

NATIONAL LEGISLATION ON HAZARDOUS CHILD LABOUR

Minimum Age Convention, 1973 (No. 138)
and
Worst Forms of Child Labour Convention, 1999 (No.182)

THAILAND

RATIFICATIONS

Convention No. 138	11 May 2004
Convention No. 182	16 February 2001

- 1) *Country Overview*
- 2) *Notification of the Minister of Interior – Description of work and working places for young persons. B.E. 2533*

Original Languages: Thai & English – ILO Summary.

Clauses 4 and 5 respectively listing hazardous activities and work in hazardous places prohibited for **persons between 13 and 18 years of age**.

- 3) *Labour Protection Act B.E. 2541*

Original Language: Thai & English – [Full Original Text in English \(🔊 on line\)](#)
– ILO Summary.

Articles 49 and 50 prohibiting **persons under the age of 18 years from performing certain work and work in certain places** which are considered hazardous.

- 4) *Ministerial Regulation No. 6 B.E. 2541 issued under the Labour Protection Act B.E. 2541*

Original Language: Thai & English – ILO Summary.

List of types of hazardous work prohibited for persons under 18 years of age.

5) *Ministerial Regulation BE.2547*

Original Language: Thai & English – [Full Original Text in English \(🔗 on line\)](#)
– ILO Summary.

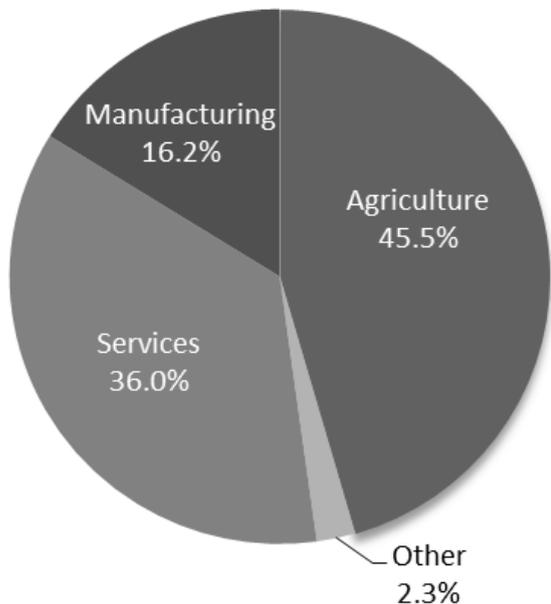
Article 8 prohibiting the employment of children less than 15 years in agricultural work.

6) *CEACR, 2013 Direct Request, Convention No. 138; 2013 Direct Request, Convention No. 182*

7) *CRC, Concluding Observations of the Committee on the Rights of the Child, Feb. 2012*

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Country Overview

International Conventions and selected Laws on child labour and education		Working children by sector, aged 5-14 years
C138, Minimum Age	NO	 <p>A pie chart illustrating the distribution of working children aged 5-14 years across different sectors in Thailand. The largest segment is Agriculture at 45.5%, followed by Services at 36.0%, Manufacturing at 16.2%, and Other at 2.3%.</p>
C182, Worst Forms of Child Labour	✓	
CRC	✓	
General Minimum age for admission to employment	14	
Minimum Age for Hazardous Work	18	
Compulsory Education Age	10	
List of hazardous work (*)	Yes	
Free Public Education	Yes	
<p>(*) The list of hazardous work includes: (There is no English translation available)</p>		

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Notification of the Ministry of Interior –Description of work and working places for young persons (of 18 January 1990)

Original language

Thai & English

Abstract

Clauses 4 and 5 respectively listing hazardous activities and work in hazardous places prohibited for **persons between 13 and 18 years of age**.

