.

An employment agreement of seafarers under Paragraph 1 shall contain, at least, the following details:

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- (1) Name and surname, including title, of the seafarer;
- (2) Date of birth and age of the seafarer;
- (3) Place of birth of the seafarer;
- (4) Current address of the seafarer;
- (5) Place and date of execution of the employment agreement of the seafarer;
- (6) Place and effective date when the employment agreement of the seafarer;
- (7) Assigned position or work of the seafarer;
- (8) Name and surname, including title, of the ship owner. In case, the ship owner is a juristic person, names of the authorized directors of the juristic person shall be specified;
- (9) Current address of the ship owner;
- (10) Name and nationality of the ship;
- (11) Main routes and destination ports, in case, a one-way navigation is agreed;
- (12) The starting date of employment, wage rates, remunerations or calculation methods;
- (13) Numbers of paid annual holidays or calculation methods;
- (14) Benefits from the social security and health protection provided by the ship owner to seafarers;
- (15) Seafarers' rights of repatriation;
- (16) Agreement reached by mutual negotiations;
- (17) The termination date or conditions for termination of the employment contract of seafarers;
- (18) Others as announced and prescribed by the Minister.

**Section 44** An employment agreement of a seafarer shall be terminated upon expiry of the period of time prescribed in the employment contract of seafarers or shall be terminated under the conditions agreed in the employment contract of seafarers without prior notification.

In case, an employment agreement of a seafarer is not prescribed with a period of time, the ship owner or seafarers may terminate the employment agreement of seafarers by giving a prior notice thereof to the other Party, thus, for a period of not less than seven days but not exceeding thirty days.

Regarding an early termination of an employment agreement of seafarers, it shall be as agreed by seafarers and the ship owner, thus, for a period of not less than seven days but not exceeding thirty days.

**Section 45** In case of necessity or emergency or conformity with the joint agreement between seafarers and the ship owner, or other reasons as announced and prescribed by the Director-General of the Department of Labour Protection and Welfare, the seafarers or the ship owner may terminate such employment agreement of seafarers within a period of less than seven days or without prior notification thereof.

In case of termination of the employment agreement of seafarers under Paragraph 1, seafarers shall not be liable for any damages incurred from their breach of contract.

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**Section 46** The Minister of Labour may, with the advice of the Committee, announce and prescribe the minimum wage rates for seafarers to be applicable to a ship that raises a Thai flag to ensure that the seafarers shall receive proper and fair wage rates.

Regarding the consideration and determination of the minimum wage rates for seafarers, the standard of living, cost of business operation, prices of goods and services, business capabilities, labour productivity, and economic and social condition of the country, including the customs of the employment of seafarers shall be taken into account.

**Section 47** In case, the Minister of Labour has announced and prescribed the minimum wage rates under Section 46, the ship owner shall be prohibited to pay wages to seafarers lower than the prescribed minimum wage rates.

**Section 48** For the purpose of calculation of the overtime pay, in case, seafarers have received their wages on a monthly basis, the hourly wage rates in the working day shall mean the monthly wages divided by the product of thirty and the number of average working hours per day.

**Section 49** The ship owner shall pay wages and overtime pay correctly and in accordance with the specified time as follows:

(1) In case, the wages are calculated on a monthly, daily or hourly basis or other period of not exceeding one month or as per the performance of work calculated in units, the wages shall be paid for at least once a month, unless otherwise agreed for the benefits of seafarers;

(2) In case, the wages are calculated in addition to (1), such wages shall be paid as agreed by the ship owner and seafarers;

(3) The overtime pay shall be paid at least once a month.

In case, the ship owner has dismissed seafarers, the ship owner shall pay wages and the overtime pay to the seafarers as per their eligibility within seven days as from the date of dismissal.

**Section 50** In case, the ship owner fails to pay wages and the overtime pay under this Act within the time limit as prescribed in Section 49, the ship owner shall pay the default interest of fifteen per cent per year to seafarers.

In case, the ship owner intentionally fails to pay the amount of money under Paragraph 1, when a period of seven days as from the due date thereof has been elapsed, the ship owner shall make additional payments to seafarers at the rate of fifteen per cent of the unpaid amount of money in each period of seven days.

**Section 51** The ship owner shall arrange for seafarers to transfer the whole or part of the money received to a person specified by seafarers as per the agreed period of time; whereas, the ship owner may collect actual expenses from the seafarers.

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**Section 52** The ship owner shall provide documents relating to the payment of wages and the overtime pay to seafarers at each time of payment, which shall contain, at least, the followings:

- (1) Working dates and time;
- (2) Performance of works done by seafarers who have received wages based on performance of works calculated in units;
- (3) Rates and amounts of wages and the overtime pay received by each seafarer;
- (4) Exchange rates shall be in accordance with the exchange rates announced by the Bank of Thailand (in case, other currencies which are different from those agreed in the employment agreement of seafarers are used).

