

# Thai Labour Movement Action and Development

# 2007



## BUNDIT THANACHAISETHAVUT

# The Thai Labour Movement in 2007: Action and Development

by

Bundit Thanachaisethavut

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# Foreword

The main purpose of this report, ‘The Thai Labour Movement in 2007: Action and Development,’ originally prepared in Thai language but translated into English, is to provide information on the current labour situation in Thailand. The report outlines the labour movement’s 2007 campaigns as well as evaluates successes and challenges of these campaigns. This information is intended to be useful by related stakeholders, both at a practical and political level, to contribute to better understanding of Thai labour issues and to enable further development of national labour policies.

Information on the labour movement in Thailand in English is very scarce. The Thai labour movement seems to be a movement isolated from international colleagues and international cooperation, partly due to such gaps in English language information. English versions of the Thai labour movement’s yearly reports were therefore arranged to provide information, much briefer than the Thai language report, but containing the key contents of this report. This kind of report is intended to fill information gaps which hopefully increase understanding and cooperation between international and Thai labour movements to the benefit of our labour movement here in Thailand.

The report is divided into four sections: summary of the Thai labour movement activities in 2007; labour statistics; summary of the core content of important Thai labour laws; and finally Thai labour movement contact information. The key contents of this report is mainly in the first section, where two areas where the Thai labour movement struggled in 2007 are outlined: (1) The struggle related to participation in the process of drafting the new Thai Constitution, in order to shape the basic legal framework in which labour rights are guaranteed; and (2) The struggle of labour’s continual fight for socio-economic rights given existing circumstances in Thailand.

On behalf of the Friedrich-Ebert-Stiftung Thailand Office, I would like to thank Budit Thanachaisethavut and the Arom Pongpa-ngan Foundation for preparing the original Thai language report, Sakdina Chatrakul Na Ayudhya for coordinating this project, Jongjit Arthayukti for translating the report into English, and Andy Hall for editing.

Preeda Sirisawat  
Academic Advisor  
Friedrich-Ebert-Stiftung  
Thailand Office  
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# **Section One: Summary of Thai Labour Movement Activities in 2007**

This report is a summary English language version of the Thai language report entitled ‘Summary Report on the 2007 Labour Movement’s Activities, Challenges and Situation.’ In this report, the nine main campaign areas involving the Thai Labour Movement in 2007 are outlined. The objective of this English language report is to provide to keen observers of labour issues in Thailand clear information on lessons learnt and impacts and consequences arising from the labour movement’s 2007 activities. To this end, the report focuses on the following nine campaign issues:

- A. The Trade Union Movement and Participation in the 2007 Constitution Drafting Processes;**
- B. Protecting Migrant Worker Rights;**
- C. May Day Demands and Activities;**
- D. Informal Sector Demands and Responses from the Ministry of Labour;**
- E. Protesting the Government’s Draft Safety Laws;**
- F. Requesting Reformation of the Administration of the Social Security Fund;**
- G. Protesting Against Privatization of State Enterprises;**
- H. Solving Problems Relating to Unfair Employment Practices; and**
- I. Demanding Minimum Wages Adjustments.**

The final subsection of section one outlines the highlights of the 2007 Thai Constitution.

# *A - The Trade Union Movement and Participation in the 2007 Constitution Drafting Processes*

## **Background to Drafting a Constitution**

Thailand's 1997 Constitution was widely considered to recognize individual freedoms. However, at the same time this Constitution was also seen to restrict certain rights and freedoms whilst concurrently strengthening Governments without effective 'check and balance' mechanisms. For these reasons, there had been continual calls to amend the Constitution prior to the 19<sup>th</sup> September 2006 military coup. After the coup, a committee was appointed under an interim constitutional drafting council to conduct public hearings through a participatory approach, ending with a public referendum on a new draft Constitution. The Thai Labour Solidarity Committee (TLSC) actively participated in these constitutional drafting processes. Several public hearings were organised to gather voices and opinions from various groups of workers. Fifteen 'recommendations by labour' were eventually sent to the Constitution Drafting Council.

## **Labour Recommendations and Outcomes from Labour's Demands**

Workers suggestions relating to the 2007 Constitution, collected by TLSC as the leading labour organisation pushing for such enactments within the constitution, consisted of the following 15 recommendations:

**Recommendation 1 - There should be no restrictions related to MP and Senators minimum educational qualifications. The 1997 Constitution had specified minimum qualifications consisting of a bachelors degree.**

*Justification* - The requirement for a minimum education of bachelors degree to become an MP or senator, as prescribed by the 1997 Constitution, was widely viewed as being contrary to democratic principles. This was the case as the majority of Thai people, especially workers, would be blocked from political participation given they do not possess such educational qualifications.

*Impact Assessment: 2007 Constitution* - This recommendation was 50 % accepted as the minimum education qualification required for MP candidates was changed as recommended in the 2007 Constitution. However, for Senate seats, the minimum qualification of bachelor's degree or its equivalent is still prescribed.

**Recommendation 2 - Workers and all people living and working away from their registered electoral area shall be allowed to vote for MPs and Senate candidates at the authorized election sites of their respective living and working areas.**

*Justification* - Since the majority of Thai workers are rural migrants who have moved to work in urban factories, without being able to afford to register new accommodation by themselves, they therefore become unregistered residents of either rental rooms or workplace dormitories and do not therefore hold voting rights at their respective working and living areas. As a result of this situation, workers have no representation by people advocating their viewpoints and being selected to find solutions to their problems.

*Impact Assessment: 2007 Constitution* - This recommendation did not appear in the 2007 Constitution or related electoral laws, but it was seriously discussed for the first time by both the Constitution Drafting Council and the Election Committee.

**Recommendation 3 - A group of 10, 000 people should be entitled to submit draft legislation for the consideration of Parliament without prohibiting rules and procedure set up by government administrations.**

*Justification* – Up until 2007, all draft legislation proposed for parliamentary adoption had been exclusively initiated by government administrations despite a prescription in the 1997 Constitution allowing for submission of a proposed legislative draft supported by 50,000 signatures. It was too difficult to prove 50, 000 signatures were valid and reliably collected. There were also numerous rules and regulations obstructing citizens from sponsoring their own legislation. A group of 50, 000 workers once submitted a signed legislative draft on the establishment of an Occupational Health, Safety and Environmental Protection Institute only to fail in their attempt as a result of trivial parliamentary procedure rules.

*Impact Assessment: 2007 Constitution* – This recommendation was accepted and only 10, 000 signatures are now required to propose draft legislation to Parliament under the 2007 Constitution.

**Recommendation 4 - The State shall ensure promotion and support of people’s right to assemble.**

*Justification* – Assembly of people is essential to ensure a strengthening of democratic politics. People gathering together and their supporting and caring for each other enhances public participation and results in mutual benefits for all citizens in a society. The assembly of people in the past was viewed as harmful to the state and obstructing administrative procedures. Assembly was therefore accordingly controlled, impeded and interfered with. Currently many people’s organizations have been established to conduct a variety of beneficial activities recognized and supported by people in general. These non-governmental organizations (NGOs) should be supported by the public sector, given their role in promoting effective contributions from society.

*Impact Assessment: 2007 Constitution* – this recommendation was considered and relevant prescriptions appear in the 2007 Constitution.

**Recommendation 5 – The State should promote of democracy at workplaces and participatory decision making processes.**

*Justification* - Democracy shall only have real meaning when all areas of society and of citizen’s lives are really democratic. However, previously there has been no democracy in the workplace where decisions have been made solely by management or business owners. This is despite recognition of social partnership between managers or employers and employees existing in the modern world, where both employers and employees have been equally accepted given their contribution to productivity through their indispensable inter-dependency. A Constitution should therefore prescribe roles for the State to promote democracy in the workplace to ensure social justice in all areas of citizen’s lives.

*Impact Assessment: 2007 Constitution* - This recommendation was not taken into consideration by the Constitutional Drafting Committee.

**Recommendation 6 - Freedom of association to organize trade unions should be protected by the State.**

*Justification* - Although the right to organize labour unions is recognized as a basic human right internationally, in Thailand this right is still ignored. Workers gathering in attempts to organize trade unions have always faced victimization and various kinds of pressure, including dismissal in many cases. Consequently, only a very small proportion of the Thai workforce organizes itself into

trade unions and few Thai workers are trade union members. Constitutional prescriptions obliging the State to protect the right to organize is crucial.

*Impact Assessment: 2007 Constitution* - Rights to organize are again prescribed under the 2007 Constitution but there are no protective measures to ensure effective implementation of this right.

**Recommendation 7 - A person shall, without interference, enjoy the liberty to assemble peacefully and without arms, protected by the State. Any restrictions on such liberty shall not be imposed.**

*Justification* - The 1997 Constitution did not prescribe for state protection to ensure liberty for peaceful assembly. Moreover, such liberty was subject to the limitation 'except by virtue of a law specifically enacted for the case of public assembling and for securing public convenience in the use of public places or for maintaining public order during the time when the country is in a state of war or when a state of emergency or martial law is declared.' Such prescription obstructs all persons from enjoying the liberty to peaceful assembly while allowing the State to interfere to impede such freedoms and therefore should be removed.

*Impact Assessment: 2007 Constitution* – There was a partial yet observable response to this recommendation. However the 2007 Constitution still reserves the right for the State to revoke such right on the grounds of national security.

**Recommendation 8 - Independent organizations and other mechanisms to protect people's rights shall be formed and be accessible by citizens. Such organisations should also possess powers to provide remedies to violation of rights.**

*Justification* - The 1997 prescribed various rights protection mechanisms by a number of organizations but these organizations were not accessible by people. Certain organizations (i.e. the National Human Right Commission) were without any prescribed authority to provide required protections to citizens.

*Impact Assessment: 2007 Constitution* - The response to this recommendation was not satisfactory as authorization for the selection of members to autonomous organizations continues to be held by a small groups of people without real citizen's participation.

**Recommendation 9 - The State shall promote and protect labour rights through measures to provide redress for their violation and by giving significant attention to labour problems.**

*Justification* - Workers are a very important majority of people in Thailand but their rights are found to be of the kinds most violated. Constitutions have never prescribed protection against labour rights violations and there has been no prescription relating to definite roles and responsibility of the State toward workers.

*Impact Assessment: 2007 Constitution* - The recommendation was responded to relatively well. There are several provisions in the 2007 Constitution on labour rights protection as well as a definition of the various roles and responsibilities of the State towards workers.

**Recommendation 10 - All public utilities and security enterprises are of the State and require proper maintenance and development to ensure effective public services equally accessible by all. Such State enterprises should not be sold for profit.**

*Justification* - Enterprises that provide services for people's well-being and national security should be operated by the State to ensure equal and fair access by all persons, whether they are rich or

poor. If such important services are privatized for profit making, the price of the services may become too high and therefore services would also become un-accessible for the poor leading to unfair social disparity as well as reduced national security. Privatization, especially with foreign companies involved, could easily disclose national secrets and lead to interference.

*Impact Assessment: 2007 Constitution* – This recommendation was not satisfactorily responded to and the 2007 Constitution contains no definite prohibition against such privatization.

**Recommendation 11** - The State shall provide employment for all people of working age and specific protection for child and woman workers, especially pregnant women. Fair employment shall be promoted alongside gender equality, and there shall be no discrimination on the ground of sex, culture, nationality or race. The state shall ensure safety at work for all workers, as well as equal protection for informal sector workers and migrant workers. Rights to organize and collectively bargain shall be protected under an appropriate labour relations system. Comprehensive social security systems shall be promoted and developed with minimum wages guaranteed to ensure sustainable living for workers and their families. Fair employment remuneration shall be promoted.

*Justification:* The 1997 Constitution provided insufficient protection to workers and this led to unfair employment practices in Thai society in general. Exploitation against workers in various forms are frequently observable, especially concerning child labour, woman workers, the informal sector and migrant workers. Such workers frequently live under subsistent standards without human dignity and protection. The State should promote organizing amongst various groups of workers to protect them against inhuman exploitation by their employers.

*Impact Assessment: 2007 Constitution* - Response to this recommendation was satisfactory because the 2007 Constitution includes several provisions relating to labour protection, as well as prescribing state roles and responsibilities toward workers in many different areas.

**Recommendation 12** - The State should support economic systems which generally promote social justice through controlling and eliminating both direct and indirect monopoly of such systems by the private sector. This is necessary to ensure national security, public interests of the country and people at large, as well as to provide essential public utility services to all equally and fairly.

*Justification* - The 1997 Constitution prescribed State policies under a free economy system which were not able to provide for the fair distribution of income among all sectors of Thai society. Instead, a disparity between the rich and the poor increasingly widened, resulting from exploitation both by powerful local and multinational business owners as a result of such trading. Monopolization was increasingly evidenced and practiced. As a result, while the minority was getting richer, the majority were becoming deeply indebted. Unfair exploitation of resources could be seen to have costs for and be providing for the deprivation of future generations. The term ‘free economic system’ should therefore be altered to refer to a ‘fair economy system.’

*Impact Assessment: 2007 Constitution* - The 2007 Constitution continued to refer to the Thai economic framework as being a free economic system.

**Recommendation 13** - All persons shall enjoy equal rights to free basic and quality education at least up to the level of bachelor’s degree or equivalent, provided by the State.

*Justification* – TLSC believes education is a key factor in national development in various areas and should be one of the most basic rights fully provided for free by the State to every citizen.

*Impact Assessment: 2007 Constitution* - The 2007 Constitution prescribes for free education of 12 years which is less than TLSC's recommended minimum of up to bachelors degree.

**Recommendation 14** - The State shall set up an autonomous Occupational Health, Safety and Environment Institute to regulate measures on safety prevention, inspection, medical care, accident and disease recovery as well as rehabilitation and compensation.

*Justification* - The Thai workforce comprises of more than 35 million people who are the majority of the whole population and spend their working lives in various different workplaces. Each year many workers die, are injured or get sick from various occupational diseases, resulting from low protective standards and unsafe working environments. The government agencies responsible for health and safety have limited manpower and currently reside far away from existing problems. On the other hand, workers who stay closest to such risks and understand their safety problems the best have restricted participation due to closed systems and the defensive nature of existing measures that focus only on solutions after harm i.e. compensation for loss of life and organs, or for occupational diseases.

*Impact Assessment: 2007 Constitution* –The 2007 Constitution responded to these recommendations relating to safety at work in a way that did not satisfy fully demands of TLSC.

**Recommendation 15** - Ensuring people's participation on the basis of gender equality.

*Justification* – People's participation brings with it wide and diverse opinions on solving problems as a result of the different experiences of men and women, as well as gender-wise attitudes and perspectives. Brain storming sessions are generally constructive in mobilising for solutions by suggesting and highlighting various alternatives.

*Impact Assessment: 2007 Constitution* – The response was satisfactory because gender was included in a provision on people's participation.

## **Conclusions: Constitutional Referendum**

The 2007 Constitution was enacted following a referendum on 19<sup>th</sup> August 2007. Out of the total of 45, 092, 955 persons entitled to vote, 57.61 % or 25, 978, 954 people came to vote. The Constitution was supported by 14, 727, 306 people or 56.69 % of those who came to vote. A total of 10, 747, 411 persons or 41.37 % of those who came to vote rejected the Constitution. The Constitution was not accepted by a large group of more than 10 million people.

Region	Acceptance of Constitution (Persons)	Percentage Acceptance of Constitution	Rejection of Constitution (Person)	Percentage Rejection of Constitution
Central	5, 714, 973	66.53%	2, 874, 674	33.47%
Southern	3, 214, 506	88.30%	425, 883	11.70%
Northeast	3, 050, 182	37.20%	5, 149, 597	62.80%
Northern	2, 747, 645	54.47%	2, 296, 927	45.53%
<b>TOTAL</b>	<b>14, 727, 306</b>	<b>56.69%</b>	<b>10, 747, 441</b>	<b>41.37%</b>

## **Labour Related Provisions in the 2007 Constitution**

The 2007 Constitution comprises the following 4 main themes:

1. The protection, promotion and extension of rights and liberties of people;
2. Decreasing monopoly of state power and eliminating abuses of power;
3. Ensuring political transparency with moral and ethical values; and

4. Strengthening check and balance systems to ensure effective State performance.

**Provisions in the 2007 Constitution relating to labour affairs were as follows:**

**Section 28**

A person can invoke human dignity or exercise his or her rights and liberties in so far as it is not in violation of rights and liberties of other persons or contrary to the Constitution and good morals.

A person whose rights and liberties recognized by this Constitution are violated can invoke the provisions of this Constitution for the purpose of exercising rights through the medium of the Court or defending himself or herself in the Court. A person may have recourse to the Court for directly forcing the State to comply with provisions in this Chapter. Where the exercise of any particular right or liberty as recognized by this Constitution is a subject-matter of existing law, such right and liberty shall be exercisable as provided law.

A person shall have the right to receive from the State promotion, support and assistance needed for the exercise of rights in accordance with the provisions of this Chapter.

**Section 38**

Forced labour shall not be imposed except by virtue of laws specifically enacted for averting imminent public calamity or a law which provides for its imposition during a time when the country is in a state of war or armed conflict or when a state of emergency or martial law is declared.

**Section 44**

A person has the right to security in respect of safety and welfare at work, including security in living both during their working life and upon leaving a state of employment.

**Section 53**

A person who is over sixty years of age and has insufficient income for living shall have the right to receive welfare and public facilities as suitable for his or her dignity, as well as all other appropriate assistance, provided by the State.

**Section 55**

Homeless persons with insufficient income for living shall receive appropriate State assistance.

**Section 58**

A person shall have the right to participate in decision-making processes of State officials in performance of administrative functions which affect or may affect his or her rights and liberties.

**Section 64**

A person shall enjoy the liberty to unite and form an association, a union, a league, a co-operative, a farmers' group, a private organization, a private development organization or any other group.

Government and State officials shall have the liberty to assemble like other people provided that their assemble shall not affect the efficiency of public administration and the continuity of the provision of public services, as provided by law.

The restriction on such liberty under paragraph one and paragraph two shall not be imposed except by virtue of a law specifically enacted for protecting the common interest of the public, maintaining public order or good morals or preventing economic monopoly.

**Section 82**

The State shall promote relations and cooperation with other countries and shall adhere to the equal treatment principle. The State should therefore comply with treaties related to human rights to which Thailand becomes a party as well as international obligations made with other countries and international organizations.

The State shall promote trade, investment and tourism with other countries and accord protection to and take care of interests of Thai people in foreign countries.

### **Section 83**

The State shall promote and support implementation of the self-sufficiency economy philosophy.

### **Section 84**

The State shall follow Policy Directives in relation to the economy, as follows:

- (1) To promote a free and fair economy based upon market force and encourage sustainable economic development through repealing and refraining from enacting business-controlling laws and regulations which do not correspond with economic necessity and not engaging in an enterprise which is, in essence, in competition with the private sector, unless it is necessary for the purpose of maintaining national security, safeguarding public interests or providing public utilities;
- (2) To promote the application of righteousness, ethics and good governance in tandem with the operation of business;
- (3) To ensure the application of fiscal and financial discipline with a view to promoting economic and social stability as well as security of the country, and to revise taxation systems to achieve fairness in conformity with changes in economic and social conditions;
- (4) To provide savings for all people (including State officials) to support their living at old age;
- (5) To oversee the operation of businesses and ensure their free and fair competition, as well as to prevent direct and indirect monopolies and protect consumers;
- (6) To ensure fair distribution of income and protect, promote and expand opportunities for businesses of the people with a view to economic development, as well as to promote and encourage the development of local knowledge and Thai wisdom to generate goods, services and jobs;
- (7) To promote jobs for the working-age population, protect child and woman labour, organize labour relations and the tripartite system under which employees may elect their representatives, organize the social security system, and provide protection to the effect that employees doing work of equal value should receive fair remuneration, fringe benefits and welfare without discrimination;
- (8) .....
- (9) To promote, support and protect co-operative systems so as to achieve autonomy and do so with respect to occupational or professional associations as well as the association of people for undertaking economic affairs.

### **Section 87**

The State shall follow Policy Directives in relation to public participation, as follows:

1. To promote public participation in the determination of policies and plans for economic and social development at both national and local levels;
2. To promote and lend support to public participation in political decision-making, the planning of economic and social development and the provision of public services;
3. ....
4. To promote political strength of the public, put forth a law establishing a civic fund for political development for assisting the operation of public activities of localities, and lend support to the operation of civic groups forming networks in all forms in order for these

groups to be able to express opinions, evaluate services and propose the demands related to specific localities.

## *B – Campaigns For Protection on the Rights of Migrant Workers*

### **Provincial Decrees to Control Migrant Workers**

Provincial decrees to control migrant workers were issued by many Thai provinces from December 2006 onwards. These decrees resulted from a policy initiated by the Council for National Security (CNS). This policy required every province in Thailand to pay special attention to the issues of *illegal immigrants and narcotics*. Regional commanders and provincial security commands worked jointly with security agencies and provincial administrations to issue these decrees that were intended as solutions to ‘security problems’ in relevant provinces. Phuket was the first province to issue a provincial decree (‘Migrant Workers Control System’) on 19<sup>th</sup> December 2006, followed by Rayong (‘Control of Illegal Migrant Workers’) on 16<sup>th</sup> February 2007, Ranong (‘Measures to Control Certain Immigrants’) on 23<sup>rd</sup> February 2007 and finally Phang-gna (‘Measures to Control Illegal Immigrant Workers’) on 9<sup>th</sup> June 2007.

Provincial decrees were issued in these provinces because their large populations of migrant workers were perceived to be both a social and national security threat, particularly threatening the community life of the provinces as well as community assets. Rayong’s provincial decree stated that certain groups of migrant workers in the province were undertaking socially harmful behaviour and causing widespread disorderliness.

