

# The Minimum Wage-fixing System in Thailand

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## INTRODUCTION

Minimum wages are applied and determined in many countries of the world in spite of the *pros* and *cons* of the system. Minimum wage-fixing systems can pursue different objectives, adopt different machinery and procedures, use different criteria for the determination and adjustment of minimum wage rates, and provide more or less of the intended coverage of workers. Thailand adopted a minimum wage system in 1972 and has adjusted it a number of times since then. The latest change was made in 1998 with the promulgation of the Labour Protection Act 1998 (LPA 2541).

This paper is based partly on a more comprehensive study entitled “Standard Criteria and Model for the Fixation of the Minimum Wage in Thailand” conducted by TDRI for the Research Division, Policy and Strategy Bureau, Ministry of Labour (MOL)<sup>1</sup> (TDRI 2005). It is aimed at providing salient and up-to-date knowledge on the minimum wage-fixing system in Thailand following the promulgation of LPA 2541. The minimum wage-fixing system in Thailand prior to this Act can be assessed in a more comprehensive study entitled “Review of Minimum Wage Fixation in Thailand” by Peetz (1996).

## MINIMUM WAGE IN THAILAND AND COMPLIANCE

The minimum wage system was first applied in Thailand with the promulgation of revolutionary party decree no. 103, dated March 16, 1972. The legislation gave authority to the Ministry of Interior<sup>2</sup> to fix the minimum wage rate, wage payment, payment for working overtime and during holidays, wage rate and leave. The National Wage Committee (NWC) was appointed by the Minister of Interior to carry out the relevant tasks. The Committee was set up as a tripartite body, which, by law, comprised at least nine but no more than 15 members representing the government,

employers and employees. At the beginning, there were only nine members on the committee: seven were government representatives, with only one representative each for employers and employees.

NWC was charged with the duty of recommending wage policy to the government and fixing the minimum wage rate, which then was defined as “a wage rate which an employee deserves and is sufficient for an employee’s living”<sup>3</sup> (Office of the National Wage Committee 1996, 74). In April 1973, the first minimum wage in Thailand was set at 12 baht per day and was applied only to the areas of Bangkok, Samut Prakan, Nonthaburi, and Pathum Thani. Since 1974, minimum wage rates have been applied to the whole Kingdom and fixed according to geographical zone. The zoning system for fixing the minimum wage has endured, although with some adjustments after the promulgation of LPA 2541. Minimum wage-fixing in Thailand does not follow a fixed schedule, although the minimum wage has generally been adjusted on an annual basis. However, it was not adjusted at all in 1976, 1984, 1986, 1988, 1997, 1999 and 2000, but was adjusted twice per year in 1974, 1989, and 1995.

When the first minimum wage was fixed in 1973, it was based on a study on the cost of living of workers in Bangkok, Nonthaburi, Pathum Thani and Samut Prakan. The criteria used subsequently to adjust the minimum wage were based primarily on the cost of living and the rate of inflation as reflected in the consumer price index. Since 1990, economic growth has been introduced into the wage adjustment calculation, according to the following formula: economic growth rate divided by two plus the inflation rate (Peetz 1996, 3). In practice, however, the minimum wage is the outcome of negotiation between employers and employees, with the involvement of governmental representatives (Peetz 1996, 4).

The minimum wages in 1998, the year in which LPA 2541 was promulgated, were 162 baht per day in Bangkok, Nakhon Pathom, Nonthaburi, Pathum Thani, Samut Sakhon, Samut Prakan, and Phuket; 140 baht in

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Chon Buri, Chiang Mai, Nakhon Ratchasima, Phang-nga, Ranong and Saraburi; and 130 baht for all other provinces. Because of the 1997 financial crisis, which resulted in widespread lay-offs, minimum wages were not adjusted for a few years (1999-2000). On January 1, 2005 minimum wages were adjusted in a range between 137 baht (the lowest) and 175 baht (the highest) (Table 1). The movement of minimum wages in large cities and provinces of least minimum wage (base minimum wage) during the period 1998-2005 is depicted in Figure 1.