Text of legal provisions

➤ Clause 4

“No employers shall have an employee from 13 years to not yet up to 18 years old perform work pursuant to clause 24 of the Notification of the Ministry and Interior re: Labour Protection (No. 12) of the following description:

- (1) smelting, blowing, casting or rolling metal or other materials;
- (2) stamping metal or other materials;
- (3) work involving heat, cold, vibration, sound and light on an abnormal level which may be dangerous;
- (4) work involving harmful chemical under Notification of the Ministry and Interior re: Work Safety Involving Surroundings (Chemical);
- (5) work involving poisonous micro-organisms which may be virus, bacteria, fungus and other fungi;

- (6) work involving toxins, explosives or flammable liquid fluid, except work in fuel oil service stations;
- (7) driving or controlling hoists or cranes;
- (8) operated powered or engined saws;
- (9) work performed underground, under water, in caves, tunnels or craters;
- (10) work involving radioactivity”.

➤ **Clause 5**

“No employers shall have an employee from 13 years to not yet up to 18 years old perform work pursuant to clause 24 of the Notification of the Ministry and Interior re: Labour Protection (No. 12) in places as follows:

- (1) slaughterhouse;
- (2) gambling place;
- (3) place for dancing, Thai or Malaysian style dancing, with or without female partners;
- (4) place with food, liquor, tea or other beverage services and with services of prostitutes, sleeping facilities or massage;
- (5) places for bathing, massage or steaming with female attendants”.

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Labour Protection Act B.E. 2551

Original language

Thai & English

Abstract

Articles 49 and 50 prohibiting **persons under the age of 18 years from performing certain work and work in certain place** which are considered hazardous.

Text of legal provisions

➤ **Article 49**

“An employer shall not require a child under eighteen years of age to work in any of the following:

- (1) metal melting, blowing, casting or rolling;
- (2) metal pressing
- (3) work involving heat, cold, vibration, noise and light of abnormal level which may be hazardous as prescribed in the Ministerial Regulations
- (4) work involving hazardous chemical substance as prescribed in the Ministerial Regulation
- (5) work involving poisonous micro-organisms which may be virus, bacterium, fungus, or any other microorganism as prescribed in the Ministerial Regulation
- (6) work involving poisonous substance, explosives or inflammable material, except work in fuel service station as prescribed in the Ministerial Regulation
- (7) driving or controlling a forklift or a crane as prescribed in the Ministerial Regulation
- (8) work using electric or motor saw
- (9) work that must be done underground, underwater, in a cave, tunnel or mountain shaft
- (10) work involving radioactivity as prescribed in the Ministerial Regulation
- (11) cleaning of machinery or engines while in operation

- (12) work which must be done on scaffolding higher from the ground of ten meters upwards, or
- (13) other works as prescribed in the Ministerial Regulation”.

➤ **Section 50**

“An employer shall not require a child employee under eighteen years of age to work in the following place:

- 1) a slaughterhouse
- 2) a gambling place
- 3) a place of dancing, Ramwong or Rong Ngeng
- 4) a place of selling and serving food, liquor, tea or other beverage, with a servicing person for serving customer, or with a place for relaxing or with massage service for customer; or
- 5) other places as prescribed in the Ministerial Regulation”.

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Ministerial Regulation No. 6 B.E. 2541 issued under the Labour Protection Act B.E. 2541 (1998)

Original language

Thai & English

Abstract

List of types of hazardous work prohibited for persons under 18 years of age

Text of legal provisions

Text of legal provisions

“The types of work which an employer is prohibited from requiring an employee under 18 years of age to perform are as follows:

- (1) work involving of heat, cold vibration and noise which may be harmful as follows:
 - (a) work performed in a place where the temperature in the working environment is higher than 45 degrees Celsius;
 - (b) work performed in cold storage in the production or preservation of food by freezing;
 - (c) work using a pneumatic drill; and
 - (d) work where the noise level to which the employee is exposed continuously is in excess of 85 decibels (A) for eight working hours a day;
- (2) work involving hazardous chemicals, poisonous substances, explosives or inflammable materials, as follows:
 - (a) production or transportation of any substance that may cause cancer according to

