

Maritime Labour Act

B.E 2558 (2015)

BHUMIBOL ADULYADEJ, REX;

Given on the 1st Day of October B.E. 2558;

Being the 70th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have maritime labour law;

Be it, therefore, enacted by H.M. the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

Section 1. This Act shall be cited as the “Maritime Labour Act, B.E. 2558”.

Section 2. This Act shall come into operation after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

Section 3. In this Act:

“Ship” means all types of water vehicles which normally navigate in seawater for commercial purposes but shall not include:

- (1) a ship used for fishing or other ships with similar purpose;
- (2) a ship of traditional build;
- (3) a governmentally military ship;
- (4) other ships as prescribed by Ministerial Regulation;

“Seafarer” means a person who is employed or assigned by a ship owner to work permanently on board a ship whereby such person earns a wage but shall not include a person working temporarily on board a ship;

“Ship owner” means

- (1) a person having ownership of such ship;

(2) a person leasing a ship;

(3) a person renting an empty ship;

(4) a person who is assigned to act on behalf of the person in (1), (2) or (3);

(5) a person who is assigned by the person in (1), (2), (3) or (4) to be a recruiter of a seafarer for a benefit of the person in (1), (2) or (3) or (4) which is not a recruitment business; even though, such person is either a supervisor or is responsible for wage payment of seafarers;

“Master of the ship” means a person having the highest authority in a ship;

“Agreement of a seafarer’s employment” means an employment contract or agreement specifying details in accordance with this Act therein and shall include an agreement occurred after a negotiation between seafarers and ship owners;

“Gross tonnage” means a unit used to stipulate a size of a ship calculated in accordance with regulations for ship inspection under the law of Ship Navigation in Thai Waters;

“Maritime Labour Certificate” means a document issued by an agency assigned by the Minister to certify that employment, working and living conditions of seafarers are complied with this Act;

“Declaration of Maritime Labour Compliance” means a document produced to illustrate conditions and measures of a ship owner so that it shall comply with this Act;

“Committee” means maritime labour committee;

“Working day” means days designated for seafarers to work regularly;

“Holiday” means days designated for seafarers to be a weekly holiday, traditional holiday or annual holiday;

“Leave” means a day on which seafarers are on leave under this Act;

“Wage” means money agreed between a ship owner and a seafarer to be paid hourly, daily, weekly, monthly or any other period as a wage for regular working following the contract or to be paid by calculating outputs which such seafarer has produced during a regular working day and it shall include money paid by the ship owner when the seafarer is on holiday and leave whereby such seafarer does not work but has the right to earn such wage under this Act;

“Wage on a working day” means a wage paid for full time work during regular working hour;

“Minimum wage rate for seafarers” means a rate of minimum wage for seafarers as designated by the Minister;

“Working hour” means a period of time when a seafarer is required to work and this shall include regular working hours, working overtime, working on holidays and working overtime on holidays;

“Resting hour” means a period of time beyond working hours which shall not include short resting time from work;

“Overtime” means working beyond or in addition to regular working hours or in addition to regular working hours of each day as agreed by a ship owner and a seafarer under this Act on working days or holidays, as the case may be;

“Overtime pay” means money paid by a ship owner to a seafarer in return for working overtime on a working day;

“Recruit” means conducting a recruitment business for a job seeker in order to select and appoint a seafarer or recruit a seafarer for a ship owner regardless of a receipt of service fee and it shall include requesting for money or properties or other benefits for selecting and appointing a seafarer;

“Service fee” means money or other benefits as a remuneration for recruitment;

“Expense” means an expense for recruitment;

“Recruitment license” means a license to recruit a job seeker to work as a seafarer;

“Recruitment licensee” means a recruiter who is licensed to recruit a job seeker to work as a seafarer;

“Recruiting agent” means a person who is licensed and registered as a recruiting agent to recruit a job seeker to work as a seafarer;

“Office” means a recruitment office of a recruitment licensee;

“Job seeker” means a person intending to work as a seafarer;

“Registrar” means a registrar of the central recruitment under the law on employment arrangement and jobseeker protection;

“Port” means a business operation concerning ports and it shall include shipyards and other related operation or compartment with ports;

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

“Minister” means the Minister having charge and control of the execution of this Act;

Section 4. An employment between a ship owner and a seafarer under this Act which shall not be subject to the law on labour protection; the law on occupational safety, health and environment; the law on social security; and the law on workmen’s compensation.

A ship owner shall provide a protection for a seafarer in respect of social security and compensation so that such seafarer shall have rights and entitlements in accordance with rules, procedures and conditions as prescribed by the Minister of Labour.

Section 5. The Minister of Foreign Affairs, the Minister of Transportations, the Minister of Labour and the Minister of Public Health shall have charge and control of the execution of this Act and each Minister shall have powers to appoint competent officials and to enact Ministerial Regulations, rules or notifications for the execution of this Act, only for the parts relating to the duties of such Ministry.

Such ministerial regulations, rules or notifications shall be in force upon their publications in the Government Gazette.

CHAPTER 1

General Provisions

Section 6. In the case where there is no provision of law to be applied with, customers and traditions in the principle of working of seafarers, customers and traditions of ship navigation or related international terms or standards shall be applied, as the case may be.

In performing duties under this Act, a ship owner shall carry out actions normally and appropriately for a ship navigation profession.

Section 7. Demanding or obtaining of rights or benefits under this Act shall not waive the rights or benefits which a seafarer or a worker on board a ship shall have under other laws.

Section 8. Liabilities occurred from a ship owner having to pay a seafarer and liabilities which a ship owner is obliged to pay under this Act shall have a preferential right over all properties of the ship owner as a same level as a preferential right in a value of taxation under the Civil and Commercial Code.

Section 9. In the case where this Act requires a ship owner to notify any operation to a competent official, the ship owner shall, himself or herself, notify by mail, facsimile, electronic transmitter or any other means in accordance with rules and procedures as prescribed by the Director General of Department of Labour Protection and Welfare.

Section 10. In the case where a ship owner is required to have document under this Act, such ship owner shall ensure that such document are in both Thai and English.

Section 11. In the case where this Act requires a ship owner to proceed any matter with expenses, such ship owner shall be responsible for such expenses.

Section 12. A ship owner shall provide a certified copy of Maritime Labour Convention B.E.2549 (2006) and this Act including its amendments on board.

Section 13. A ship owner shall not treat a seafarer discriminately and unfairly by reason of differences in origins, nationalities, languages, age, disabilities, physical conditions or health, status of a person, economic or social status, religious belief, education or political view.

Section 14. All cases arisen from disputes between a ship owner and a seafarer or heir or between the aforesaid person and officials or governmental organization relating to rights and duties under this Act shall fall within the jurisdiction of Labour Court.

CHAPTER II

Working Conditions on Board

Section 15. A ship owner shall not allow a person under sixteen years of age to work on board a ship.