**Section 53** The ship owner shall settle payments of wages and the overtime pay to seafarers at the workplace of seafarers, unless otherwise agreed.

**Section 54** The ship owner shall be prohibited to deduct wages and the overtime pay, except for:

- (1) Payment of income tax as per the amount to be paid by seafarers or other payments as prescribed by law;
- (2) Payment of trade union or seafarer organization maintenance fees;
- (3) Payment of debts of savings cooperatives or other similar cooperatives or payment of debts for the welfare and sole benefits of seafarers, with prior consents from seafarers;
- (4) Accumulated savings as per the agreement on the Accumulated Savings Fund.

Regarding the deduction of money under (2), (3) and (4), in each case, it shall be prohibited to deduct more than ten percent and totally not exceeding one-fifth of the money that seafarers are entitled to receive as per the schedule of payment under Section 49, unless receiving a written consent from seafarers.

**Section 55** In case, the ship owner requires seafarers to work overtime, the ship owner shall settle the overtime pay to seafarers at the rate of not less than 1.25 times of the hourly wage rates as per the number of hours of working overtime.

**Section 56** Seafarers shall be entitled to take leave and stay onshore as agreed with the ship owner, except for taking leave and staying onshore due to reasons of health and well-being, it shall be in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Department of Labour Protection and Welfare.

**Section 57** Seafarers shall be entitled to take sick leave with pay as per their actual sickness but not exceeding one hundred and thirty days.

**Section 58** The ship owner shall announce the normal working time to seafarers, including the daily starting and ending time of work of seafarers, which shall not exceed eight hours per day and shall not exceed forty-eight hours per week.

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**Section 59** The ship owner may require seafarers to work overtime as may be necessary but, when combined with the normal working time under Section 58, it shall not exceed fourteen hours in any period of twenty-four hours and shall not exceed seventy-two hours in any period of seven days.

**Section 60** In case of necessity for the ship safety or for the purpose of providing assistance to other ships or maritime victims, the master of ship may assign seafarers to work as may be necessary until the situation has returned to normal.

In the case under Paragraph 1, if the master of ship has assigned seafarers to work during the rest hours, then, he or she shall provide the time of rest for such seafarers to compensate those rest hours as soon as possible; provided that the master of the ship shall record the events occurred, as well as reasons thereof, and shall always affix his or her signature for certification.

**Section 61** In working days, the ship owner shall provide the time of rest for seafarers during the working period for not less than one hour per day; provided that the ship owner and seafarers may have agreed in advance that each time of rest may last for less than one hour but the total time of rest shall not be less than one hour per day.

The time of rest during the working period shall not be regarded as the working hours shall not be included as the rest hours under Section 62.

**Section 62** The ship owner shall provide the rest hours for seafarers for not less than ten hours in any period of twenty-four hours and shall not be less than seventy-seven hours in any period of seven days.

Rest hours may be divided into no more than two sessions, each of which shall last for at least six hours, and the interval between the two sessions thereof shall not exceed fourteen hours.

**Section 63** Pregnant seafarers shall be entitled to take maternity leave for not exceeding ninety days per each pregnancy.

During the maternity and parental leave, the ship owner shall pay wages to such pregnant seafarers throughout the period of leave but not exceeding forty-five days.

**Section 64** Seafarers who have been assigned by the ship owner to perform any of the following works shall not be entitled to receive the overtime pay:

- (1) Necessary and urgent work for the safety of sea-going vessels, goods or people on board;
- (2) Work performed for rescue of maritime victims;
- (3) Extra work in compliance with the Regulations of the Customs Department, prevention of communicable diseases or other health checkups;
- (4) Work during an extra period of time required for normal replacement of security guard shifts.

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**Section 65** In each year, the ship owner shall provide seafarers with at least thirty annual holidays with pay, which shall be fixed in advance by the ship owner.

The ship owner shall be prohibited to assign seafarers to work during their annual holidays, except for emergency cases and with consent from seafarers. The ship owner may assign seafarers to work during such annual holidays; provided that the ship owner shall pay extra wages for working on holidays to such seafarers for not less than one time of the wages calculated by the number of hours worked.

In case, the term of an employment agreement of a seafarer is less than one year, the ship owner shall calculate the annual holidays proportionately.