Certain requirements contained in several provincial decrees are provisions under existing labour laws for which enforcement is required by government officials against both employers and workers. The state has power to investigate and prosecute breaches of such labour laws without provincial decrees. These provisions are as follows:

1. Migrant workers are required to always keep their work permit, a copy of their work permit or a substitute document ready for official inspection at all times;
2. Migrant workers are prohibited to perform any work other than that stated in their work permit, whilst employers are not allowed to hire workers for work for which they have not received permission to do;
3. Employers are required to closely monitor and control migrant workers. Negligence or violation of this responsibility by employers which results in harm, immoral behaviour or disorderliness to the society at large may result in withdrawal of temporary stay permission for the migrant workers concerned.

However, certain requirements in the provincial decrees affect daily lives of migrants and even go so far as to violate their economic, social and cultural rights. These provisions are as follows:

1. Migrant workers are not allowed to go outside of their accommodation areas after 20.00pm (Phuket), 22.00pm to 06.00am (Ranong), after 21.00pm (Rayong) and from 20.00pm to 06.00 am (Phang-nga) except if it is required by working conditions or night work or in urgent cases and if so only under the close supervision of employers;
2. Migrant workers are not allowed to possess a mobile phone or any other kind of hand phone since this cannot be classified as ‘working equipment’ but a convenient piece of equipment for fast communication that could affect national security (Ranong);
3. If a mobile phone or other kind of hand phone is required for migrant workers, a provincial security policy shall be observed. A workers’ employer shall prepare name lists of all of their workers using mobile phones. This information kept must include full names and

- family names, telephone numbers and sim card numbers for each phone. The information must be submitted to provincial authorities (Phuket);
4. Migrant workers shall generally not be allowed to use mobile phones. However, if mobile phones are required by workers, such workers' employers shall prepare name lists of concerned migrant workers with numbers of mobile phones and this information shall be submitted to provincial authorities. If there is any violation of this provision, provincial authorities can inspect and seize such mobile phones for further investigation (Ranong);
  5. Migrant workers shall not be allowed to drive motorcycles or cars. Car owners are prohibited to allow migrant worker to drive their cars (Phang-nga, Phuket and Ranong Provinces). In Rayong province, possession of a motorbike or car is not allowed if the possessor does not have a driving license or other required registration;
  6. The assembly of migrants is prohibited if not for tradition religious gatherings (Rayong);
  7. The gathering of 5 or more migrant workers outside of migrant living quarters which may be harmful to other persons and assets shall not be allowed. If such gatherings are required, such workers' employers shall issue a letter for authorization to provincial authorities which must include name lists and ID numbers of all participating migrant workers and details on date, time and venue of gathering. If such gathering cause damages to life, body or assets of the others as well as nuisance and troublesome behaviour, the employer shall be held responsible and must compensate anyone incurring loss (Phuket and Ranong Province).

#### *Observations*

1. Certain curfew measures in provincial decrees provide exceptions where migrants are undertaking night work and are involved in continuous and urgent production activities under their employer's supervision. However, the situation may arise when workers cannot report to their employers if they get seriously sick or are injured at work and have to go to seek medical assistance. Employers may also be able to exploit such provisions for forcing work upon migrants without allowing them proper rest hours;
2. These provincial decrees are discriminatory administrative measures against Burmese, Lao and Cambodian migrant workers exclusively and have been specifically imposed in areas free from chronic daily violence such as is affecting people in the 3 Southern provinces of Thailand (Yala, Narathiwat, Pattani) and in some parts of Songkhla Province currently under military decrees;
3. Certain curfew measures such as prohibition against possession of and using phones because they are not working instruments, based on national security concerns, are vague and unjustified. Such prohibitions are violations against personal communication rights of migrant workers since mobile phone are a recognized form of communication for all people in Thailand;
4. Provincial announcements and state policy which authorizes employers and business operators to closely control migrant workers' behaviour and other activities outside of workers' housing facilities takes no consideration of the fact that no protection is provided for inhumanly exploited workers whose work permits have been seized by many employers who threaten them if they leave premises or if they seek justice of any kind. Without work permits, migrants may be arrested and deported, or subject to paying illegal protection fees;
5. In situations where migrant workers ride an employer's motorcycle to buy food, drinks or other needed items they may be arrested by police, even with their work permits in hand. The employers in such cases then have to claim possession over seized motorcycles from the police;
6. The prohibition for the assembly of over 5 migrant workers outside of their housing facilities, as announced by Ranong and Phuket provinces, and allowed only with detailed monitoring and verification by employers, affects daily living of migrant workers and is a fundamental human rights violation. If more than 5 migrant workers get together to enjoy sports events or plan an outing, holidays or join religious, cultural or family members' birthday events, all these activities require compilation of name lists and submission of these lists by employers with attached information on date, time and venue. This is an unnecessary burden for employers also;

7. The Rayong provincial decree allows migrant workers' assembly for religious traditional activities which suggests gathering for other events such as sports/ education are not permitted.

These provincial decrees cause suspicion, mistrust, disgust and hatred between migrant workers and Thai society and Thai people generally.

### **TLSC's Migrant Worker Demands**

TLSC, jointly with migrant worker NGOs, organized a press conference to protest provincial migrant worker decrees and to call for their revocation on 29<sup>th</sup> April 2007. Several organizations including the ILO, Lawyers Council of Thailand, the National Human Rights Commission and the Committee on Person Status Problems of the National Legislative Assembly were requested to provide assistance on this issue. The joint demands submitted by TLSC and migrant worker NGOs concerned the following four issues:

1. Revocation of all provincial decrees, given they impinge on labour rights of migrant workers and are discriminatory. Labour protection laws should be meaningfully enforced and guidelines developed to ensure protection for migrant workers;
2. Recognition of the contribution made by migrant workers towards economic gains by the Thai society. As a result of these benefits, labour rights and basic human rights of all migrant workers should be properly protected;
3. The State should promote positive attitudes and greater understanding of migrant workers among the Thai society at large;
4. Migrant worker management policies at all levels should include participatory opportunities for the input of various sectors of society including migrant workers themselves.

### **Demands on International Migrant Workers Day 2007**

TLSC and migrant worker NGO networks submitted a letter of recommendations to ILO and the Thai government on 18<sup>th</sup> December 2007, International Migrant Workers Day. The demands submitted to ILO consisted of 5 issues:

1. Accelerating amendment by the Thai government of regulations which violate rights of migrant workers as well as discriminatory rules on access to the Workmen's Compensation Fund;
2. Accelerating establishment for migrant workers of protection mechanisms by the Thai government which facilitate access to legal protection i.e. interpretation services in rights protection systems and publications on labour rights in national languages of migrants;
3. Accelerating permission by the Thai government for the organising into unions of migrant workers, with freedom to association within a fair labour relations system;
4. Supporting proactively the setting up of a hotline for migrant worker grievance processing by the Thai government, with participation from the labour movement to ensure accessibility by migrant workers;
5. Accelerating ratification of Conventions on migrant rights protection by the Thai government and amendment of national legislation in order to comply with such ratifications.

Five demands were also submitted to the Ministers of Interior, Labour and the Chairman of the Committee on Illegal Migrant Workers as follows:

1. The State should provide equal and accessible health care services to all migrant workers, their family members and accompanying persons based on human right principles. Attempts to repatriate unregistered pregnant women must halt;
2. The State should adopt a policy of equal protection for migrant workers without discrimination and ensure mechanisms for labour rights protection that can be practically accessible;
3. The State should develop a long term and sustainable policy on migrant workers with participation from all concerned parties, and shall refrain from all policies and practices that violate human rights;

4. The State should ratify all ILO Conventions related to migrant workers;
5. The State should promote establishment of a labour protection hotline with management by the labour movement.

## *C - Demands and Activities for International Labour Day*

Activities for International Labour Day 2007 can be divided into activities by four groups, based on varied submission of demands, consisting of:

1. Informal sector labour networks;
2. The 2007 National Labour Day Organizing Committee (NLDOC);
3. TLSC and The State Enterprise Workers' Relations Confederations (SERC);
4. The 2550 Labour Assembly (amalgamation of 3 workers federations in retaliation against the Revolutionary Party to vote against the constitution draft, namely the Textile Unions Federation, Papers and Publication Workers Federation and Food and Beverage Workers Federation).

Recommendations submitted by the four groups were as follows:

### **Informal Sector Labour Networks**

Informal sector labour networks submitted three demands to the Ministry of Labour (MoL) on 30<sup>th</sup> April, 2007 as follows:

1. The social security insurance scheme should be extended to include both formal and informal sector workers on the basis that all workers want happiness and risk sharing is required to ensure workers in all sectors can join the social security scheme through appropriate contributions based on their earnings and secure needed support facilities if facing difficulties;
2. The State and employers/business owners should be responsible to contribute to the Social Security Fund;
3. Equality without discrimination toward informal sector workers should be ensured and informal worker should enjoy the same benefits as their counterparts in the formal sector. There should be welfare services required by informal sector workers including: (a) Compensation for income losses due to: (i) sickness, accidents and inability to work; (ii) disability cases; (ii) funeral costs in the case of death with children welfare funds; and (iv) old age support;
4. There should be an accelerated process to adopt a *Home Workers Protection Act* proposed by the Ministry of Labour, with integration of provisions to protect informal sectors under the *Bill on Protection, Promotion and Development for Home Workers* proposed by informal sector networks. This would ensure an effective law to solve problems faced by home workers;
5. The Ministry of Labour should follow up with effective and continual action on plans to ensure solutions to problems as requested by informal sector networks for domestic workers, garbage pickers, restaurant waiters/waitresses and bonded farm-workers, submitted on 18<sup>th</sup> April 2007.

### **The 2007 National Labour Day Organizing Committee (NLDOC)**

A Committee comprising of 11 employee councils and the Federation of State Enterprise Workers of Thailand (a new grouping split from SERC) performed a religious ceremony in the morning of Labour Day at the Monument of King Rama 5 and then moved to Sanam Luang for the opening ceremony of Labour Day activities presided over by the Prime Minister. All participants wore yellow shirts to pay respect and show loyalty to His Majesty the King, holding slogans stating 'For H.M. the King's 80th. birthday with labour solidarity and a sufficiency economy for living.' The government allocated 1.6 million baht as an annual budget for this activity as well as 1.5 million Baht as a special fund to commemorate H.M. The King's 80<sup>th</sup> Birthday, from which each regional committee was granted 500,000 baht. The Office of the Social Security Fund provided 20,000 Baht for yellow shirts as a support to the organizing committee.

### **Suggestions proposed by the 2007 NLDOC consisted as follows:**

1. The Government should amend Section 5 (3) *Labour Protection Act B.E. 2541(1998)* to ensure that contracted workers are paid equally to permanent workers of the same workplace and entitled to the same fringe benefits. Section 75 should require an employer to pay 100 % wages to workers who are instructed to stop working on a temporary basis and Section 120 should require employers to pay special compensation of 100 % in the case of workplace relocation;
2. The Government should enact a *Occupational Health and Safety and Working Environment Act* with an added Section 52 on establishment of an Occupational Safety Institute;
3. The Government should amend the *Labour Relations Act B.E. 2518 (1975)* to ensure its continued appropriateness in 5 areas: (a) employer and employee definitions; (b) collective bargaining procedures; (c) protection of union founders; (d) rights to take leave to attend meetings, seminars and trainings; and (e) right to serve as witnesses in the Labour Court and National Labour Relations Committee on unfair practices (allowing members of the employee's committee to file cases to the National Labour Relations Committee);
4. The Government should adjust wages in accordance with inflation nationwide while controlling prices of basic commodities needed for daily living;
5. The Government should halt all privatization plans;
6. The Government should amend relevant legislation to allow workers to exercise voting rights in general elections in the jurisdiction where they work;
7. The Office of the Social Security Fund should set up a social security hospital plan to provide medical services to all insured persons;
8. After retirement, with or without a pension plan, insured persons should be allowed to enjoy free medical services provided by the Office of the Social Security Fund (not related to the 30 Baht universal coverage program);
9. The Government should set up a committee comprising of government and worker representatives from 11 labour congresses and one state enterprises labour relations federation, with the Director of the Labour Relations Office serving as the committee secretary to ensure a follow up of labour demands submitted on 1<sup>st</sup> May 2007.

### **TLSC and SERC**

TLSC and the SERC submitted three demands to the Prime Minister on labour day, consisting of the following:

1. The Government shall recognize and support the *Labour Relations Bill* drafted by workers and submit the Bill for consideration to Parliament;
2. The Government shall recognize and support the *Occupational Health, Safety and Working Environment Bill* drafted by workers and submit the Bill for the consideration of Parliament;
3. The Government shall revoke in all ways its policy of privatizing state enterprises as well as *the State Enterprises Fund Act B.E. 2542 (1999)*.

TLSC and SERC also submitted their proposed constitutional provisions to the attention of the Constitutional Drafting Committee on this day.

### **2550 Labour Assembly**

The 2550 Labour Assembly announced the following five things on Labour Day:

1. The Labour movement in all occupational sectors, as well as students and farmers should jointly reject the Committee of National Security's (CNS) Constitution;
2. There should be a reinstatement of the 1997 Constitution with a prompt general election and political reformation, resulting in formation of a working group to draft a new constitution;
3. There should be unification among people of all groups and occupations to support a 2007 Constitution. The CNS and Prime Minister Surayud's Government should be removed from office;

4. The 2550 Labour Assembly should organize a meeting to create peaceful political movements utilising democratic principles;
5. 12 anti-coup organizations should join together to oust the dictatorship of the coup makers and Prime Minister Surayud's Government and ensure punishment for those who undertook the coup.

## *D - Informal Sector Networks Demands and Responses from the Ministry of Labour*

In 2007, TLSC joined with informal sector labour networks to submit informal sector workers demands through a variety of different campaigns. The two major issues covered by these campaigns were as follows:

### **Proposing a Bill on Protection, Promotion and Development for Home Workers**

A Bill to ensure protection, promotion and development for home workers was proposed to ensure a more realistic extension of rights as provided for in the International Labour Organisation's (ILO) Convention 177 on Home Workers Protection. The Ministry of Labour's proposed Bill on this issue contained several limitations. The Labour and Occupational Development Foundation joined with the informal sector labour networks to propose a Bill with differing provisions to that contained in the MoL's Bill, as follows:

1. Extension of the definition of 'home worker' to include working family members, cooperatives and groups of people and juristic persons with objectives of contributing to society;
2. Revision of the definition of 'employer' and 'hirer' since certain hirers are not actually employers or a wealthy contractors with exploitative interests in utilising home workers but merely individuals who bring along work to be shared;
3. Establishing a fair returns system as a mean to protect home workers that is based on equal pay for work of the same value and quantity, regardless of whether the operation site is a home or a factory. Work done at home should actually receive higher wages than work in factories or other sites because of the higher costs of electricity and water, materials, tools and equipments required for such work;
4. Although the Home Workers Committee is authorized to submit policies on promotion and development of home workers to the Cabinet, as prescribed by Section 24 of the MoL Bill on home workers, such provision should be defined more tightly to ensure effectiveness and beneficial implementation;
5. The Home Workers Committee should compose of representatives from the Ministry of Public Health, Ministry of Industry, the National Committee on Economic and Social Development, related NGOs, local governments and the Bangkok Metropolitan Authority to assist in ensuring complete protection and development for home workers.

### **Proposing Social Security Coverage for Informal Sector Workers**

During 2007 there was no progress on issuing relating to extending social security coverage to informal sector workers, since the government and the MoL provided no clear policy on this issue. The only progress during this year was the revision of the SSO's proposals for submission to the new Government which utilized the comparative model as follows:

<b>Informal Sector Labour Network Proposals</b>	<b>SSO Sub-Committee Proposals</b>
<b>1. Extension of Protection</b> Based on the concept of happiness and the principle of sharing risks and difficulties,	<b>1. Extension of Protection</b> Based on compulsory occupational grouping with a focus on average incomes and

therefore bringing informal sector workers within the social security system.	occupational risks of 6 groups as a first priority : a. Taxi drivers; b. Tourist guides; c. Service providers in entertainment venues; d. Health masseurs; e. Registered vendors; and f. Direct sales workers.
<b>2. Contribution Rate</b> Contribution based on income earnings proportions.	<b>2. Contribution Rate</b> Contributions not more than 4.5% of income for the four compensated benefits relating to accidents, sickness, child delivery and disability/death in relation to the average income of each occupational groups following detailed study outcomes.
<b>3. Who Makes Contributions</b> <ul style="list-style-type: none"> <li>• Government; and</li> <li>• Employers/business owners or those who benefit from work undertaken by workers.</li> </ul>	<b>3. Who Makes Contributions</b> How much the government should contribute must be subject to further study to determine proportions of contribution by informal sector workers as well as the State.
<b>4. Entitled Benefits</b> Equal benefits should be received to that which workers receive in the formal sector. Benefits should be provided as follows: (a) Compensation for income losses due to sickness, accidents and being unable to work; (b) Income loss as a result of disability; (c) Death benefits relating to funeral costs and for deceased's children; (d) Benefits in old age.	<b>4. Entitled Benefits</b> Benefits should be provided in a number of situations, but should start with only the following: (a) Compensation for income losses due to accidents; (b) Income loss as a result of disability; (c) Maternity payment; and (d) Death benefits relating to funeral costs and for deceased's children. In relation to old age benefits, further consideration is required in coordination with the Ministry of Finance to ensure setting up of pension funds for informal sectors.
<b>5. Administration</b> Administration should be through using a participatory approach in order to determine protection measures and to manage properly informal sector social security funds.	<b>5. Administration</b> Administration requires the setting up of a separate social security fund for the informal sector.
<b>6. Coordination with Concerned State Agencies</b> There should be coordination between all concerned state agencies to promote community welfare services for informal sector workers and other people in general between the Ministry of Public Health and the Ministry of Social Development and Human Security.	

## *E - Protesting the Government's Draft Safety Laws*

The Council of Work Related and Environmental Patients Network (WEPT) and TLSC jointly submitted several demands to the government and MoL for revision and/or withdrawal of the *Occupational Health, Safety and Working Environment Bill* and its replacement by the establishment of an integrated Occupational Health, Safety and Working Environment Promotion Institute which had previously been supported by several parties in 1999. During 2007, the MoL continued to support its own draft bill which was eventually adopted by the National Legislature Council on 13<sup>th</sup> November. Immediately after enactment of the 2007 Constitution, WEPT joined with labour organizations and other allies to plan for and then start collecting the minimum 10,000 entitled voters' signatures required in order to submit its own *Occupational Safety Institute Bill* to commemorate the 15<sup>th</sup> anniversary of the Kader Tragedy that will occur on 10<sup>th</sup> May 2008.

The *Occupational Health, Safety and Working Environment Bill* that was drafted with worker participation consists of the following key areas:

1. The definition of 'occupational health, safety and working environment' means actions or working conditions without causes, leading to accidents or sickness at work or related to work;
2. Provisions for establishing an Occupational Health, Safety and Working Environment Promotion Institute provide for an autonomous state agency and juristic person under the MoL;
3. Provisions for the setting up of an Occupational Health, Safety and Working Environment Fund to support activities carried out by the Safety Institute;
4. Provisions for setting up a 'Committee of the Occupational Health, Safety and Working Environment Promotion Institute' comprised of representatives from government, employers and employees, workplace accident and disease victims and experts to oversee operations of the Institute;
5. Regulating punitive measures for violators of occupational health and safety (OHS) laws;
6. Transferring the existing Occupational Safety Institute under the Department of Labour Protection and Welfare (DLPW) to the new Institute and allocating budgets from the Workmen's Compensation Fund (WCF) while waiting for the eventual transfer of the Office of the WCF from the SSO within 5 years.

In comparison, the *Safety, Occupational Health and Working Environment Bill* developed alone by the MoL consists of the following key areas:

1. Revocation of Section 8 of the *Labour Protection Act B.E. 2541* (1998) relating to OHS;
2. Allowing for the exemption from some or all legal enforcement of OHS conditions on certain groups of employers covered by ministerial regulations;
3. An employer is required to ensure a safe and healthy working environment while promoting occupational safety so that workplaces are free from accidents and disease;
4. A juristic Thai entity can be created to allow for a registration system to measure, examine, test and assess workplace risks while promoting OHS and positive working environments. Ministerial regulations will provide additional information on registration, withdrawal of registration, fees and service procedure;
5. The MoL should be authorized to issue ministerial regulations to ensure compliance by employers with occupational health, safety and working environment provisions as well as relating to registration fees;
6. The Occupational Safety, Health and Working Environment Promotion Institute Committee should be chaired by the permanent secretary of MoL and comprise seven elected members from employer and employee side as well as five experts appointed by the Minister of Labour. The head of the committee's office shall serve as a member and secretary also. The committee should be authorized to provide suggestions to the MoL on safety policies and provide action plans and other such advice or powers as prescribed;

7. An office of the above Committee should be established;
8. A Occupational Safety, Health and Working Environment Fund shall be set up, managed by this Committee;
9. An office for the above Fund should be set up under the DLPW with prescribed authorities;
10. Measures on supervision and guidelines for safety, occupational health and working environment should be developed and prescribed;
11. The director general of the DLPW shall be authorized to seize, confiscate and sell by auction assets of employers who fail to cover expenses required for the elimination of occupational risks faced by their workers;
12. Employers should be required to pay employees their entitled wages and benefits throughout periods of work when production is suspended by officials enforcing safety laws;
13. Employers, employees and other concerned parties should be allowed to make appeals against orders by officials for the suspension of work activities that they consider violate safety laws or order demanding improvements of certain workplace activities. Such appeals should be directed to the Director General of the DLPW whose decision should be final;
14. Penalties are prescribed for employers or other persons who violate safety laws;
15. The Director General of DLPW or Provincial Governors should be authorized to settle fine penalties for breach of safety laws, as required.

Differences in viewpoints expressed by MoL and the TLSC as outlined above have resulted in the halting of all progress on establishing a Safety Institute which led the TLSC to attempt to act according to their constitutional right by gathering a required 10,000 signatures to initiate their draft Bill to be considered by the Parliament. This action was initiated on 10<sup>th</sup> May 2008 to commemorate the 15<sup>th</sup> anniversary of the Kader Fire tragedy.

