This issue of the IOM Migrant Information Note (MIN) features updated information regarding the Cabinet Resolutions on the extension of the Nationality Verification (NV) process for migrant workers and the employment of Vietnamese migrant workers in Thailand, and the Ministerial Regulations on the protection of workers in the fishing and agricultural sectors.

1. Cabinet Resolution on Extension of the Timeframe for Nationality Verification for Migrant Workers

On 3 March 2015, the Cabinet approved the extension of the timeframe for completion of the Nationality Verification (NV) process for migrant workers from Cambodia, Lao PDR and Myanmar as proposed by the Ministry of Labour. Guidelines on the management of migrant workers after 31 March 2015 are divided into four categories as follows:

1.1 **Migrants who completed the Nationality Verification process by 31 March 2015** will receive a visa and work permit that is valid until 31 March 2016 (in accordance with the Cabinet Resolution on 28 October 2014), and permission to continue working for the next two years after 31 March 2016.

1.2 **Migrants who hold a work permit issued by the One-Stop Service Centers (OSSCs) and did not complete the Nationality Verification process by 31 March 2015** must report to OSSCs before 30 June 2015 to apply for a new work permit. This group of migrant workers will be allowed to live in Thailand for one year and will be granted permission to work from 1 April 2015 to 31 March 2016 in order to complete the NV process. After having passed the NV process, they will be authorized to live and work in Thailand for a further two years. The Ministry of Interior shall be the focal agency and will cooperate with the Ministry of Labour, Ministry of Public Health and other relevant agencies in setting up the OSSCs. The opening of the OSSCs is set for 1 April 2015. The centers will be closed when appropriate but no later than 30 June 2015.

1.3 **Migrants who do not present themselves to receive a new work permit by 30 June 2015** shall be considered illegal migrants and will be investigated, arrested and repatriated strictly according to the laws and announcements of the National Council for Peace and Order No. 101/2557 on 21 July 2014.

1.4 **Dependents of migrant workers** under 15 years of age shall report with the migrant workers to receive a new ID card by 30 June 2015. Those who present themselves will be entitled to live in the Kingdom under the same conditions as migrants in Category 1.1 or 1.2. Those who do not present themselves will be repatriated with migrants in Category 1.3.
2. Solutions to Labour Shortages in the Fishing Industry

The Cabinet Resolution on 3 March 2015 approved guidelines on solutions to labour shortages in the fishing industry as follows:

1. Registration of migrant workers in the fishing industry as a short-term solution: Migrant workers from Cambodia, Lao PDR and Myanmar working in the fishing industry can register at OSSCs to stay in the Kingdom for one year from 1 April 2015 to 31 March 2016, following the Cabinet Resolution on 6 August 2013. Employers shall submit demand letters, take the migrant workers to register for health insurance, and apply for permission to hire the migrant workers at One-stop Service Centers in the seaside provinces from 1 April 2015 until 29 June 2015.

2. The long-term solution to employing migrant workers in the fishing industry will follow the recommendations proposed by the National Legislative Assembly (NLA).

3. Amendments to the Memoranda of Understanding (MOUs) on Employment Cooperation

On 3 March 2015, the Cabinet approved planned amendments to the Memoranda of Understanding (MOUs) on Employment Cooperation with Cambodia, Lao PDR and Myanmar, specifically on the issue of the required break period after four years of continuous employment have been completed. The required break period is to be reduced from 3 years to 30 days to allow time for preparation of re-employment documents, and for migrants to return home after having worked in Thailand for four years.

4. Cabinet Resolution on Migrant Workers from Vietnam

On 10 February 2015, the Cabinet approved of the employment of migrant workers from Vietnam in Thailand as follows:

1. Registration of Migrant Workers from Vietnam

   The Cabinet passed a Resolution to register migrant workers from Viet Nam who possess a passport; whose latest arrival to Thailand was legal and took place before the resolution to register migrant workers from Viet Nam was passed by the Cabinet; and whose permit to stay in the Kingdom has already expired. The resolution only applies to migrant workers who wish to work in domestic work, construction, fishery and restaurant sectors. They can register and apply for work permits at One-Stop Service Centers in various provinces, including in Chiang Mai for the Northern region, in Rayong for the Eastern region, in Nakhon Phanom and Nong Khai for the Northeastern region, and in Songkhla for the Southern region as well as in other provinces where the Ministry of Interior, Ministry of Labour, Ministry of Public Health and the Royal Thai Police deem appropriate. After registration with the Ministry of Interior, the worker must undergo a medical examination, purchase health insurance, and submit an application for a work permit that will be valid for one year.

2. MOU on Employment of Workers from Viet Nam

   The Cabinet approved, in principal, the negotiations between the Royal Thai Government and the Government of Viet Nam to develop a Memorandum of Understanding (MOU) to
allow workers from Viet Nam to legally enter and work in Thailand, to solve labour shortages in the fishery and construction sectors.