Section 16. A ship owner shall not allow a seafarer under eighteen years of age to work on board a ship at night unless it is a training with advanced plan, or a training in accordance with a position and duties which such seafarer shall perform during such period. It shall not negatively affect health and good living condition of such seafarer and shall be approved by the Director General of Department of Labour Protection and Welfare, or a person assigned by the Director General. In this respect, working during nighttime shall be, at least, nine hours starting before midnight and finishing after five o'clock.

Section 17. A ship owner shall not allow a seafarer who is under eighteen years of age to carry out work which may be hazardous to health or safety of such seafarer in accordance with types of work prescribed by the Director General of Department of Labour Protection and Welfare.

Section 18. A ship owner shall not allow a seafarer to work on board a ship without a medical certificate illustrating that such seafarer is suitable to perform duties on board a ship or shall be in accordance with rules, procedures and conditions as prescribed by the Minister of Public Health.

The medical certificate illustrating that a seafarer is ready to work on board a ship in terms of his/her health in accordance with rules, procedures and conditions as prescribed by the Minister of Public Health.

Section 19. A ship owner shall not allow a seafarer to work on board a ship unless such seafarer is trained in accordance with rules, procedures and conditions as prescribed by the Director General of Marine Department.

CHAPTER III

Recruitment for a person to work as a seafarer

Section 20. Any person shall not recruit a seafarer to work on board a ship unless a permission is granted from the Registrar.

Requesting for a permission, granting a permission or issuing a recruitment license shall be in accordance with rules, procedures and conditions as prescribed by the Labour Minister in the Ministerial Regulation.

Section 21. An applicant to recruit a seafarer working on board a ship shall have qualifications and shall not be under prohibitions, as follows:

(1) having Thai nationality;

(2) not being less than twenty years of age;

(3) not being a recruitment licensee; nor being a recruitment licensee with a suspended or revoked license; nor being a member of board of directors, a partner or a manager of a juristic person who obtains a recruitment license and nor being a member of board of directors, a partner or a manager of a juristic person whose recruitment license is revoked under this Act;

(4) not being a licensee; nor a licensee whose license is suspended; nor having a revoked license; nor being a member of board of directors, a partner or a manager of a juristic person who obtains a recruitment license and nor being a member of board of directors, a partner or a manager of a juristic person whose recruitment license is revoked under the law on employment arrangement and jobseeker protection;

(5) not being an incompetent person or a quasi-incompetent person;

(6) not having conducted or conducted notorious or immoral acts;

(7) not having been sentenced by a final judgment to imprisonment as provided by law in an offence which involves corruption or an offence under this Act or under the law on employment arrangement and jobseeker protection.

In the case where an applicant for recruitment service is a juristic person, such juristic person shall have Thai nationality by which no less than seventy-five per cent of shares are held by persons with Thai nationality. Such juristic person shall consist of Thai nationality no less than three quarters of the total members of committee and consist of a manager who is a representative of such juristic person with qualifications and shall not be under prohibitions in paragraph one.

Section 22. A recruitment license shall be valid for two years from the date of issuance of such license.

A recruitment licensee who intends to renew the recruitment license shall submit an application no less than thirty days before an expiration date. Upon such submission, a business operation shall continue unless the Registrar does not grant a permission to renew the recruitment license.

The renewal of a recruitment license and a permission shall be granted in accordance with rules, procedures and conditions as prescribed by the Minister of Labour in Ministerial Regulations.

Section 23. In the case where a recruitment license is substantially damaged, lost or destroyed, the recruitment licensee shall submit an application for a replacement of license within fifteen days from the date of acknowledgement of such damage, loss or destroy.

An application and an issuance of replacement of a recruitment license shall be in accordance with rules, procedures and conditions as prescribed by the Minister of Labour in Ministerial Regulations.

Section 24. A recruitment licensee shall present a license in disclosed and easy-to-be-seen place at an office as specified in the recruitment license.

Section 25. An office shall be in proportion, disclosed, permanent location and shall not be a prohibited place under the rules as prescribed by the Minister of Labour.

Section 26. A recruitment licensee shall not move an office or establish a temporary office except, otherwise is permitted by the Registrar.

An application and a permission shall be as prescribed by rules, by the Minister of Labour.

Section 27. In the case where a recruitment licensee is a juristic person intending to change a manager, such juristic person shall submit an application to the Registrar.

An application and a permission shall be as prescribed by rules, by the Minister of Labour.

Section 28. Prior to the issuance of a recruitment license, an applicant shall place a security to assure damage which may occur from an operation of the applicant for the amount of money as prescribed by the Ministerial Regulations, by the Minister of Labour,

but such security shall not be less than five million Baht and shall be placed before the Registrar as an assurance of a compliance with this Act.

A placement of security, maintenance of security, deduction of security, change of security, deduction from security money to compensate job seekers and ship owners in the case where damage occurs, a call for additional security and return of a security shall be in accordance with rules, procedures and conditions as prescribed by Ministerial Regulations, by the Minister of Labour.

In the case where a security money, placed by a recruitment licensee under paragraph one, is deducted as an expense under this Act, the Registrar shall order such licensee to place an additional security as specified within thirty days from the date of receipt of such order.

Section 29. A security placed by a recruitment licensee under section 28 shall not be in a liability of executing cases so far as such recruitment licensee has not dissolved a business operation or a recruitment service as permitted under this Act or has dissolved the recruitment business but is not relieved from the liability under this Act.

In the case where a recruitment licensee does not request for a security to be returned within five years from the date that a recruitment business is dissolved, such security shall become the property of State.

Section 30. A recruitment licensee shall submit an application to register an agent and an employee whose duties are related to recruitment service to the Registrar in accordance with rules, procedures and conditions as prescribed by Ministerial Regulations, by the Minister of Labour.

An agent for recruitment service shall have qualifications and shall not be under the prohibitions in section 21(1) to (7) and an employee whose duties concerning recruitment service shall not be under the prohibitions in section 21 (3) to (7). In this regard, an agent and an employee whose duties are related to recruitment service shall not, at the same time, be an agent for recruitment service or an employee whose duties are related to recruitment service of other recruitment licensee under the law on employment arrangement and job seekers protection.

A recruitment licensee shall present a registration of an agent and an employee whose duties are related to recruitment service at an office so that job seekers can inspect such status of being an agent and an employee.

A recruitment license issued to any recruitment licensee shall protect an agent and an employee whose duties are related to recruitment service which such licensee has registered.

Any act related to a recruitment service of an agent and an employee whose duties are related to recruitment service which a licensee has registered shall be deemed as an act of a recruitment licensee as well.

Section 31. While carrying out work outside of an office, a recruitment licensee, a manager, an agent, or an employee whose duties are related to recruitment service shall present an identification card to a concerned person.

Such identification card of a recruitment licensee, a manager, an agent or an employee whose duties are related to recruitment service shall be in accordance with the form as prescribed by the Director General of Department of Employment and shall expire two years after the date of issuance.

