

LABOR LAW IN THAILAND: PART 2 – The Labor Protection Act: **work hours and break time**

The major legislation governing labor protection law in Thailand is the Labor Protection Act (the “LPA”). The LPA prescribes labor protection standards applicable to both employers and employees working in Thailand. However, the LPA does not apply to Government and State Enterprise employees.

Under the LPA an employee may not work more than eight hours a day unless otherwise agreed between the employer and the employee – but in any event the total work hours must not exceed forty-eight hours in a week. However, these requirements are reduced to seven hours a day or forty-two hours a week for work that “*may be harmful to safety and health of an employee.*” Furthermore, where the working hours of any working day are less than eight hours, an employer and employee may agree to add the balance of working hours to any other normal working day – but the total number of working hours must not exceed nine hours per day or forty-eight hours per week.

Furthermore, employers must give a give at least one hour of break time to any employee who works for five hours or more continuously. This total of one hour maybe broken into shorter periodic breaks but the total break time must not be less than one hour. However, in the event that there are food and beverages facilities available to the employees within a reasonable proximity to the work location or such if such facilities do not provide service continuously on each of the employee’s working days, the employee is entitled to a total of two hours of break time on each such day. Employers must also allow a break of not less than twenty minutes to all employees who are required to perform two or more of overtime work.

Note: any employer who violates or fails to comply with the LPA may be punished according to the level of his or her offence with a fine of Thai Baht 5,000 to Thai Baht

200,000, or imprisonment of up to one year, or both.

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