5. Ministerial Regulation on Protection of Workers on Fishing Vessels

On 22 December 2014, the Ministry of Labour issued a Ministerial Regulation on Protection of Workers on Fishing Vessels, B.E. 2557 and repealed the Ministerial Regulation No. 10, B.E. 2541. The new regulation applies to fishing vessels having at least one fishing crew operating within and outside the kingdom. Employers must comply with the following:

1. The employer shall not deduct the employee’s wage except for the deductions under Section 36 of the Labour Protection Act B.E. 2541 (A.D. 1998).
2. The employer shall not request or receive any collateral from the employee except in the job sectors specified in the Notification of the Ministry of Labour about the criteria and procedures for requesting and receiving collateral for damages caused by employees.
3. The employer shall not employ children below 18 years of age.
4. The employer shall not pay the employee less than the minimum wage.
5. The employee must provide a rest period of no less than 10 hours in every 24 working hours and no less than 77 hours in every 7 working days.
6. The employer must prepare two identical copies of the written contract. The employer and employee will each keep one copy of the contract.
7. The employer must take the employee to report to the labour inspector at least once a year starting from the day the employment contract is made.
8. In case the employer employs more than 10 employees, the employer must keep documents of regular wage and overtime payments in Thai to be reviewed by the Labour Inspector.
9. The employer must pay a regular wage and overtime wages at least once a month. Commission is paid as mutually agreed but at least once every 3 months. In case of default payment, the employer shall pay a yearly interest rate of 15 per cent. If the default in payment is intentional, the employer shall pay higher interest at the rate of 15 per cent every 7 days.
10. The employer shall arrange for the employee to have annual leave of no less than 30 days per year and to receive at least the minimum wage. If the employee works on a rest day, the employer shall pay double time.
11. The employee is entitled to actual sick leave, and paid sick leave of no more than 30 days.
12. The employer must pay the employee no less than 50 per cent of the minimum wage in case the employee is left abroad as a consequence of the work with the employer.
13. The employer must take action and cover the costs of sending the employee back to the place where the employee was recruited in case of shipwreck, danger, injury or death. If State agency provides assistance for the employee to return, the agency is entitled to reimbursement from the employer.
14. The employer shall inform the employee about the work conditions, how to use the equipment, sanitation, living conditions onboard, and onboard safety equipment prior to the start of employment.
6. Ministerial Regulation on Agricultural Sector Labour Protection

On 12 December 2014, the Ministry of Labour issued the Ministerial Regulation on Agricultural Sector Labour Protection and repealed the Ministerial Regulation Concerning Labour Protection of Employees in Agricultural Work B.E. 2547. The B.E. 2547 Regulation permitted employment of children below thirteen years of age to work during school breaks or in their free time on the condition that the work was not harmful to the children’s health or development and promoted their standard of living. The Regulation issued in 2014 changed the minimum age for the employment of children to comply with Thailand’s Labour Protection Act and the International Labour Organization Convention No. 138 on the minimum age for admission to employment and work, and the ILO Convention No. 182 on the worst forms of child labour. The new regulation is detailed as follows:

1. Agricultural work means work regarding plantation, livestock, forestry, brine salt-farms and fishery other than sea fishery work.

2. The regulation applies to employers who employ at least one employee to perform agricultural work not for the whole period of one year, and does not employ the employee to continue with any industrial work after the completion of agricultural work. If employment continues throughout the year, the employee will be protected under the Labour Protection Act B.E. 2541.

3. The employer shall not request or receive any collateral from the employee.

4. The employer or foreman shall not harass the employee in any form or sexually harass the employee.

5. The employer must not employ children below fifteen years of age to perform agricultural work.

6. The employer shall provide at least an hour of rest to employees older than 15 years but less than 18 years of age for every 4 working hours.

7. Males under 18 years of age shall not carry items over 25 kilograms. The limit for females under 18 is 20 kilograms.

8. Pregnant employees must not carry items over 15 kilograms and cannot work on a boat.

9. Pregnant employees are entitled to 90-day maternity leave.

10. The employer must pay a regular wage and wages calculated from the work done on rest days at least once a month.

11. The employer shall not make any wage deductions except for the deductions permitted under the Labour Protection Act B.E. 2541.

12. The employer shall provide at least 3 rest days to the employee in every 180 working days.

13. If the employer does not provide at least 3 rest days to the employee, the employer shall pay at least double time when the employee works on a rest day.

14. The employee is entitled to actual sick leave, and paid sick leave of no more than 15 days.

15. The employer shall provide enough drinking water to the employee.
Table 1: Number of migrant workers with valid work permits who have entered Thailand through the MOU process (updated February 2015)

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Myanmar</td>
<td>109,662</td>
</tr>
<tr>
<td>Cambodia</td>
<td>93,318</td>
</tr>
<tr>
<td>Lao PDR</td>
<td>22,381</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>225,361</strong></td>
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</tbody>
</table>

Source: Office of Foreign Workers Administration, Department of Employment, Ministry of Labour

The Migrant Information Note is produced by the Labour Migration Programme, IOM Thailand Office.
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