

LABOR LAW IN THAILAND: PART 4 – The Labor Protection Act: **leave**

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.

WEEKLY LEAVE

Under the LPA an employee must be given at least one day of leave per week. However, in the event that the business that the employee is working for is a hotel, the employer and the employee may agree that the employee may accumulate and postpone his weekly leave days within a period of four consecutive weeks to be taken at any time later.

ANNUAL LEAVE

An employee who has worked for an uninterrupted period of one year must be given at least six working days of personal annual leave per year thereafter.

In addition to such personal annual leave, an employee must be given leave on not be less than thirteen national holidays per year. However, in the event that the business that the employee is working for is a hotel, entertainment establishment, beverage or food shop, or similar, the employer and the employee may agree that the employee will take leave on an alternative day(s) to substitute for the official holiday(s) but the higher requisite “holiday wages” applicable on official holidays must be paid to the employee for his work on any such substitution work day(s).

But, in any event, an employer must obtain an employee's consent for an employee to work overtime or to work on a holiday. An exception applies in the event that the employee is working for a hotel, entertainment venue food store, club, or other similar business, in which case an employer may require an employee to work on a holiday without the employee's prior consent.

SICK LEAVE

An employee is entitled to a sick leave as long as he is actually ill. However, if an employee takes sick leave for three days or more, his employer may require the employee to present a certification of such illness from a licensed physician or an official medical establishment.

MATERNITY LEAVE

A pregnant employee is entitled to a maternity leave of up to ninety days for each pregnancy.

OTHER LEAVE

Finally, the LPA also provides many other categories of leave for the employee: for example, leave for: "necessary business"; sterilization; military training and service, and others.

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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