## *F – Request Reformation of the Administration of the Social Security Fund*

2007 was a year of intense demands for the restructuring of the management of the Social Security Fund that followed on from campaigns in 2006 initiated by the Thai Labour Movement, academics, the mass media and insured persons. Eventually a Committee was established which agreed to propose a juristic person status for the Social Security Fund under supervision of the Social Security Office (SSO). This proposal would be submitted to the new government in 2008 to enable enlargement of the Fund's managerial scope and to secure possession over all investments made by the Office of the Social Security Fund, particularly land.

**Table: Contributions by Insured Persons as Prescribed by the Social Security Act, B.E. 2533 (1990) Section 33**

Benefits	Employer	Insured Persons	Government	Prescribed Contribution
1. Accidents, sickness 2. Maternity 3. Disability 4. Death	1.5%	1.5%	1.5%	Equal contribution by all 3 parties and not over 1.5% each
5. Child Allowances 6. Old Age	3%	3%	1%	Not over 3% and does not require equal contribution by all 3 parties
7. Unemployed	0.50%	0.50%	0.25%	Not over 5% and does not require equal contribution by all 3 parties
<b>Total Contribution for all 7 Benefits</b>	5%	5%	2.75%	Not over 9.5% of the insured persons income

**Table: Statistics on Administration of the Social Security Fund 1<sup>st</sup> Quarter, 2007** (31<sup>st</sup> March 2007)

1. Child Welfare and Old Age Fund (the first year for old age benefits payments was in 2004)	342,468 million Baht (80%)
2. Sickness, Death, Disability and Maternity Fund	62,542 million Baht (15%)
3. Unemployment Fund	22,233 million Baht (5%)
<b>TOTAL:</b>	<b>427,243 million Baht (100%)</b>

Source: Social Security Office

On 2<sup>nd</sup> October 2007, TLSC, Foundation for Women and Arom Pongpa-gnan Foundation organised a discussion forum on management of the Social Security Fund with participation by academics, NGOs and labour leaders. This forum resulted in development of the following proposals:

1. There should be improvement of the Social Security Fund to enhance its independence, requiring transparent management and greater labour participation;
2. The Government should make prompt and equal contributions for all benefits;
3. There should be improvements on enforcement of social security laws which requires regular and continued collection of contributions by/from employers;
4. The Social Security Committee and all its members should be elected;

5. One party contribution by an insured person who resigns from work as prescribed by Section 39 should be allowed, without requiring payments on behalf of the employer;
6. Insured persons should be entitled to receive clinical services nationwide without conditions on prepayment;
7. There should be an extension of the social security system to cover all workers in public, agriculture and informal sectors;
8. Equal benefits for insured persons in all categories should be provided;
9. A labour bank should be set up, supported by allocating funding from the social security fund, to provide special loan services of up to 10,000 Baht per case at an interest rate of not over 8 % per year. 10 % of an approved loan could be deducted for equity investment with a bank. This could provide low interest rate loans for employees while employers could acquire loans for skills development and worker accommodation. The labour bank could serve as an economic base for workers from which parts of the fund can be used for setting up stores or funding other labour benefits;
10. An insured persons club should be set up, requiring one baht monthly membership fee per person, to enhance labour's bargaining power and ensure monitoring over social security fund management. This club could cooperate effectively with TLSC.

### **Structural Analysis of the Social Security Fund**

In June 2007, the TLSC jointly consulted with the Labour and Social Welfare Committee of the National Solidarity Committee to request for amendment of the *Social Security Act, B.E. 2533 (1990)* to change the status of the SSO from a state agency to a public organization. This request was submitted to the Prime Minister and the Minister of Labour and then followed up by a demonstration on 31<sup>st</sup> October 2007 in front of Parliament. The proposed amendments to the SSO were justified in order to:

1. Enhance transparent and effective governance;
2. Ensure advanced development with adoption of modern technology;
3. Increase manpower to support expanding tasks and responsibilities;
4. Achieve effective goals of public sector administrative reformation.

The followings were main features of the *Social Security Bill* proposed by TLSC:

1. The president of the SSO should be appointed by the Cabinet and should be highly qualified as an expert with varied experience;
2. Committee members who are employee representatives should be elected by insured persons;
3. Qualified members, appointed by the Cabinet, should be recognized in areas of social security, labour, medicine, law and investment. There should be one member from each of these fields;
4. Women should be ensured proportionate representation on all committees;
5. Appointed members and members who represent employers and employees should propose 5 nominees for further appointment as qualified members by a screening committee and then final approval by the Cabinet;
6. The director of SSO should serve as a member and secretary to the committee *ex officio*;
7. Appointment of a President and other committee members *not ex officio* and not employee representatives should be made by a screening committee appointed by the Minister of Labour which comprises:
  - The permanent secretary of the MoL as the Chair;
  - Three employer representatives; one each from the Thai Chamber of Commerce, the Thai Industry Council and the Thai Banking Association;
  - Three employee representatives directly elected by insured persons under a proportional voting system based on union membership;
  - Two academics each from the field of law or public administration, labour welfare and social security and investment.
8. The President and other members *not by ex officio* and *not representing employees* should be:

- a. Thai nationality;
- b. An age of not under 35 and not over 70;
- c. Not a person of bankruptcy status or disability;
- d. Not a person subject to imprisonment except in the case of negligence or petty offences;
- e. Not a person of political office, a local councilor or administrator, executive of a political party or an advisor or staff of a political party;
- f. Not a civil servant on a regular salary, apart from those teaching in state tertiary institutions;
- g. Not an employee of the Government or a State enterprise or local administration, or serving as an advisor to a State enterprise or agency;
- h. Not staff or an employee of consultants or experts under existing SSO contracts.

## *G - Protesting Against Privatization of State Enterprises*

Long, drawn out and continued demands for a revocation of the Government's privatization policy and the *State Enterprise Capital Act, B.E. 2542* (1999) have never achieved any success. The Government has transformed some State enterprises into public companies to mobilize funds from the Security Exchange of Thailand (SET). These companies included the Petroleum Authority of Thailand, the Communication Authority of Thailand and the Telephone Organization of Thailand.

Positive developments ensued when a group of 50 members of the National Legislature Assembly (NLA), led by Sophon Suphaphong, Narong Chokwattana, Major Chamlong Srimuang, Suraphol Nitikraipoj, and Bannavit Kengrian proposed a Bill on revocation of the *State Enterprise Capital Act, B.E. 2542* (1999) to the Chairman of NLA in March 2007. The bill was justified as follows:

1. All State enterprises are national assets and peoples property with relatively large amounts of monetary and non-monetary assets, while their operation directly affects economic life, national benefits and peoples everyday living. It follows that all activities related to State enterprise management must be approved by peoples representatives and with people's participation;
2. The *State Enterprise Capital Act, B.E. 2542* (1999) prescribes for privatization and management of State enterprises by the Government through a published Royal Decree without approval by the Parliament and without people's participation, leading to unfair and non-transparent practices. Such actions cause enormous property losses to the nation at large because equity pricing and selling are based on property and asset evaluations which allows political interference, exploitation, corruption and even abuse of possession in certain cases;
3. Any privatization plans should firstly be submitted as a Bill for parliamentary approval to allow examination by peoples representatives and through participatory mechanisms that allow a consideration of all impacts of such privatization on the people and country at large.

In June 2007 however, the Committee on State Enterprise Policy in the Ministry of Finance, led by Finance Minister Dr.Chalongphop Susangkorkarn, former president of the Thai Development Research Institute (TDRI), also proposed a *Bill on State Enterprise Privatization Terms* prepared by TDRI researchers. This Bill was accepted by NLA on 25<sup>th</sup> June 2007 and passed second and third readings by appointed committees in mid December. The bill is intended to replace the *State Enterprise Capital Act, B.E. 2542* (1999).

This latter Bill is intended to provide general provisions to facilitate privatization of State enterprises into public companies to allow the distribution of equity to the private sector. It prescribes minimum requirements in all areas including entity selection, feasibility studies, valuation and regulatory procedures. Public hearings and equity distribution to the private sector are promoted to ensure public benefit, effectiveness, transparency and fair trading competition while consumer protection through monitoring systems by civil society is allowed at provided forums.

### **SERC Campaigns**

SERC continually organized protests demanding the Government withdraw the TDRI developed Bill and ensure further consideration of this Bill by the NLA were cancelled. Activities as part of this campaign included a 14<sup>th</sup> July 2007 meeting with the Prime Minister, a 16<sup>th</sup> July 2007 meeting with the Council of National Security (CNS) President and a 1<sup>st</sup> August 2007 press conference and discussion at the 14<sup>th</sup> October Memorial Place. Public forums to protest against the Bill were also organized in front of Parliament every Tuesday on the 14<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup> August as well as on the 4<sup>th</sup> September 2007.

On 2<sup>nd</sup> August 2007, SERC and TLSC, the People's Freedom Association, the People's Campaign Committee, the Human Rights Campaign Committee, the Four Regional Slums Network, the Consumer Foundation, the Club of National Independency and the People's Friends Group jointly submitted a request to NLA President for cancellation of all further readings of the Bill.

## *H - Solving Problems Relating to Unfair Employment Practices*

At the beginning of 2007 the TLSC submitted demands to the Government on protection for subcontracted workers as follows:

1. The Government should adopt a policy to promote and develop fair employment practices to enhance competitive employment based on wage rates that lead to quality improvements in products and workers' lives;
2. There should be coordination between the Government's economic and social agencies and civil society in preparation of a Thai industrial development plan that can include sections on labour and environment standards, as well as human rights protections;
3. Government standards are required to ensure equal and identical employment practices, conditions and/or welfare services for sub-contracted and permanent employees of the same production line, business or workplace. There should be 'one production line for one employment condition';
4. A Government policy is required to promote subcontracted employment for skilled workers as development and not for cost reduction. The primary contractor and all levels of subcontractors should also be responsible for labour rights violations;
5. A Government development program is urgently required to ensure a labour relations system that accommodates fair employment agreements for subcontracted production and distribution chains through integration of bipartite and multilateral mechanisms and linkages between formal and informal sectors;
6. Government plans are required to accelerate reformation of labour and other related laws to combine labour rights and legal enforcement in order to promote labour protection in all sectors and occupations, whether legalized employment contracts exist or not;
7. A Government policy is required to accelerate the setting up of a data base on subcontracted work in various industrial sectors to promote and develop employment practices, labour welfare services and legal enforcement as well as to regulate registration and taxation measures.

### **TLSC's Suggestions on Revision of Two Labour Laws**

#### *The Labour Protection Act, B.E. 2541 (1998)*

1. Section 12 should be revised to extend responsibility held by a primary contractor and other subcontractors to all tiers of subcontracting to cover all requirements prescribed by the *Labour Protection Act, B.E. 2541 (1998)* and as prescribed by the *Workmen Compensation Fund Act, B.E. 2537 (1994)* and the *Social Security Act, B.E. 2533 (1990)*;
2. Issuance of ministerial announcements or regulations on basic labour welfare services should be accelerated under Section 95 to ensure provision of basic labour welfare as appropriate and fair to all, in consideration of economic and employment conditions under a globalised economy. Participation by civil society should be encouraged also;
3. The appointment of labour inspectors under the authority of the Minister of Labour, as prescribed by the *Labour Protection Act*, should be accompanied by training to ensure their understanding of labour standards and human rights. Monitoring of inspections by civil society could also be allowed. These measures could enhance effectiveness of inspections based on good governance;
4. Penalty provisions against violation should be revised to increase compensation amounts prescribed by Section 9 of the *Labour Protection Act* in the case that violators intend to avoid paying wages for overtime and holiday works without just cause. An increased 15 % should be paid for every 7 day delay of entitled payments.

### *The Labour Relations Act, B.E. 2518 (1975)*

1. Revision of this law is required to ensure coverage for all workers in all sectors and occupations. Such revision will ensure a fair labour relations system with appropriate collective bargaining procedures to ensure fair employment practices and protection for freedom of association and collective bargaining;
2. Revision of this law is required to promote the principle of ‘one production process for one union’ regardless of subcontracting systems in place or how many employers or employees exist in any workplace;
3. There should be improvement to existing composition of the National Labour Relations Committee to ensure ‘professional’ mechanisms with multi-sector management and elected representatives, involving labour participation;
4. ‘Unfair practices’ should be defined extensively to enhance labour rights protection as prescribed by the Thai Constitution so that workers can process cases to the Administration Court and other specialized courts as well as to administrative agencies, international labour and human rights organizations or related systems for codes of conduct;
5. Once there is a ruling of unfair practices by the Labour Relations Committee employers should comply with such an order within the given date whether the employer seeks a court ruling for withdrawal of an order or not;

### **Progresses Regarding the Labour Protection Bill and Protection for Subcontracted Workers**

On 11<sup>th</sup> July 2007 the cabinet issued approval for the *Labour Protection Bill* as proposed by the MoL and a reading committee was appointed to tackle subcontracted workers’ protection issues. Section 11(1) of the Bill stated that ‘*Whereas the employer assigns a certain person to recruit workers that is not in the form of a recruiting business and that work is part of the production process or a business under the responsibility of the employer, whether the person is the supervisor or responsible for paying the person employed or not, the owner of the business is deemed the employer of such a hired worker... The employer shall treat employees and subcontracted workers equally except in the case where such equal treatment is not possible due to the nature of certain works.*’

The reading committee decided in November 2007 to amend Section 11(1) to read: ‘*Whereas the employer employs subcontracted workers as prescribed under Section 5(3), the employer shall provide the subcontracted workers who perform the same nature of work as the permanent workers with the same benefits and welfare under employment conditions of the same standard.*’

Justification for the requested revisions were that such amendments allow for:

1. More definite responsibility in the case of subcontracted employment to ensure the employer’s direct responsibility without claiming that the subcontractor is the responsible employer;
2. Equal treatment by the employer towards subcontracted workers and permanent workers except in the case where it is not possible due to the nature of works or specific working conditions;
3. Conformity with the *Social Security Act* and the *Workmen’s Compensation Funds Act*.

The TLSC once recommended that ‘*Employers shall not be allowed to hire subcontracted or other workers to perform within production processes or businesses under his/her responsibility.*’

However, at the beginning of 2007 it was considered not possible to stop subcontracted work. The revision of Section 11(1) of the Bill was thus proposed to read as follows: ‘*Whereas the employer assigns a certain person to recruit workers that is not in the form of a recruiting business and that work is part of the production process or a business under the responsibility of the employer, and whether this person is the supervisor of the workers or not, the owner of the business is deemed the employer of such a hired worker.*’ The assigned person according to the first clause should ‘*provide*

*the recruited workers with the same benefits and welfare equally to the permanent workers employed by the business owner.'*

## **NLA Approval of the Labour Protection Bill Covering Subcontracted Workers**

On 19<sup>th</sup> December 2007 the NLA approved all 3 readings of the *Labour Protection Bill* which therefore came into affect in 2008. More definite and fair protection for employees (Krungthep Business, 21<sup>st</sup> December 2007 p.7) include the followings provisions:

1. The employer shall pay the same and equal wages and benefits to subcontracted workers as received by permanent employees under the same working standards without discrimination;
2. An employer who temporarily stops operating shall pay employees 75 % wages during that period of time whereas previously only 50% wages were required to be paid;
3. For any relocations where employees do not want to move with an employer, such employees shall be entitled to end the employment contract within the 30 day notice period and shall be fully compensated with severance pay at 100 % of the normal rates, whereas previously employers were only required to pay 50 % redundancy payments.

## *I - Demanding Minimum Wages Adjustments*

Continued demands made for several years on minimum wage increase adjustments were additionally supported by certain additional justifications in 2007. These included:

1. The cabinet resolution of 5<sup>th</sup> June 2007 allowing for 4 % adjustment of civil servant's salaries which prompted the SERC to request to the Minister of Labour (on 12<sup>th</sup> June 2007) to ensure equal adjustments for 300,000 State enterprise workers as of 1<sup>st</sup> October 2007. On October 2<sup>nd</sup> the cabinet approved an MoL proposal to allow 66 State enterprises to make wage adjustments for their employees of not over 4 % based on their performances, working efficiency and as required as a result of production costs and related consumer burdens (*Krungthep Business* 11<sup>th</sup> July 07, p.11; *Matichon* 3<sup>rd</sup> October 07, p.12);
2. A price rise of commodity goods, public transport fares, gasoline and the Thai Baht's appreciation affected production costs, particularly as a result of political conflicts after the 19<sup>th</sup> September 2006 coup and ineffective economic functioning by the Government of General Surayud Julamout.

Demands related to minimum wage adjustments submitted by the National Labour Day Organizing Committee and the TLSC were not accepted by the Government. In August 2007 TLSC therefore submitted the following demands relating to living quality improvement and job security to the Prime Minister and the Minister of Labour:

1. The minimum daily wage should be adjusted to 233 Baht nationwide from 1<sup>st</sup> October 2007 alongside wage adjustments for civil servants and State enterprise employees;
2. The Government should set up a committee to investigate termination of employment and business shut downs since employers continued to justify shut downs on the Thai Baht appreciation, economic impacts and losses. Fact findings was needed to determine if employers were hiding reasons for shut downs. This committee should comprise of representatives from employers, employees, government officials, labour affairs academics and economists;
3. The MoL should set up an urgent study and a problem solving committee on labour affairs comprising of representatives from several parties to ensure adoption of proactive strategies to ensure prompt protection for labour development amidst an ever globalizing economy.

The TLSC conducted a cost of living surveys covering 500 respondents working in Bangkok and perimeter areas which revealed the following facts:

- Cost of living per day (comprising of transportation fares, food, beverages and medicine) was averaged to be 198 Baht per person per day;
- Monthly expenses (comprising of housing rental, water and electricity bills, social activities, family feeding and educational expenses) were averaged at 7, 800 Baht;
- The required subsistence wage should therefore be on average 268 Baht per person per day averagely while the existing minimum wage was for 191 Baht for Bangkok and the perimeter, equal to only 5, 730 Baht (191 x 30 days) per month.

TLSC continued to demanded that the daily minimum wage should be only 233 Baht however. The follow up committee on the National Labour Day Demands (comprised of representatives from labour congresses and the Federation of State Enterprise Labour Relations of Thailand) then submitted a demand to the Chairman of the Wages Committee on 12<sup>th</sup> October 2007 for a 9 Baht adjustment to minimum wages nationwide. This committee distributed a press release explaining its justification on 28<sup>th</sup> October 2007 and asked for response of the Wages Committee on 9<sup>th</sup> November 2007. The justification was that salaries for civil servants and State enterprise employees were already adjusted for 4 %, bus fares had increased on 8<sup>th</sup> October 2007 as a result of continual oil

price rises, and several commodity goods had been approved for higher pricing by the Ministry of Commerce.

Mr. Somphong Nakhornsri, Senior Vice President on Labour at the Industrial Council of Thailand, explained on behalf of employers that production costs strongly affected several employers who had closed their factories. Wages adjustments were also a factor in SME factories closing down, resulting in larger numbers of unemployed workers (*Krungthep Business*, 28<sup>th</sup> August 07, p.7).

The Wages Committee went ahead with provincial wages adjustments and issued to the Cabinet an MoL Announcement on Minimum Wages (No. 8) on 12<sup>th</sup> November 2007 with an increase of the daily wage rate of 1 to 7 Baht, effective on 1<sup>st</sup> January 2008. There are 22 adjusted minimum wage rates as follows:

<b>Minimum Wage Rate</b>	<b>Provinces</b>
<b>194</b>	Bangkok, Nakhon Pathom, Nonthaburi, Pathum Thani, Samut Prakarn and Samut Sakorn.
<b>193</b>	Phuket
<b>175</b>	Chonburi
<b>170</b>	Saraburi
<b>165</b>	Chachoengsao, Nakhon Ratchasima, Ayudhaya and Ranong
<b>163</b>	Rayong
<b>162</b>	Phang-gna
<b>160</b>	Krabi and Petchaburi
<b>159</b>	Chiangmai
<b>158</b>	Chantaburi and Lopburi
<b>157</b>	Kanchanaburi
<b>156</b>	Rachaburi and Singhburi
<b>155</b>	Pratchinburi, Samut Songkram and Srakaew
<b>154</b>	Trang, Loey and Angthong
<b>152</b>	Prachuap Khirikhan, Lamphun and Songkhla
<b>150</b>	Khonkaen, Chumphorn, Trad, Nakhon Nayok, Nakhon Si Thammarat, Nakhon Sawan, Buriram, Phattalung, Petchaburi, Satun, Surat Thani, Nongkhai, Udon Thani and Uthai Thani.
<b>149</b>	Kamphangphet, Chainat, Lampang, Sukhothai and Suphanburi
<b>148</b>	Kalasin, Nakhorn Phathom, Narathiwat, Pattani, Phitsanalok, Mukdaharn, Yala, Sakol Nakhon and Nongbualumphoo
<b>147</b>	Tak, Mahasarakham, Mae Hong Son, Yasathorn, Roi-Et, Surin and Uttradit.
<b>146</b>	Chaiyaphum, Chiangrai, Phijit, Phrae and Srisaket.
<b>145</b>	Amnajcharoen and Ubon Ratchathani
<b>144</b>	Nan and Phayao.
<b>Note</b>	<b>The Basic Minimum Wage is 144 Baht per day</b>

**Notes:**

- 12 provinces were not entitled to minimum wages adjustment ( Kalasin, Chaiyaphoom, Chiangrai, Chiangmai, Tak, Nakhon Phathom, Narathiwat, Prachuap Khirikhan, Pattani, Yala, Phayao, Lampang, Srisaket, Songkhla, Sukhothai, Suphanburi, Amnajcharoen, Udon Thani, Uttradit and Ubon Ratchathani);

- The highest daily wage adjustment was 7 Baht for Phuket;
- Adjustment of 5 Baht were made in Chachoengsao and Ayudhaya;
- Adjustment of 4 Baht was made for 5 provinces (Krabi, Phetchaburi, Rayong, Loey and Singhburi);
- 8 provinces were subject to higher adjustments of 4-7 Baht than Bangkok and perimeters which were only subject to a 3 Baht raise.

