

Time for a break

ON THE JOB: *Vacations might be short but other forms of leave also exist*

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Next to overtime, which we discussed in *Your Money* last week, vacation and leave entitlements in Thai workplaces are often poorly understood. For employees who feel they have earned a break, it helps to know what types of leave are permitted when making a case to the boss.

First, the basics: Under the Labour Law, every employee is eligible for at least 13 annual statutory holidays, which employers should post each year. Some workplaces also designate one or two days a year as company holidays. As well, employers must give employees at least one day off per week.

While Thailand has more public holidays than some countries, annual vacation time is relatively short. In Australia, for instance, annual leave of five to six weeks is not uncommon, the argument being that it takes a long time for Australians to travel anywhere.

In Thailand, employees who have worked continuously for at least one full year are entitled to at least six days of paid leave. In subsequent years, employers may grant longer holidays depending on company rules or mutual agreement by both parties.

The law also provides for sick leave of up to 30 working days a year, and it's no secret that some employees use occasional "sick" days to supplement holiday time. However, employers can curb abuses by requiring that an employee claiming more than three consecutive days of sick leave produce a certificate from a doctor, detailing the illness and treatment.

Employees can also take leave for specific treatment prescribed by the doctor and still be eligible for pay.

Other types of leave available under the law include business leave as necessary, in accordance with work regulations. However, in practice, most companies require an employee to submit a request in advance for approval by superiors.

Male employees are entitled to take leave for military service and receive their regular salary, but not in excess of 60 days a year.

Female employees are allowed to take maternity leave for no more than three months. The employer is required to pay the employee for a maximum of 45 working days during this period.

Employees can also qualify for paid leave for training or skill development relevant to their work, or for educational examinations organised by the government. In this case the employee must

state clearly the nature and duration of the course, and submit the request and relevant documentation to the employer at least seven days in advance.

However, employers retain the option to deny a request for educational leave if they can show that the employee's absence would harm the company.

All of the above regulations also apply to expatriates working in Thailand. However, many companies also provide expats with annual home leave.

According to [Sasirum B. Chunhakasikarn](#), a litigator at the law firm Tilleke & Gibbins International, such companies typically allowed 15 to 30 days for expatriates as home leave.

"There is no legal requirement in such cases. It is more like a work regulation or an agreement between employer and employee," she said. "Some companies are even ready to absorb travelling costs for their employees depending on how important they are to the firm."

However, Vincent Swift, managing director at The Wright Company, an executive search firm, said that some of the more lavish expat perks have been trimmed since the crisis in 1997.

"There is no more one-month home leave for many expats now but an exception for travelling time," he said.

Generally, he said, most expatriates now received the same amount of leave as their Thai counterparts, along with an extra three to five days for travelling to and from their home countries.