In the case where an identification card is substantially impaired, lost or destroyed, a recruitment licensee, a manager, an agent, or an employee whose duties are related to recruitment service shall submit an application for a replacement of an identification card within fifteen days from the day of acknowledgement of such damage, lost or destroy.

An application for an identification card, an issuance of an identification card and an issuance of a replacement of identification card shall be as prescribed by Rules, by the Director General of Department of Employment.

Section 32. A manager, an agent, or an employee whose duties are related to recruitment service who vacates such position shall return his or her identification card to the Registrar or a recruitment licensee within seven days from the day of vacating a position of manager, agent, or employee whose duties are related to recruitment service.

A recruitment licensee who receives an identification card under paragraph one shall return such identification card to the Registrar within seven days from the day of receipt of such identification card.

Section 33. A recruitment licensee or agent shall conduct a recruitment contract with a ship owner in accordance with the form prescribed by the Director General of Department of Employment.

A recruitment licensee shall submit a recruitment contract which a recruitment licensee agent has conducted with a ship owner to the Director General of Department of Employment including samples of terms of working conditions of a seafarer which a ship owner is to conclude with a job seeker and other evidence as prescribed by the Director General of Department of Employment before such job seeker works on board a ship.

Section 34. An agent for recruitment service shall not conduct a contract with a ship owner on behalf of a recruitment licensee unless, otherwise is authorised, in writing, in accordance with a form prescribed by the Director General of Department of Employment, by the recruitment licensee and the licensee notifies, in writing, to the Registrar.

If an agent for recruitment service is not authorised by a licensee or is authorised but an authorisation letter does not conform to the form as prescribed by the Director General of Department of Employment, this shall not be a reason for a ship owner or third party who act in good faith to lose their right.

Section 35. A recruitment licensee shall not request or accept service fee or expenses from a job seeker except for the following expenses:

- (1) an expense for the issuance of a medical certificate;
- (2) a fee for a seafarer documentation issued by the Marine Department;
- (3) a passport fee or a document used for travelling but shall not include a fee for immigration stamp;
- (4) other expenses as prescribed in Ministerial Regulations.

A ship owner shall be responsible for fees or expenses incurred from a recruitment under paragraph one.

Other fees or expenses, in additional to the specification in paragraph two, a recruitment licensee shall request or accept for the amount not exceeding the rate prescribed in Ministerial Regulations.

Section 36. A recruitment licensee shall comply with the following:

- (1) providing a registration book of job seekers, accounting book, and documents related to a business operation in accordance with the form and list as prescribed by the Director General of Department of Employment;

(2) preparing and submitting, to the Registrar, a monthly report on a recruitment, in accordance with the form prescribed by the Director General of Department of Employment, within the tenth day of the following month;

(3) maintaining a registration book of a job seeker who is selected and appointed, for no less than two years, for an inspection of the competent official;

(4) notifying, in writing, to a job seeker, the rights and duties of a seafarer in accordance with an employment agreement of the seafarer before or during the assignment and shall allow the job seeker to examine such agreement before and after signing including submitting, at least, one copy of the agreement to a seafarer.

If there is an incident to be noted on a registration book of a job seeker, accounting book, or any document related to his or her business, a recruitment licensee shall write down the details of such incident in the registration book of the job seeker, accounting book, or such documents within seven days from the day that the incident occurs.

Section 37. A recruitment licensee shall inspect if a ship owner has arranged the method for protecting a seafarer in a difficult condition at foreign shipping port in accordance with the form as prescribed by the Director General of Department of Employment.

In the case where a complaint relating to recruiting a person as a seafarer to work on board a ship before the competent official, a recruitment licensee shall inspect and inform the competent official within fifteen days from the date of receipt of a letter from the competent official.

Section 38. In case where a job seeker does not get to work as specified in an employment agreement of a seafarer and such job seeker does not wish to continue such work, a recruitment licensee shall arrange for the job seeker to return to his or her domicile and pay for a transportation, accommodation, food and other necessary expenses for such travel. The licensee shall also notify, in writing, to the Registrar within fifteen days from the day of having duties to make such arrangement.

In the case where a ship owner does not get a job seeker as specified in a recruitment contract or get a job seeker but such job seeker does not have qualification as specified in the a recruitment contract, and the ship owner does not wish to employ such job seeker. A recruitment licensee shall return service fee and expenses in section 35

paragraph two to the ship owner within thirty days as from the day of requesting by the ship owner, and arrange for the job seeker to return to his or her domicile by paying for a transportation, accommodation, food and other necessary expenses for such travel. The licensee shall also notify, in writing, to the Registrar within fifteen days from the day of having duties to make such arrangement.

In the case where a job seeker does not get to work as specified in an employment agreement of a seafarer and such job seeker does not wish to return to his or her domicile or in the case where a ship owner gets the job seeker who does not have qualifications as specified in the employment agreement but the ship owner wishes to continue to employ such job seeker, a recruitment licensee shall not be responsible for such job seeker to return to the domicile under paragraph one or paragraph two but he or she shall notify the Registrar within fifteen days from the day of having duties to make such arrangement.

Section 39. If the Registrar knows of an incident which a recruitment licensee should arrange for a job seeker to return to the domicile under section 38 paragraph one or paragraph two but the licensee has not proceed within fifteen days as from the day of the incident, the Registrar shall cooperate with related agencies to provide assistance to such job seeker.

Expenses occurred from an arrangement for a job seeker to return to the domicile under paragraph one, the Registrar shall notify in writing to a recruitment licensee to reimburse within the prescribed time period. If the licensee is unable to reimburse the money within the prescribed time period, the Registrar shall deduct such amount of money from the security placed under section 28 and return to an agency providing assistance to such job seeker.

Section 40. In the case where a recruitment licensee fails to comply with section 38 paragraph one and paragraph two and a job seeker has paid for a transportation, accommodation, food, and other expenses necessary for an arrangement to return to a domicile, the job seeker shall have the right to submit an application, to the Registrar, for a reimbursement of such paid expenses. If the Registrar sees that the job seeker does not get to work as specified in the employment agreement of a seafarer and such job seeker has paid for the arrangement for himself or herself to return home, the Registrar shall notify, in writing, the recruitment licensee to reimburse within the specified time period. If the licensee is unable to reimburse the money within the prescribed time period, the Registrar

shall deduct such amount of money from the security placed under section 28 and return such money to the job seeker.

Section 41. In the case where a recruitment licensee does not reimburse a service fee and expenses to a ship owner under section 38 paragraph two, the registrar shall notify, in writing, to the licensee to reimburse such money within the specified time period. If the licensee is unable to reimburse the money within the specified time period, the Registrar shall deduct the amount of money for service fee and expenses from the security placed under section 28 and return it to the ship owner.