According to MoL Permanent Secretary and Chairman of the Wages Committee, Mr. Juthathawat Indarasuksri, wages adjustments were based on inflation rate criteria relating to cost of living which comprised oil and commodity goods pricing and bus fares. The reason for the highest 7 Baht adjustment rate in Phuket was because it incurred high costs of living as a tourists destination. The Ayudhaya rate had been adjusted by 5 Baht because it was adjacent to Pathum Thani and should share a relatively close wage rate. After the announcement of the 2007 minimum wages adjustments, reconsideration of the rates should again be possible in the future to ensure mitigation of suffering caused by higher prices. However, during the past year several businesses had closed down as well as relocated away. Personally he observed that minimum wages in Thailand should be floating but lower rates would not attract any employees. He further suggested that studies for wages adjustments should be conducted five times yearly as successfully undertaken in other countries (Matichon, 20<sup>th</sup> October 2007, p.3). MoL reported that minimum wages adjustments were made to insure protection for the approximately half a million unskilled minimum wage earners (*Krungthep Business*, October 28<sup>th</sup> 2007, p.3).

Chaiyasith Sooksomboon, President of the Federation of Bank and Financial Workers' Unions of Thailand (FBFT), observed that the unadjusted wage rates for 20 provinces, while prices of all commodity items were increasing, indicated failure of the current wages system since it was doubtful if all provinces completed their respective cost of living index survey. Many provinces under employer influence may not request wages adjustment which indicated distortion of information about employee's sufferings (*Krungthep Business*, 29<sup>th</sup> Nov. 07, p.12).

On 12<sup>th</sup> December 2007 the TLSC organized a seminar and press conference to propose for fair minimum wage rates and protest against the newly announced MoL rates which would be effective in 2008. However the press conference and seminar attracted only a relatively small group of participants and no reports by media the next morning because a picketing line had been erected in front of the Parliament on the same day by 500 people from NGOs networking, SERC and villagers organizations that instead became a highlight for media. That demonstration aimed to stop the NLA's role while the nation was approaching the general election on 23<sup>rd</sup> December 2007. NLA was not a people's representative body and was therefore an unjustifiable body that should not accelerating the adoption of a large number of bills that were becoming laws.

## *J - Highlights of the 2007 Constitution Of Kingdom of Thailand*

The *Thai Constitution B.E. 2550 (2007)* was drafted as Thailand is a nation that must be ruled according to absolute democratic systems and institutions with periodic general elections. The Constitution was seeking a way to address state dictatorship and abuse of power as observed under the previous Constitution where political practices attested to un-transparency and unethical results including failure of the checks and balances system in politics and a situation where the liberty of people was not fully protected and promoted. The 2007 Constitution comprises the following 4 main themes to address the above mentioned challenges:

1. The protection, promotion and extension of rights and liberties of people;
2. Decreasing monopoly of state power and eliminating abuse of power;
3. Ensuring political transparency with moral and ethical values; and
4. Strengthening check and balance systems to ensure effective State performance.

**Sources: Pages 170-186 of the Constitution accepted by the referendum of 19<sup>th</sup> August 2007, published by the Constitution Drafting Council**

### **Protection, Promotion and Extension of Rights and Liberties of People**

The Constitution shall not belong to a handful group of people who are politicians but to all people, ensuring participatory approaches for allowing people to be in charge of their destinies upon the following principles:

1. **Ensuring more categories of rights and liberties than those prescribed under the Thai Constitution, B.E. 2540 (1997) which include:**
  - Adhering to rights and liberty related to international obligations ratified by Thailand as equal to those prescribed by the Constitution;
  - Protection against exploitation of personal data related to each individual;
  - Increasing rights access through administration of justice which is easy, expeditious, speedy and comprehensive. Appropriate protection of fundamental rights in legal proceedings for all, especially including children, the youth, women, the elderly or the disabled or persons of infirmity is promoted. More importantly, a person is for the first time allowed to file a motion to the Constitutional Court;
  - For the first time, a person has the right to security in respect of safety and welfare at work, including security in living both during the working life and upon leaving their workplace;
  - For the first time liberties of mass media are properly protected not only through prohibition upon the closure of mass-media businesses, but also through limits on interferences and undue censorship for which either direct or indirect imposition of power shall be deemed to be intentional undue exercise of powers and duties by concerned officials. Moreover, a person holding a political position shall not be allowed to own or hold shares in any mass-media businesses to ensure no exploitation of business in order to satisfy their own self interests;
  - People shall be provided with a minimum of 12 years of education without charge with increasing supports to the poor, disabled, persons of infirmity or persons suffering a state of difficulty who shall enjoy equal education comparable to that received by other persons. Moreover, the provision of education by professional organizations or the private sector, alternative education by the people, self-tuition and life-long learning shall be protected and promoted by the State;
  - Increasing rights for children, the youth and family members to receive physical, mental and intellectual development in accordance with their potential in a suitable environment shall be

promoted. Children, the youth, women and family members shall have the right to be protected by the State against violence and unfair treatment and shall also have the right to receive rehabilitation in the event of becoming victims of such situations;

- Homeless persons with insufficient income for living will for the first time have the right to receive appropriate aid from the State;
- There shall be the extension of community rights to allow assembling as a community without long establishment of a traditional locality. In addition, any project or activity which may seriously affect the community with respect to the quality of the environment, natural resources and health shall require an observatory process involving related stakeholders and conducting of public hearings. Communities shall also hold the right to bring lawsuit against Government agencies, State agencies, State Enterprises, local government organization or other State authorities which are juristic persons to ensure performance of duties under this provision;
- People shall have the right for the first time to monitor and make requests for an examination of the performance of duties of persons holding political positions and State agencies or State officials, including the right to request access to details of Bills submitted to NLA readings, with the exception of public data or information;
- For entering into international treaties or agreement which could have extensive impacts on people at large, the State shall firstly organize public hearings. When the treaties have been signed, the State shall make details publicly accessible and, in the case where the implementation of such treaties have impacts on any person, the State shall take steps to rectify or remedy the impacts in an expeditious, appropriate and fair manner;
- At least 50,000 people can, for the first time, sign for an amendment of the Constitution;
- Government officials and state officials shall have the right to assemble like all other people;
- Women's rights are promoted under a provision by which men and women shall enjoy equal rights and by promoting equality between women and men. Also a policy on people's participation shall require proportional representation of women and men. So as to promote women's participation in politics, a party list of candidates through proportional representation shall ensure appropriate opportunities for proportional representation of women and equality between men and women. Proportional representation between males and females shall be observed whenever the House of Representatives appoint members to reading committees of Bills regarding children, women and elderly persons to ensure their feminine contributions.

## **2. Simplifying exercise on rights and liberties as follows:**

- Specific sections of the Constitution on rights and liberties facilitate proper understanding whereas personal rights and liberties, rights in the administration of justice, rights in connection with information and complaints, community rights and rights to protect the Constitution are clearly defined;
- Ensuring recourse to Courts by all people in order that their Constitutional rights are protected in the absence of other organic laws;
- The State shall promote, support and assist the exercise of rights and liberties by all people as is necessary in accordance with Constitutional provisions;
- A reduction from the previously required 50,000 to 10,000 signatures to submit a proposed bill to Parliament. An ad hoc committee shall then be appointed for considering the bill, consisting of representatives of petitioners introducing the bill comprising not less than one third of the total committee members. The number of required signatures for removal of a person from a political position or to remove a senior government official also has been reduced from 50,000 to 20,000 persons.

## **3. Ensuring the effective exercise of rights and liberties with definite protection measures through:**

- Elimination of the term 'as prescribed by laws' at the end of provisions regarding rights and liberties in several sections of the Constitution to signal instant Constitutional rights available to

all peoples;

- Determination of specific time frames for enactment of organic laws on people's rights and liberties (approximately within 1 year) so to avoid delay by influential persons that would otherwise deprives people of such rights and liberties;
- Prescribing the right to file a motion to the Constitutional Court by all people whose rights or liberties recognized by the Constitution are violated to seek a decision that a provision of law is contrary to or inconsistent with the Constitution;
- Communities shall have rights to bring a lawsuit as a result of a violation of community rights;
- The National Human Rights Commission is provided with power to refer issues with an opinion to the Constitutional Court or Administrative Court respectively in the case where a by-law, order or any other administrative act is in violation of the Constitution, and to file a lawsuit to the Court of Justice on behalf of an injured person in the case of violation of their human rights;
- Where any State official abuses ethical standards which affect the public, the Ombudsmen shall have powers to conduct fact findings without requiring the submission of a petition.

#### **4. Ensuring more specific, comprehensive as well as binding State policies by:**

- Having various chapters on directive principles of State policies in relation to national security, religion, social affairs, public health, education and cultural affairs, legislation and the administration of justice, foreign affairs, economy, land, natural resources and environment, science, intellectual property, energy and public participation;
- Establishing directive principles of State policies to enhance important matters, such as the development of a working system in the public sector with particular emphasis on the development of the quality, conscience and ethics of State officials and to promote the application of good governance amongst State agencies, law and justice administration reform, promoting and giving support to the implementation of the self-sufficiency economy philosophy and revising taxation systems to achieve fairness. To protect and maintain interests of farmer in production and marketing, to provide basic public utilities necessary for the livelihood of the public and to prevent such facilities from being monopolized by private individuals, the State shall prescribe rules on land use which cover areas throughout the country, having regard to the consistency with natural surroundings and ways of life of local residents to ensure required farming land for all. Any act causing a State owned infrastructure or basic network of public utilities necessary for the livelihood of the public or for national security to be owned by private individuals or to be owned in a proportion of less than fifty one percent shall not be permitted;
- To put in place a plan for political reform and a Reform Council for monitoring strict compliance with directive plans, establishing a civic fund for political development and contributing towards the operation of public activities to ensure strong political involvement, establishing an independent judicial-administrational reform organization to be in charge of revision and development of the operation of agencies concerned with the administration of justice, as well as forming of farmers' councils for making plans on farming and preserving common interests of farmers. Under section 303 the law on establishment of farmers' councils shall be enacted within 1 year as from the date of the declaration of policies to the National Assembly. Moreover there shall be an independent law reform agency to develop law of the country including revision of laws when implementing the Constitution;
- The government, which assumes the administration of the State affairs, in declaring policies to the National Assembly, shall make clear statements as to activities and timeframes that it intends to pursue in order to achieve the directive principles of fundamental State policies and shall prepare a report indicating results of such implementation, outlining problems and obstacles experienced for submission to the National Assembly at least once a year.

#### **5. Allowing for people's participation in local governance to ensure effective decentralization as the basis of a national democratic regime through the following principles:**

- Local government organizations shall be fully autonomous in all areas of local administration

and shall be the principal provider of various public services. There shall be a law on local revenues for the purpose of determining principles and procedures of tax and other revenue collection and a special form of administrative structure shall be set up to ensure sustainable performance;

- Reform of personnel administration in local government organizations by upgrading all employees to the status of civil servants. The Local Officials Committee shall be a central body with powers to transfer staff at inter-organizational level. There shall be a Merit System Watchdog Agency for Local Officials to ensure protection of and upholding of virtue and ethics;
- Increasing people's participation at the local level to allow referendums on matters of locality. There is a reduction in the number of signatures required to remove local politicians and for proposing drafts of local regulations. Local governments shall report yearly to the people on matters relating to budget allocation, expenditure and performance so as to allow people's participation in administrative supervision procedures;
- Improving the local government supervision systems with a determined uniform standard to be observed by all local administrative bodies based on suitability and disparity of the level of development and administrative efficiency of each type of local government organization. There shall be mechanisms for local bodies to be scrutinized by the public.

## **Decreasing Monopoly of State Power and Eliminating of Abuses of Power**

The *Thai Constitution, B.E. 2540 (1997)* aimed positively to strengthen effective Government. However a strong government should not be achieved by dictatorship that leads to abuse of power. The new Constitutional draft therefore aimed to reduce monopolization of State power. Political powers should be balanced by the following measures:

- 1. Enhancing public political power to ensure a 'player role' and no longer simply 'observers' among all peoples, with several measures as discussed above, including:**
  - Ensuring people's participation in all political activities which are part of the State action plan, including entering contracts and agreements and referendums on major issues for government decisions binding on the country, as well as Constitutional amendments;
  - Any person and/or community shall have the right to submit a petition and bring a lawsuit against violation of their rights;
  - Political rights shall be more easily exercised through a reduction in the number of signatures required to demand removal of politicians to 20,000 whereas only 10,000 signatures are required for proposing a bill at both national and local levels.
- 2. Restriction of State dictatorship and abuse of power by the following measures:**
  - The Prime Minister shall not hold office for a consecutive period of more than eight years;
  - The issuance of an Emergency Decree shall be reviewable by the Constitutional Court and no longer simply the government's arbitrary decision. Only in certain unavoidable emergency cases is such action allowed, and such action should not be allowed for avoiding due scrutiny by the National Assembly;
  - Under the Constitutional provisions, for the first time Thailand has a chapter on fiscal affairs, finance and budget to ensure discipline in the State's yearly appropriations and fiscal affairs to avoid unnecessary burdens to the nation. An annual appropriations bill shall be accompanied by clear supporting documents covering objectives, activities, action plans and projects whereas the Central Budget shall be restricted on the basis of reason and necessity;
  - In considering budgetary appropriations by the National Assembly, the courts and other independent agencies shall be allowed to directly submit a motion to a committee so that the

government shall have method by which to compromise the roles of those agencies, whereas all constitutional independent organs may also directly introduce Bills to the National Assembly;

- The Public Prosecutor's organizations shall enjoy independence in examining exercises of State powers, especially in prosecution procedures against those holding political office;
  - Clear rules are laid down as to the roles and powers of the interim government to prevent interference against permanent officials and their duties as well as the abuse of State mechanisms in favour of political parties and election candidates supported by particular individuals;
  - During the term of the House of Representatives there shall not be any merger of political parties to prevent unusual majority voting powers in the National Assembly.
- 3. Ensuring that elected MPs shall be suitably qualified and be good citizens who dedicate themselves to representing their constituents without the domination of any political party through the following provisions:**
- Introducing a new system for general elections with expansion of each constituency to allow greater competition between qualified candidates who are good citizens and those influential runners. The proportional election by party lists system shall cover 8 provincial clusters to avoid representative concentration in the central region and the 5 % quota system is abolished to accommodate smaller parties, aiming to promote richer political ideas and initiatives;
  - Members of the House of Representatives shall be independent from any resolutions of political parties in respect of interpellation, debate and the passing of a vote in a debate of no-confidence;
  - Members of the House of Representatives may introduce a bill without prior approval of their respective political parties;
- 4. Senators shall be completely independent from the influence of any political party.** There shall be 76 members of the Senate (1 from each province) elected during a general election and another 75 members from further selection to make a total number of 150 senators. The greatest independence from political interference can be ensured through these means. Required qualifications for both elected and appointed senators are of a higher level than required for politicians and they have greater political proximity. Selected senators will choose through a screening process under a neutral Senators Selection Committee. Senators will be drawn from experts of various professional sectors as well as the most excluded groups of the society.
- 5. Members of the House of Representatives and Senators shall not interfere or intervene directly or indirectly in performance of official services such as recruitment, appointment, transfers, reshuffles, promotions and elevation of salary scale.**

## **Ensuring Political Transparency With Morals and Ethical Values**

The *Thai Constitution 2550 (2007)* prescribes transparency, morals and ethics as required politician's characteristics, but these are qualifications which many politicians fail to possess. Politicians frequently resort to legal loopholes to secure wealth through conflict of interests in many areas causing widespread suffering and damage to people and the nation at large. Required measures that ensure Thai democracy, and not just a regime, are as following:

- 1. Clearly prescribing ethics of holders of political office and other state officials**
  - Ethical standards of persons holding political office, Government officials or State officials shall be in accordance with the prescribed ethical standards prescribed, featuring mechanisms that are operable to deal with such issues and prescribing steps for imposing punitive sanctions in accordance with the gravity of acts in question;

- In the case where the violation or non-observance of ethical standards is of a gravely wrongful nature and committed by a person holding a political position, such act shall be deemed a ground for removal from office;
  - The National Counter Corruption Commission shall exercise oversight of virtue and ethics of persons holding political positions.
- 2. Measures concerning action amounting to a conflict of interests** are prescribed as follows:
- A member of the House of Representatives or a Senator shall not hold any position or assume any duty in any Government agency, State agency or State enterprise, or hold a position as a member of a local assembly, local administration or be a local government official. They also should not receive, interfere with or intervene in any concession from the State, a Government agency, a State agency or a State enterprise, or become a party to a contract of a monopolistic nature with the State, a Government agency, a State agency or a State enterprise, nor become a partner or a shareholder in a partnership or a company receiving such concession or becoming a party to the contract of that nature, whether directly or indirectly. Such individuals should also not receive any special money or benefit from any Government agency, the State agency or the State enterprise apart from that given by the Government agency, the State agency or the State enterprise to other persons in the ordinary course of business. This includes a prohibition to own or hold shares in any mass media business, or to become a partner of any limited partnership or a company in mass media business;
  - The Prime Minister and a Minister, including their spouses and children who are not *sui juris*, shall not be a partner or shareholder of a partnership or a company or retain their status as a partner or shareholder of a partnership or a company up to the limit as provided by law. In the case where the Prime Minister or any Minister intends to continue to receive benefits in such cases, the Prime Minister or such Minister shall inform the President of the National Counter Corruption Commission within thirty days as from the date of appointment and shall transfer his or her shares in the partnership or company to a juristic person which manages assets for the benefit of other persons, as provided by law. The Prime Minister and Minister shall not do any act which, by nature, amounts to the administration or management of shares or affairs of such partnership or company.
- 3. An increase in measures for revealing assets and liabilities of holders of political office** which cover spouses, children who are not *sui juris* and assets placed under possession or care of third persons, whether directly or indirectly.
- 4. Ensuring a prompt removal from positions held by members of the House of Representatives, Senators, the Prime Minister and a Minister**
- Where a member of the House of Representations or Senate has been sentenced by final judgment to a term of imprisonment, irrespective of a suspension of the punishment, and except for a suspension of the punishment in an offence committed through negligence or a petty offence or an offence of defamation, this person's position shall promptly terminated;
  - Where the Prime Minister or a Minister has been sentenced by judgment to a term of imprisonment irrespective of the finality of the case or a suspension of the punishment, they shall be promptly removed from office, except for an offence committed through negligence or a petty offence or an offence of defamation.
- 5. Prohibiting actions amounting to a conflict of interests committed by the President and Vice-President of the House of Representatives, the Prime Minister and a Minister**
- Whilst holding office, the President and Vice-President of the House of Representatives shall not be members of executive committees or hold any position in a political party simultaneously;

- The Prime Minister and a Minister shall not cast a vote on matters connected with the holding of office, the performance of duties or have any interest in such matters.

## **Strengthening Check and Balance Systems to Ensure Effective State Performance**

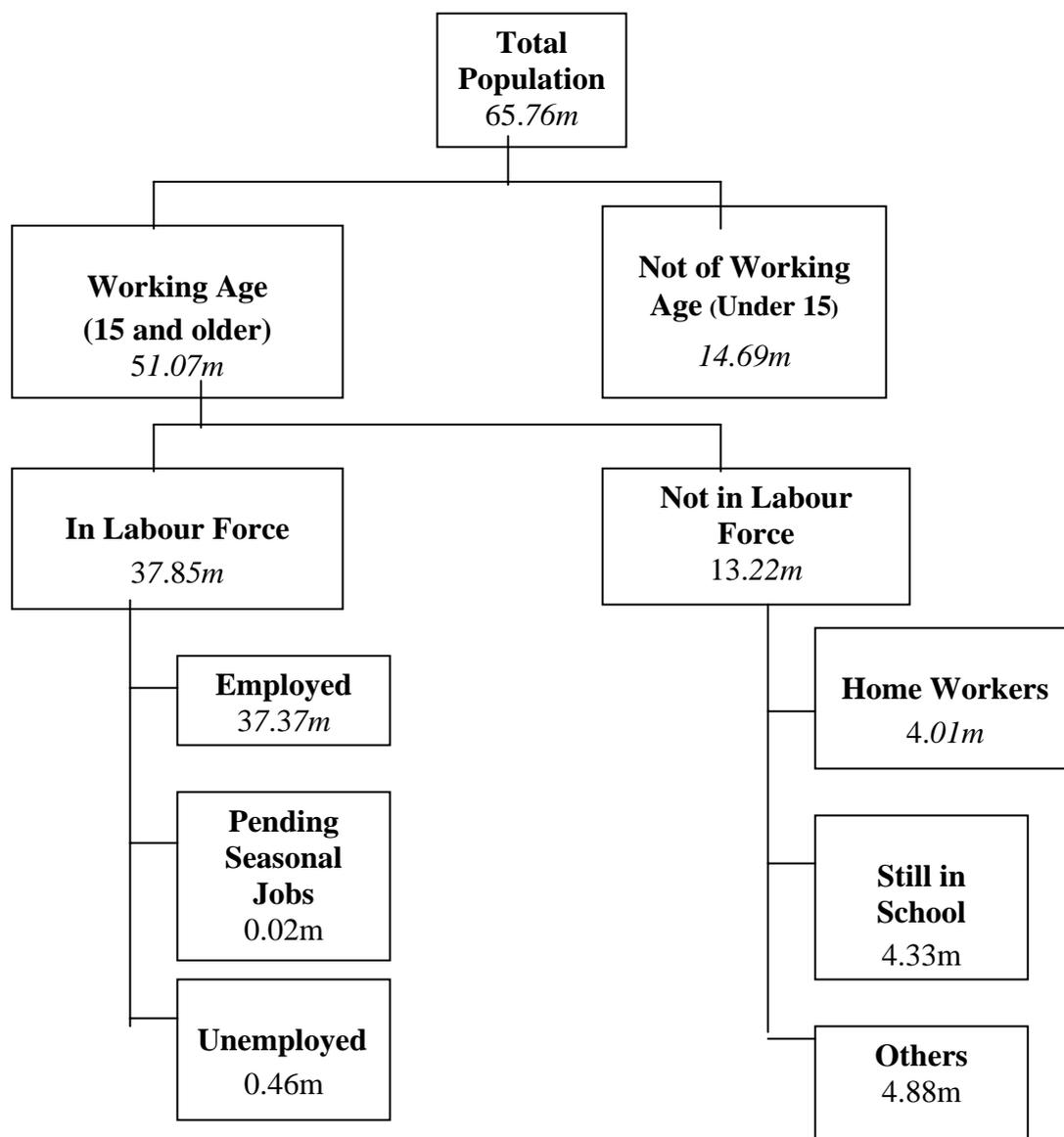
Independent organizations and checking bodies prescribed by the *Thai Constitution, B.E. 2540 (1997)* were signs of hope for the public at large, but these institutions were strongly interfered with in the past and failed to function effectively. Overall improvement was therefore required and undertaken under the *Thai Constitution 2550 (2007)* as follows:

- 1. Improvement of selection systems to ensure in reality the appointment of independent persons required for the establishment of genuine checking system.** The President of the Constitutional Court, the President of the Supreme Court, the President of the Supreme Administrative Court, the President of the House of Representatives and the Leader of the Opposition Party shall be members of the Selection Committee, as prescribed by the Constitution.
- 2. Improvement of authorization procedures and functionality of the checking system**
  - The Constitutional Court shall have the power to directly accept a motion filed by a person whose rights or liberties are violated;
  - The Supreme Court of Justice's Criminal Division for Persons Holding Political Positions shall have the power to consider a case where any person holding a political position fails to submit accounts showing assets and liabilities, or if they submit false statements in this regard;
  - The National Counter Corruption Commission shall have the powers and duties only to proceed with cases against persons holding political office and high-ranking executives or Government officials so as to ensure its greater effectiveness;
  - The Ombudsmen shall have powers to consider matters and conduct inquiries without prior complaints where such matters threaten to cause injury to the public at large, where there arises a need to safeguard public interests or to take action in connection with ethics of political office holders and State officials, as well as to monitor, evaluate and prepare recommendations on the compliance with the Constitution, including considerations as to amendment of the Constitution, as deemed necessary;
  - The National Human Rights Commission has increased powers to file cases to the Constitutional Court and the Administrative Court whereas a by-law, order or any other administrative act affects constitutionality or compliance with law and where it agrees with the complainant that any provision of laws affect human rights;
  - The National Economic and Social Council shall have increased powers to give opinions on economic and social plans;
  - Independent organizations under the Constitution, as well as independent operations of the National Assembly and the Courts, shall directly submit motions on budgetary appropriations to a National Assembly Committee;
  - To facilitate general debate for the purpose of passing a vote of no-confidence in the Prime Minister, a motion shall be submitted by not less than one-fifth of the total number of the existing members of the House of Representatives. Not less than one-sixth of the total members are required for a general debate relating to an individual Minister. Where a Minister in different office shall be subject to a general debate for a vote of no-confidence, the Prime Minister or any Minister shall also attend the sitting of parliamentary sessions for giving explanations or answering the interpellation on those matters personally;
  - Public prosecutors enjoy independence in making determination as to prosecution in the performance of their duties, in the interest of justice;

- An independent investigator, appointed by the general assembly of the Supreme Court of Justice, who is a person of apparent political impartiality and integrity, shall assist and ensure functionality of the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions. Powers and duties of the independent investigator shall be prescribed by law.
- 3. Checking systems to control functionality of the Constitution's independent organizations.**
- Issuance of yellow and red cards by the Election Commission shall provide for an appeal to the Supreme Court in the case of national general elections and to the Appeals Court in the case of local elections;
  - Rules, orders or any acts undertaken by constitutional organs as an exercise of legalized powers or as an administrative functionality may be investigated by the Administrative Court;
  - The Ombudsmen shall have powers and duties to scrutinize a neglect of the performance of duties or the unlawful performance of duties by constitutional organs and organs in the administration of justice, excluding trials and adjudication of Courts.

## Section Two: Labour Statistics

### Demographic Structure by Labour Status (July 2550 [2007])



Source: Office of National Statistics, July 2007 (Unit: Millions of People)

## Employment Classified by Type of Industry (July 2007)

<i>Type of Industry</i>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Total</b>	<b>20.05</b>	<b>17.31</b>	<b>37.37</b>
<b>Agricultural Sector</b>	<b>8.58</b>	<b>7.03</b>	<b>15.61</b>
Agriculture, Hunting and Forestry	8.35	6.96	15.31
Fisheries	0.23	0.07	0.30
<b>Non-Agricultural Sector</b>	<b>11.47</b>	<b>10.29</b>	<b>21.76</b>
Manufacturing	2.90	3.15	6.05
Construction	1.71	0.36	2.07
Wholesale and Retail Distribution, Auto and Motorcycle Repair, Personal and Home Products	2.78	2.56	5.34
Hotels and Restaurants	0.72	1.48	2.20
Logistics, Warehousing and Communication	0.91	0.21	1.12
Real Estate, Rental Business and Related Business Activities.	0.39	0.30	0.69
Public Administration, National Defence Including Mandatory Social Security Schemes	0.87	0.37	1.24
Education	0.42	0.61	1.03
Not Available	0.77	1.25	2.02

Source: National Statistics Office (Unit: 1,000 Persons)

## Number of Enterprises and Workers by Area (September 2007)

<i>Area / Region</i>	<b>No. of Enterprises (Places)</b>	<b>No. of Workers (Persons)</b>
<b>Nationwide</b>	<b>395, 717</b>	<b>9, 161, 314</b>
<b>Bangkok Metropolis</b>	<b>168, 761</b>	<b>3, 969, 415</b>
<b>5 Provinces (In Vicinity of Bangkok)</b>	<b>34, 507</b>	<b>2, 058, 905</b>
<b>Central Region</b>	<b>58, 563</b>	<b>1, 917, 543</b>
<b>Northern Region</b>	<b>40, 092</b>	<b>586, 812</b>
<b>Northeastern Region</b>	<b>50, 812</b>	<b>631, 603</b>
<b>Southern Region</b>	<b>42, 982</b>	<b>597, 036</b>

Source: Department of Labour Protection and Welfare, Minister of Labour (1<sup>st</sup> October, 2007)

## Safety Labour Inspection and Percentage of Workplaces with Official Check/Good Conduct of Occupational Safety Protection Classified by Types of Industry (October 2006 -September 2007)

<i>Type of Industry</i>	<b>Percentage of Workplaces Inspected</b>	<b>Percentage Classified For Good Conduct</b>
<b>Agriculture, Hunting and Forestry</b>	<b>1.02</b>	<b>94.58</b>
<b>Fishery</b>	<b>0.20</b>	<b>92.50</b>
<b>Mining and Quarrying</b>	<b>1.58</b>	<b>75.56</b>
<b>Manufacturing</b>	<b>33.69</b>	<b>74.86</b>
<b>Electricity, Natural Gas and Water Works</b>	<b>0.74</b>	<b>77.03</b>
<b>Construction</b>	<b>6.42</b>	<b>77.35</b>
<b>Wholesale and Retail Distribution, Auto and Motorcycle Repair, Personal and Home Products</b>	<b>35.22</b>	<b>89.59</b>
<b>Hotels and Restaurants</b>	<b>6.04</b>	<b>89.84</b>
<b>Logistics, Warehousing and Communication</b>	<b>3.21</b>	<b>83.88</b>
<b>Finance Institution</b>	<b>4.15</b>	<b>92.73</b>
<b>Real Estate, Rental Business and Related Business Activities, Public Administration, National Defence Including Mandatory Social Security Schemes</b>	<b>4.55</b>	<b>88.29</b>
<b>Education</b>	<b>0.50</b>	<b>95.96</b>
<b>Health Care and Social Welfare</b>	<b>0.79</b>	<b>87.90</b>
<b>Community and Social Services including other Related Individual Care and Services</b>	<b>1.81</b>	<b>91.64</b>
<b>Domestic Helpers or Personal Assistants</b>	<b>0.08</b>	<b>100.00</b>
<b>Not Available</b>	<b>0.77</b>	<b>1.25</b>
<b>Total</b>	<b>100.00</b>	<b>83.55</b>

NB. 19, 884 enterprises were inspected

Source: Department of Labour Protection and Welfare, Minister of Labour (3<sup>rd</sup> October, 2007)

**Safety Labour Inspection, Percentage of Workplaces  
with Official Check and Good Conduct of  
Occupational Safety Protection Classified by Size of  
Enterprise (October 2006 - September 2007)**

<i>Size of Enterprise (No. of workers)</i>	<b>Percentage of Workplaces Inspected</b>	<b>Percentage Classified for Good Conduct</b>
1 – 4	23.05	94.39
5 – 9	18.28	88.45
10 – 19	15.25	83.51
20 – 49	17.75	80.54
50 – 99	9.12	66.76
100 – 299	10.35	71.75
300 – 499	2.69	74.39
500 – 999	2.04	76.35
1,000 up	1.47	79.37
<b>Total</b>	<b>100.00</b>	<b>83.55</b>

NB. 19, 884 enterprises were inspected

Source: Department of Labour Protection and Welfare, Minister of Labour (3<sup>rd</sup> October, 2007)

## Organisations Concerned with Labour (November 2007)

Organisations Concerned with Labour	Total	Bangkok	Region
<i>Employers Organisations</i>			
Employers' Associations	411	172	239
Employers' Federations	2	1	1
Council of Employers' Federations	12	12	-
<i>Workers Organisations</i>			
Labour Unions in Private Sector (no. of workers)	330, 600	94, 660	235, 940
State Enterprise Labour Unions (no. of workers)	171, 220	151, 060	20, 160
State Enterprise Federations	43	38	5
Labour Federations	16	7	9
Trade Unions	1, 240	340	900
Worker Labour Councils	12	11	1
State Enterprise Worker's Relations Confederation	1	1	-

Source: Office of Labour Relations, Department of Labour Protection and Welfare, Ministry of Labour

## Trade Unions Classified by Type of Registration (November 2007)

<b>Type of Trade Union</b>	<b>Total</b>	<b>Bangkok</b>	<b>Region</b>
<b>Total</b>	<b>1,240</b>	<b>340</b>	<b>900</b>
Trade Unions Classified by Type of Registration			
Labour Unions of the Same Employer	422	95	327
Labour Unions of the Same Line of Business	818	245	573
Trade Unions Classified by Level of the Registered Employee			
Supervisors Trade Unions	55	20	35
Employees Trade Unions	1,185	320	865

**Source: Office of Labour Relations, Department of Labour Protection and Welfare, Ministry of Labour**

## Labour Unions in the Private Sector and Employers Associations by Province (November 2007)

No.	Provinces	Workers Organisations					Employers Organisations		
		Labour Unions in Private Sector	State Enterprise Labour Unions	State Enterprise Worker's Relations Confederation	Labour Federations	Worker Labour Councils	Employer Associations	Employers Federations	Council of Employers
	<b>Nationwide</b>	<b>1240</b>	<b>43</b>	<b>1</b>	<b>16</b>	<b>12</b>	<b>411</b>	<b>2</b>	<b>12</b>
	<b>Bangkok</b>	<b>340</b>	<b>38</b>	<b>1</b>	<b>7</b>	<b>11</b>	<b>172</b>	<b>1</b>	<b>12</b>
	<b>Region</b>	<b>900</b>	<b>5</b>	<b>0</b>	<b>9</b>	<b>1</b>	<b>239</b>	<b>1</b>	<b>0</b>
1	Kanchanaburi	1	-	-	-	-	1	-	-
2	Krabi	-	-	-	-	-	5	-	-
3	Kalasin	1	-	-	-	-	-	-	-
4	Kamphaeng Phet	-	-	-	-	-	1	-	-
5	Khon Kaen	2	-	-	-	-	4	-	-
6	Chantaburi	-	-	-	-	-	2	-	-
7	Chachoengsao	19	1	-	-	-	1	-	-
8	Chon Buri	87	-	-	-	-	7	-	-
9	Chiang Mai	1	-	-	-	-	7	-	-
10	Chiang Rai	2	-	-	-	-	1	-	-
11	Tak	1	-	-	-	-	1	-	-
12	Trat	-	-	-	-	-	1	-	-
13	Nakhon Pathom	11	-	-	-	-	-	-	-
14	Nakhon Phanom	1	-	-	-	-	-	-	-
15	Nakhorn Ratchasima	8	-	-	-	-	7	-	-
16	Nakhon Sawan	1	-	-	-	-	2	-	-
17	Nakhon Si Thammarat	2	1	-	-	-	4	-	-
18	Nontha Buri	12	2	-	1	-	4	-	-
19	Nan	-	-	-	-	-	1	-	-
20	Buriram	1	-	-	-	-	-	-	-
21	Pathum Thani	138	-	-	1	1	29	-	-
22	Prachinburi	9	-	-	-	-	1	-	-
23	Prachuab Khiri Khan	-	-	-	-	-	1	-	-
24	Pattani	-	-	-	-	-	1	-	-
25	Phra Nakhon Si Ayutthaya	37	-	-	-	-	3	-	-
26	Petchaburi	2	-	-	-	-	-	-	-
27	Phayao	1	-	-	-	-	1	-	-
28	Pitsanulok	-	-	-	-	-	1	-	-

29	Phang-nga	-	-	-	-	-	2	-	-
30	Phuket	24	-	-	1	-	25	-	-
31	Maharakham	3	-	-	-	-	3	-	-
32	Ranong	-	-	-	-	-	2	-	-
33	Rayong	43	-	-	-	-	2	-	-
34	Ratchaburi	1	-	-	-	-	2	-	-
35	Roi-Et	-	-	-	-	-	1	-	-
36	Lop Buri	-	-	-	-	-	6	-	-
37	Lampang	2	-	-	-	-	3	-	-
38	Lampoon	-	-	-	-	-	1	-	-
39	Loei	-	-	-	-	-	5	-	-
40	Si Sa Ket	1	-	-	-	-	-	-	-
41	Songkhla	9	-	-	-	-	12	-	-
42	Samut Prakan	406	-	-	6	-	38	1	-
43	Samut Sakon	41	-	-	-	-	18	-	-
44	Sa Kaeo	1	-	-	-	-	-	-	-
45	Sara Buri	22	1	-	-	-	4	-	-
46	Sing Buri	1	-	-	-	-	-	-	-
47	Suphan Buri	-	-	-	-	-	2	-	-
48	Surat Thani	1	-	-	-	-	2	-	-
49	Nong Khai	1	-	-	-	-	2	-	-
50	Ang Thong	2	-	-	-	-	3	-	-
51	Udon Thani	4	-	-	-	-	20	-	-
52	Uthai Thani	1	-	-	-	-	-	-	-

NB. Information on 22 Provinces does not exist

**Source: Central Registration Division, Office of Labour Relations, Department of Labour Protection and Welfare**

## Minimum Wage Rate Effective on 1<sup>st</sup> January 2007

Minimum Wage (Baht per Day)	Province
191	Bangkok, Nonthaburi, Nakhon Pathom, Pathum Thani, Samut Prakan and Samut Sakhon
186	Phuket
172	Chon Buri
168	Sara Buri
162	Nakhorn Ratchasima
161	Rayong
160	Chachoengsao, Phra Nakhon Si Ayutthaya and Ranong
159	Chiang Mai and Phang-nga
156	Krabi and Petchaburi
155	Kanchanaburi, Chanthaburi and Lop Buri
154	Ratchaburi, Samut Songkhram and Sa Kaeo
152	Trang, Prachuab Khiri Khan, Prachinburi, Songkhla, Sing Buri and Ang Thong
150	Loei and Udon Thani
149	Chum Pon, Trat, Lampang, Lamphoon, Sukhothai and Suphanburi
148	Kalasin, Khon Kaen, Nakhorn Phanom, Nakhorn Si Thammarat, Narathivat, Buriram, Pattani, Yala, Satun and Nong Khai
147	Kampaeng Phet, Tak, Nakhorn Nayok, Nakhorn Sawan, Pattalung, Pitsanulok, Petchabun, Surat Thani and Uttaradit
146	Chai Nat, Chaiyapoom, Chiang Rai, Mahasarakham, Mukdahan, Yasothon, Roi-Et, Si Sa Ket, Sakon Nakhorn, Nongbualamphu and Uthai Thani
145	Pichit, Mae Hong Son, Surin, Ubonratchathani and Amnatcharoen
144	Phayao and Phrae
143	Nan

**Source: Income Development and Minimum Wage Division, Ministry of Labour**

# Social Security's Statistics (10<sup>th</sup> October, 2007)

## *Social Security Fund*

**1.1 Workplaces Employing One Worker or More:** 380, 313

**1.2 Number of Insured Persons:** 9, 173, 010

- Article 33: 8, 792, 142 persons
- Article 39: 380, 864 persons
- Article 40: 4 persons

**1.3 Social Security Fund's Status** (data on one month back): amount of fund 252, 708 million Baht (excluding contribution for Old Age is 246, 963 million Baht)

**1.4 Details of Seven Benefits in the Social Security Fund**

- Amount of contribution (3 parties): 8, 427.35 million Baht
- Amount of utilization: 3, 008.75 million Baht
- Numbers for Utilization: 3, 564, 473 persons

**1.5 Cases of Sickness, Death, Invalidity and Maternity**

- Amount of contribution (3 parties): 2, 984.88 million Baht
- Amount of utilization: 2, 249.62 million Baht
- Numbers for Utilization: 2, 354, 227 persons

**1.6 Cases of Child Benefit and Old Age Benefit**

- Amount of contribution (3 parties): 4, 633.56 million Baht
- Amount of utilization: 572.05 million Baht
- Numbers for Utilization: 1, 155, 287 persons

**1.7 Cases of Unemployment**

- Amount of contribution (3 parties): 808.91 million Baht
- Amount of utilization: 187.08 million Baht
- Numbers for Utilization: 54, 959 persons

## *Workmen's Compensation Fund (For Accidents and Diseases During Working Time)*

**1.1. Number of Insured Persons**

- Employers: 321, 565 persons
- Employees: 8, 207, 568

**1.2. Workmen's Compensation Fund Status Social Security Fund's Status** (data on two months back): 19, 573 million Baht

- Amount of contribution (Oct 06 – Sept 07/Present): 2, 812.24 million Baht/241 million Baht
- Amount of utilization (Oct 06 – Sept 07/Present): 1,657.51 million Baht/140.42 million baht
- Number of occupational injuries (Oct 06 – Sept 07/Present): 202, 246/ 18, 171 persons

**Source: Social Security Office, Ministry of Labour**

## Number of Occupational Injury or Sickness According to the Workmen's Compensation Fund from 1997 to 2007

Year	Number of Injured or Diseased Persons					
	Total	Death	Permanent Total Disability	Permanent Partial Disability	Temporary Disability > 3 days	Temporary Disability ≤3 days
1997	230,376	1,033	29	5,272	68,480	155,562
1998	186,498	790	19	3,714	55,489	126,486
1999	171,997	611	12	3,396	50,239	117,739
2000	179,566	620	16	3,516	48,338	127,076
2001	189,621	607	20	3,510	48,077	137,407
2002	190,979	650	14	3,424	49,012	137,879
2003	210,673	787	17	3,821	52,364	153,684
2004	215,534	861	23	3,775	52,893	157,982
2005	214,235	1,444	19	3,425	53,641	155,706
2006	204,257	808	21	3,413	51,901	148,114
2007	148,479	557	9	1,372	38,169	108,372

Source: Social Security Office, Ministry of Labour, 2<sup>nd</sup> October 2007

## Investment and Return on Investment of Social Security Fund 2003-2007

	Investment (million Baht)	Return (million Baht)	Return Rate (%)		Average Deposit Rates of Five Commercial Banks**
			Bank Standard 40	Bank Standard 42	
2003	209,608.42	8,080.66	6.34	-	1.29
2004	270,857.64	9,523.04	3.39	-	0.95
2005	344,603.63	12,126.50	4.82	-	1.00
2006	403,281.43	17,345.83	4.31	5.04	2.29
Jan – Sep 2007	477,367.37	15,140.12	6.60*	8.84*	2.36

\* Return Rate is for one year from August until 30<sup>th</sup> September 2007

\*\* Source: Bank of Thailand ( website: [www.bot.or.th](http://www.bot.or.th) )

## Number Estimates of New Graduates and New Labour Market Entrants 2007-2009

Level of Education	Number Estimate of New Graduates			Number Estimate of New Labour Market Entrant		
	2550	2551	2552	2550	2551	2552
Mathayon 6	317,993	354,359	401,034	46,936	52,303	59,193
Vocational Colleege	198,718	226,408	325,007	29,331	33,418	47,971
Vocational College/Diplom a	175,857	191,329	191,329	79,136	86,099	86,099
Bachelors Degree	197,566	211,664	252,938	177,809	190,498	227,644
<b>Total</b>	<b>890,134</b>	<b>983,760</b>	<b>1,170,308</b>	<b>333,212</b>	<b>362,318</b>	<b>420,907</b>

**N.B:** Number Estimate of New Graduates is based on Number of Students of all levels

## Number of Thai Labour Force Abroad and Estimated Inward Remittances (31st August 2007)

City or Country	Number of Thai Workers Abroad			Inward Remittances (million Baht)
	Legal Workers	Illegal Workers	Total	
Riyadh	57,850	2,140	59,990	7,875.00
Jeddah	10,000	7,000	17,000	1,070.00
Japan	12,800	10,500	23,300	7,590.00
Hong Kong	33,655	-	33,655	6,450.08
Taipei	60,829	99	60,928	6,597.00
Kaosiung	28,799	-	28,799	4,554.87
Singapore	47,400	350	47,750	3,337.00
Brunei	8,600	200	8,800	842.83
Malaysia	10,335	12,500	22,835	61.87
Israel	26,470	-	26,470	5,400.00
South Korea	33,700	13,260	46,960	5,835.21
Germany	53,000	50,000	103,000	-
<b>Total</b>	<b>383,438</b>	<b>96,049</b>	<b>479,487</b>	<b>49,613.86</b>

Source : Bureau of Coordination for International Cooperation, Division of Abroad Employment Promotion, Department of Employment

