

Ministerial Regulations:

To Specify Numbers of Employees with Disabilities that the Employers, Entrepreneurs and Government Agencies Shall Recruit in Their Workplaces, and the Amount of Money that the Employers or Entrepreneurs Shall Send to the Fund for Empowerment of Persons with Disabilities.

B.E. 2554

By virtue of the power granted under section 33, 34 Paragraph One, and section 45 of the Persons with Disabilities Empowerment Act B.E. 2550 which have some provisions to restrict rights and liberties of a citizen, pursuant to provisions under Article 29, Article 41 and Article 43 of Constitution of Kingdom of Thailand which legitimatize such exceptions, Minister of Labor hereby issued the Regulations as follows:

Article 1 The Regulations shall come into force as from one hundred and eighty days counting from the date of the announcement in the Royal Gazette onwards.

Article 2 In this Regulations:

“Employees” means civil servants, government employees, employees, or employees otherwise called of a government agency who work on the fulltime basis in the government agency, and shall include employees who are posted in a foreign country and employees who are currently on leave with pay but shall not include the temporary or contractual employees.

Article 3

Any employer or entrepreneur that has more than one hundred employees shall hire a person with disability who is able to work in any position with a ratio of every one hundred employees without disabilities to one employee with disability. In cases the excess number of employees is more than fifty, an obligation to recruit an additional employee with disability shall be applied.

Employee enumeration shall be conducted exactly on the 1st day of October annually, and in case any employer or entrepreneur has offices or office branches in the same province, enumeration of the employees shall be conducted by the method of counting the entire workforce in the offices or office branches in the same province.

Warning: This is an unofficial translation by National Office for Empowerment of Persons with Disabilities, June 2011.

Article 4

Government agencies with more than one hundred employees shall hire a person with disability who is able to work in any position with a ratio of every one hundred employees without disability to one employee with disability. In case the excess number of employees is more than fifty, an obligation to recruit an additional employee with disability shall be applied.

Annual employee enumeration shall be conducted exactly on the 1st day of October. The enumeration methods are as follows:

(1) Ministries, departments, divisions, government agencies otherwise called but have the same status with departments shall conduct their employee enumeration entirely at the ministry level. Once the number of employees with disabilities each ministry has to employ is settled, the permanent secretary of each ministry, having considered the nature of work that is suitable for persons with disabilities, shall allocate the number of vacancies for persons with disabilities to a department under supervision for recruitment.

(2) Local governments shall conduct employee enumeration separately according to each Provincial Administration Organization, Municipality, Sub-district Administration Organization, the Bangkok Metropolitan Administration, and the Pattaya City or any other local administration organizations set up by law.

(3) State enterprises set up under the acts or royal decrees shall conduct employee enumeration separately according to each state enterprise;

(4) Any other government agencies that have entity status shall conduct employee enumeration separately according to each agency.

Article 5

Any employer or entrepreneur who does not employ persons with disabilities as stipulated in Article 3 and does not comply with Section 35 of Persons with Disabilities Empowerment Act B.E.2550, must send money to the Fund for Empowerment of Persons with Disabilities on annual basis calculating from the minimum rate of the minimum wage specified by the latest enacted labor protection law in the previous year prior to the obligation to send money to the Fund for Empowerment of Persons with Disabilities multiplied by three hundred and sixty five and multiplied by the number of persons with disabilities not being employed.

Money remittance mentioned in Paragraph One can either be in cash, crossed check or money order to pay for Fund for Empowerment of Persons with Disabilities or Provincial Social Development and Human Security Office where the firm is located within the 31st day of January annually.

Issued on 26th day of April B.E.2554

Chalermchai Srion

Minister of Labor

Remarks:- The rationale for issuance of these Ministerial Regulations is that section 33 of the Persons with Disabilities Empowerment Act B.E.2550 requires employers, entrepreneurs and government agencies to employ persons with disabilities to work in the positions suitable for them in proper proportions to the entire number of the employees in their workplaces by mandating the Minister of Labor to issue Ministerial Regulations to specify numbers of employees with disabilities that the employers, entrepreneurs and government agencies shall recruit in their workplaces, and Section 34 Paragraph One requires employers and entrepreneurs who do not employ persons with disabilities at the proper proportions shall send money to the Fund for Empowerment of Persons with Disabilities and the Minister of Labor shall issue Ministerial Regulations to specify the amount of money that the employers or entrepreneurs shall send to the Fund. It is thus necessary to issue these Ministerial Regulations accordingly.