Section 42. A provision of the law on employment arrangement and jobseeker protection for the parts relating to the Committee on employment and protection of job seekers, control and rate of fee shall be applied to a recruitment service to recruit a person as a seafarer, *mutatis mutandis*. The powers and duties of the Committee on employment development and protection of job seekers shall be deemed the powers and duties of the Committee and powers and duties of the competent official under the law on employment arrangement and jobseeker protection shall be deemed powers and duties of the competent official and the penalty provisions relating to the control under the law on employment arrangement and jobseeker protection shall be applied with the control under this Act.

CHAPTER IV

Employment Conditions

Section 43. A ship owner shall provide an employment agreement of a seafarer, in writing, with a signature of the ship owner and a seafarer and a copy of such agreement is held on board and one copy of such agreement for the seafarer to be stored. Such agreement shall be made available for an inspection of the competent official.

An employment agreement of a seafarer under paragraph one shall contain, at least, the following details:

- (1) name and surname including the title of the seafarer;
- (2) date, month, year 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 an agreement of the seafarer;
- (6) place and date when the agreement comes into force;
- (7) assigned position or work in duty of the seafarer;
- (8) name and surname including title of the ship owner, in the case where the ship owner is a juristic person, name of members of a juristic person who acts on behalf of the juristic person shall be specified;
- (9) current address of the ship owner;
- (10) name and nationality of the ship;
- (11) main route and destination shipping port in the case where a single ship navigation is agreed;
- (12) the starting date of employment, wage, remuneration or calculation method;
- (13) number of paid annual holiday or calculation method;
- (14) benefits from the social security and health protection provided by the ship owner;
- (15) rights of the seafarer to be repatriated;
- (16) the agreement reached by negotiation;
- (17) the termination date or conditions for termination of contract;
- (18) others as prescribed by the Minister

Section 44. An employment agreement of a seafarer shall be terminate upon the specified time in a contract or terminate upon conditions agreed in the contract without any notice given.

In the case where an employment agreement of a seafarer does not specify the time period, a ship owner or a seafarer may terminate the employment agreement of a seafarer by a notice given in advance to the other party but a minimum period of notice which must be given before is seven days or not exceeding thirty days.

A termination of an employment agreement of a seafarer prior to the time period specified under the employment agreement of a seafarer shall be as agreed by a seafarer and a ship owner but the minimum period of notice is seven days or not exceeding thirty days.

Section 45. If there is a necessary or emergency reason or it conforms to an agreement between a seafarer and a ship owner or other reasons as prescribed by the Director General of Department of Labour Protection and Welfare, the seafarer or the ship owner may terminate an employment agreement of a seafarer for less than seven day notice or without any notice given.

In the case of termination of an employment agreement of a seafarer under paragraph one, the seafarer shall not be responsible for any damage occurred from a breach of contract.

Section 46. The Minister of Labour, upon the recommendation of the Committee, may prescribe a minimum wage for a seafarer to be applied with in a ship that flies Thai flag to ensure that the seafarer receives a rate of remuneration appropriately and fairly.

Consideration of a rate of remuneration for a seafarer shall take into account a standard of living, cost of operating the business, price of goods and services, business capacity, labour productivity and economic and social environment of the country including the customs of the employment of seafarers.

Section 47. In the case where the Minister of Labour prescribed the minimum wage under section 46, a ship owner shall not pay, a seafarer, a wage less than the prescribed minimum wage.

Section 48. For a purpose of calculating an overtime pay, in the case where a seafarer receives wage monthly, a rate of wage per hour during a working day means a monthly wage divided by the product of thirty and working hours on the working day per day in average.

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

(1) in the case where the wages are calculated monthly, daily, hourly or other time period of not exceeding one month or in accordance with unit of outputs, the wages shall be paid, at least, once a month except otherwise is agreed for a benefit of a seafarer;

(2) in the case where the wages are calculated other than (1), such wages shall be paid as agreed by a ship owner and a seafarer;

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

In the case where a ship owner terminates a seafarer, such ship owner shall pay the wage and overtime pay, in accordance with the right of the seafarer, to the seafarer within seven days as from the day of termination.

Section 50. In the case where a ship owner fails to pay wages and overtime under this Act within the specified time as provided in section 49, such ship owner shall pay the interest of fifteen per cent per year to a seafarer during the time of failure to pay.

In the case where a ship owner intentionally fails to pay the money under paragraph one, upon the time period of seven days as from the payment due date, the ship owner shall make an additional payment of fifteen per cent of the due amount of money every seven days.

Section 51. A ship owner shall arrange for a seafarer to transfer, entirely or partially, the money received to a person specified by a seafarer in accordance with the agreed time period by which the ship owner may charge the actual expense from the seafarer.

Section 52. A ship owner shall conduct a document related to a payment of wages and overtime to a seafarer each time the payment is made and shall contain, at least, the followings:

(1) days and working time;

(2) outputs of the seafarer receiving wages in accordance with the outputs by calculating in units;

(3) a rate of wage, an amount of wage and overtime received by each seafarer;

(4) an exchange rate in the case where another currency is paid and such currency is different from what is specified in the employment agreement of a seafarer. The exchange rate shall be in accordance with the exchange rate of the Bank of Thailand.

Section 53. A payment of wage and overtime to a seafarer, a ship owner shall pay at a workplace of a seafarer except as otherwise agreed.

Section 54. A ship owner shall not deduct wages and overtime except otherwise is deducted for:

(1) payment of income tax in an amount shall be paid by a seafarer or other payments as provided by law;

(2) payment of labour union or organisation of seafarers;

(3) payment of debts of saving cooperatives or other cooperatives with the same description or debts for a welfare which solely benefits to a seafarer, with the prior consent from a seafarer;

(4) reserved money in accordance with an agreement related to reserved money Fund.

The deduction under (2), (3) and (4) each case shall not be deducted over ten per cent and, together, it shall not be deducted over one fifth of the money a seafarer has the right to receive in accordance with the specified time for payment under section 49 except as otherwise approved, in writing, by the seafarer.

Section 55. In the case where a ship owner requests a seafarer to work overtime, the ship owner shall pay an overtime to a seafarer for a rate of no less than one point two five times the rate of wage per hour in accordance with the number of overtime hours.

Section 56. A seafarer shall have the right for shore leave as agreed with a ship owner except if it is a shore leave for a health reason and well-being in accordance with rules, procedures and conditions as prescribed by the Director General of Department of Labour Protection and Welfare.

Section 57. A seafarer shall have the right to sick leave for actual sick days but shall not exceed one hundred and thirty days.

Section 58. A ship owner shall notify a regular working hours to a seafarer and specify a starting and finishing time of each day for a seafarer. Such working hours for each day shall not exceed eight hours and a total amount of hours for each week shall not exceed forty eight hours.

Section 59. A ship owner may request a seafarer to work overtime as necessary but, when combining with a regular working hours under section 58, it shall not exceed

fourteen hours in any twenty four hour period and shall not exceed seventy two hours in seven days period.