- the list attached hereto;
- (b) work involving cyanide;
 - (c) production or transportation of flares, fireworks or other explosives; and
 - (d) exploration, drilling, refinery, filling or loading of fuel oil or gas, except for work in a fuel station;
- (3) work involving toxic micro-organisms which may be viruses, bacteria, fungus or other germs, as follows:
- (a) work performed in a diagnostic laboratory;
 - (b) taking care of a patient with a contagious disease under the law governing contagious diseases;
 - (c) cleaning of a patient's utensils and clothing in a medical establishment and collection, transportation or disposal of rubbish or waste in a medical establishment;
- (4) driving or control of hoists or cranes operated by an engine or electricity, regardless of the manner of driving or control; and
- (5) any kind of work involving radioactivity".

List attached to Ministerial Regulations No. 6 B.E. 2541 (1998) issued under the Labour Protection Act B.E. 2541 (1998)

- “1. 4-aminodiphenyl;
- 2. arsenic;
- 3. asbestos;
- 4. benzene;
- 5. beryllium;
- 6. benzidine;
- 7. bis (chloromethyl) ether;
- 8. Cr VI (Chromium Cr VI compound);
- 9. coal tar pitch volatile;

10. B-naphthylamine;
11. nickel sulphide;
12. vinyl chloride;
13. Zinc chromate”.

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Ministerial Regulation B.E. 2547 issued under the Labour Protection Act B.E. 2541 (1998)

Original language

Thai & English

Abstract

Article 8 prohibiting the employment of children less than 15 years in agricultural work.

Text of legal provisions

➤ **Article 8**

“The employer is prohibited to employ a child under 15 years of age as the employee.

During school holidays or outside school-hours, the employer may employ a child over 13 years of age to perform work which is not likely to be harmful to health and not prejudice to the quality of life promotion and development of such child; provided that the prior consent of such child’s father, mother or guardian must be obtained.”

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COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CEACR) - Worst Forms of Child Labour Convention, 1999 (No.182) - Minimum Age Convention, 1973 (No. 138)

➤ 2013 Direct request, Convention No. 182

○ Article 4 (2) - Identification of hazardous work.

The Committee previously noted the Government's indication that the labour inspection's findings are used by the Occupational Safety, Health and Environment Committee to identify where the types of hazardous work exist. The Committee noted the Government's statement that while recommendations to the MoL on the issues of Ministerial regulations, notifications or rules concerning the execution of the Labour Protection Act is one of the duties of the Occupational Safety, Health and Environment Committee, no proposals regarding the determination of types hazardous work have so far been proposed. However, the Committee noted the information in the ILO-IPEC TPR 2010 that the MoL has taken steps to review and update the hazardous work list, and that a subcommittee on the Review and Revision of the Hazardous Work List for Minors has been established. The ILO-IPEC TPR 2010 indicated that the ILO is providing technical support on this project, and that hazardous lists from other countries of the subregion were given to the MoL. The first meeting of the subcommittee was scheduled for September 2010.

The Committee requests the Government to continue to provide information on the review and update of the list of hazardous work prohibited to persons under 18 years of age, and to provide a copy of this list, once adopted.

➤ 2013 Direct request, Convention No. 138

○ **Articles 2 (1) and 3. Scope of application and hazardous work.**

The Committee previously noted that children working in the informal economy did not benefit from the protection of the Labour Protection Act of 1998 (LPA), including provisions relating to minimum age and hazardous work. It recalled that the Convention applies to all branches of economic activity or work (except those excluded pursuant to *Article 5* of the Convention), whether it is carried out on the basis of an employment relationship or not, and whether it is remunerated or not.