One of the problems with the minimum wage system in Thailand is the high incidence of non-compliance. By definition and by law, minimum wages are to be paid to new and unskilled workers. As such, minimum wages should be applied to only a relatively small number of unskilled workers who enter the labor market for the first time or who are newly recruited. A rough estimate of the number of new and unskilled workers is fewer than 100,000 workers annually.<sup>4</sup> However, there are indeed a large number of employees who are paid less than the minimum wage.

Figure 2 depicts the level of non-compliance with the minimum wage in Thailand in 2004 based on a recent survey by the Institute of Research and Academic Services, Thammasat University (Anut 2004). The figure depicts minimum wages in comparison with median wages in provinces nationwide. The vertical line

measures the median wages paid at the provincial level while the horizontal line measures the minimum wages at the provincial level. The 45-degree line measures the coordinates where median wages are equal to minimum wages. Therefore, the dots under the 45-degree line reflect the cases where median wages or the wages actually paid are less than the minimum wages. One can see from Figure 2 that in 2004 there are many provinces where median wages were lower than minimum wages.

This phenomenon is also supported by a survey undertaken by the National Statistical Office in 2002 indicating that 1.71 million workers were paid less than the relevant minimum wage rates (Department of Labour Protection and Welfare 2002). Further, in 2003 the record of labor inspection by the Department of Labour Protection and Welfare shows that the number of workers in the establishments inspected totaled 43,316 and there were 11,240 establishments out of the 108,043 establishments inspected (about 10.4%) which paid less than the required minimum wages. Compared with an estimate in 1994 that approximately 37 percent of establishments were not complying with the minimum wage law (Peetz 1996, 5), the 2004 figure shows improvement. Peetz also shows that the incidence of non-compliance was higher among small establishments than among larger establishments but that the incidence was likely to be understated.

**Table 1 Minimum Wage Rate in Thailand, 1998 – 2005**

Effective date	Rate (baht per day)	Province concerned
January 1, 1998	162	Bangkok, Nakhon Pathom, Nonthaburi, Pathum Thani, Phuket, Samut Prakan, Samut Sakhon
	140	Chon Buri, Chiang Mai, Nakhon Ratchasima, Phang-nga, Ranong, Saraburi
	130	All other provinces
January 1, 2001	165	Bangkok, Nakhon Pathom, Nonthaburi, Pathum Thani, Phuket, Samut Prakan, Samut Sakhon
	143	Chon Buri, Chiang Mai, Nakhon Ratchasima, Phang-nga, Ranong, Saraburi
	133	All other provinces
July 1, 2001	168	Phuket
	165	Bangkok and Metropolitan area
	146	Chon Buri
	143	Chiang Mai, Nakhon Ratchasima, Phang-nga, Ranong, Saraburi
	138	Ang Thong
	137	Chachoengsao
	135	Sing Buri and Narathiwat
133	The rest of the country	
January 1, 2002	168	Phuket
	162	Bangkok and Metropolitan area
	146	Chon Buri
	143	Chiang Mai, Nakhon Ratchasima, Phang-nga, Ranong, Saraburi
	138	Ang Thong
	137	Chachoengsao
	135	Sing Buri and Narathiwat
133	The rest of the country	

