

Labour Protection Act (no. 9) B.E. 2568

H.M. King Maha Vajiralongkorn Bodindradebayavarangkun

Given on the 5th November B.E. 2568 (2025)

Being the 10th Year of the Present Reign

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient for the amendment of the Labour Protection Act;

Therefore, He is graciously pleased to enact, by and with the advice and consent of the National Assembly, the following Act:

This Act includes certain provisions which may restrict individual's rights and liberties and is made possible by Section 26 coupled with Section 27 and Section 40 of the Constitution of the Kingdom of Thailand which provides for the revision based on the prescribed legal authority.

The reasons and necessities for the restriction of such individual's rights and liberties under this Act are purportedly to enhance protection of employees who are the majority people in this country to ensure their stable employment and better quality of life. The promulgation of this Act complies with the provision prescribed in Section 26 of the Constitution of the Kingdom of Thailand.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follow:

Section 1 This Act is called "Labour Protection Act (no.9) B.E. 2568"

Section 2 This Act shall come into force after thirty days of its publication in the Royal Gazette.

Section 3 Add the following to be Section 4/1 of the Labour Protection Act B.E. 2541

“Section 4/1 Whereas the central administration, the provincial administration, the local administration, the state enterprise established by the State Enterprise Labour Relations Act, the public organization, and the government agency whose laws provide for the employment of a natural person as a service contractor or a similar manner and prescribes for the remuneration of work during normal working hours on a daily or monthly basis, or in other manners, and the agency has the authority to regulate, supervise and monitor the work of such person in the workplace, the hiring agency shall ensure the individual receive the remuneration of their work, afford a day-off, a weekly holiday, a traditional holiday, an annual holiday, medical leave, maternity leave, working days and hours, and rest period not less than what is already provided for according to the Labour Protection Act in accordance with the criteria and conditions prescribed in the Ministerial Regulation.

Any legal case stemming from dispute between the agency or official of the hiring agency and the contractor which is related to the rights and duties under the paragraph 1 shall be subject to jurisdiction of the Labour Court.”

Section 4. Paragraph 1 of Section 41 of the Labour Protection Act B.E. 2541, which was amended by the Labour Protection Act (no. 7) B.E. 2562, shall be repealed and replaced by the following:

“Section 41 A pregnant employee shall be entitled to apply for maternity leave up to one hundred and twenty days or the number of days prescribed in the Royal Ordinance.”

Section 5 Add the following to be paragraph 4 of Section 41 of the Labour Protection Act B.E. 2541, which was amended by the Labour Protection Act (no. 7) B.E. 2562:

“A female employee who has applied for maternity leave under paragraph 1 shall be entitled to exercising further right for child rearing up to fifteen days, should the child become ill and be vulnerable to complications, disorders,

or disabilities. The employee is required to produce a conventional medical certificate while applying for the leave.”

Section 6 Add the following to be Section 41/1 of the Labour Protection Act B.E. 2541

“Section 41/1 An employee is entitled to apply for leave to assist their spouse after child delivery for up to fifteen days. Such leave can be exercised before or during the ninety-day-maternity-leave.

Section 7 Section 59 of the Labour Protection Act B.E. 2541, which was amended by the Labour Protection Act (no. 7) B.E. 2562, shall be repealed and replaced by the following:

“Section 59 A employer shall pay a wage to a female employee on maternity leave under Section 41, paragraph 1, equal to the wage on a working day throughout the entire leave period, but the number of such leave days must not exceed sixty days or as prescribed in the Royal Ordinance.”

Section 8 Add the following to be Section 57/1 and Section 57/2 of the Labour Protection Act B.E. 2541:

“Section 57/1 A employer shall pay a wage to an employee on leave under Section 41, paragraph 4, equal to the 50% rate of the wage on a working day throughout the entire leave period.

Section 54/2 employer shall pay a wage to an employee on leave under Section 41/1, equal to the rate of the wage on a working day throughout the entire leave period, but the number of such leave days must not exceed fifteen working days.”

Section 9 Section 115/1 of the Labour Protection Act B.E. 2541, which was amended by the Labour Protection Act (no. 2) B.E. 2551 shall be repealed and replaced by the following:

“Section 115/1 For the purpose of performing duties of the Labour Inspector under Section 139, an employer who employs 10 employees or more shall submit a report form on conditions of employment and working conditions to the Director-General or a person entrusted by the Director-General within every January. The submission of the form shall be done as prescribed by the Director-General.”

Countersigned by

Anutin Charnvirakul

Prime Minister

Note: Reasons for the promulgation of this Act is that the Labour Protection Act B.E. 2541 has been enforced for quite a period of time and contains certain provisions which are not compatible with the changing economic and social conditions. It is therefore deemed fit to amend certain provisions to require that the government agencies, the state enterprise, the public organizations, and the other government agencies which employ a natural person shall ensure that they afford a wage, a day-off, a weekly holiday, a traditional holiday, an annual holiday, medical leave, maternity leave, working days and hours, and rest period not less than what is already provided for according to the Labour Protection Act and shall be subject to jurisdiction of the Labour Court. In addition, it aims to ensure female workers on maternity leave shall receive the pay according to what is prescribed in the Royal Ordinance and to ensure they receive additional leave for child rearing should the child become ill and be vulnerable to complications, disorders, or disabilities and that they receive the pay during their leave. Also, an employee is allowed to apply for leave to assist their spouse during maternity leave while receiving the pay during such leave. It also provides for that the employer to submit a report form on conditions of employment and working conditions by streamlining the procedure through which the Labour Inspector submits a report form on conditions of employment and working conditions to the employer. Hence, the need to promulgate this Act.