Section 60. In the case where it is necessary for safety of a ship, or for a purpose of providing assistance to another ship or person to be rescued at sea, master of a ship may allow a seafarer to work as necessary until a situation returns to normality.

In the case under paragraph one, if a master of a ship requests a seafarer on board a ship to work during hours of rest, he or she shall allow such seafarer to rest without delay. The master of a ship shall record an incident occurred, reason and sign every time.

Section 61. On working days, a ship owner shall provide a short break for seafarer during working period for no less than one hour per day. In this regard, a ship owner and a seafarer may agree, in advance, that each break may be less than one hour but, in one day, a total of breaks shall not be less than one hour.

A break during working period shall not be deemed hours of work and shall not be counted with the numbers hours of rest in section 62.

Section 62. A ship owner shall provide hours of rest for a seafarer for no less than ten hours in any twenty four hour period and shall not be less than seventy seven hour in any seven day period.

Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and an interval between consecutive periods of rest shall not exceed fourteen hours.

Section 63. A seafarer who is pregnant shall have the right for maternity leave for no more than ninety days per pregnancy.

A ship owner shall pay a seafarer during maternity leave no more than forty five days.

Section 64. A seafarer assigned to perform one of the following works by a ship owner shall not have the right to overtime pay:

- (1) necessary and urgent work for a safety of a ship navigating at sea, goods or people on board a ship;
- (2) work conducted to save a life or a person to be rescued at sea;

(3) extra work relating to compliance with the rules of the Customs Department, prevention of transmitted diseases or other medical health check;

(4) work during an extra period for a regular change of security guard shift.

Section 65. A ship owner shall provide paid annual leave for no less than thirty days in a year for a seafarer. In this regard, the ship owner shall specify such leave in advance.

A ship owner shall not allow a seafarer to perform work on an annual leave except if it is an emergency case upon a seafarer's consent. The ship owner may allow the seafarer to work on such annual leave but the ship owner shall pay wages for the work conducted on the annual leave to the seafarer for no less than one time of a wage calculated by number of hours worked.

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

CHAPTER V

Repatriation

Section 66. A seafarer shall have the right to return to a domicile or any place as agreed and a ship owner shall arrange or pay for any expense occurred during travelling in the following cases:

(1) when the time specified in an employment agreement of a seafarer is complete while the seafarer works in a place which is not the place specified in the employment agreement of the seafarer;

(2) a ship owner terminate an employment agreement of a seafarer prior to the time period specified under the employment agreement of the seafarer

(3) when these incidents occurred;

(a) a seafarer is sick, injured or having an impairment of physical or mental which unable to work;

(b) a ship owner is no longer able to continue a business of ship navigation;

(c) a ship is wrecked or can no longer be used;

(d) a ship is bound for a war zone;

(e) other cases as prescribed by the Minister.

Section 67. A ship owner are required to provide insurance for each seafarer in relation to repatriation of a seafarer under section 66 and such insurance shall not be less than the standard of international maritime insurance.

The insurance under paragraph one shall be in accordance with rules, procedures and conditions as prescribed by the Director General of Marine Department.

Section 68. A ship owner shall not pay for expenses incurred during the travel in section 66 in the case of termination of contract when a seafarer conducts an offence against the law of the flag of a state or commits a negligent offence on duty or fails to comply with an employment agreement of a seafarer.

Section 69. In the case where a competent official sees that a ship owner fails to comply with section 66, the competent official shall ensure that a seafarer is repatriated under the rules, procedures and conditions as prescribed by the Director General of the Department of Consular Affairs.

In the case where the competent official has proceeded under paragraph one, Department of Consular Affairs or an assigned person shall have the right to request exhaustively for compensation for expenses paid under paragraph one and other damages from a ship owner including the interest of fifteen per cent per year from the day of a payment of expenses for repatriation of a seafarer under section 66 and shall succeed the rights, from the ship owner, relating to assets or rights of security under section 67.

The right to request exhaustively for compensation or succession of right under paragraph two shall have a ten year statute of limitation as from the day of payment of such expenses.

CHAPTER VI

Compensation in the case where a ship is damaged or shipwreck

Section 70. In an incident where a ship is damaged or shipwreck, a ship owner shall pay the following persons damages:

- (1) a seafarer who is injured as a result of a damaged ship or shipwreck;
- (2) a seafarer who receives damages as a result of a damaged ship or shipwreck;
- (3) a seafarer who is unemployed as a result of a damaged ship or shipwreck.

In the case under (1) and (2), a seafarer shall request money from a ship owner for an actual amount paid as necessary or as damaged.

In the case of (3), the damages shall be paid for the amount of wage a seafarer is received under an employment agreement of the seafarer but shall not exceed two month wage.

CHAPTER VII

Manning Level

Section 71. A ship owner shall recruit seafarers to perform works on board a ship and ensure that a ship is manned by sufficient amounts of personnel, levels of work, duration of ship navigation, distance, type and size of ship. This is to allow the ship to be operated efficiently and safely by taking in to account of physical conditions of seafarers and route of the ship.

A manning level for each type and size of ship shall be in accordance with the rules, procedures and conditions as prescribed by the Director General or Marine Department.

CHAPTER VIII

Standard of accommodation, facilities, food and nutrition on board

Section 72. A ship owner shall provide the following accommodation and facilities:

- (1) sleeping rooms;
- (2) mess rooms;
- (3) shower rooms;
- (4) toilet rooms;
- (5) living rooms;
- (6) break room during work;
- (7) first aid room;
- (8) empty space on a deck of a ship;
- (9) working room for mechanist officials;
- (10) working room for the navigating department;
- (11) others as prescribed by the Director General of Marine Department.

In additional to paragraph one, a ship owner shall provide a religion room, if necessary, in accordance with religious conditions of a seafarer.

A standard of accommodation and facilities under paragraph one and paragraph two shall be in accordance with the rules, procedures and conditions as prescribed by the Director General of Marine Department.

Section 73. A ship owner shall provide services and facilities in accordance with standard, appropriateness, necessity and sufficiency for seafarers and shall be in accordance with the rules, procedures and conditions as prescribed by the Director General of Marine Department.

Section 74. A ship owner shall provide food and drinking water with quality, nutritious and in a sufficient amount for seafarers by taking into account of cultural and religion differences of seafarers without demanding any expense from seafarers.

A standard of food and drinking water under paragraph one shall be in accordance with rules, procedures and conditions as prescribed by the Director General of Department of Health.

Section 75. A ship owner shall recruit a seafarer on board a ship in a position of chef who is responsible for food preparation and has passed a training standard and obtained qualifications appropriate for such position in accordance with the rules,

procedures and conditions as prescribed by the Director General of Department of Skill Development.

A ship owner shall not assign or hire a seafarer in a position of chef who is under eighteen years of age.