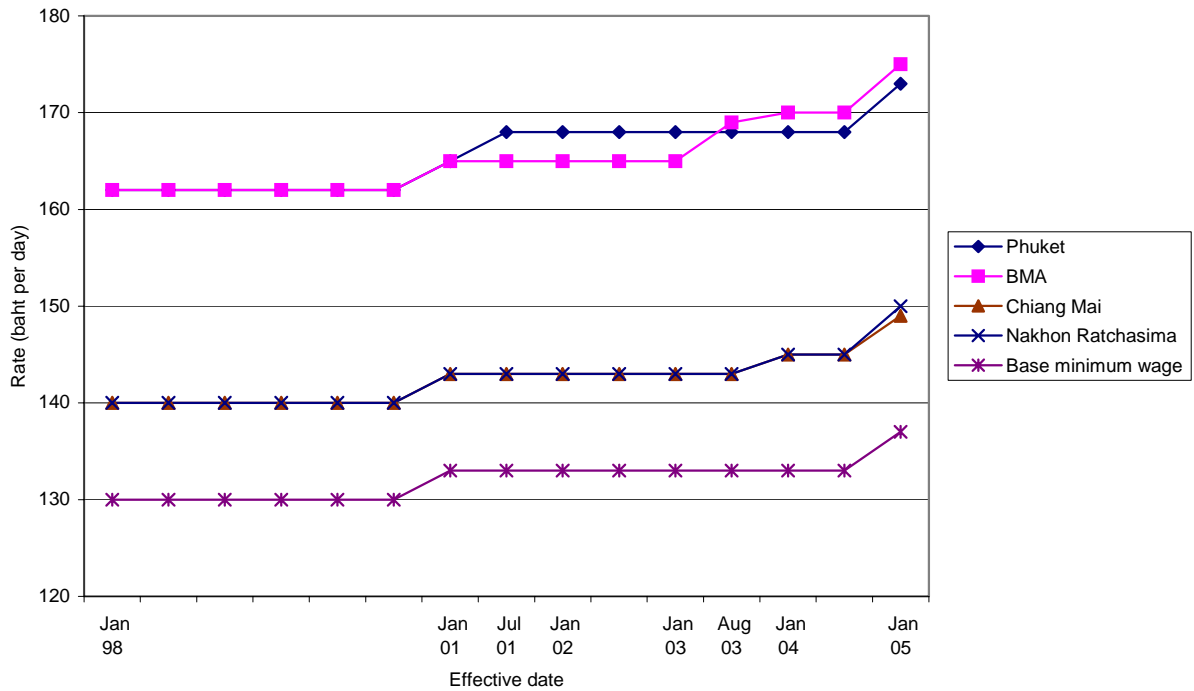
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Table 1 (Continued)

Effective date	Rate (baht per day)	Province concerned
January 1, 2003	168	Phuket
	165	Bangkok and Metropolitan area
	150	Chon Buri
	143	Chiang Mai, Nakhon Ratchasima, Phang-nga, Ranong, Saraburi
	138	Ang Thong
	137	Chachoengsao
	135	Sing Buri and Narathiwat
	133	The rest of the country
August 1, 2003	168	Phuket
	169	Bangkok and Metropolitan area
	150	Chon Buri
	143	Chiang Mai, Nakhon Ratchasima, Phang-nga, Ranong, Saraburi
	138	Ang Thong
	137	Chachoengsao
	135	Sing Buri and Narathiwat
	133	The rest of the country
January 1, 2004	168	Phuket
	170	Bangkok and Metropolitan area
	153	Chon Buri
	145	Chiang Mai, Nakhon Ratchasima, Phang-nga, Ranong, Saraburi
	138	Ang Thong
	140	Chachoengsao
	136	Sing Buri and Narathiwat
	133-135	The rest of the country
January 1, 2005	173	Phuket
	175	Bangkok and Metropolitan Area
	157	Chon Buri
	155	Saraburi
	150	Nakhon Ratchasima
	149	Chiang Mai and Phang-nga
	147	Ranong and Rayong
	146	Phra Nakhon Si Ayutthaya
	144	Krabi and Chachoengsao
	142	Kanchanaburi, Chanthaburi, Phetchaburi, Ratchaburi, Samut Songkhram and Ang Thong
	141	Chumphon, Lamphun, Sa Kaeo and Sukhothai
	140	Kamphaeng Phet, Khon Kaen, Trang, Buri Ram, Prachin Buri, Lop Buri, Sing Buri and Suphan Buri
	139	Kalasin, Chai Nat, Chaiyaphum, Trat, Tak, Nakhon Phanom, Nakhon Si Thammarat, Nakhon Sawan, Narathiwat, Prachuap Khiri Khan, Pattani, Phatthalung, Phitsanulok, Phetchabun, Mukdahan, Yala, Roi Et, Lampang, Loei, Si Sa Ket, Sakon Nakhon, Songkhla, Satun, Surat Thani, Nong Khai, Nong Bua Lam Phu, Udon Thani, Uttaradit, Uthai Thani and Amnat Charoen
	138	Nakhon Nayok and Phichit
	137	Chiang Rai, Nan, Phayao, Phrae, Maha Sarakham, Mae Hong Son, Yasothon, Surin and Ubon Ratchathani