The Committee notes the Government's statement that there has been a concrete effort to expand the legal protection of the minimum age to all groups of workers, including those in the informal economy. In 2010, the Government enacted the Home Workers Protection Act B.E. 2553. The Government indicates in its report submitted in reply to the list of issues of the Committee on the Rights of the Child, of 20 January 2012, that this Act provides protection for informal workers in the industrial sector (CRC/C/THA/Q/3–4/Add.1, paragraph 61). Section 3 of the Home Workers Protection Act defines "home work" as work assigned by a hirer of an industrial enterprise to a homemaker to be produced or assembled outside of the workplace. Section 20 of the Act prohibits assigning children under 15 years to carry out works which by their nature may be hazardous to their health and safety. In this regard, the Committee recalls that *Article 3* of the Convention prohibits hazardous types of work to all children under *18 years* of age, including those working in the informal economy and performing industrial work in private homes.

Therefore, while taking note of the steps taken by the Government to regulate work of an industrial nature performed in private homes, the Committee requests the Government to take the necessary measures to ensure that children under 18 are prohibited from performing hazardous work of this nature. The Committee also requests the Government to continue to provide information on measures taken to ensure that children working in the informal economy benefit from the protection provided by the Convention.

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COMMITTEE ON THE RIGHTS OF THE CHILD Concluding observations 12 February 2012

➤ Definition of the child (art. 1 of the Convention)

31. While welcoming that the legal minimum age of marriage is 17 years for both boys and girls, the Committee expresses concern that this age limit can be lowered to 13 years in cases where children are sexually abused and may consequently marry the perpetrators, who in turn avoid any criminal prosecution for the crime.

32. The Committee recommends that the State party consider raising the minimum age of marriage to 18 years and maintain it under all circumstances, in particular in cases where children have been sexually abused. It recommends that the State party prosecute and punish perpetrators of sexual abuse against children without any exceptions.

➤ Education, including vocational training and guidance

68. The Committee commends the State party for having already achieved the MDGs on education, adopting the 15-year free compulsory education for all programme, and initiating policies and measures to enhance early childhood development. However, it regrets that:

(a) The number of 3-5 year-old children attending preschool education, especially children of non-Thai speaking or poor households, remains low and severe regional disparities persist with, for example, 78 per cent of young children in the North attending preschool compared with 54 per cent of young children in the South;

- (b) Over 600,000 children of primary school age 6-11 were not in school in 2010;
- (c) Low retention and transition rates persist at all levels, with a substantial number of children without secondary education, which has only a net enrolment ratio (NER) of 72.2 per cent;
- (d) More boys drop out of secondary schools especially in the southern border provinces;
- (e) The use of ethnic and minority languages in the school system from early years is grossly inadequate;
- (f) Overall quality of education remains poor due, among others, to the shortage of teachers, teaching materials and facilities especially in remote and dangerous areas;
- (g) Educational outcomes are low as demonstrated in 2009 Programme for International Student Assessment (PISA) tests in which only 43 per cent of children in Thailand aged 15 years passed in Reading and Science and 53 per cent in Mathematics, with significant disparities between urban and rural areas.

➤ **Economic exploitation including child labour**

74. The Committee notes the Home Workers Protection Act adopted in 2011 which provides for protection of conditions of employment, minimum wages and safe working environment for children 15 years of age and over, as well as the National Policy and Plan to Eliminate the Worst Forms of Child Labour for 2009-2014. However the Committee remains concerned that the State party's legislation does not provide protection to informal workers in agriculture, tourist industry, begging and domestic service, where children aged below 15 years, especially foreign children and children in street situations, are mostly involved.

75. The Committee recommends that the State party study and provide, in its next periodic report, information on the employment of children in the informal sector, such as in agriculture, tourist industry, begging and domestic service, and take measures to reinforce the labour inspection system to monitor and detect children working in these sectors. It urges the State party to amend its legislation to prohibit involvement of children in informal sectors with particular attention to vulnerable groups of children such as foreign children and children in street situations. It recommends that the State party consider ratifying the ILO Convention N°189 (2011) concerning decent work for domestic workers.