## CHAPTER 5 REPATRIATION

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**Section 66** Seafarers shall be entitled to return to their domiciles or other places as agreed; provided that the ship owner shall arrange for or shall bear any expenses incurred during the travelling of such seafarers in the following cases:

(1) When the term of an employment agreement of a seafarer has expired while the seafarer has worked at places other than the place where the employment agreement of the seafarer has been made;

(2) When the ship owner has terminated the employment agreement of the seafarer before the term thereof shall expire;

(3) When any of the following events has occurred:

(a) Such seafarer is sick, injured or being physically or mentally unable to perform the work;

(b) When the ship owner is unable to carry on its navigation business;

(c) When the ship is wrecked or completely unusable;

(d) When the ship is heading for a zone of war;

(e) Other cases as announced and prescribed by the Minister.

**Section 67** The ship owner shall provide insurance for all seafarers relating to the repatriation of seafarers under Section 66, with the standard of not lower than the international maritime insurance.

The insurance in Paragraph 1 shall be in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Marine Department.

**Section 68** The ship owner shall not bear expenses incurred during the travelling under Section 66 in case of termination of the employment agreement of seafarers due to seafarers'

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commission of offence against the law of the flag state, or commission of severe malfeasance in office, or failure to comply with the employment agreement of seafarers.

**Section 69** In case, a competent official has found out that the ship owner has failed to comply with provisions contained in Section 66, the competent official shall arrange for repatriation of seafarers as per the criteria, methods and conditions as announced and prescribed by the Director-General of the Department of Consular Affairs.

In case, the competent official has taken action under Paragraph 1, the Department of Consular Affairs or its assigned person shall be entitled to take recourse for expenses already paid under Paragraph 1 and to claim any damages against the ship owner, together with 15% p.a. interest as from the date of payment of expenses for repatriation of the seafarer under Section 66 and to subrogate the rights of the ship owner relating to assets or rights which are given as security under Section 67.

The rights of recourse or subrogation under Paragraph 2 shall have the period of prescription of ten years as from the date of payment of such expenses.

#### CHAPTER 6 COMPENSATION IN CASE OF DAMAGED OR SUNKEN SHIPS

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**Section 70** In case of the damaged or sunken ship, the ship owner shall pay compensation to the following people:

- (1) A seafarer who is injured due to the damaged or sunken ship;
- (2) A seafarer who has suffered damage due to the damaged or sunken ship;
- (3) A seafarer who is unemployed due to the damaged or sunken ship.

In the case under (1) and (2), the seafarer shall claim damages against the ship owner as per the actual amounts paid as necessary or actually damaged.

In the case under (3), the ship owner shall pay compensation equal to the amounts of wages to be received by seafarers under the employment agreement of seafarers but not exceeding two-month wages.

#### CHAPTER 7 MANNING LEVEL

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**Section 71** The ship owner shall employ enough seafarers to work on board according to the quantity of work, duration of navigation, distance, type and size of the ship so that the ship shall be sailed efficiently and safely by taking account of physical conditions of seafarers and routes of navigation.

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The provision of manpower for each type and size of ship shall be in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Marine Department.

**CHAPTER 8**  
**STANDARD OF ACCOMMODATION, FACILITIES, FOOD AND NUTRITION ON BOARD**

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**Section 72** The ship owner shall provide accommodations and facilities, as follows:

- (1) Bedrooms;
- (2) Dining rooms;
- (3) Shower rooms;
- (4) Toilets;
- (5) Living rooms;
- (6) Break rooms;
- (7) First-aid room;
- (8) Deck areas;
- (9) Mechanic office;
- (10) Navigation Division office;
- (11) Others as announced and prescribed by the Director-General of the Marine

Department

In additional to the provisions contained in Paragraph 1, the ship owner shall provide a prayer room, if necessary, as per the Religious Requirements of seafarers.

The standard of accommodations and facilities under Paragraph 1 and Paragraph 2 shall be in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Marine Department.

**Section 73** The ship owner shall provide standard services and facilities as may be suitable, necessary and adequate to seafarers, thus, in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Marine Department.

**Section 74** The ship owner shall provide quality and nutritional foods and drinking water in the adequate quantity to seafarers, by taking account of the cultural and religion differences of seafarers without collecting any expenses from seafarers.

The standard of provision of foods and drinking water under Paragraph 1 shall be in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Department of Health.

**Section 75** The ship owner shall employ seafarers to work as cooks on board who shall be responsible for preparation of foods, and shall have passed the standard of training and shall

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have proper qualifications thereto, thus, in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Department of Skill Development.

The ship owner shall be prohibited to employ or assign seafarers to work as cooks on board who are under eighteen years of age.

**Section 76** The ship owner shall provide seafarers who are assigned to work in the Food Supply Department who shall have passed the standard of training and shall have proper qualifications thereto, thus, in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Marine Department.

**Section 77** The ship owner shall provide food preparation areas and related utensils so that the food preparation shall be hygienic and highly nutritional, thus, in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Department of Health.