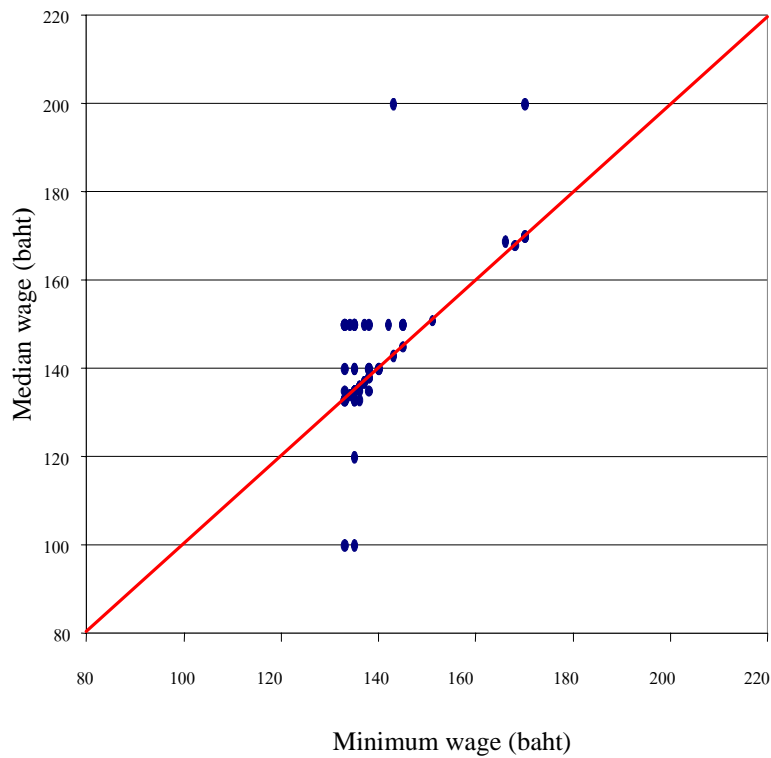
Source: TDRI. 2004. *Thailand Economic Information Kit*.

**Figure 1 Minimum Wages in Bangkok Metropolitan Area (BMA), Major Cities and Base Minimum Wages, 1998 – 2005**



Source: TDRI, 2004. Thailand Economic Information Kit.

**Figure 2 Relationship between Median Wage and Minimum Wage at the Provincial Level, 2004**



Source: Data from Anut 2004.

## TOWARD THE CURRENT SYSTEM

Prior to the promulgation of LPA 2541, the minimum wage-fixing system in Thailand encountered a number of problems, particularly, non-compliance, lack of clear-cut criteria for fixing wages, lack of a clear concept or paradigm, and lack of reliable, up-to-date and consistent data. With a view to improving the system, the Thai government requested technical assistance from the International Labour Organization (ILO) in 1995. ILO provided the services of David Peetz to review the system in May 1995 in collaboration with a team of Thai researchers.

