



Legal News

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Specification of Minimum Wage Rate (No. 9)

The Ministry of Labor has launched a Notification of the Wage Committee regarding the Minimum Wage Rate (No. 9) dated 19 January 2018 which came into effect on 1 April 2018. This Notification applies to all employers and employees, considering the current wage rate and other factors according to the applicable laws. This launch results in the cancellation of Notification of the Wage Committee regarding the Minimum Wage Rate (No. 8). The details can be summarized as follows:

- Chonburi, Phuket and Rayong Provinces, the minimum wage rate is 330 Baht per day.
- Bangkok, Chachoengsao, Nakhornpathom, Nonthaburi, Pathumthani, Samutprakarn and Samutsakorn Provinces, the minimum wage rate is 325 Baht per day.
- Krabi, Khonkaen, Chiangmai, Trad, Nakhornratchasima, Phranakornsriyutthaya, Pangnga, Lopburi, Songkla, Saraburi, Supanburi, Suratthani, Nongkhai and Ubonratchathani Provinces, the minimum wage rate is 320 Baht per day.
- Kalasin, Chantaburi, Nakhonnayok, Prachinburi, Mukdahan, Sakonnakhon and Samutsongkram Provinces, the minimum wage rate is 318 Baht per day.

- Kanchanaburi, Chainat, Nakhornphanom, Nakhornsawan, Nan, Buengkarn, Burirum, Prachuapkirikhan, Phayao, Phatthalung, Phitsanulok, Phetchaburi, Phetchaboon, Yasothon, Roiet, Loei, Srakaew, Surin, Angthong, Udonthani and Utaradit Provinces, the minimum wage rate is 315 Baht per day.
- Kampangphet, Chaiyapoom, Chumphon, Chiangrai, Trung, Tak, Nakhornsrihammarat, Phijit, Phrae, Mahasarakham, Maehongson, Ranong, Ratchaburi, Lampang, Lamphoon, Srisaket, Satun, Singburi, Sukhothai, Nongbualamphu, Amnatcharoen and Uthaitaini Provinces, the minimum wage rate is 310 Baht per day.
- Narathiwat, Pattani and Yala Provinces, the minimum wage rate is 308 Baht per day.

Specification of the Wage Rate in accordance with the Skilled Standard

The Ministry of Labor has also launched Notification of the Wage Committee regarding Wage Rate in accordance with the Skilled Standard (No. 7) dated 30 October 2017, which will come into effect on 17 June 2018. This Notification specifies the wage rate for 16 occupations by comparing skills, knowledge and abilities according to national skill standards set in the laws of skill development. The details can be summarized as follows:

- Work relating to melting electric arc furnace
- Work relating to mixing molten metal in ladle furnace
- Work relating to casting iron
- Work relating to controlling heat treatment steel
- Technical work relating to plastic injection machine
- Technical work relating to plastic blowing machine
- Technical work relating to blowing hollow container
- Technical work relating to fixing plastic blowing machine
- Work relating to preparing ingredient for real wood furniture industry
- Work relating to producing part for real wood furniture with automatic machine
- Work relating to assembling of real wood furniture
- Work relating to coloring real wood furniture
- Work relating to tailoring shoes
- Work relating to pressing shoes' sole
- Work relating to sewing shoes
- Work relating to combining shoes (evening)

The wage rate according to skill standards in each occupation has 2 levels, whereby the occupations in level 1 shall obtain a wage rate of at least 340 – 500 Baht per day and the occupations in level 2 shall obtain a wage rate of at least 370 – 600 Baht per day. The actual wage rate obtained depends on each occupation and level of the worker.

Emergency Decree on Management of Foreigner's Working (No. 2) B.E. 2561

For the efficiency of the management of a foreigner working in Thailand, the Emergency Decree on Management of Foreigner's Working (No. 2) B.E. 2561 (2018) ("the Emergency Decree") was announced in the Government

Gazette and came into effect on 28 March 2018. A summary on the main amendment is as follows:

- This Emergency Decree shall not apply to foreigners in the following cases:
 - Foreigner who entered into the Kingdom temporarily for arranging or attending meeting, giving the opinion, lecturing or demonstrating in meeting, training, exhibition or seminar or exhibition, culture or sports or other activities as to be prescribed by the Cabinet;
 - Foreigner who entered into the Kingdom for engaging in the business or investment or being talents/high-skill expert and will develop the economy of Thailand as to be prescribed by the Cabinet;
 - Representative of the foreign juristic person who obtains the Foreign Business License under the Foreign Business Act.
- Amending the definition of "Work" to mean employment with or without employer, but shall not include business operation of a licensee under the Foreign Business Act.
- Amending the penalty in case of a foreigner working without a work permit from imprisonment of not exceeding 5 years or a fine from 2,000-100,000 Baht or both to be a fine of 5,000-50,000 Baht and the foreigner's repatriation to their home country after settlement of the fine. The amended penalty will come into force on 1 July 2018.
- Amending the penalty in case of any employer who accepts any foreigner to work without a work permit from fine from 400,000-800,000 Baht per each foreigner to be 10,000-100,000 Baht per each foreigner. From the second violation, the employer shall be subject to imprisonment of not exceeding 1 year or a fine 50,000-200,000 Baht per each foreigner or both. In addition the employer is prohibited from employing any foreigners for a period of 3 years. This amended penalty will come into force on 1 July 2018.
- An employer has to inform the Registrar on the employment or termination of the employment within 15 days from the date of employment or termination. Failure to comply with this requirement, the employer shall be subject to a fine of not exceeding 20,000 Baht.
- In case of any foreigner who is a Thai resident or has entered into the Kingdom temporarily under the Immigration Act (i.e. not for tourist or transit purposes), such foreigner will be able to work after obtaining a work permit and can do any type of work which is not prohibited by the Minister. The Emergency Decree also revokes the limitation on type of work, employer, location and description as specified in the work permit booklet.
- Amending a fine in case of a foreigner who has entered into the Kingdom to work in urgency or specialty for a period not over 15 days, where a notification to the Registrar is required. Failure to comply with this requirement shall be subject to a fine of not exceeding 50,000 Baht. This amended penalty will come into force on 1 July 2018. The Emergency Decree also allows extension of working period of not over 15 days if the work has not been completed within the initial period.
- Reducing a fine in case of a foreigner cannot show his/her work permit booklet to the officer or Registrar, he/she shall be subject to a fine of not exceeding 5,000 Baht.

Contact

Poljun Divari

**Director, Deloitte Legal
Bangkok, Thailand**

Tel: +66 (0) 2034 0000 ext 11231

Email: pdivari@deloitte.com

Pornpun Niyomthai

**Director, Deloitte Legal
Bangkok, Thailand**

Tel: +66 (0) 2034 0000 ext 10404

Email: pniyomthai@deloitte.com

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