## CHAPTER 9

### PROVISION OF MEDICAL TREATMENT AND PROTECTION TO LIFE, BODY AND HEALTH OF SEAFARERS

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#### PART 1

#### ONSHORE AND ON-BOARD MEDICAL TREATMENT

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**Section 78** The ship owner shall provide medical treatment equipment and facilities in the first-aid room on board, and shall provide first-aid training and doctors or seafarers whose duties are relating to the medical treatment, thus, in accordance with the criteria, methods and conditions as announced and prescribed by the Minister of Public Health.

**Section 79** In case, a seafarer is injured or sick, the ship owner shall provide immediate and proper medical treatment to such seafarer.

**Section 80** The ship owner shall provide standard for protection of seafarers' health to ensure that seafarers can receive immediate onshore and on-board medical treatment.

The standard under Paragraph 1 shall be in accordance with those prescribed in Ministerial Regulations by the Minister of Transport.

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**PART 2**  
**THE SHIP OWNER'S LIABILITIES TO SEAFARERS**

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**Section 81** The ship owner shall be responsible for seafarers in the followings cases:

- (1) Expenses relating to the sickness and injuries of seafarers working on board, which have occurred as from the starting date of their performance of duties until the date of repatriation;
- (2) Expenses relating to the provision of maritime insurance, as follows:
  - (a) In case, a seafarer is dead or having suffered any prolonged disability due to injuries, sickness or work-related hazards harm to ensure indemnification of compensation;
  - (b) In case, a seafarer is abandoned;
  - (c) Other cases as announced and prescribed by the Minister of Labour;
- (3) Expenses of relating to the medical treatment, medicines, the supply of necessary medicines, therapeutic devices, foods and accommodation rentals in places other than the seafarer's domiciles until the seafarer shall be relieved from sickness or injuries or until it is diagnosed that such disability is permanent and preventing the seafarer from returning to work as agreed by the ship owner and the seafarer, thus, for a period of not less than sixteen weeks as from the date of injuries or sickness until the seafarer shall be repatriated, except that such sickness or injuries have occurred outside the operation of work for the ship owner or resulted from an unlawful act of such seafarer, or such seafarer intentionally concealed the facts relating to his or her sickness or unfit health condition during the execution of the employment agreement of seafarers;
- (4) Funeral expenses and other expenses, in case, a seafarer died on board or onshore during the performance of duties as per the employment agreement of seafarers;
- (5) Other expenses as prescribed in the Ministerial Regulations.

**PART 3**  
**PREVENTION OF ACCIDENTS AND PROTECTION OF SAFETY AND HEALTH**

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**Section 82** The ship owner shall provide on-board safety and health management and operations in accordance with the standard prescribed in Ministerial Regulations by the Minister of Transport, the Minister of Labour, or the Minister of Public Health, as the case may be.

**Section 83** The ship owner shall provide safety tools or equipment for working on board; and shall determine safety measures for working on board, thus, in accordance with the standard prescribed in Ministerial Regulations by the Minister of Transport.

Seafarers shall use safety tools or equipment for working on board and shall comply with safety measures for working on board as prescribed by the ship owner.

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**Section 84** The ship owner shall provide training on safety, health and environment for seafarers while staying on board, thus, in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Marine Department.

**Section 85** In case, a severe maritime disaster has occurred and causing injuries or death of seafarers, the ship owner, or the master of the ship shall report the incident to the competent official immediately.

The operation under Paragraph 1 shall be in accordance with the criteria, methods and conditions as announced and prescribed by the Director-General of the Marine Department.

**CHAPTER 10**  
**MARITIME LABOUR CERTIFICATE AND**  
**DECLARATION OF MARITIME LABOUR COMPLIANCE**

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**Section 86** A ship with the capacity of at least five hundred gross tonnage or above, which is a transocean liner, must be issued with a marine labour certificate confirming that the employment condition and the living condition of seafarers is in accordance with the requirements in the Declaration of Maritime Labour Compliance issued under this Act.

**Section 87** The criteria and methods of submission of an application for the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance, form of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance, issuing of the temporary certificate, the validity period and renewal of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance, inspection, follow-up, and revocation of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance shall be in accordance with those announced and prescribed by the Director-General of the Marine Department.

The criteria, methods and conditions relating to the appeal on the issuing of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance renewal and revocation of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance shall be in accordance with those prescribed in Ministerial Regulations by the Minister of Transport.

**Section 88** The inspection of ship and the issuing of Maritime Labour Certificate and endorsement on the Certificate may be made by the authorized person or organizations acceptable to the Marine Department.