Peetz maintained that there are two main objectives of the minimum wage: one is to provide social protection (a “poverty safety net”) and the other is to enable employees to benefit from economic development and growth (“fair wages”). In Thailand conflict exists between these objectives, leading to the need to re-examine the system’s arrangements; moreover, the two objectives do not necessarily lead to the same policy conclusions (Peetz 1996, 13).

For the purpose of preventing extreme poverty, a minimum wage would be set at a certain level and updated in a manner that did not have strong repercussions for most of the wage structure. It would be updated by reference to indicators of the level of wages necessary to avoid extreme poverty. On the contrary, for the purpose of enabling employees to share in the benefits of economic growth, a minimum wage would be integrated into the existing wage structures, and adjustments to it would have implications for the level of wages generally. It would be updated by reference to measures of national economic development; it would have broader macro-economic implications that would be taken into account in its setting. Furthermore, it may relate not only to the lowest-skilled workers but also to those with varying levels and degrees of skill. This means that the objectives of the minimum wage have implications for the choice of indicators.

The minimum wage in Thailand does not fit the “poverty safety net” paradigm for a few reasons. First, the updating of the minimum wage has a flow-on effect on the rest of the wage structure. It is well known in Thailand that increases in the minimum wage set the norm for wage increases for many employees not covered by the minimum wage. This observation is also supported by a later study by TDRI (2005). Second, it has been noted that increases in the minimum wage have an observable announcement effect on prices. As such, increases in the minimum wages do not help employed workers with regard to their previous standard of living. A third observation is that the minimum wage is set by reference to the needs of an individual employee, exclusive of dependants, while a “poverty safety net” minimum wage should take into account the needs of the family. Fourth, some degree of non-compliance suggests

that the minimum wage is not fully effective in meeting poverty-alleviation objectives.

It is interesting to note that, if it were to be decided that the “poverty safety net” paradigm should be followed, one thing that would need to be done would be to make the minimum wage lower than it is currently, because that is how the minimum wage could be made to directly affect fewer employees (Peetz 1996, 16). In brief, the minimum wage policy should attempt to reconcile both the “poverty safety net” objective and the “fair wages” objective. In particular, the policy should constitute an element in policy aimed at overcoming poverty, but it should also constitute an element in policy aimed at enabling employees to share in the benefits of economic development. To take care of the two objectives, Peetz recommends a “two-tier” system of minimum wage determination in which the minimum wage comprises two parts, the “base wage” or the poverty safety net, and the “industrial base wage” or the fair wage. In other words, he recommends that the minimum wage be fixed by industry.

## THE CURRENT SYSTEM

ILO’s recommendation was reviewed at a national seminar in May 1996. Subsequently, however, the idea of an industrial minimum wage was not put into practice. NWC considered that the approach would be difficult to apply. For example, first, more industrial sub-committees would need to be established in order to review industrial minimum wage rates; second, there would be too many minimum wage rates, causing confusion among employers; third, a single type of minimum wage would be easier to enforce; and fourth, the minimum wages applied to unskilled workers who do not have the power to bargain against employers no matter to what industry they belong should be equally protected (Division of Income and Minimum Wage Systems Development 2004, 2-2).

In 1997, the then Ministry of Labour and Social Welfare (MOLSW) recommended that the government adjust the minimum wage structure to comprise a national “base wage” and “provincial minimum wages,” the latter being a combination of the national base wage and an additional adjustment for provincial differences in the cost of living and other socio-economic conditions. The “base wage” is determined at the national level by NWC in order to guarantee a minimum standard of living of an employee, and “provincial minimum wages” are worked out and recommended at the provincial level by the relevant Provincial Subcommittee on Minimum Wage (PSMW) to take into account the differences in socio-economic situation and cost of living at the provincial level and to decentralize the determination of the minimum wage. The “provincial minimum wage” cannot be less than the “base wage.”