Section 76. A ship owner shall ensure that a seafarer assigned to work to provide food has passed an appropriate training standard or obtains qualifications in accordance with the rules, procedures and conditions as prescribed by the Director General of Marine Department.

Section 77. A ship owner shall provide space and equipment relating to kitchen for providing food with hygienic condition and nutrition, in accordance with the rules, procedures and conditions as prescribed by the Director General of Department of Health.

CHAPTER IX

Medical care, life protection, body and hygiene of seafarers

Part I

Medical care on board a ship and ashore

Section 78. A ship owner shall provide medical equipment and facilities in medical care with a medical care room on board a ship, training of first aid and doctors or personnel whose duties are on medical care. In this regard, it shall be in accordance with the rules, procedures and conditions as prescribed by the Minister of Public Health.

Section 79. In the case where a seafarer is injured or sick, a ship owner shall provide an immediate medical care to such seafarer in accordance with an appropriateness of such injury or illness.

Section 80. A ship owner shall provide a measure of health protection of seafarers to ensure an immediate medical care on board ship and ashore.

The measure under paragraph one shall be as prescribes by the Minister of Transportation in the Ministerial Regulations.

Part II

Accountabilities of a ship owner towards a seafarer

Section 81. A ship owner is accountable to seafarers in the followings cases:

- (1) costs for sickness and injury of a seafarer working on board a ship occurring between an initiation duty date and a repatriation date;
- (2) expenses relating to marine insurance as follows:
 - (a) in the case where a seafarer is dead or disable for a long period of time due to injury, sickness or harm resulting from work to ensure compensation;
 - (b) in the case where a seafarer is abandoned;
 - (c) other cases as prescribed by the Minister of Labour
- (3) an expense of medical care, medical treatment, a supply of necessary medicines and therapeutic appliances, food and lodging away from home until a sick or injured seafarer has recovered, or until sickness or incapacity has been declared of a permanent character as unable to continue working, as agreed by a ship owner and seafarer. In this regard, it shall not be less than sixteen weeks from the day of injury or the commencement of the sickness until the seafarer is repatriated except if injury incurred otherwise than in a service of the ship owner, injury or sickness due to the wilful misconduct of the seafarer; or sickness or infirmity intentionally concealed during making an employment agreement of a seafarer.
- (4) cost of burial and other expenses in the case of death occurring on board or ashore during a period of duty under an employment contract;
- (5) other expenses as provide in the Ministerial Regulations.

Part III

Accident prevention and safety protection and hygiene

Section 82. A ship owner shall ensure that on board a ship are provided with management, arrangement, and procedures in safety and hygiene environment in

accordance with the standard prescribed by the Minister of Transportations, Minister of Labour, or Minister of Public Health, as case may be.

Section 83. A ship owner shall provide, on board a ship, tools or equipment for occupational safety and specify measure for occupational safety on board in accordance with the standard prescribed by the Minister of Transportations in the Ministerial Regulations.

A seafarer shall use tools or equipment for safety and shall comply with measures for safety on board a ship as specified by a ship owner.

Section 84. A ship owner shall ensure that seafarers are provided with training on safety, hygiene and environment, on board a ship, in accordance with the rules, procedures and conditions as prescribed by the Director General of Marine Department.

Section 85. In the case of serious incident at sea resulting in a seafarer being injured or loses their lives, a ship owner or a master of a ship shall, immediately report to the competent official.

An implementation under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed by the Director General of Marine Department.

CHAPTER X

Maritime Labour Certificate and Declaration of Maritime Labour Compliance

Section 86. A ship of five hundred gross tonnage or over, engaged in international voyages are required to obtain a maritime labour certificate certifying that working and living conditions of a seafarer on board a ship are complied with the conditions as specified in the declaration of maritime labour compliance issued under this Act.

Section 87. Rules and procedures in a submission of an application for maritime labour certificate and declaration of maritime labour compliance, form of the maritime labour certificate and declaration of maritime labour compliance, issuance of a temporary certificate, time period and renewal of maritime labour certificate and declaration of maritime labour compliance, inspection and revocation of maritime labour certificate and declaration of maritime labour compliance shall be as prescribed by the Director General of Marine Department.

Rules, procedures and conditions concerning an appeal of an issuance of maritime labour certificate and declaration of maritime labour compliance, renewal and revocation of maritime labour certificate and declaration of maritime labour compliance shall be as prescribed, in the Ministerial Regulations, by the Minister of Transportations.

Section 88. An inspection of a ship and issuance of Maritime Labour Certificate and endorsement of a certificate may be made by an authorised person or recognised organisations from the Marine Department.

A specification of qualifications, rules, procedures and conditions of authorisation, withdrawal of an authorisation, performance evaluation method and announcement of a list of persons under paragraph one shall be as prescribed, in the Ministerial Regulations, by the Minister of Transportations.

CHAPTER XI

On board complaint procedure

Section 89. A ship owner shall ensure that documents with complaint procedure relating to employment conditions, working and living conditions of seafarers are provided to seafarers under this Act.

In the case where a seafarer makes a complaint under paragraph one, a ship owner shall conduct a factual inquiry and inform a result to the seafarer openly and without delay.

Such complaint shall not waive the right of seafarers to file a complaint to a government agency, a State where a ship flies its flag, or a port state or relevant governmental organisations which such seafarer holds the nationality.

A ship owner shall not terminate an employment or conduct any act which may negatively affect or result in a seafarer or related person being unable to work due to a complaint filed or being witness under paragraph two and paragraph three.

CHAPTER XII

The rights to form a union and bargain

Section 90. Seafarer or ship owner have the rights to organise in order to bargain or request the rights or benefits relating to employment condition and working conditions under this Act.

Section 91. Seafarers or ship owners have the rights to form an organisation to provide and protect benefits relating to employment condition and promote good relationship between one another.

Section 92. In regard to the rights to organise and bargain under section 90 and the rights to establish an organisation under section 91, the law on labour relation or the law on state enterprise labour relations shall be applied, *mutatis mutandis*, as the case may be.

To provide or change and proceed an agreement on employment conditions and other relevant matters, the law on labour relations or the law on state enterprise labour relations shall be applied, *mutatis mutandis*, as the case may be.

In the case under paragraph one and paragraph two, seafarers shall be deemed employees, ship owners shall be deemed employers and competent officials under this Act shall be deemed labour dispute negotiator, as the case may be.

The Minister of Labour shall have an authority to issue Notifications for execution of this section.

Employment condition under this section means employment or working conditions, accommodation, entertainment facilities, food, food providing, days and time of work, wages, termination of employment, or other benefits of a ship owners or a seafarer relating to employment or working.

Section 93. The Minister of Labour shall have authorities to issue the Ministerial Regulations to prescribe the rules, procedures, and conditions relating to maritime labour dispute settlement, lock-out, and strike, unfair conduct and others related matters for seafarers or ship owners.