The determination of qualifications, criteria, methods and conditions of authorization, withdrawal of authorization, performance evaluation methods and announcement of the list of

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persons under Paragraph 1 shall be in accordance with those prescribed in Ministerial Regulations by the Minister of Transport.

## CHAPTER 11 ON-BOARD COMPLAINT

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**Section 89** The ship owner shall provide seafarers with documents on procedures of lodging of complaints on the employment condition, the working condition and the living condition of seafarers under this Act.

In case, a seafarer has lodged complaints under Paragraph 1, the ship owner shall conduct an inquiry of facts and shall notify the results thereof to the seafarer openly and without delay.

Such complaints shall not deprive the seafarer's rights to lodge a complaint to a governmental agency, a flag state, or the port state or the related governmental agencies of the country in which such seafarer has the nationality.

The ship owner shall be prohibited to terminate the employment or to take any action which brings about any unfavorable consequences or forcing the seafarer or the related person to resign due to the event of lodging of complaints or giving of witness testimony under Paragraph 2 and Paragraph 3.

## CHAPTER 12 THE RIGHTS OF ASSEMBLY AND NEGOTIATION

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**Section 90** Seafarers or ship owners shall have their rights of assembly for negotiation or demand for acquisition of rights or benefits relating to the employment condition and the working condition under this Act.

**Section 91** Seafarers or ship owners shall have their rights of assembly for establishment of their organization for the purpose of seeking and protecting the benefits relating to the employment condition, the working condition and promotion of good interrelationship.

**Section 92** Regarding the rights of assembly and negotiation under Section 90 and the rights of assembly for establishment of organizations under Section 91, the Labour Relations Act or the State Enterprise Labour Relations Act shall apply *mutatis mutandis*, as the case may be.

Regarding the provision, changes and operation on the agreement relating to the employment condition and other related matters, To provide, or change and precede an agreement on employment conditions and other relevant matters, the Labour Relations Act or the State Enterprise Labour Relations Act shall apply *mutatis mutandis*.

In cases under Paragraph 1 and Paragraph 2, seafarers shall be regarded as employees, and ship owners shall be regarded as employers, and competent officials under this Act shall be regarded as labour dispute mediation officers, as the case may be.

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The Minister of Labour shall have the power to issue announcements for execution of this Section.

“Employment Condition” under this Section means the employment conditions or working conditions, accommodation, recreational facilities, foods and the supply of foods, working dates and time, wages, termination of employment, or any other benefits of the ship owners or seafarers relating to employment or working.

**Section 93** The Minister of Labour shall have the powers to issue Ministerial Regulations prescribing the criteria, methods and conditions relating to the maritime labour dispute resolution, lock-out and strike, unfair labour practice and others related matters for seafarers or ship owners.

**Section 94** The ship owner shall be prohibited to terminate the employment or to take any action which may force seafarers to resign due to the event that such seafarers have taken action or being about to take action under Section 90 and Section 91 or having arranged or being about to arrange an assembly, preparing a petition, lodging a demand, entering legal actions, being witnesses, or giving evidences to the competent officials according to the law or to the Court.

Upon notification of demands for provision or changes of agreements on the employment condition of seafarers, in case, such demands are under negotiation, mediation or settlement of labour disputes, the ship owner shall be prohibited to terminate the employment or to transfer duties of seafarers, seafarers’ representatives, members of the committee, members of the subcommittee, or members of the seafarer organizations relating to such demands, except that such person:

- (1) Intentionally committed malfeasance or criminal offences against the ship owner;
- (2) Intentionally caused damage to the ship owner;
- (3) Breached the regulations, rules or lawful orders of the ship owner; whereas, the ship owner has given reprimand and written warning; except in serious cases, the ship owner needs not give any reprimand or warning; provided that such regulations, rules or orders shall not be issued to obstruct such person to take actions relating to such demands;
- (4) Abandoned the duties for three consecutive working days without a proper reason.

Seafarers, seafarers’ representatives, members of the committee, members of the subcommittee, or members of the seafarer organizations who are involved with such demands shall be prohibited to support or cause a strike.

## CHAPTER 13

### Competent officials

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**Section 95** For the execution of this Act, the competent officials shall have powers and duties as follows:

- (1) To get on board or enter the ship owner’s office and workplace in order to inspect the working condition, the employment condition and the living condition; to inquire matters of facts, to take photographs and to make photocopies of documents relating to the employment, payment of wages and the overtime pay, and register of seafarers, log books, documents, registration

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and certificates and any related data, to collect samples of materials or products for analysis relating to the work safety and any other actions to obtain matters of facts for the execution of this Act;

(2) To issue letters of inquiry or to demand the ship owners, seafarers or the related persons to clarify the matters of facts or to send articles or related document for consideration;

(3) To issue written orders to the ship owners or seafarers to duly comply with this Act.