The Cabinet approved the MOLSW recommendation in principle on October 14, 1997. To put the new system into effect, MOLSW issued a ministerial order on November 6, 1997 and subsequently put the matter in the draft LPA 2541, which became effective on August 19, 1998. It can be noted that, although the fixing of the minimum wage rate by industry is not applied currently, Article 87 of LPA 2541 provides for NWC to fix minimum wage rates by industry.

### 1) Minimum Wage-fixing Machinery

Figure 3 depicts the minimum wage-fixing system under LPA 2541. The three main institutions of the Thai minimum wage-fixing machinery are NWC, PSMW, and the Subcommittee on Technical Affairs and Review (STAR). NWC is composed of the Permanent Secretary of the Ministry of Labour as chairperson, four representatives of the government, and five representatives each of employers and employees, and a secretary (from the Division of Income and Minimum Wage Systems Development, Policy and Strategy Bureau, Office of the Permanent Secretary). NWC is appointed by MOL and has a term of two years, which is renewable. A major function of NWC is to fix the “base wage rate” and (provincial) minimum wage rate. (The latter is done through the recommendation of PSMW). PSMW is a tripartite committee composed of the governor, provincial commerce officer, provincial industrial officer, two members representing the public’s interests, five representatives of workers, and five representatives of employers. The Provincial Office of Labour and Social Welfare serves as the secretariat. All PSMW members, except the first three and the secretariat, are appointed in each province by MOL. The main function of PSMW is to recommend to NWC minimum wage adjustments at the provincial level. However, it has no power to fix the minimum wage adjustment. STAR was appointed by NWC in 2004 to review PSMW’s recommendations for final consideration and approval by NWC. It is composed of 11 members, three each from representatives of the government, employees and employers, and secretariat and assistant secretariat from MOL. NWC and STAR are supported by a secretariat from the Policy and Strategy Bureau, whereas PSMW obtains secretariat support from the Provincial Office of Labour and Social Welfare.

### 2) Minimum Wage-fixing Criteria

The primary objective of the Thai system is to protect and help employed workers to earn fair wages that will enable them to make a sufficient living above the poverty level. The minimum wage is based on three principles, namely, (1) the minimum wage is a major measure of labor protection, (2) the minimum wage level

is to be determined by the previously described tripartite machinery, and (3) the fixation of the minimum wage is decentralized to the provincial level. The criteria for the determination of the wage rate at the provincial level is “the wage that is sufficient for a newly-recruited unskilled worker to make a living in his/her community” (Division of Income and Minimum Wage Systems Development 2004).

The criteria for the fixation of the minimum wage are given by LPA 2541, which stipulates that for the purpose of fixing the minimum wage and base minimum wage, NWC should study and review the current wage rate along with relevant data, in particular, the consumer price index, inflation rate, standard of living, cost of production, prices of goods and services, employer’s capacity to pay, labor productivity, GDP, and the socio-economic situation. After such a review, NWC would determine the adjustment of minimum wages together with supporting data and submit them to MOL, which will announce the new minimum wage rates in the Royal Gazette.

