

Thailand Legal Update

December, 2025 No.41

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I. Client Alert: Thailand Removes Statutory Requirements for Rooftop Solar Panel Installations

Due to the intention to promote the use of solar energy both in residential and commercial establishments, Thailand is actively encouraging the adoption of solar energy by easing the requirements for solar energy generators in securing the necessary licenses and requirements from regulatory bodies including construction permit and relevant requirements.

Previously, the Ministerial Regulation No. 11 (B.E. 2528) issued in accordance with the Building Control Act, B.E. 2522 (as amended) provided that for residential buildings, rooftop solar panels installations possessing an installed area not exceeding 160 square meters and a total weight of no more than 20 kilograms per square meter were exempt from being classified as building modifications for which a construction permit would be mandated. However, before proceeding with the installation, a structural integrity assessment conducted and certified by a licensed civil engineer was required to confirm that the installation could be safely executed. Additionally, notification to the local authority was also required prior to commencing the installation.

To streamline the process and promote the use of solar energy, Ministerial Regulation No. 72 (B.E. 2568), issued pursuant to the Building Control Act, B.E. 2522 (as amended), was published in the Royal Gazette on November 19, 2025. This regulation eliminates the previous limitations on the residential buildings, the maximum area, the requirement for a structural integrity assessment conducted and certified by a licensed civil engineer, and the need to notify local authorities prior to the installation of solar rooftop panels. Consequently, rooftop solar panel installations for all types of buildings with a total weight of no more than 20 kilograms per square meter are now exempt from being classified as building modifications, and no structural integrity assessment or notification to local authorities is required.

Importantly, this regulation not only applies to residential buildings but also commercial buildings and factories. Therefore, companies are encouraged to consider adopting solar rooftop installations in their

establishments and factories, particularly those that consume high volumes of energy, to reduce costs. The simplified and less burdensome process makes it easier for businesses to integrate solar energy solutions, contributing to both cost savings and environmental sustainability.

For more details about this Regulation, or on any aspect relating to renewable energy in Thailand, please contact Charuwan Charoonchitsathian at: charuwan.c@nagashima.com, or Thananya Pholchaniko at: thananya.p@nagashima.com

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Charuwan Charoonchitsathian is a highly experienced corporate, commercial, and joint ventures lawyer, renowned for advising and representing clients in a diverse array of transactions in Thailand. She is specializing in energy, project infrastructure and technology, media, and telecommunications (TMT), as well as cross-border M&As and a broader range of corporate and commercial legal matters. Her expertise extends to offering regulatory advice in sectors such as renewable energy, FinTech, payment systems, OTT, technology, media, and telecommunications.



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II. Thailand Amends Labour Protection Act: Extended Maternity Leave and Introduction of Parental Leave

Introduction

Given that the Labour Protection Act B.E. 2541 (1998) (the “**LPA**”) has been in effect for a long time, certain provisions have become outdated with respect to the evolving societal and economic conditions of the country. To address these developments, the Labour Protection Act (No.9) B.E. 2568 (2025) (the “**LPA No.9**”) was published in the Royal Gazette on 7 November 2025 and will enter into force 30 days after its publication, on 7 December 2025.

Key Changes

1. Extension of maternity leave period

A female employee is entitled to an extension of maternity leave from 98 days to 120 days per pregnancy,¹ with the maximum number of paid leave days increased from 45 to 60 days.²

2. Additional leave for caring for newborns with medical conditions, abnormalities, or disabilities

A female employee is entitled to take an additional 15 days of leave following maternity leave to care for newborns with medical conditions that put them at risk of complications, abnormalities, or disabilities. A medical certificate is required for leave taken under this provision.³

¹ Section 4 of the LPA No.9

² Section 7 of the LPA No.9

³ Section 5 of the LPA No.9

During this additional leave period, the female employee is entitled to receive 50% of her regular wages.⁴

3. Introduction of Parental leave

An employee is entitled to 15 days of parental leave per pregnancy to assist their spouse during childbirth. This leave may be taken either before childbirth or within 90 days thereafter.⁵ The employer is obligated to pay the employee their full wages during this period.⁶

4. Extension of LPA coverage to government service contract workers

LPA No. 9 broadens the LPA's scope to cover individuals employed in the public sector, such as government agencies, local authorities, state enterprises, public organizations, and other governmental bodies, who work under a contract for services, receive wages on a daily, monthly or other periodic basis, and are under the control and supervision of such governmental agency. Previously, these individuals received no protection under the LPA. Under this amendment, they will become entitled to certain fundamental rights, such as wages, weekly holidays, traditional holidays, annual leave, sick leave, maternity leave, working days, working hours, and rest periods, which must not be less favorable than the standards set out in the LPA. Additionally, any disputes arising from these rights and obligations will fall under the jurisdiction of the Labour Court.⁷

5. Clarification of the employer's duty and reduction of labour inspectors' administrative workload regarding the annual report on working conditions

The LPA requires employers with 10 or more employees to submit the "Employer's Report on Working Conditions" (Form Kor.Ror. 11) within January of each year. Before this amendment, the provision might have been misleading, as it suggested that labour inspectors were required to take the initial step of sending the form to employers in December each year. In practice, employers were always required to submit the report in January, regardless of whether they had received the form from a labour inspector. The amendment clarifies this responsibility by eliminating the step where labour inspectors send out the form and placing full responsibility on employers to monitor and submit the report within January of each year. This change aims to reduce confusion and lessen the administrative burden on labour inspectors.

Next Steps for Employers

The LPA No.9 has enhanced support for female employees by extending the maternity leave period and introduces a new parental leave provision for partners to support them during childbirth. As the new legislation is going to be effective soon, it is advisable for companies to review and, where necessary, revise their work rules and standard employment contracts to ensure alignment with the amended provisions of the LPA. This will help ensure that internal policies comply with the updated regulatory framework, thereby mitigating the risks associated with HR compliance.

4 Section 8 of the LPA No.9

5 Section 6 of the LPA No.9

6 Section 8 of the LPA No.9

7 Section 3 of the LPA No.9

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Ponpun is a qualified lawyer based in our Bangkok office. She holds an LL.B. from Thammasat University, Thailand (Second Class Honor), and an LL.M. in International Commercial Law from the University of Bristol, UK (Distinction). She has more than a decade of work experience practicing corporate and commercial law, both within Thailand and across the ASEAN region. Her expertise covers various legal areas, including foreign direct investment, mergers and acquisitions, with a particular focus on Thai labor laws. She is also highly experienced in advising factory operators on regulatory compliance, reflecting her strong background in technical industrial, and environmental regulatory frameworks.



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