For the performance of duties under Paragraph 1, the competent official shall present his or her identification card to the ship owner or to the related persons; and the ship owner or the related persons shall facilitate and shall not obstruct the performance of duties of the competent official.

Application for and issuing of identification card and form of identification card of the competent officials shall be in accordance with the criteria, methods and form as prescribed by the Minister of Transport.

Actions under Paragraph 1 shall be in accordance with the criteria, methods and conditions as announced and prescribed by the Minister of Transport.

**Section 96** The competent official shall have powers to get on board and inspect a foreign ship sailing into the Thai waters for audit of compliance with this Act, including rights of seafarers relating to the employment condition, the working condition and the living condition of seafarers. When the competent official found that the ship owner failed to comply with this Act concerning rights of seafarers relating to the employment condition, the working condition and the living condition of seafarers, then, the competent official shall have powers to issue a written order for the ship owner to remedy such failure thereof or to take any other actions as the competent official may think fit.

In case, the competent official found that there was a gross violation or non-compliance with this Act or any potential danger to seafarers, or such violation caused a serious incident, or repeated violation or non-compliance herewith, the competent official shall have powers to issue an order to detain such ship and to prescribe any conditions as he or she may think fit until such violation or non-compliance herewith has been remedied, or to demand the master of the ship to propose the remedy plan; and when the master of the ship has remedied the same, the master of the ship shall notify the competent official for inspection at the expense of the ship owner. In case, the competent official considered that such remedy was correct or the remedy plan was approved, the competent official shall issue an order to approve the release of the ship.

The inspection and detention of a ship, submission of the remedy plan and inspection expenses shall be in accordance with the criteria, methods and conditions as prescribed in Ministerial Regulations by the Minister of Transport.

**Section 97** In case, any severe maritime disaster has occurred and caused injuries or death to seafarers, the competent official shall conduct an inquiry of facts and shall report the result thereof to the related agencies and shall also reveal the result thereof to the general public.

Actions under Paragraph 1 shall be in accordance with the criteria, methods and conditions as announced and prescribed by the Minister of Transport.

**Section 98** For the execution of this Act, the competent official shall be the officer under the Criminal Code.

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**CHAPTER 14**  
**MARITIME LABOUR COMMITTEE**

**Section 99** A committee called “Maritime Labour Committee” shall be established consisting of the Permanent Secretary of Ministry of Labour as chairperson, Director-General of the Department of Consular Affairs, the Director-General of the Department of Employment, the Director-General of the Marine Department, the Director-General of the Department of Skill Development, the Secretary-General of the Social Security Office, a representative of the Ministry of Public Health, a representative of the Medical Council of Thailand, a representative of the National Institute for Emergency Medicine, two eminent persons on maritime labour appointed by the Minister of Labour, five representatives of ship owners, and five representatives of seafarers appointed by the Minister of Labour as members of the Committee.

The Director-General of the Department of Labour Protection and Welfare shall be a member and secretary, and the Director-General of the Department of Labour Protection and Welfare shall appoint not exceeding two government officials of the Department of Labour Protection and Welfare as assistants to the secretary.

Qualifications, prohibited characteristics and acquisition of the specialized members, members representing the ship owners and members representing seafarers shall be in accordance with the criteria, methods and conditions as prescribed by the Minister of Labour.

**Section 100** The Committee shall have powers and duties, as follows:

- (1) To give recommendations and opinions to the Minister relating to the policy on maritime labour;
- (2) To give opinions on the amendment of this Act to be in accordance with the Maritime Labour Convention;
- (3) To consider and give opinions to the Minister on the issuing of Ministerial Regulations, rules, and announcements for the execution of this Act;
- (4) To give approval on the sending of representatives to attend the Special Tripartite Committee’s meeting of the ILO;
- (5) To give opinions on the minimum wage rates for seafarers to the Minister of Labour;
- (6) To appoint a sub-committee for consideration or actions as assigned by the Committee;
- (7) To settle maritime labour dispute and unfair labour practice under Section 93 and Section 94;
- (8) To take any other actions as prescribed in this Act or as provided by other laws as duties of the Maritime Labour Committee or as assigned by the Minister.

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**Section 101** A specialized member, a member representing the ship owners and a member representing seafarers shall be in office for a period of three years each. A specialized member who has vacated the office may be reappointed but for not exceeding two consecutive terms.

In case, a specialized member has vacated the office before the term in office expires, the Minister of Labour may appoint a replacement specialized member who shall be in office for the remaining term of the vacating member; provided that the Minister may not appoint any replacement specialized member, in case, the remaining term of office of such member is less than one hundred and eighty days.