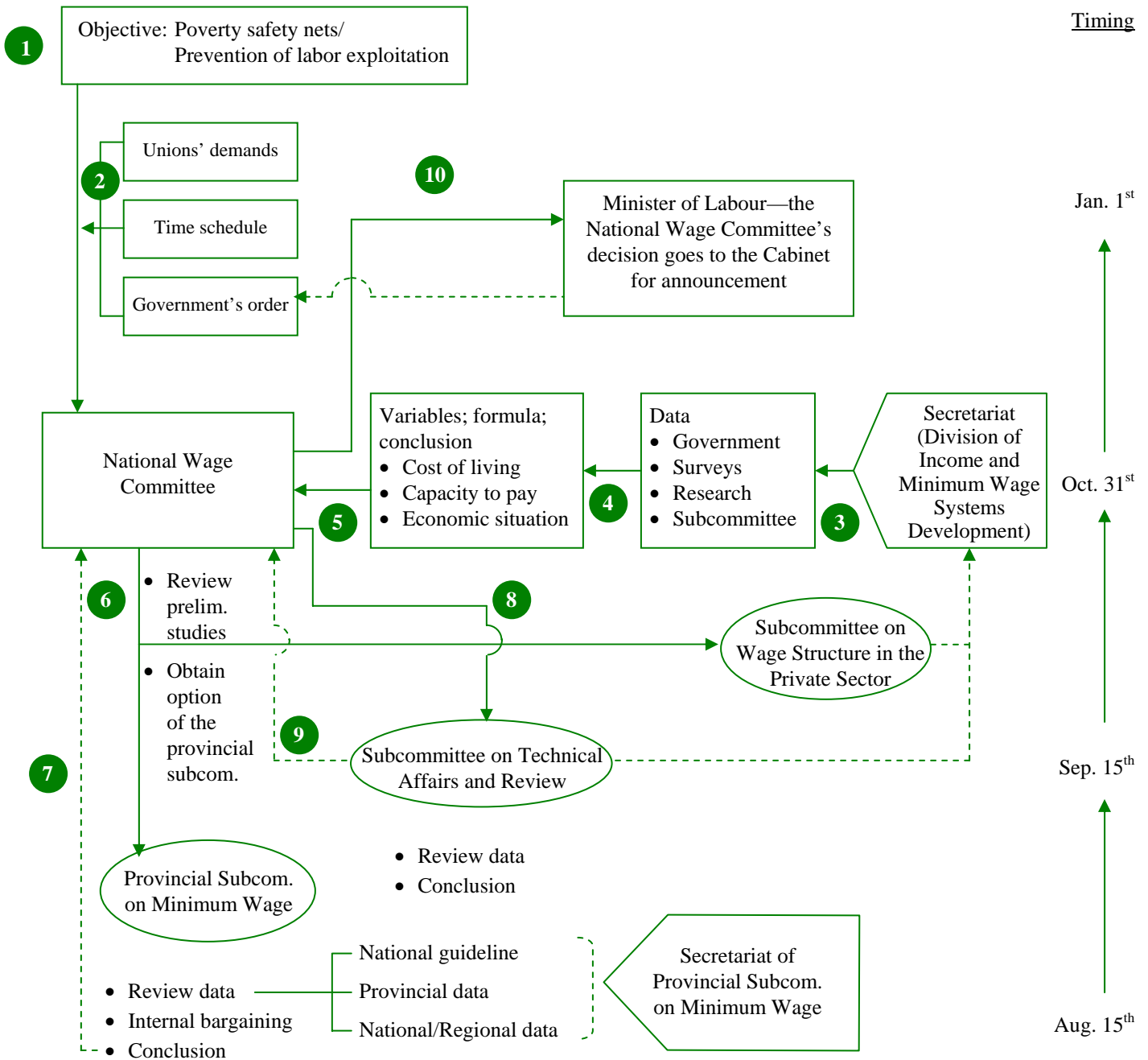
In practice, NWC gives written suggestions to PSMW on the series of indicators for minimum wage adjustment, sources of data, and the time frame for the review and submission of the recommendations. NWC does not, however, give a national guideline regarding what the new level of minimum wage should be.

STAR, however, adopts somewhat different criteria in reviewing PSMW’s recommendations. For example, it compares the proposed provincial wage rate with the province’s inflation rate. If the proposed rate does not exceed the provincial inflation rate, it gets a score of 40 compared with 30 if the proposed rate exceeds the inflation rate. Other indicators include the record of minimum wage adjustments in the previous two years, how united is the PSMW, and the justification of STAR.