## Labour Market Expansion Abroad (31<sup>st</sup> August, 2007)

City or Country	Labour Market Expansion Abroad				
	Government (persons)	Recruitment Agencies (persons)	Employers(persons)	Others (persons)	Total (persons)
<b>Riyadh</b>	55	10,077	3,188	2,332	15,652
<b>Jeddah</b>	-	-	-	-	-
<b>Japan</b>	436	438	688	-	1,562
<b>Hong Kong</b>	877	962	264	1,473	3,576
<b>Taipei</b>	-	23,184	78	101	23,363
<b>Kaosiung</b>	133	11,271	-	-	11,404
<b>Singapore</b>	-	514	155	-	669
<b>Brunei</b>	-	1,253	919	-	2,172
<b>Malaysia</b>	-	-	205	-	205
<b>Israel</b>	-	5,121	69	-	5,190
<b>South Korea</b>	3,781	1,431	233	4,906	10,351
<b>Germany</b>	-	32	11	-	43
<b>Total</b>	<b>5,282</b>	<b>54,283</b>	<b>5,810</b>	<b>8,812</b>	<b>74,187</b>
<b>%</b>	<b>7.1</b>	<b>73.2</b>	<b>7.8</b>	<b>11.9</b>	<b>100.0</b>

Source : Bureau of Coordination for International Cooperation, Division of Abroad Employment Promotion Department of Employment

**Number of Enterprises and Social Security  
Insured Persons (5<sup>th</sup> June, 2007)**

<b>Size of Enterprises</b>	<b>Establishments</b>	<b>Number of Insured Persons (Persons)</b>
<b>1-9</b>	<b>264, 644 (67.85%)</b>	<b>955, 046 (10.65%)</b>
<b>10-99 Persons</b>	<b>111, 457 (28.58 %)</b>	<b>2, 867, 661 (32 %)</b>
<b>100-999 Persons</b>	<b>13, 073 (3.35% )</b>	<b>3, 362, 203 (37.50 %)</b>
<b>1,000 up</b>	<b>840 (0.22 %)</b>	<b>1, 786, 812 (19.93 %)</b>
<b>Total</b>	<b>390, 014 (100 %)</b>	<b>8, 971, 722 (100 %)</b>

Source: Social Security Office, Ministry of Labour, 2<sup>nd</sup> October 2007

## **Section Three: Summary of the Core Content of Important Thai Labour Laws**

This section outlines the core content of the following six most important Thai labour laws:

1. *The Labour Protection Act B.E. 2541 (1998)*
2. *The Labour Relations Act B.E. 2518 (1975)*
3. *The Establishment of Labour Court and Labour Dispute Case Proceedings Act B.E. 2522 (1979)*
4. *The Workers Compensation Act B.E. 2537 (1994)*
5. *The Social Security Act B.E. 2533 (1990)*
6. *The Ministerial Regulation on Labour Protection for Home Workers B.E. 2547 (2004)*

## **Core Content of the Labour Protection Act B.E.2541 (1998)**

### *Regular Working Hours*

In general, there is a maximum 8 hours per day set down by law, or as workers and employers have mutually agreed, but not exceeding 48 hours per week. Due consideration must be taken with respect to jobs posing dangers to the health and safety of workers (i.e. underground or underwater work, work in tunnels or in badly ventilated areas, exposure to radioactive materials, welding, transport of toxic materials, production of chemical substances, use of strongly vibrating tools, or equipment or machinery considered to be dangerous, exposure to extreme heat or cold). These are considered to constitute extremely dangerous working conditions, or to exceed regulated occupational health and safety working conditions. If such working conditions cannot be avoided, standard individual protective gear must be provided to workers and workers are fully entitled to work not more than 7 hours per day and not more than 42 hours per week.

### *Rest Periods*

#### **During Normal Working Hours**

Rest periods should not be less than 1 hour per day after a period not exceeding 5 hours non-stop work, or agreed periodical breaks not exceeding 1 hour per day. For those working in restaurants or bars serving split shifts, workers may rest for 2 hours per day. Employers may make no provision for rest periods for work requiring continuous operation, provided that workers agree, or in the case of emergency work.

#### **Pre-Overtime Rest Periods**

In case of overtime required by an employer, the overtime working period shall not exceed 2 hours and a worker is entitled to a pre-overtime rest period not less than 20 minutes.

### *Holidays*

#### **Weekly Day Off**

Workers are entitled to at least 1 day a week holiday (but not more than 6 days apart in the case of work in production facilities, factories, transportation, field or forest work or work in difficult or hostile terrain or in any other type of work as stipulated in relevant Ministerial Rules and Regulations). Weekly days off may be postponed and accumulated to be taken as agreed upon within a period of 4 continuous weeks.

#### **Traditional Holidays**

Workers are entitled to not less than 13 days a year for traditional holidays, including Labour Day, based on Annual Official Holidays, Religious Holidays or local traditional holidays. If any traditional holiday coincides with a weekly day off, the next working day shall be granted as a day off in compensation. With respect to work in hotels, entertainment places, restaurants, or bars etc., agreements can be made for days off in compensation for traditional holidays or for working on such holidays with pay).

### **Annual Leave**

Workers are entitled to not less than 6 working days per year annual leave if they have worked regularly for one full year. Prior arrangements can be made to postpone and accumulate Annual Leave to the following year.

### ***Overtime and Holiday Working***

This may be permitted with the prior consent of the worker on a case-by-case basis. Workers may be requested to work overtime and/or work on holidays only if necessary, if the nature of work requires continuous performance and failure to do so would damage the operations, or in case of emergency. Those employed in hotels, entertainment places, transportation, restaurants, bars, clubs, associations and hospitals or clinics, can be required to work on holidays without prior consent. Total overtime, holiday working and overtime on holidays shall not exceed 26 hours/week

### ***Leave of Absence***

#### **Sick Leave**

Sick leave is permitted only when sick. Employers may request of anyone taking sick leave longer than 3 days an official Medical Certificate issued by a 1<sup>st</sup> Category physician or hospital or clinic operated by the Government. Failure to produce such a proof requires an explanation of the situation to employer. Any leave due to illness caused by an accident at the workplace or other work related case and/or maternity leave shall not be considered sick leave.

#### **Personal Leave**

Any worker is entitled to necessary personal leave in accordance with the rules and regulations of workplace.

#### **Sterilisation Leave**

Sterilization leave can be granted according to the time and period certified by a 1<sup>st</sup> Category physician who has issued a proper certificate.

#### **Military Service Leave**

Workers are fully entitled to leave of absence for military induction and military training or test of preparedness in accordance with the law on military service.

#### **Maternity Leave**

Female workers are legally entitled to take a maximum of 90 days maternity leave, inclusive of any holidays occurring in the leave period.

#### **Training Leave**

Any worker is fully entitled to vocational training leave or to further develop his/her potential for labour development and social welfare or to enhance expertise and efficiency in his/her function as offered in projects or curricula. Such training shall have a fixed schedule and clear aims and objectives or shall test educational achievement as organised by government agencies or permitted or licensed by relevant state agencies. Under these arrangements, the worker is strictly required to inform an employer of the clearly specified reasons together with relevant evidence (if any) at least 7 days in advance. An employer may decide not to grant permission for a worker to take such leave if the same worker has already taken not less than 30 days or at least 3 such periods of leave. The same employer may also deny such a request for leave if such leave may damage or adversely affect his/her business endeavours.

## *Remuneration*

### **Wages**

Wages shall be paid in Thai baht only, and shall not be lower than the official minimum wage. If workers are required to work longer than the regulated 8 hours per day, due compensation shall be paid to those who are not paid on a monthly basis. For any work additional to regular hours, the rate of pay shall be not less than 1.5 times the regular hourly or unit daily pay scale, and for holiday working or work on a day off, not less than 3 times the regular hourly or unit daily pay scale.

### **Holiday Pay**

Wages shall be paid for a weekly day off, traditional holiday or annual leave, except for those paid a daily or hourly wage or piece-work who are not entitled to such a holiday pay.

### **Leave of Absence with Pay**

- Sick Leave with pay but not exceeding 30 working days per year;
- Sterilization Leave with pay;
- Military Service Leave with pay, but not exceeding 60 days per year;
- Maternity Leave with pay, but not exceeding 45 days per pregnancy.

### **Overtime Pay on Regular Working Days**

Overtime pay shall be not less than 1.5 times regular hourly wages or pay per unit for piece-workers.

### **Holiday Pay**

Holiday pay of not less than the equivalent of one hourly wage or pay per unit (piece-work) shall be paid to any worker entitled to this. However holiday pay of not less than two times the regular hourly wage or pay per unit (piece-work) shall be paid to any worker not so entitled.

### **Overtime Pay for Holidays**

Overtime pay for holidays shall be not less than 3 times the regular hourly wage or pay per unit (piece-work). When an employer has failed to allow workers to take holidays or to take fewer than the laws require, regular pay shall be given for holiday working, plus overtime pay for holiday working as if the worker were working on a holiday. *Workers not entitled to overtime pay on normal working days and overtime pay on holidays include:*

- Any worker authorised to act on behalf of his/her employer in recruiting, granting bonus, wage-deduction or termination of employment;
- Any travelling salesman or vendor or merchandiser employed on commission-basis;
- Workers hired to supervise train schedules and facilitate train operations, to open and close water gates or dams, and to read water meters and measure water volumes, fire fighters or fire brigades, public disaster prevention workers, workers with irregular or unfixed working schedules, shift workers guarding facilities or property classified as irregular duties of regular workers, and land transportation workers.

*These workers shall be entitled to remuneration equivalent to the hourly wages rate multiplied by the number of working hours. However, an employer may agree to pay overtime pay on working days or overtime pay for holiday working.*

### **Criteria for Paying Remunerations**

Equal remuneration shall be paid to male and female workers performing the same task, of the same quality and of equal quantity. Wages must be paid in Thai currency at the workplace. Any other form of payment, i.e. bank draft or foreign currency or payment to be withdrawn at any other place or by other means may be arranged with proper and prior written signed consent of the worker. Wages must be paid at least once a month. When employment is terminated, wages must be paid within 3 days of termination.

### **Deduction From Pay**

Wages, overtime pay and holiday pay including overtime pay for holidays shall not be subject to any deduction, except in the following cases:

1. Income tax at the exact amount a worker is required to pay or any other deduction required by law;
2. Union dues check-off as arranged and agreed upon by the labour union;
3. Payment to a Co-operative Saving Scheme or other similar saving plan, or to any instalment welfare plan for the benefit of the worker alone. This can be done with the prior consent of the worker;
4. A deposit against liability or compensation to an employer, regardless of whether this concerns an intentional act or serious negligence on the part of the worker, with the prior written signed consent of the worker;
5. Accumulated savings as agreed upon as part of a saving scheme under the Saving Fund. Such a deduction can be arranged as specified in (2), (3), (4) and (5) of the Agreement depending upon the case. However, any deduction shall not exceed 10% per scheme while the total deduction shall not exceed 1/5 of the total pay due to a worker for the scheduled payment, unless prior written signed consent is given by the worker.

### ***Suspension***

An employer may decide to order the suspension from employment of a worker pending investigation or enquiry for possible wrongdoing, provided that such a clause is included in the rules and regulations or as specified in hiring conditions. In any case, an employer may issue a suspension order pending investigation or enquiry only if such authority is clearly specified in the rules and regulations or as specified in hiring conditions. The aforementioned suspension order shall be issued in writing clearly specifying the wrongdoings, and the suspension shall not be longer than 7 days. In any case, the worker shall be notified in advance of the suspension.

During the period of suspension, the suspended worker shall receive not less than 50% of the regular wage earned on the day prior to the issuance of the suspension order. If the investigation fails to find any wrongdoing allegedly committed by the worker, the employer shall pay full wages to the said worker starting from the first day of suspension together with 15% interest per annum, taking into account the wages paid during the suspension.

### ***Temporary Closure of Business***

If an employer decides to stop temporarily either the whole or part of business operations, other than because of *force majeure*, the employer must inform workers and a Labour Inspector(s) prior to the actual closure. In addition, the employer must also

pay workers not less than 50% of the wages earned by the workers before the closure. These wages shall continue to be paid throughout the entire period where employer does not assign workers any work.

## *Termination, Standard and Special Compensation*

### **Notice of Employment Termination**

In normal hiring practice, employment has a set duration and thus employment ends when the arrangement or contract entered into by the employer and the worker expires. In such cases, termination can be effected without prior notification. When the duration of employment is specified, and if the employer is the party who decides to terminate the employment or if the worker decides to resign of his/her accord, either party is required to inform the counterpart in advance at least one period of wage payment.

### **Termination of Employment**

This occurs either when: (a) an employer decides to terminate the employment of any worker and refuses to pay any wages, regardless of being due to the expiration of employment contract or any other causes; or when (b) a worker is deprived of regular employment and denied regular wages due to the fact that his/her employer can no longer continue to run the business.

### **Compensation**

Workers whose employment is terminated are entitled to compensation as follows:

- a) Any worker who has worked regularly and continuously for 120 days but less than 1 year is entitled to compensation equal to not less than 30 days of the last wage earned or not less than the wages earned from the last 30 days of piece-work;
- b) Any worker who has worked regularly and continuously for 1 year but less than 3 years is entitled to compensation equal to not less than 90 days of the last wage earned or not less than the wage earned during the last 90 days of piece-work;
- c) Any worker who has worked regularly and continuously for 3 years but less than 6 years is entitled to compensation equal to not less than 180 days of the last wage earned or not less than the wage earned during the last 180 days of piece-work;
- d) Any worker who has worked regularly and continuously for 6 years but less than 10 years is entitled to compensation equal to not less than 240 days of the last wage earned or not less than the wage earned during the last 240 days of piece-work;
- e) Any worker who has worked regularly and continuously for 10 years or longer is entitled to compensation equal to not less than 360 days of the last wage earned or not less than the wage earned during the last 360 days of piece-work.

### **Exceptions Where No Compensation is Due**

1. In cases where an employer has entered into a contract with a worker with a defined term of employment, with a date of commencement and a date of termination, regarding work considered to be specific assignment and not the regular or general function of the business or trade of the employer. These cases involve a clearly defined term of work, with starting and concluding dates, for an occasional type of work complete with concluding date or definition of successful completion, or a seasonal type of work with employment for a particular season only, provided that the assignment shall be completed within a period of not less than 2 years.

2. In cases where an employer decides to terminate the employment of a worker in one of following circumstances:

- Commission of malfeasance or a criminal offence with intent against the employer;
- Damage intentionally caused to the employer;
- Negligence resulting in great damage to the employer;
- Breaches of work rules and regulations or actions against the orders or instructions issued legally and justly by employer after written warnings having been issued, with effect for not more than 1 year, starting from the day the worker committed such a violation, except for serious acts of defiance for which the employer is not required to issue any official warning;
- Absence constituting dereliction of duty for 3 consecutive days without justifiable cause, regardless of whether such absence extends over any holiday;
- A final sentence to serve a prison term, except for minor offences or offences of negligence.

### **Special Compensation**

1. In cases where the employer decides to relocate the production facilities and workplace, with an impact on the normal livelihood of workers or their families, the employer shall inform workers in advance not less than 30 days prior to the actual relocation. In cases where the employer is unable to inform workers or is able to notify workers of the relocation plan less than 30 days in advance, he/she is strictly required to pay special compensation for the failure to give proper notification to the equivalent of 30 days wages or 30 day wages based on the wage earned on the last day of piece- work. If any worker does not wish to continue to work for the same employer, he or she is fully entitled to formally terminate the hiring contract. Also the worker can claim additional and special compensation of not less than 50% of the standard compensation cited above.

2. In cases where the employer terminates the employment of his/her workers due to implementation of a plan to improve operations, production processes, distribution or services, to replace of machinery or up-grade technology etc. causing a reduction in the workforce, the employer is strictly required to announce the exact date of termination of employment, the reasons for such termination, and a list of the names of the workers to be affected, to the authorized Labour Inspector, as well as the concerned or affected workers, not less than 60 days prior to the actual date of termination. Where the employer fails to duly inform his/her workers in advance of the said termination or gives notification of termination less than 60 days in advance, eligible workers shall, in addition to standard or normal compensation, receive special compensation equivalent to 60 days of the last day's wage or to 60 times the last day's income of piece-workers. A worker who has worked continuously for more than 6 years is entitled to special compensation, in addition to standard or normal compensation, of not less than the sum of 15 times the last day's wage earned for every one full year of employment. This special or additional compensation shall not in total be more than the wages earned during the last 360 days or not more than the income earned during the last 360 days for piece-worker. Where the period of employment is less than one (1) full year but more than 180 days in the same year, this period shall be counted as one (1) full year of employment.

### ***Employment Documentation***

Any employer having 10 or more workers in his/her employment shall arrange to produce the following employment documentation:

- **Rules and Regulations in the Thai language** that shall include: details on working days, regular working hours, rest periods, holidays and criteria for taking days off, criteria for working overtime and holidays or days off, date and place for payment of wages, monetary value of working on days off or holidays and of overtime pay for holidays or days off, personal leave, leave of absence, criteria for taking leave, work discipline, disciplinary action, procedures of filing complaints, termination of employment and compensation and special compensation. A formal complaint shall include, at the least, details of the scope and implication of issues, methods and procedures for filing a complaint, investigation or enquiry or fact-finding procedures, consideration or deliberation of complaints, dispute resolution processes and protection for those who filed complaints and also anyone involved in the complaint;
- **Register of Workers in the Thai language** that shall comprise: personal dossiers containing at least name, family name, sex, nationality, date of birth or age, current address, date of recruitment or employment, post or position, function and responsibilities or job description, wage and fringe benefits as mutually agreed upon with employer, and date of termination of employment;
- **Documentary Evidence of Employment and Records of Wages and Payments, Overtime Pay, Holiday Pay and Overtime Pay for Holidays.** There shall be details of at least dates and work schedules or shifts, production records in case of piece-workers, income rates and sum of wages, records of overtime pay, holiday work pay and overtime pay for working on holidays. Data and records may or may not be in separate registers, while evidence of earnings or payments made to the worker through bank account transfers or through any other financial institution can also serve as evidence of earnings. The employer is responsible for maintaining the aforementioned register of workers and documentary evidence of payment of wages, overtime pay, holiday pay, overtime pay for working holidays, *for at least a period of 2 years*, starting from the termination date of employment of each individual worker, or starting from the first payment of the said wages. When any worker decides to file a formal complaint to the competent Labour Inspector against his/her employer for violations or failure to act in full compliance with the provisions of the *Labour Protection Act B.E. 2541 (1998)* or a labour dispute case under the *Labour Relations Act*, or while a case is pending in labour court, the employer shall maintain all the abovementioned records and documents until a court order is finally issued or the Labour Court passes final judgment.

## *Penalties*

When an employer acts in violation of or fails to act in full compliance with the *Labour Protection Act B.E. 2541 (1998)*, he/she is liable to a fine or a term of imprisonment, depending upon the nature and extent of violations committed. The penalties range from a minimum fine of 5,000 baht to a maximum term of imprisonment of 1 year or a maximum fine of 200,000 baht or both.

**Source: Office of Labour Protection, Department of Labour Protection and Welfare, Ministry of Labour**

# Core Content of the Labour Relations Act B.E. 2518 (1975)

## *Scope of Enforcement*

Article 4 of the *Labour Relations Act 2518 (1975)* does not specifically include the Government agencies and state enterprises as listed below:

- Central Government Agencies;
- Provincial Agencies;
- Local Administrative Agencies;
- Bangkok Metropolitan Administration;
- State Enterprises under the *State Enterprises' Workers Act*;
- Any other enterprises as stipulated in the *Royal Decree B.E. 2523 (1980)*. The Bank of Thailand is the case in point for this not being governed by the *Labour Relations Act B.E. 2518 (1975)*. Subsequently, a Royal Decree, *B.E.2523 (1980)* was promulgated to define any other enterprises not governed by the *Labour Relations Act*.

## **Definition of Legal Terms (Article 5)**

- '*Employer*' means a person who agrees to hire workers by paying wages, including those assigned to work on behalf of the employer. Where employer is a legal entity, it means anyone authorized to act on behalf of such a legal entity, including those authorized to act on behalf of those authorized;
- '*Worker*' means a person who agrees to work for employer for wages;
- '*Hiring Conditions*' means conditions of employment referring to the specification of work days and time, wages, welfare, termination of employment, other benefits of the employer or worker derived by or related to said employment or work;
- '*Hiring Agreement*' means an agreement entered into between the employer and worker on employment or working conditions;
- '*Labour Dispute*' means a disagreement arising between the employer and worker(s) with regard to hiring or working conditions;
- '*Shut Down*' means a situation where the employer decides to temporarily deny workers access to work inside a factory due to a labour dispute;
- '*Strike*' means a situation which workers decide to take industrial action temporarily or for a period of time, caused by labour dispute.

## *Hiring Agreement*

Any workplace employing 20 workers or more shall enter into a formal written agreement on hiring conditions. If no previous agreement has been made, the rules and regulations under the *Labour Protection Act 2541* shall serve as an agreement on hiring conditions (Article 10). The timeframe of a Hiring Agreement shall be mutually agreed upon, but for not more than 3 years. If no specific timeframe has been set, a timeframe of 1 year shall be automatically in effect, starting from the date both parties entered into the said agreement or starting from the day a worker was officially hired. Upon

expiration of the said agreement, if there are no negotiations for a possible new agreement, the expired agreement shall automatically take effect for one year at a time (Article 12).