In case, a member representing the ship owners or a member representing seafarers has vacated the office before the term in office expires, the Minister of Labour shall appoint a member of the same type to replace such member; and the replacement member shall be in office for the remaining term of the vacating member; provided that the Minister may not appoint any replacement member, in case, the remaining term of office of such member is less than one hundred and eighty days.

In case, a member who has been appointed by the Minister has vacated the office at the end of the term but a new member has not yet been appointed, then, the retiring member shall continue to perform his or her duties until a new member has been appointed.

**Section 102** In addition to vacating the office at the end of the term, a specialized member or a member representing the ship owners or a member representing seafarers shall vacate the office upon:

- (1) Death;
- (2) Resignation;
- (3) Removal by the Minister of Labour due to indiscretion, malfeasance, infamous conduct or defective competency;
- (4) Becoming a bankrupt;
- (5) Becoming incompetent or quasi-incompetent;
- (6) Having been sentenced by a final judgment to imprisonment;
- (7) Being disqualified or having any prohibited characteristics as prescribed by the Minister.

**Section 103** At a meeting of the Committee, at least one half of the total number of members of the Committee shall be present to constitute a quorum, including at least one member representing the ship owners and at least one member representing seafarers.

If the Chairperson is absent or unable to perform his or her duties, the members present in the meeting shall elect one of them to preside over the meeting.

A resolution of the meeting shall be passed by majority votes. In the casting of votes, each member shall have one vote. In case of a tie, the chairman of the meeting shall have an additional and casting vote.

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**Section 104** At a meeting of the subcommittee, at least one half of the total number of members of the subcommittee shall be present to constitute a quorum, and the provisions contained in Section 103 shall, *mutatis mutandis*, apply to a meeting of the subcommittee.

## CHAPTER 15 STIPULATED PENALTY

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**Section 105** In case, the competent official has revealed the facts relating to the business operation of a ship owner not to be revealed under normal circumstances, which is acquired by or known to the competent official resulting from the compliance with this Act, such competent official shall be imprisoned for not exceeding one month or shall be fined for not exceeding two thousand baht, or both, except for the disclosure thereof for governmental service and for the benefit of this Act or for the purpose of labour protection, labour relations, work safety of seafarers, inquiries or trial.

**Section 106** In case, a juristic person offender who shall be punished under this Act has committed an offence resulting from the command or action of any person, or resulting from the failure to command or to take any action that the managing director, manager, or any person responsible for the business operation of such juristic person shall be obliged to do, such person shall be punished as per the provisions prescribed for such offence.

**Section 107** The ship owner who has failed to comply with Section 53 shall be fined for not exceeding ten thousand Baht.

**Section 108** The ship owner or the master of a ship who has violated or failed to comply with Section 10, Section 12, Section 18, Section 19, Section 51, Section 52, Section 57, Section 59, Section 60, Section 61, Section 62, Section 63, Section 71, Section 72, Section 73, Section 74, Section 75, Section 76, Section 78, Section 79, Section 80 or Section 85 shall be fined for not exceeding twenty thousand Baht.

**Section 109** The ship owner who has violated or failed to comply with Section 16, Section 17, Section 49, Section 54, Section 55, Section 65, Section 66, Section 70 or Section 81 shall be imprisoned for not exceeding six months, or shall be fined for not exceeding one hundred thousand Baht, or both.

**Section 110** The ship owner who has violated or failed to comply with Section 15, Section 43 or Section 47 shall be imprisoned for not exceeding one year, or shall be fined for not exceeding two hundred thousand Baht, or both.

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**Section 111** Any person who has violated Section 20 shall be imprisoned for not exceeding three years, or shall be fined for not exceeding sixty thousand baht, or both.

**Section 112** Any employment licensee, manager, employment agent or employment-related worker who has violated or failed to comply with Section 24, Section 25, Section 26 Paragraph 1, Section 27 Paragraph 1, Section 31 Paragraph 1, Section 32, Section 33, or Section 34 Paragraph 1, shall be fined for not exceeding twenty thousand Baht.

**Section 113** Any employment licensee who has failed to comply with Section 23 Paragraph 1 or Section 30 Paragraph 1 shall be fined for not exceeding five thousand Baht.

**Section 114** Any employment licensee who has failed to comply with the Registrar's orders under Section 28 Paragraph 3 shall be imprisoned for not exceeding six months and shall be fined for two times of the amount of money to be additionally remitted until the full amount of the security shall be complete.

**Section 115** Any person who has falsely identified himself or herself as an employment agent or an employment-related worker of the employment licensee shall be imprisoned for a period of one year to three years, or shall be fined for an amount of twenty thousand to sixty thousand Baht, or both.

**Section 116** Any employment licensee who has violated Section 35 shall be imprisoned for not exceeding one year and shall be fined for five times of the amount of service fees or expenses imposed.