Section 94. A ship owner shall not terminate employment or conduct any act which may result in a seafarer not being able to bear to work for a reason that a seafarer acted or is acting under section 90 and section 91 or rally or about to rally, submit a complaint, initiate a legal proceeding, be a witness or provide evidence to the competent official as provided by law or to the Court.

Upon a notification of deemed for a specification or change in an agreement relating to employment condition of seafarers, if the demand is under a negotiation, settling, or decisive rule of a labour dispute, a ship owner shall not terminate an employment or remove such seafarer, agent of a seafarer, members of a committee, members of a sub-committee, or members of a seafarer organisation related to such demand except if such person:

(1) is dishonest in duties or intentionally committed a criminal offence against a ship owner;

(2) intentionally causes a ship owner damages;

(3) fail to comply with legitimate rules, regulations or orders of the ship owner by which such ship owner has, in writing, informed and warned except in a serious case, the ship owner does not need to inform or warn. In this regard, such rules, regulations or orders shall not be issued in order to obstruct such person to proceed the matters relating to the demand;

(4) abandons his or her duties for three consecutive days without reasons.

A seafarer, agent of seafarers, members of a committee, members of a sub-committee, or members of a seafarer organisation related to such demand shall not support or cause a lock-out.

CHAPTER XIII

Competent Official

Section 95. For execution of this Act, the competent officials shall have authorities and duties as follows;

(1) to step on board or enter into an office of a ship owner and workplace to inspect an employment condition, working and living condition, to inquire facts, to photograph, photocopy documents relating to employment condition, wage payment, overtime and registration of seafarers, logbook, registration document, certificate and other related information, to collect sample of objects or products to conduct an analysis on work safety and to conduct other acts in order to obtain fact for the execution of this Act;

(2) to issue a letter to inquire or summon a ship owner, a seafarer or any related person to provide a statement or submit a relevant object or documents for consideration;

(3) to order, in writing, a ship owner or seafarer to comply with this Act.

For a performance of duties under paragraph one, the competent official shall present his or her identification card to a ship owner or relevant persons and the ship owner or relevant persons shall facilitate and does not obstruct the performance of duties of the competent official.

An identification card of the competent official shall be in accordance with the form prescribed by the Minister of Transportations.

The execution under paragraph one shall be in accordance with rules, procedures and conditions as prescribed by the Minister of Transportations.

Section 96. The competent official shall have authorities to enter on board a ship and inspect a foreign ship which enters into Thai waters to inspect for the execution of this Act including the rights of seafarers relating to employment condition, working and living condition of seafarers. Upon an inspection, if the competent official finds that the ship owner fails to comply with this Act for the part relating to employment condition, working and living condition of seafarers, the competent official shall have the power to issue, in writing, an order for a ship owner to correct their conduct or to conduct any act as seen appropriated by the competent official.

In the case where the competent official finds that there is a serious violation or incompliance with this Act or may cause a seafarer injury or is a violation which causes a serious incident or is a repeated violation, the competent official shall have powers to detain such ship including specifying any condition as appropriate until a ship owner is complied with this Act or shall have powers to allow the ship owner to present a plan. Upon compliance or submission of a plan, the ship owner shall inform the competent official for inspection and shall pay for inspection expenses. If the competent official sees that the ship owner complies with this Act or the competent official approves of the plan, he or she shall order such ship to be released.

A detainment, submission of a rehabilitation plan and inspection expenses shall be in accordance with the rules, procedures and conditions as prescribed by the Minister of Transportations.

Section 97. In the case of serious incident at sea resulting in an injury or loss of life of a seafarer, the competent official shall conduct a factual inquiry and report to relevant agencies and disclose such outcome to the public.

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

CHAPTER XIV

Maritime Labour Committee

Section 99. There shall be a committee called “Maritime Labour Committee” consisting of the Permanent Secretary of Ministry of Labour as chairperson, Director General of the Consular Affairs, the Director General of Department of Employment, the Director General of Marine Department, the Director General of Department of Skill Development, the Secretary General of Social Security Office, a representative of the Ministry of Public Health, a representative of the Medical Council of Thailand, a representative of Emerging Medical Institute of Thailand, two qualified members in a field of maritime labour appointed by the Minister of Labour, five representatives from ship owners, and five representative from seafarers appointed by the Minister of Labour as members.

The Director General of Department of Labour Protection and Welfare shall be member and secretary and the Director General of Department of Labour Protection and Welfare shall appoint no more than two government officials of the Department of Labour Protection and Welfare as assistants to the secretary.

Qualifications, prohibitions and selection procedure of qualified members and members from a ship owner and a seafarer shall be in accordance with the rules, procedures and conditions as prescribed by the Minister of Labour.

Section 100. The committee shall have authorities and duties as follows:

(1) to provide recommendations and opinions to the Minister concerning the policy on maritime labour;

(2) to provide opinions for the amendment of this Act to be in accordance with the Maritime Labour Convention;

(3) to consider opinions and submit it to the Minister in an issuance of Ministerial Regulations, Rules, and Notification for the execution of this Act;

(4) to provide an approval in sending representatives to attend tri-partisan extraordinary committee meeting of the International Labour Organization;

(5) to provide opinion concerning a rate of minimum wage for seafarers to the Minister of Labour;

(6) to appoint sub-committees for consideration of for an execution as assigned by the Committee;

(7) to make a decisive judgment on maritime labour dispute and unfair conduct under section 93 and section 94;

(8) to conduct any other acts as provided in this Act or as provided by other laws as duties of the Maritime Labour Committee or as assigned by the Minister.

Section 101. Qualified members, members from representatives of ship owners and representatives of seafarers shall be in office for a period of three years. A qualified member who vacates an office may be reappointed but shall not be in office for two consecutive terms.

In the case where a qualified member vacates an office before an expiration of term, the Minister of Labour shall appoint a member to place qualified member and the appointee shall be in office for unexpired term of office of a qualified member replace except if the remaining term of office of such member is less than one hundred and eighty days, the Minister may not appoint any replacement.

In the case where a member who is a representative of a ship owner or a seafarer vacates office before an expiration of term, the Minister of Labour shall appoint the same type of member to replace such member and the appointee shall be in office for unexpired term of office of a qualified member replaced except if the remaining term of office of such member is less than one hundred and eighty days, the Minister may not appoint any replacement.

In the case where a member vacates office at an expiration of the term, if a new member has not yet been appointed, the member whose term of office has expired shall be in office to continue to perform his or her duties until a new member has been appointed.

Section 102. In addition to vacating office on an expiration of term, a qualified member, member who is a representative of ship owners or seafarers vacate office upon:

- (1) death;
- (2) resignation;
- (3) removal by the Minister of Labour due to negligence or dishonesty in a performance of duty, disgraceful behavior, or incapability;
- (4) becoming bankrupt;
- (5) incompetence or quasi incompetence;
- (6) being sentenced by a final court judgment to imprisonment;
- (7) lack of qualifications or be under the prohibitions as prescribed by the Minister.