### *Setting, Correcting and Adding Conditions to a Hiring Agreement*

1. Any formal demands must be submitted in writing to the other party (Article 13);
2. A set of demands submitted by workers shall include a list of the workers endorsing the demands together with their signatures, representing not less than 15% of the total workforce. Also to be included shall be the names of the workers' representatives, who should be workers involved with the demands or officials or committee members of labour union or concerned labour federation, totalling not more than 7 persons. If any advisors are required, no more than 2 may be appointed (Articles 13, 14 and 17);
3. If a labour union decides to submit any demands on behalf of workers, it must be endorsed by not less than 1/5 of the total workforce (Article 15), while employer is entitled to verification of such representation if suspicious of its legitimacy;
4. Once a formal complaint is filed, the recipient of the complaint shall duly respond by providing a list of its fully authorized representatives (as stipulated in Article 16);
5. The advisors of both parties must be duly registered persons for a term of 2 years, starting from the date of registration with renewable term(s) (as stipulated in Articles 17);
6. Both parties shall engage in negotiations within 3 days, starting from the date of receipt of demands (Article 16);
7. If a dispute is settled by reaching an agreement, proper procedures shall be carried out (Article 18) as follows:
  - The agreement must be made in writing and signed by representatives of both parties;
  - The employer is charged with the task of publicly announcing the said agreement at the workplace of the workers for a period of 30 days, starting within 3 days after the agreement has reached;
  - The employer is required by law to duly register the said agreement with the competent authorities within 15 days from the date of agreement.  
*(Failure is punishable by a jail term of 1 month or a maximum fine of 1,000 baht or both [Article 131])*
8. The settlement or conclusive results of such an agreement signed by authorized representatives shall be binding on both employer and every worker (Article 19). The settlement reached must be the agreement made between the employer or employers' association and the labour union or representatives of workers employed in the same type or category of enterprise or business, provided that they work in the same type of enterprise of the signatories representing more than 2/3 of the total workforce. If this case, the agreement shall be binding on both the employer and all workers working in the same type of enterprise;
9. Once such an agreement has been reached, the employer is strictly prohibited from acting contrary to the agreement, unless this results in a greater advantage to the workers than to the employer (Article 20).

## *Labour Dispute Resolution*

- If negotiations fail to take place within 3 days or if the negotiations have commenced but failed to reach any settlement, the situation constitutes a labour dispute. If the party who first submitted the demands decided to continue with the process, it shall duly inform the competent Labour Dispute Reconciliation Officer within 24 hours, starting from expiration date of negotiation process or the acknowledgement of a deadlock in negotiations, for possible reconciliation or compromise (Article 21);
- A Labour Arbitration Officer may be assigned or requested to contribute to the reconciliation or compromise within 5 days, starting from the date of notification (Article 22);
- If a compromise is reached, an agreement must be made in writing, announced, and duly registered. If no agreement can be reached, the case shall then be recognized as an unsettled labour dispute (Article 22);
- Where negotiations reach impasse, the two parties, under Article 23, may choose 1 of the 3 actions described below:
  - a) To voluntarily agree on appointing a *Labour Dispute Arbitrator*; or
  - b) To close down production temporarily, provided that the employer duly notify the labour authorities and the other party at least 24 hours in advance (Articles 22, 34); or
  - c) To take industrial action, provided that the workers duly notify the labour authorities and the other party at least 24 hours in advance (Articles 22, 34).

When a labour union decides to exercise the right to take industrial action, it is strictly required to call for a general meeting of its rank and file members to seek approval of the resolution or action, to be adopted by more than half of the members present by secret ballot (Article 103).

- Once negotiations have reached impasse concerning vital industries or enterprises (Article 23) as outlined below:
  - a. Railways;
  - b. Shipping;
  - c. Telephones, telecommunications;
  - d. Electricity generating or distribution systems to the general public,
  - e. Water supplies;
  - f. Fuel refineries or energy production and supply;
  - g. Hospitals or clinics;
  - h. Other enterprises as specified in Ministerial Rules and Regulations:
    - Any type of state enterprise as defined by the legislation on Budgetary Procedures;
    - Private colleges and schools;
    - Co-operatives;
    - Land, sea and air transportation including support services related to transportation at piers, ports, and airports and the tourism industry;
    - Distribution and sale of fuel;

the Labour Dispute Arbitrator shall submit his findings to the Labour Relations Committee within 30 days for final deliberation and decision. After that both parties are equally eligible to appeal to the Minister of Labour (Article 23);

- Where the Minister of Labour thinks that negotiations are not likely to reach a settlement, and the absence of a settlement would have untoward repercussions on the national economy or on public peace and order, he or she is fully authorized to order the Labour Relations Committee to intervene and issue a final ruling on the case, to which both parties are legally bound (Article 24);

- In the event of a State of Emergency or a national economic crisis, the Minister of Labour is fully authorized to issue an official declaration in the Royal Gazette to submit all pending labour disputes to a special committee appointed by the Minister of Labour for a decision. Rulings by this special committee are considered final and all parties have to act in full compliance with its decisions (Article 25);
- If the Minister of Labour thinks that any closure of production facilities or any strike is likely to cause extensive damage to the economy of the country, or disrupt the way of life of the people, or disrupt public peace and order, or even pose a threat to national security, he or she is fully authorized to order employers to reinstate workers and allow them to return to work with regular pay. Also, the Minister may order striking workers to return to work, or to assign other workers to replace striking or locked out workers. Finally, the Minister shall instruct the Labour Relations Committee to pass judgment on labour disputes (Article 35).

### *Restrictions on Employers*

Once an employer is notified or informed of demands and a dispute is under negotiation, reconciliation or ruling by the Arbitrator, the Labour Court, or the Special Committee, he or she is strictly prohibited from terminating any workers, re-assigning any worker, workers' representative, union official or member of any committee or sub-committee of a labour federation involved in the submission of demands, except in specific cases (Article 31) as listed below:

- a. Malfeasance in office or a criminal offence with intent against the employer;
- b. Intentional damage to the employer;
- c. Violation of rules, regulations or orders legally issued by the employer, despite written warnings issued by the employer, unless the violation is serious, when the employer is not obliged to give the worker either a verbal or a written warning; however, any rule or regulation or order issued by employer shall not be with the intent of obstructing any worker from engaging or participating in any activities concerning or involving the demands in dispute;
- d. Absence without leave for more than 3 consecutive days with reasonable cause.

*(Violation of any of the regulations above is punishable by a term of 6 months imprisonment or a maximum fine of 10,000 baht or both, under Article 136).*

### *Workers' Committee*

1. In the case of an enterprise employing 50 or more workers, workers are fully entitled to organize a "Workers' Committee" (Article 45);
2. In a workplace where more than 1/5 of the total workforce are rank and file members of a union, the union is entitled to appoint one Workers' Committee member more than non-union members. When more than half of the total workforce are union members, the union may appoint all members of the Workers' Committee (Article 45);
3. The employer shall arrange for a consultative meeting with the Workers' Committee at least 3 times a month, or whenever more than half of the members of the Workers' Committee or the union has justifiable cause to call for such a meeting (Article 50). Issues deemed to be justifiable cause include:
  - a. Workers welfare;
  - b. Consultative meeting to set work rules and regulations;

- c. Consideration and deliberation on formal grievances or complaints filed by workers;
  - d. Search for ways and means to resolve serious conflicts occurring in workplace.
4. The following actions against Workers' Committees are prohibited:
- a. Termination of employment of, reduction of wages of, imposition of penalties on, or obstruction in the execution of her/his duties of any EC member, or any other acts or orders preventing any EC member from performing her/his duties, except when officially sanctioned or in pursuance of orders issued by the Labour Court (Article 52);
  - b. Offers, gifts or agreements to give cash, assets or materials to any member of an Workers' Committee by the employer, other than wages, overtime pay, holiday pay, bonuses, dividends or any legal fringe benefits to which regular workers are entitled (Article 53).

*(Violation of any of the above rules is punishable by a term of one (1) month imprisonment or a maximum fine of 1,000 baht or both [Article 143]).*

### *Employer's Association*

- The aims and objectives of an employer's association are generally registered as seeking ways and means to protect the interests of employers with regard to employment practices and conditions, and promoting good labour relations between employer and workers and between employers (Article 54);
- Registration of an employer's association requires not less than 3 persons to be founding members, together with 3 copies of the rules and regulations. Once fully registered it becomes a legal entity;
- All members of an employer's association must be employers engaging in the same type of enterprise (Article 63);
- Membership of an employer's association is terminated upon death, resignation, by decision adopted by the General Meeting of the association or as stated in the rules and regulations of the association (Article 65);
- The official registrar is fully authorized to order that any member of the committee of an employer's association be disqualified, be expelled or leave their duties or office, by virtue of (Article 73):
  - a. Commission of any illegal act, deemed to be an obstruction of justice or obstruction of a legally authorized official assigned to work on a labour dispute, an arbitrator or a Labour Relations Committee member in carrying out her/his duty or task;
  - b. Acting or engaging in any activities contrary to the aims and objectives of his/her association in violation of the laws or public order or detrimental to the national economy and security;
  - c. Allowing or permitting any person, who is not a member of the committee to engage in or conduct activities of the association.
- Any employer's association shall be abrogated for one of the following causes (Article 82):
  - a. Breach of the rules and regulations of the association;
  - b. By decision adopted in the General Meeting of the association;
  - c. By order of the official Registrar;
  - d. Bankruptcy.

- The official Registrar may issue an order to abrogate an Employer’s Association in following cases (Article 83):
  - a. Engaging in any activities contrary to the declared aims and objectives of association, in violation of the law, detrimental to the national economy and security, endangering public peace and order or public morals;
  - b. When the official Registrar has issued an order to elect a new Committee within a timeframe or within an extended date set by the Registrar;
  - c. Failure to engage in any activities for a period of 2 years.

## *Labour Union*

- Any legally registered labour union shall formally declare its aims and objectives to include seeking ways and means to protect the interests of rank and file members with regard to hiring conditions, and promoting good relations between employers and workers and among workers themselves (Article 86);
- *Types of Labour Union* (Article 88):
  - a. Members employed by the same employer;
  - b. Members employed in the same type of enterprise or industry, whether or not they are employed by the same or by a number of different employers.

In addition, the *Labour Relations Act* also classifies labour unions into two different levels (Article 95):

- a. Labour unions having members hired to work in supervisory or managerial positions, authorized to engage in recruitment, hiring, deduction of wages, termination of employment, award of bonuses or imposition of penalties on workers;
  - b. Labour unions having rank and file members, who are not authorized to have any supervisory discretion.
- To register, a labour union must submit the names of at least 10 founding members, together with 3 copies of the union rules and regulations. Once the registration is officially granted, the union shall enjoy the status of a legal entity (Articles 87 and 89);
  - *Duties of Founding Members* (Article 93):
    - a. Once properly registered, the union shall call the first general meeting within 120 days to elect union officials and the Committee and to approve the rules and regulations for due submission to the official Registrar at the Ministry of Labour;
    - b. Once the union starts to operate officially, it is required to formally register the members of the Executive Committee together with the rules and regulations of the union within 14 days;
  - *Qualifications of Members* (Article 95):
    - a. Employed by the same employer of the registered labour union or employed in the same industry or enterprise as the registered labour union;
    - b. 15 years old or older.
  - *Termination of Membership* (Article 97):
    - a. Death;
    - b. Resignation;
    - c. By decision of the General Meeting;
    - d. In compliance with the rules and regulations of the labour union.
  - *Qualifications of Committee or Sub-Committee Members* (Article 101):
    - a. Full membership of the labour union;
    - b. Thai nationality by birth;
    - c. Not younger than 20 years of age.

- *Duties and Responsibilities of the Labour Union (Article 98):*
  - a. To formulate demands, conduct negotiations, and conclude agreements with the employer;
  - b. To carry out activities necessary for the benefit of rank and file members, provided such activities are within the mandate, aims and objectives of the labour union;
  - c. To organize and provide necessary data and information to rank and file members with regard to recruitment and/or employment;
  - d. To provide consultation services and sound advice to rank and file members to deal with issues and problems or to resolve conflicts or contradictions concerning work or employment;
  - e. To provide relevant services regarding financial arrangements and systems or assets for the benefit of rank and file members or for social or public benefits as deemed appropriate by the General Meeting;
  - f. To collect union dues from rank and file members and other necessary fees as determined by the rules and regulations of the union.
- *Activities Permitted Only by a Resolution of the General Meeting (Article 103):*
  - a. Making amendments or addenda to the rules and regulations of union;
  - b. Any activity which may have repercussions on the majority of the stakeholders or the rank and files;
  - c. Elections of union officials, Committee Members, Auditor, endorsing and adopting Balance Sheet, Annual Activity Report and Annual Budget;
  - d. Allocation of financial budget and assets for the welfare and benefit of rank and file members or for public benefit;
  - e. Abrogation of the labour union;
  - f. Amalgamation with other labour unions;
  - g. Establishment of a labour federation or joining a federation;
  - h. Exercising the right to organize or call a strike.
- Rank and file members of the labour union, union officials, and union committee or sub-committee members shall be exempt from any legal charge or prosecution in either criminal or civil cases under the circumstances specified below (Article 99):
  - a. Participating in collective bargaining, negotiating for a settlement or demanding for any rights and benefits entitled to the rank and file members;
  - b. Calling for a strike or organizing or supporting a strike;
  - c. Clarifying or publicizing facts and figures concerning labour disputes;
  - d. Organizing a rally or participating in a peaceful strike.

*All the above activities are considered legal unless they are criminal offences, or offences by nature endangering the public, life and property of the people, and infringing the freedom or reputation and property of individuals, or civil offences related to such criminal offences.*

- Union officials or workers elected to any union committee are legally entitled to “Union Activity Leave”, to represent workers in negotiation, arbitration, attending the labour court and any activities carried out as a result of labour court rulings or taking leave to attend meetings organized by government agencies or the Ministry of Labour, provided that employer is duly notified in advance with reasons, justifications with proof or written invitations, if any. Any leave under these circumstances shall be considered officially approved leave from work (Article 102);
- The Labour Registrar is fully authorized to issue an official order of termination of any union official from his/her duties or position, if she/he is proved to have committed any misconduct as listed below (Article 106):

- a) Any illegal act, deemed to be an obstruction to a Labour Arbitrator in the execution of his/her charges or duties, or an Executing Officer appointed by the Labour Dispute Resolution Committee or the Labour Relations Committee;
- b) A breach of the aims and objectives of the labour union, constituting an illegal act, or endangering public peace and order, or posing a threat to the national economy and security;
- c) Allowing or permitting any person(s) who is not an elected union official, to act on behalf of the union;

*(In such cases, a union is entitled to file a formal appeal to the Minister of Labour or Labour Court).*

- *Abrogation of Labour Union* (Article 111).
  - a. Any abrogation must be in full compliance with the rules and regulations of respective union;
  - b. By resolution adopted by the General Meeting;
  - c. An official order of the Registrar;
  - d. In the event of bankruptcy.
- The Labour Registrar is fully authorized to order the abrogation of a union (Article 111) in the following cases:
  - a) A labour union carries out any activities contravening the aims and objective of union, commits illegal acts or endangers the national economy and security, public peace and order, or public morals;
  - b) The Labour Registrar issues official orders to organize the election of totally new bodies of union officials and committees and the union fails to organize a new elections within the date set by the Labour Registrar or by the extended deadline set the Labour Registrar;
  - c) A labour union is continuously inactive for a period of two (2) years.

*(A union may file a formal appeal to the Minister of Labour or the Labour Court).*

### *Employer's Federations and Labour Federations*

- An employer's association having 2 or more affiliates engaging in the same type of industry or enterprise may jointly register their association as a federation, to promote good labour relations between employer's associations, and to protect the interests of employer's associations and employers. Once registered, an employer's federation is granted a full legal entity (Articles 122, 115);
- A labour federation is a federation having 2 or more labour unions as affiliates, with each union having either members employed by the same employer or members employed to work in the same type of industry or enterprise. Such federations may jointly organize and register as a labour federation mandated to foster good relations between labour federations and to protect the interests of labour unions and workers. Once registered, a labour federation shall have a full legal entity (Articles 113 and 115);
- To establish or to become an affiliate of an employer's federation, it strictly requires a due approval of members with more than half of the votes of total membership of each and respective employer's associations or labour unions (Article 114).

### *Employers' Council and Labour Council*

- An employers' council is a form of employer's association or federation having not less than 5 affiliates, which may organize such a council to promote relevant education and good labour relations. Once registered, an employers' council shall have a full legal entity (Article 119);

- A workers' council or labour council is a form of labour organization or federation having at least 15 affiliates, which may decide to form an workers' labour council mandated to promote labour education and good labour relations. Once registered, an workers' council or labour council shall have a full legal entity (Article 120).

## *Unfair Practices*

An 'unfair practice' is defined in labour law (Articles 121-123) as:

- *Termination of employment under the following circumstances:*
  - a. Where workers or their labour union stage a rally or demonstration, submitting their demands, calling for a negotiated settlement, filing a formal complaint or grievance, acting as witnesses or submitting evidence to labour officials or to a competent labour court or any circumstances resulting from doing any of the above;
  - b. Where workers form or join a labour union;
- *Acts by the employer* in a manner that results in circumstances which workers could no longer tolerate;
- The employer:
  - a) Obstructs any attempt to join a labour union or any exercise of their right as rank and file members of a union;
  - b) Forces or compels workers to resign membership of a labour union;
- Attempts by the employer to obstruct or interfere with any activity carried out by the labour union;
- Offers or agreements by the employer to pay a sum of money or to give assets to an worker or union official to recruit or accept workers as union members or to leave the labour union;
- Any act by anyone which may cause the employer to commit violations of Articles the above;
- The use of force, compulsion or threats, either direct or indirect, against others to join a labour union or to disassociate from a labour union.

*A damaged party may file a formal charge or a grievance regarding any unfair practice as described in one or all of the above, to the Labour Relations Committee within 90 days, starting from the day such violation occurs. The LRC shall duly consider issuing an official order or ruling within 90 days, in which case, criminal charges shall be duly dropped. But if no such order or decision is made, criminal charges can then be filed.*

**Source: Office of Labour Relations, Department of Labour Protection and Welfare, Ministry of Labour**

## **Core Content of the Labour Court Establishment and Proceedings Act B.E. 2522 (1979)**

The Labour Court is an institution established to resolve labour conflicts or disputes between employers, workers and other involved parties, by reconciliation or compromise, while facilitating mutual or better understanding of conflict resolution. If both or all parties cannot reach a settlement, the Labour Court is the last resort to decide in accordance with the laws with due consideration of fairness, justice, peace and order of the country. Historically, the first labour court in Thailand was officially known as the Central Labour Court, established on April 23<sup>rd</sup> B.E. 2523 (1980) at 404 Rama IV Road, Maha-Pruektaram, Bang-Rak, Bangkok.

### *Special Mandate of the Labour Court*

The Labour Court is a first court of instance endowed with expertise in adjudicating labour dispute cases.

### *Types and Jurisdictions*

There are three different types of Labour Court in Thailand: Central Labour Court, Regional Labour Court and Provincial Labour Court. The Central Labour Court (CLC) is mandated with a jurisdiction over the area of Bangkok, Samut Prakan, Samut Sakon, Nakhon Pathom, Nonthaburi and Pathum Thani. In addition, the CLC has jurisdiction over every province not covered by the Regional and Provincial Labour Courts. Under these arrangements, a Complainant does not have to make a trip to file a case directly at the Central Labour Court, but may file his/her case at another court nearest to him/her. Once the case is duly filed, a panel of judges shall promptly arrange for a schedule to adjudicate the case.

On July 1<sup>st</sup> B.E. 2546 (2003), Regional Labour Courts were established in three different regions:

- ⇒ Region 2 Labour Court was established in Chonburi province with jurisdiction over the Eastern Region of the country, comprising Chanthaburi, Chachoengsao, Chonburi, Trat, Nakhon Nayok, Prachinburi, Rayong and Sa Kaew provinces.
- ⇒ Region 8 Labour Court was established in the Southern resort town of Phuket with jurisdiction over Krabi, Chumphon, Nakhon Sri Thammarat, Phang-nga, Phuket and Surat Thani provinces.
- ⇒ Region 9 Labour Court was established in Songkhla province with jurisdiction over the far Southern provinces of Trang, Narathiwat, Pattani, Patthalung, Yala, Songkhla and Satun

The second phase of establishing Regional Labour Courts took place on July 1<sup>st</sup> B.E.2547 (2004) covering three further regions:

- ⇒ Region 4 Labour Court in Udon Thani in the Northeastern region of the country, covers Kalasin, Khon Kaen, Mahasarakham, Mukdahan, Roi Et, Loei, Sakon Nakhon, Nong Bua Lamphu and Udon Thani provinces.

- ⇒ Region 5 Labour Court in the Northern province of Chiang Mai has jurisdiction over the upper Northern region, covering Chiang Rai, Chiang Mai, Nan, Phayao, Phrae, Mae Hong Son, Lampang, and Lamphun provinces.
- ⇒ Region 6 Labour Court is based in the lower Northern region of the country in Nakhon Sawan covering other provinces of Kamphaeng Phet, Tak, Nakhon Sawan, Phichit, Phitsanulok, Phetchabun, Sukhothai, Uttaradit and Uthai Thani provinces.

Provincial Labour Courts have not yet been established in any region.

### *Types of Cases to be Tried in Labour Courts*

Article 8 of the *Labour Court Establishment and Proceedings Act B.E. 2522 (1979)*, stipulates that Labour Courts are empowered as adjudicating authorities to pass judgment or to issue court orders on cases as listed below:

- a) Cases of dispute over rights and duties as agreed upon in hiring contracts or as stated in working conditions;
- b) Cases of dispute over the rights and duties as stipulated in the Labour Protection Law or Labour Relations Law;
- c) Any case referring to the exercise of legal rights to seek redress and to file complaints to a Labour Court as granted in the Labour Protection Law or Labour Relations Law;
- d) Any appeal against a decision made by labour officials under the Labour Protection Law, or any decision made by the Labour Relations Committee, or any order issued by the Ministry of Labour under the Labour Relations Law;
- e) Any case arising from a disputed labour rights violation between employer and workers or from any breach of a hiring contract;
- f) Any labour dispute case filed by the Minister of Labour, seeking a judgment of a Labour Court under the Labour Relations Act.

In the case of a dispute of the kind outlined above, where laws on labour protection or labour relations clearly stipulate that a complaint or grievance shall be filed with competent officials or urging competent officials to take appropriate action according to the legal procedures stated in the said laws, such a case shall be filed with a Labour Court only when all aforementioned procedures have been exhausted.

In the case of a dispute as to whether a case falls under the jurisdiction of a Labour Court, irrespective of that issues that may arise from filing a case in a Labour Court or in any other court, the Director-General of the CLC shall exercise his/her discretion and his/her judgment or decision shall be final.