**Section 117** Any employment licensee who has failed to comply with Section 36 or Section 37 shall be imprisoned for not exceeding six months, or shall be fined for not exceeding ten thousand Baht, or both.

**Section 118** Any employment licensee who has recorded false entries or prepared a false report under Section 36 shall be imprisoned for not exceeding one year, or shall be fined for not exceeding twenty thousand Baht, or both.

**Section 119** Any employment licensee who has failed to comply with Section 38 Paragraph 1 or Paragraph 2 shall be imprisoned for not exceeding two years, or shall be fined for not exceeding forty thousand Baht, or both.

**Section 120** Any employment licensee who has failed to comply with Section 38 Paragraph 3 shall be fined for not exceeding five thousand Baht.

**Section 121** Any ship owner who has failed to comply with the standard prescribed in Ministerial Regulations issued in accordance with Section 82 shall be imprisoned for not exceeding one year, or shall be fined for not exceeding four hundred thousand Baht, or both.

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**Section 122** Any ship owner, seafarer or the related person who has failed to comply with Section 95 (2) and (3) shall be imprisoned for not exceeding one month, or shall be fined for not exceeding two thousand Baht, or both.

Any person who has obstructed or failed to facilitate the competent official for the performance of duties under Section 95 Paragraph 2 shall be imprisoned for not exceeding one month, or shall be fined for not exceeding two thousand Baht, or both.

**Section 123** Regarding all the offences under this Act, except for offences under Section 105, Section 111, Section 115, Section 116 and Section 119, the competent official or the Fines Imposition Committee shall have powers to impose fines, as follows:

(1) A competent official who has powers to impose fines for offences which are punishable only with fines or for offences that the offenders shall be imprisoned for not exceeding one month, or shall be fined for not exceeding ten thousand Baht, or both;

(2) The Fines Imposition Committee shall have powers to impose fines for offences other than those prescribed in (1).

The Fines Imposition Committee under Paragraph 1 shall consist of a representative of the Office of the Attorney General as the Chairperson of the Committee, a representative of the Royal Thai Police, a representative of the Department of Employment, a representative of the Department of Labour Protection and Welfare, as members of the Committee, and a representative of the Marine Department as member and secretary to the Committee; whereas, there shall be a committee within Bangkok Metropolitan Area and in the provinces as suitably prescribed by the Committee.

The criteria and methods for consideration of the competent officials and the Fines Imposition Committee shall be as prescribed by the Committee.

When the alleged offender has paid the fines within thirty days as from the date of receipt of a written notice for payment of fines, it shall be regarded as settlement of the offence as per the Criminal Procedural Code.

#### TRANSITORY PROVISIONS

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**Section 124** Maritime Labour Certificate and Declaration of Maritime Labour Compliance issued in accordance with the Announcement of the Ministry of Labour on Standard of Maritime Labour prior to the date when this Act has come into force shall still be valid until the expiry date thereof.

**Section 125** The employment license for job-seekers to work as seafarers, issued in accordance with the Employment and Protection of Job-seekers Act B.E.2528 prior to the date when this Act has come into force shall still be valid until the expiry date thereof.

Countersigned by:

General Prayuth Chan-O-Cha

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Prime Minister

**Note:-** Reason for promulgation of this Act: Since the employment and working condition on sea-going vessels of seafarers is different from those of general workers due to maritime risks and prolonged and continuous working period and breach of the employment contracts relating to the relationship between seafarers and ship owners and breach of the applicable laws, i.e., the Labour Protection Act, and failure to effectively provide protection as well as fair treatment to maritime workers and seafarers, including standard employment condition, operation of works, occupational health and safety; as a result, it is necessary to have a specific law on maritime labour; moreover, the operation of works of maritime workers and seafarers is related to international maritime transport businesses; whereas, maritime labour shall be treated under specific international standards, i.e., the Maritime Labour Convention 2006 of the International Labour Organization (ILO); and it is expedient that Thailand must have the law governing the working standards of maritime workers and seafarers and the issuing of maritime labour certificates to marine transport vessels which have raised Thai flags for the purpose of maritime labour protection, which shall guarantee that the maritime labour shall receive fair treatment under international standards and for prevention of application of measures of the port owner state to the Thai transocean liners such as arrest and inspection of ships, orders for remedy of defects; and for the purposes of determination of control and supervision measures and management relating to the issuing of maritime labour certificates in accordance with international standards; and for promotion of Thailand's maritime administration and development; therefore, it is necessary to enact this Act.

Prepared by: Preeyanuch  
9<sup>th</sup> October 2015

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13<sup>th</sup> October 2015

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Office of Justice Affairs

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