Section 103. At a meeting of Committee, the presence of not less than one-half of total numbers is required to constitute a quorum and there shall be at least one member who is a representative of ship owners and one member who is a representative of seafarers.

If the Chairperson does not attend, or is unable to perform their duties, members present in the meeting shall elect one among themselves to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote each member shall have one vote. In the case of an equality of vote, the person presiding over the meeting shall have an additional vote as the casting vote

Section 104. At a meeting of the sub-committee, the presence if not less than one half of the total members is required to constitute a quorum and section 103 shall apply to a meeting of the sub-committee, *mutatis mutandis*.

CHAPTER XV

Penalties

Section 105. In the case where a competent official exposes the fact relating to a business operation of a ship owner, which under a common circumstance shall not be exposed, which is acquired or acknowledged from the performance of duties under this Act, such competent official shall be penalized with imprisonment of not more than one month, or a fine not exceeding two thousand baht, or both, except in the case where the disclosed information is for benefit of this Act or for the purpose of labour protection, labour relations, safety of working conditions of seafarers, or investigation or case consideration.

Section 106. In the case where an offender under this Act is a juristic person, if such offence resulted from the order or conduct or any person or failure to order or act upon the duties of the managing director, manager, or any person who is accountable for the execution of juristic person, such person shall also be responsible for the punishment prescribed for such offence.

Section 107. Any ship owner who fails to comply with section 53 shall be penalized with a fine not exceeding ten thousand baht.

Section 108. Any ship owner or master of a ship who violates or fail 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 penalized with a fine not exceeding twenty thousand baht.

Section 109. Any ship owner who violates or fails to comply with section 16, section 17, section 49, section 54, section 55, section 65, section 66, section 70 or section 81 shall be penalized with imprisonment of not more than six months, or a fine not exceeding one hundred thousand baht, or both

Section 110. Any ship owner who violates or fails to comply with section 15, section 43, or section 47 shall be penalized with imprisonment of not more than one year, or a fine not exceeding two hundred thousand baht, or both.

Section 111. Any person who violates section 20 shall be penalized with imprisonment of not more than three years, or a fine not exceeding sixty thousand baht, or both.

Section 112. Any recruitment licensee, manager, agent for recruitment or employee whose duties are relating to recruitment who violates or fails to comply with section 24, section 25, section 26 paragraph one, section 27 paragraph one, section 31

paragraph one, section 32, section 33, or section 34 paragraph one shall be penalized with a fine not exceeding twenty thousand baht.

Section 113. Any recruitment licensee who fails to comply with section 23 paragraph one or section 30 paragraph one shall be penalized with a fine not exceeding five thousand baht.

Section 114. Any recruitment licensee who fails to comply with orders of the Registrar under section 28 paragraph three shall be penalized with imprisonment of not more than six months and a fine two times of the amount of money required to submit to the security.

Section 115. Any person who falsely represents himself or herself as a recruitment agent or employee whose duties are related to recruitment of a recruitment licensee shall be penalized with imprisonment of one year to three years, or a fine of twenty thousand baht to sixty thousand baht, or both.

Section 116. Any recruitment licensee who violates section 35 shall be penalized with imprisonment of not more than one year and a fine five times of the amount of service fee or expenses.

Section 117. Any recruitment licensee who fails to comply with section 36 or section 37 shall be penalized with imprisonment of not more than six months, or a fine not exceeding ten thousand baht, or both.

Section 118. Any recruitment licensee who falsely lists or conducts a report under section 36 shall be penalized with imprisonment of not more than one year, or a fine not exceeding twenty thousand baht, or both.

Section 119. Any recruitment licensee who fails to comply with section 38 paragraph one or paragraph two shall be penalized with imprisonment of not more than two years, or a fine not exceeding forty thousand baht, or both.

Section 120. Any recruitment licensee who fails to comply with section 38 paragraph three shall be penalized with a fine not exceeding five thousand baht.

Section 121. Any ship owner who fails to comply with the standard prescribed in the Ministerial Regulation issued under section 82 shall be penalized with imprisonment of not more than one year, or a fine not exceeding four hundred thousand baht, or both.

Section 122. Any ship owner, seafarer or relevant person who fails to comply with section 95(2) and (3) shall be penalized with imprisonment of not more than one month, or a fine not exceeding two thousand baht, or both.

Any person who obstructs or fails to facilitate a competent official for the performance of duties under section 95 paragraph two shall be penalized with imprisonment of not more than one month, or a fine not exceeding two thousand baht, or both.

Section 123. In respect of all the offences under this Act except for the offence under section 105, section 111, section 115, section 116 and section 119, competent officials or the committee shall have powers to fine as follows:

(1) a competent official who has power to settle an offence punishable by fine only or an offence with less than one month imprisonment or a fine not exceeding ten thousand baht, or both;

(2) a committee who has power to settle other offences unless in (1)

A committee who has power to settle a case under paragraph one shall consist of a representative from Office of the Attorney General as the Chairperson of the Committee, a representative of the Royal Police Force, a representative from Department of Employment, a representative from the Department of Labour Protection and Welfare as member, and a representative of the Marine Department as member and secretary. There shall be a committee within Bangkok Metropolitan Area and regional level as prescribed by the committee.

Rules and procedure for consideration of a competent official and the committee to settle a case shall be as prescribed by the committee.

If an offender pays for the fine within thirty days as from the day of receipt of the letter for fine, the case shall deem to be settled under the Criminal Procedural Code.

Transitory Provisions

Section 124. The Maritime labour certificate and the declaration of maritime labour compliance issued under the Notification of the Ministry of Labour on the Standard

of Maritime Labour before this Act comes into operation shall continue to be in effect until its expiration date.

Section 125. A recruitment license of seafarers issued under the Employment and Protection of Job Seekers Act B.E. 2528 before this Act comes into operation shall continue to be in effect until the expiration date if such license.

Countersigned by:

General Prayuth Chan-O-Cha

Prime Minister

Remarks: The reason for proclaiming this act is due to a working condition on board a ship which differs from a general working condition of other employees. A seafarer has a long-time working hour with marine risk on board a ship. Moreover, a relationship between a seafarer and a ship owner is different from an employment contract as well as the labour protection act. That is to say, the labour protection act B.E. 2541 could not provide a fair employment, standard working condition, suitable working environment and occupational safety and health efficiently. Furthermore, working of employees and seafarers are related to international marine transportation trade which requires to be complied with Maritime Labour Convention, 2006, an international standard of International Labour Organisation. To ensure that employees working on board a ship will be treated fairly with international standard; to protect Thai vessels engaging in international voyages from some measures of port states such as ship detainment, ship inspection, the correction of inaccuracies; to be benefit for control measure, supervision and management of the issuance of maritime labour certificate to be in accordance with international standards; and to promote the growth of Thai maritime business additionally; it is essential for Thailand to enact the Maritime Labour Act.