### 3) Minimum Wage-fixing Procedure

The process of minimum wage-fixing does not follow a fixed time schedule. By and large, the adjustment of the minimum wage is initiated through three channels: when there is a demand from trade unions, a recommendation from NWC or PSMW, or by governmental order. This process depends on the economic and social situation (Office of the National Wage Committee 1996, 5). However, the 13<sup>th</sup> NWC (1997-1999) recommended that the minimum wage be reviewed at least once a year, announced 60 days in advance, and made effective on January 1. Upon receiving a signal for minimum wage adjustment, NWC will inform PSMW to make recommendations on its respective provincial minimum wages. After PSMW reviews the adjustment, it will submit recommendations to NWC, which will send the provincial recommendations for technical review by STAR. In 2004, NWC set a schedule for PSMW to submit its

**Figure 3 Minimum Wage-fixing System in Thailand**



Source: Thailand Development Research Institute.

recommendation on minimum wage adjustment before August 15, 2004, and for STAR to submit its review results before September 15, 2004 so that NWC could decide on the new minimum wage by October 31, 2004 and announce the application of the new rate on January 1, 2005.

**4) Indicators and Data**

According to Article 87 of LPA 2541, as previously mentioned, there are about nine indicators that should be used for the consideration of a minimum wage adjustment. These indicators can be classified into

three groups: first, indicators of the necessary cost of living for employees, which includes wages of kindred workers, the consumer price index, inflation rate, standard of living, and prices of goods and services; second, the capacity of employers to pay, which includes cost of production, business capacity and labor productivity; and third, national economic conditions, which include GDP and the socio-economic situation in general. In order to obtain these indicators, the secretariat office of NWC provides a list of sources of data. NWC also advises PSMW on how to weigh each indicator and calculate a total score for making its decision. In practice, the indicators can give only an idea for an initial adjustment proposal. In the past, the indicators used were limited only to the inflation rate and GDP growth rate. The decision is usually based on negotiation.

### CONCLUDING REMARKS

The present system has a few problems. First, union workers and a number of academicians have extensively criticized PSMW as being not the appropriate approach for minimum wage-fixing for several reasons. For example, they claim that (a) PSMW is biased in favor of employers and it weakens the collective power of workers since at the provincial level there are only a small number of unions and most of them are not strong compared with those at the national level; (b) the selection and the appointment of representatives of workers in PSMW are not transparent processes, some of the people chosen are not even known among workers; and (c) PSMW does not have the authority to determine the province's minimum wage. Second, there is a dearth of data at the provincial level for the consideration of PSMW. Third, even at the national level, the lack of a good data system is a bottleneck for the effective review of minimum wages. For example, data on the consumer price index, inflation, GDP growth rate, etc., are available from various government agency sources; data on labor productivity, capacity to pay, and cost of production are not systematically collected; and there are no consistently-collected data on the wages of unskilled workers, by industry and by size of establishment. The lack of provincial data makes the work of STAR formidable. Fourth, non-compliance is still high. Fifth and last but not least, there are enough studies to support the review of the minimum wage and relevant policies. For example, while an objective of the minimum wage is to raise the wage level of unskilled workers so that they will be able to afford a sufficient living standard, the government does not have a strong policy and/or clear-cut policy to protect them from the influx and impact of immigrant workers from neighboring countries.

### ENDNOTES

- <sup>1</sup> Formerly Ministry of Labour and Social Welfare (MOLSW).
- <sup>2</sup> The Department of Labour was then under the Ministry of Interior.
- <sup>3</sup> Peetz (1996, 3) erroneously indicated that "the coverage of the first minimum wage included two other members of the family, i.e., the spouse and one child."
- <sup>4</sup> Currently, the number of new workers is about 400,000-500,000 persons a year. Out of this number, about 58 percent are graduates with diplomas or higher levels of education. Thus, only 42 percent are likely to be unskilled workers. Further, about 50 percent of Thai workers work on farms. Thus, about 25 percent of the new workers are likely to work in the non-farm sectors, some of whom work in informal sectors or are self-employed. Hence, even a conservative estimate of new, unskilled workers is fewer than 100,000 persons.

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