

Unofficial Translation*

NOTIFICATION OF THE MINISTRY OF LABOUR

RE: THE PROVISION OF HEALTH AND WELFARE BENEFITS FOR FISHERS

Whereas it is expedient to prescribe that vessel owners shall provide health and welfare benefits for fishers:

By virtue of section 12 of the Labor Protection of Work In Fishing Act B.E. 2562 (2019), the Minister of Labour hereby issue the Notification as follows:

Clause 1. This Notification shall come into force as from the 18th of November B.E. 2562 (2019).

Clause 2. Vessel owners shall provide fishers health and welfare benefits as follows:

- (1) Health protection which is not related to work;
- (2) Compensation from a lack of income from a non-work related sickness or injury;
- (3) Compensation in the case of a non-work related invalidity.
- (4) Compensation in the case of a non-work related death.

Clause 3. The provision of health protection under clause 2 (1) in the case where a fisher is sick or injured from a non-work related reason and is not protected under the law on national health security, vessel owners shall provide the health protection in accordance with the Notification of the Ministry of Public Health on health examination and health insurance of migrant workers.

Clause 4. Regarding the provision of rights and benefit for compensation from a lack of income in the case where a fisher is sick or injured from a non-work related reason under clause 2 (2), the vessel owner shall pay the compensation from a lack of income from sickness or injury, to the fisher who has to stop working to be treated following the order of the physician, in the rate of fifty percent of the maximum rate of minimum daily wage as prescribed by the

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law on labour protection and in the period of one calendar year, it shall not exceed one hundred and eighty days.

The period for the receipt of compensation from a lack of income shall begin from the first day of stopping work following the order of the physician up until the last day the physician orders to stop working or until the last day of stopping work in the case where the fisher returns to work prior to the completion of the period as ordered by the physician but exceed the duration as prescribed in paragraph one.

In the case where the fisher has the right to receive wages from the vessel owner during the time where he or she is not working to receive treatment under the law on labour protection, the fisher shall not have the right to receive the compensation under paragraph one until the right to receive such wages is exhausted and only in such subsequent incident that he or she shall receive such compensation for the remaining period.

Clause 5. The provision of rights and benefit for compensation in the case of invalidity, loss of organ or loss of organ or body competency or mental disorder which is not resulted from work but reducing the ability to work to the point where the fisher is unable to work under the normal circumstance following clause 2 (3), the vessel owner shall pay for the compensation for the lack of income in the rate of thirty percent of the maximum rate of the minimum daily wage under the law on labour protection times thirty days for a period of one hundred and eighty months.

Clause 6. The provision of rights and benefits for compensation in the cases of death from a non-related work reason under clause 2 (4) in the case of death of a fisher, the vessel owner shall pay the compensation as follows:

(1) funeral expense of forty thousand Baht and shall pay to the person who has the evidence to illustrate that they are the fisher's funeral administrator;

(2) allowance in the case of the death of the fisher at the rate of fifty percent of the maximum rate of the minimum daily wage under the law on labour protection times thirty days for a period of twelve months. This allowance shall only be paid to the person whom the fisher

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specified in writing to be entitled to receive the allowance. In the case where the fisher does not specify in writing, it shall be averagely and equally paid to the legal heirs.

Clause 7. For the execution of clause 4, clause 5 and clause 6, the vessel owner may purchase the insurance to provide the welfare benefits to fishers. In this regard, such benefits shall not be less than those prescribed in clause 4, clause 5 and clause 6.

Clause 8. For the execution of clause 3, clause 4, clause 5 and clause 6, the vessel owner and fisher may agree to receive health and welfare benefits under the law on social security.

Issued on the 26th of November B.E. 2562 (2019)

M.R. Chatu Mongol Sonakul

Minister of Labour

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