The Composition of Panels of Judges is tripartite, comprising:

- Labour Court Judges, appointed by royal decree and selected from qualified officials of the judicial branch, with in depth understanding of labour issues and problems. Labour Court Judges are thus selected and appointed by virtue of the law on rules and regulations governing civil servants from the judicial branch;
- Labour Court Associate Judges (representing employers) are also royally appointed and selected from qualified individuals on a list proposed, elected and submitted by the Employers' Association. He or she is screened and selected by the Department of Welfare and Labour Protection;

- Labour Court Associate Judges (representing workers) are appointed by His Majesty the King, from a short list of the most qualified labour leaders nominated by the Department of Welfare and Labour Protection. To be nominated, each potential Associate Judge must be democratically endorsed by the relevant labour organizations.

In principle, labour courts in Thailand were established to render justice in labour disputes, based on the understanding that if professionally trained judges, and highly qualified and selected associate judges representing both employers and workers are on the bench, the deliberation of labour dispute cases should be much less time-consuming, and more convenient, fair and just. In this context, all due consideration is given to the deliberation of labour court proceedings as stipulated in Article 48 of the *Labour Court Establishment and Proceedings Act B.E.2522* (1979). This particular provision states: *“The Labour Court shall give due consideration to working conditions, the cost of living, hardships faced by workers, wage scales or any other fringe benefits earned by workers employed in the same industry or enterprise, as well as the economic position of the employer’s enterprise, and general social and economic conditions as part of the overall deliberations, to ensure fairness and impartiality to both parties.”*

## *Principle of Deliberation*

In the deliberation of a labour dispute, Labour Court judges shall strictly adhere to the principles stipulated in Article 29 of the *Labour Court Establishment and Proceedings Act B.E.2522* (1979) of economy, convenience, promptness and impartiality.

### **Economy**

Due to the fact that labour disputes normally involve a party earning a meagre income for whom it is difficult to pay court fees, lawyer fees and other necessary expenses in taking the case to court, the *Labour Court Establishment and Proceedings Act B.E. 2522* (1979) has set specific rules and regulations to exempt certain fees or expenses:

- An exemption from paying all types of normal court fees (normally required by law) (Article 27);
- An exemption from normal court expenses covering the travel and accommodation costs of witnesses subpoenaed to testify for their party (Article 47);
- Neither party is strictly required to have lawyers to represent them in court, because either party may represent themselves throughout the case. It must be noted also that the proceedings in labour court normally require verbal statements and/or testimony, i.e., verbal accusations, verbal clarifications, verbal appeals and/or requests, etc. (Articles 35 and 39). When one of the contending parties wishes to proceed in writing, either party may do so by her/his own contrivance or may request assistance, legal advice, etc. from legal officers of the Labour Court.

### **Convenience**

Unlike any other courts which require complicated procedures, deliberation in a Labour Court is quite simple and normally much less confusing, due to the many procedures and formalities being omitted rendering the whole procedure much more simple and convenient. Even when a party wishes to make a statement or to request certain clarifications, he or she can do so verbally. In presenting witnesses or evidence, either party can choose to do it verbally. If one of the parties fails to submit their own evidence

in court, the Court shall call for any necessary evidence if and when deemed appropriate (Article 45). Even in cross-examination, the Court can also cross-examine witnesses if deemed timely and necessary (Article 45).

### **Promptness**

Court procedures shall be handled in the most prompt manner, as most appropriate to the nature of the case, where both parties do not have the luxury of time to spend in court. Special attention also has to be given to the fact that workers are at great economic disadvantages, and are greatly pressed for time. They need to be granted necessary benefits for their livelihood and meagre existence. The survival of their whole families depends on the outcome or conclusion of the case, to say the least. Court proceedings are prompt due to the following factors:

- Once the case is brought before the court, the case shall be scheduled expeditiously (Article 37);
- On the first court hearing, both the Complainant and the Defendant must appear in court as summoned (Article 37). If the Complainant fails to show up in court, he or she shall be considered to have decided not to pursue the case. Subsequently, the Court shall order the case dismissed and deleted from the docket (Article 40). If the Defendant fails to appear in court, the Court shall duly decide the case based on the testimony and evidence unilaterally submitted by the Complainant (Article 40);
- The Court shall initially attempt to reach a compromise or a reconciliation (normally, if both parties decide to act in good faith, take into account good working relations and conclude the dispute peaceably, cases tend to end in compromise and come to a prompt and immediate conclusion) (Articles 38 and 45);
- Normally, the Court shall try to bring the case to a conclusion in just one sitting, unless a postponement is deemed necessary (Article 45);
- The Court shall record all the testimonies given by witnesses in brief to avoid unnecessary time-consuming proceedings (Article 46).
- Once all the witnesses have testified, the Court shall read the judgment or issue court orders within 3 days (Article 50);
- Both parties are entitled to appeal against court rulings or orders only on points of law, and are strictly required to file appeals to the Labour Court within 15 days of the judgment or the day a court order is issued. The appeal shall be submitted directly to the Dika (Supreme) Court without going through the normal Court of Appeal. The Dika Court shall then consider the case and pass final judgment without unnecessary delay (Articles 54 and 56).

### **Impartiality**

In the proceedings and deliberations of the Labour Court, the panel of judges shall be tripartite in composition, comprising a professionally trained judge, expert in labour and related laws, including knowledge and understanding of labour issues and problems (Article 12). The associate judge representing employers shall be knowledgeable in issues and problems faced by employers, business management or industry as well as human resource management. Meanwhile, the associate judge representing the workers or workers have an in-depth understanding of labour issues from the workers' perspective as well as having first-hand experience working under management and employers (Article 14). He or she shall serve on the bench in principle to safeguard and represent the interests of workers, in full compliance with labour laws and the tripartite system (Articles 14 and 48).

In addition, court proceedings also grant judges the privilege and discretion to call witnesses or evidence on their own initiative. By this system, Labour Court judges can examine or cross-examine witnesses (Article 45), known as the *'Inquisitorial System'*, which is very supportive of the court's attempt to obtain the truth and facts for deliberation more than in other systems, where witnesses and evidences are subject to examination and cross-examination by the opposing party, known as the *'Accusatorial System.'*

### *Filing Appeals in the Labour Court*

By law, a labour dispute case can be appealed within 15 days, starting from the day the judgement is given or a court order issued. But an appeal can be filed only on points of law, by submitting a formal objection to the points of law raised by the judge or the legal interpretation or application of legal provisions deemed to be unfair or incorrect. Points of fact, covering acts, testimony or evidence already submitted to and subsequently ruled on by the Labour Court, shall not be submitted to the Court of Appeal for reconsideration.

Any appeal shall be filed with the Dika (Supreme) Court in writing to the same Labour Court, enabling the said court to compile and submit the case file together with the appeal and clarifications to the said appeal to the Dika Court. Subsequently, the Dika Court shall duly consider the case promptly.

**Sources: Materials disseminated by the Central Labour Court, B.E.2549 (2006); and Kasemsant, Wilawan (B.E.2547/ 2004), Proceedings in Labour Court (Winyuchon Publishing House, 2<sup>nd</sup> Edition, Amended Version).**

## Comparison of Content of the Workers Compensation Act B.E. 2537 (1994) and Social Security Act B.E. 2533 (1990)

<i>The Workers Compensation Act 2537 (1994)</i>	<i>The Social Security Act 2533 (1990)</i>
<p><b>1. Law on Establishment and Administration of the Workers Compensation Fund.</b> The Workers Compensation Fund is administered under the <i>Workers Compensation Act B.E. 2537 (1994)</i>, (<i>Amendment to Revolutionary Decree, No. 103, B.E. 2515 (1972)</i>).</p>	<p><b>1. Law on Establishment and Administration of the Social Security Fund.</b> The Social Security System is administered under the <i>Social Security Act B.E. 2533 (1990)</i>, <i>2<sup>nd</sup> Amendment, B.E.2537 (1994)</i> and <i>3<sup>rd</sup> Amendment, B.E. 2542 (1999)</i></p>
<p><b>2. Objectives</b> To serve as a compensation fund for victims of occupational injury and disease, or for those who suffer work-related illness or death as a result of safeguarding or working for the interests of the employer or in any type of hazardous working conditions or environment.</p>	<p><b>2. Objectives</b> To serve as a common fund guaranteeing that insured workers shall be provided with due compensation for illness, disability or death <i>not work-related</i>, including maternity, child welfare, pensions and unemployment benefit.</p>
<p><b>3. Scope of Coverage</b> Any employer employing one or more workers is obligated to contribute to the Workmen's Compensation Fund.</p>	<p><b>3. Scope of Coverage</b> In any enterprise or workplace employing one or more workers, both employer and workers are required to register with the Social Security Fund.</p>
<p><b>4. Worker Definition</b> 'Worker' refers to those working for an employer in exchange for wages, regardless of what it is called, without specific age limit, but exclusive of those employed in domestic work without engaging in any type of business or commercial endeavour.</p>	<p><b>4. Insured Person (Worker) Definition</b> 'Insured Person' refers to: (a) Those required by law to contribute to the Social Security Fund, and entitled to the right to receive due compensation provided that he or she is not younger than 15 years old and not older than 60 years old (Article 33); (b) An insured person who loses his/her worker status but voluntarily chooses to maintain his/her status as an insured person (Article 39); (c) Any freelancer or independent professional who by legal definition is not an worker but who has applied to become an insured person (Article 40).</p>
<p><b>5. Workers or Enterprises Not Covered</b> (1) Domestic workers not engaged in any business activity;</p>	<p><b>5. Workers or Enterprises Not Covered</b> (1) Domestic workers not engaged in any business activity; (2) Civil servants, full-time workers and temporary</p>

<p>(2) Central, regional and local Government agencies;</p> <p>(3) State Enterprises under the <i>State Enterprise Workers' Relations Act B.E. 2534</i> (1991);</p> <p>(4) Teachers and headteachers in private schools under the <i>Private Schools Act</i>;</p> <p>(5) Workers in any enterprise defined by objective as non-profit, such as foundations or non-profit organisations;</p> <p>(6) Workers employed by a person classified as an employer but who perform work that is not an integral part of the employer's business activities;</p> <p>(7) Workers employed by an employer as a travelling salespersons or street vendors.</p>	<p>workers paid by the day or hour, employed by central, regional and local Government agencies, except for temporary workers paid monthly salaries;</p> <p>(3) Workers of foreign Governments or international organisations;</p> <p>(4) Workers of employers having an office in Thailand but assigned to a full-time post in a foreign country;</p> <p>(5) Teachers and headteachers in private schools under the <i>Private Schools Act</i>;</p> <p>(6) Students, student-nurses, college or university students or medical interns who are employed by a school, college, university or hospital;</p> <p>(7) Workers of the Red Cross Society;</p> <p>(8) Workers of State Enterprises as defined in Article 4 of the <i>State Enterprise Workers' Relations Act B.E. 2534</i> (1991);</p> <p>(9) Workers employed in plant nurseries, forestry, fishery and cattle-raising which do not require year-round employment who are not engaged in any other type of work;</p> <p>(10) Workers employed by an employer for occasional work, travelling work or seasonal types of work;</p> <p>(11) Workers of the Chulabhorn Research Institute;</p> <p>(12) Workers employed by a person classified as an employer but who perform work that is not an integral part of the employer's business activities;</p> <p>(13) Workers employed by an employer as travelling salespersons or street vendors.</p>
<p><b>6. Registration</b> Employers having one or more workers are required to register within 30 days.</p>	<p><b>6. Registration</b> Employers having one or more workers are required to register within 30 days.</p>
<p><b>7. Contributions and Calculation of Contributions</b></p> <p>(a) Employers shall pay contributions on an annual basis;</p> <p>(b) The employer's contribution is calculated from total annual wages paid to workers not exceeding 240, 000 Baht per worker per annum;</p> <p>(c) The rate of contribution shall be based on the risks involved in an employers' business;</p> <p>(d) Once contributions have been made for three consecutive years, a recalculation shall be made in the forth year on past contributions to and disbursements from the Fund. The new rate shall be collected in the fifth year.</p>	<p><b>7. Contributions and Calculation of Contributions</b> Employers shall deduct from each payment of wages to an insured person an exact contribution to be made. From B.E. 2547 (2004) onwards, both employer and worker shall contribute 5% each while the Government contributes a total of 2.75%. In the case of illness, child-birth, disability and death, the Government, employer and worker shall contribute at an equal rate of 1.5% each. In the case of child benefit and pension, the employer and worker shall contribute 3% each while the Government shall contribute only 1%. In the case of unemployment benefit, employer and worker shall contribute 0.5% each, while the Government shall pay only 0.25%.</p> <p>As regards contributions for the seven specific benefits, the employer is required to submit the total</p>

<p>An employer who is proved to have provided a safe working environment for workers shall be awarded a reduction in contribution required. Otherwise, the rate of contribution may be increased. The rate of increase or reduction shall be calculated from the principle rate to be paid by employer;</p> <p>(e) Any employer permitted to pay contributions by instalment is required to deposit 25% of the total estimated annual contribution before the end of January and pay contributions in four instalments before the end of April, July, October and January;</p> <p>(f) By the end of February of each year, the employer shall report the total wages paid to workers in the previous year as detailed in the Standard Tax Form for accurate calculation of contributions. Sums underpaid in the previous year shall be submitted by March 31<sup>st</sup> of each year;</p> <p>(g) If wages paid are not reported within the deadline, and if contributions prove to be have underpaid, an penalty sum shall be paid starting from March 1<sup>st</sup> up to the date of payment.</p>	<p>sum of contributions deducted from insured workers' pay as well as her/his contribution equal to the sum deducted from workers to the Social Security Office by the 15<sup>th</sup> of the following month. This contribution must be handed to the Social Security Office or deposited at Krung Thai Bank Plc or Sri Ayutthaya Bank Plc.</p> <p>When an insured worker has worked for more than one employer, the calculation of contributions shall be made by each employer before submitting contributions to the Social Security Fund. If it is proved that the total sum of contributions is more than the maximum rate of contributions required from the insured person, he or she can file a request for reimbursement of the overpaid sum.</p>
<p><b>8. Additional Sums</b> Any employer failing to pay his/her contribution within the deadline or failing to pay the full amount shall be required to pay an additional sum at the rate of 3% per month of the outstanding contribution.</p>	<p><b>8. Additional Sums</b> Any employer failing to pay his/her contribution or failing to submit contributions made by insured workers, or failing to submit the full amount within the deadline, shall be required to pay an additional sum at the rate of 2% per month of the outstanding sum or the missing amount.</p>
<p><b>9. Reimbursement for Employer</b> Any employer who has overpaid his/her contributions or additional sum for whatever reasons shall be informed by the competent official so that he or she may claim the reimbursement.</p>	<p><b>9. Reimbursement for Employers and Workers</b> Any employer or insured person who have overpaid his/her contributions may file a formal request for reimbursement within one year from the submission of the overpaid contribution and is strictly required to claim such overpaid sum within one year from the day of receipt of official notification.</p>
<p><b>10. Compensation</b> This refers to a sum of money paid as compensation for medical treatment and expenses, rehabilitation programmes and funeral expenses.</p>	<p><b>10. Fringe Benefits</b> These refer to benefits for insured workers. An insured person is entitled to seven types of benefits: (a) Benefit in case of injuries from accident or dangerous situation or sickness;</p>

<p><b>Types of Compensation:</b></p> <ol style="list-style-type: none"> <li>1) For sick leave or accident leave for more than three consecutive days;</li> <li>2) For any loss of limb or body part;</li> <li>3) For disability;</li> <li>4) In case of death or disappearance.</li> </ol>	<ol style="list-style-type: none"> <li>(b) Childbirth benefit;</li> <li>(c) Disability benefit;</li> <li>(d) Benefit in case of death;</li> <li>(e) Child benefit;</li> <li>(f) Old age benefit;</li> <li>(g) Unemployment benefit.</li> </ol>
<p><b>11. Conditions for Compensation</b></p> <p><b><u>(a) In the Case of Injuries From Having Worked in a Dangerous Situation</u></b></p> <p><b><u>Conditions:</u></b> Immediate coverage, once granted worker status.</p> <p><b><u>Rights</u></b></p> <p>(i) <i>Medical Expenses</i> Expenses can be reimbursed at necessary cost but not exceeding 35,000 baht. In the case of severe injury or illness, reimbursement can be increased to a limited sum, not exceeding 200,000 baht, according to official criteria. When admitted as an in-patient, based on the agreement made between the clinic or hospital and the Fund, the worker/patient is not required to pay any hospital bills (provided that these are within the limits set forth). When admitted into a clinic or hospital not listed or with no previous arrangement with the Fund, the worker/patient shall pay all the costs and then request reimbursement from the Fund within 90 days.</p> <p>The employer is charged with the task of filing an Accident or Injury Report, known as Form BKK-16, together with another standard form or BKK-44 Form to be submitted to the Office of Social Security within 15 days from the day of accident or injury.</p>	<p><b>11. Conditions for Fringe Benefits</b></p> <p><b><u>(a) In the Case of Injuries From Accidents or Illnesses Not Caused By or Related to Work</u></b></p> <p><b><u>Conditions:</u></b> Entitlement begins only after having contributed to the Social Security Fund for not less than three months in the 15 months prior to becoming ill.</p> <p><b><u>Rights</u></b></p> <p>(i) <i>Cost of Medical Services</i> When a worker/insured person is admitted to a clinic or hospital as specified on the Medical Benefit ID Card or to a clinic affiliated with a network of medical facilities, he or she is not required to pay for any expenses until full recovery. In case of injury from serious accident or medical emergency where it is not possible to receive medical attention or treatment at the assigned clinic or hospital, insured person/worker may request reimbursement as follows:</p> <p><b>(1) In Case of Admission to a Government Hospital</b></p> <p>1.1 <i>Out-Patient:</i> Reimbursement can be made in full for actual costs as needed;</p> <p>1.2 <i>In-Patient:</i> Reimbursement can be made in full for actual costs as needed, within a period of not more than 72 hours, except for a patient's room fee and food not exceeding 700 baht per day.</p> <p>In the case of a serious accident, the insured person/worker is entitled to full reimbursement without any limit on hospital visits. In the case of emergency treatment, the insured person/worker is entitled to limited benefits; full reimbursement is limited to in-patient admission and no more than two out-patient visits per year only.</p>

## **(2) In Case of Admission to a Private Hospital**

2.1 *Out-Patient*: Full reimbursement of medical services at actual cost/expenses incurred, but not more than 1,000 baht. Full reimbursement of medical services at actual cost/expenses incurred, in excess of 1,000 baht, as described below:

- Blood transfusion or specific composition of blood;
- Anti-Clostridium tetanus injection;
- Anti-rabies vaccine or serum (1<sup>st</sup> injection only);
- Ultra-sound scan only in emergency cases of abdominal cavity pain;
- TC-SCA or MRI scan only in specific cases or conditions;
- Treatment of uterus after delivery or internal bleeding due to abortion;
- Cost/expense incurred during recuperation period;
- Close observation for certain symptoms for 3 hours or longer.

### 2.2 *In-Patient*:

- For costs of medical treatment, other than in ICU, reimbursement is limited to no more than 2,000 baht per day;
- For costs of room and food, no more than 700 baht per day;
- For costs of ICU, food and treatment, not exceeding 4,500 baht per day;
- For costs of necessary major operations, not exceeding 8,000 baht to 16,000 baht per operation, depending on the case;
- For costs incurred during recuperation period, including medicines and medical instrument/equipment, not exceeding 4,000 baht;
- Medical lab tests and/or x-ray fees, not exceeding 1,000 baht per case;
- Costs of necessary special diagnosis, i.e., electro-cardiac scan, high frequency cardiac scan, MRI scan, ultra-sound scan;
- Cardiac by-pass operation and x-ray, micro-lens procedure, colour injection, TC-scan or MRI scan as required by specific conditions.

## **(3) Dental Care and Treatment**

Free dental care and treatment i.e. filling, pulling, grinding and plastic base denture fitting, at certified dental clinics or hospitals, with no limit on visits.

The Social Security Office is responsible for making arrangements on dental coverage with clinics or hospitals specified in the Social Security ID Card. When an insured person/worker is not in a condition to wait for treatment or is compelled to wait for longer than 14 days, he/she may exercise his/her right to dental care and treatment at any dental clinic most convenient to him/her, provided that reimbursement shall not exceed 200 baht per visit and not more than a total of 400 baht per annum.

#### **(4) Medical Service in the Case of Kidney Treatment**

Any insured person/worker is entitled to kidney treatment in the last stages of kidney failure. The patient needs proper authorisation to claim medical benefits according to the conditions and criteria and the rate of medical expenses as set forth below by the Social Security Office:

(a) For dialysis, arrangements are made with a hospital under contract while the insured person/worker is entitled to a maximum of 1,500 baht per dialysis and not exceeding 3,000 baht per week;

(b) In case of Permanent Abdominal Cleansing, costs shall be paid only to clinics or hospitals under contract and the insured person/worker is entitled to reimbursement for actual costs, not exceeding 15,000 baht per month. In the first month of treatment, the approved budget for reimbursement of costs shall not exceed 500 baht per day, starting from the date of first approval to the end of the first month;

(c) For kidney transplants, arrangements are made with hospitals under contract to the Social Security Fund for the benefit of the insured person/worker as follows:

(i) Pre-transplant expenses shall be reimbursed according to actual costs, not exceeding 30,000 baht per case;

(ii) For a kidney transplant operation, a lump sum of 230,000 baht can be drawn, covering actual costs incurred by the insured person/worker and kidney donor for a total period of 60 days, starting from the first day of the transplant procedure, including treatment in the case of sudden rejection of the transplant, for a total period of 2 years, starting from the day of transplant;

(iii) Post kidney transplant expenses can be drawn by the hospital operating on the insured person/worker, covering necessary expenses i.e., examination, allergy treatment, lab tests, urine tests, allergic level

	<p>examination, in lump sum rates as itemised below:  Year 1 months 1-6, 30,000 baht/month  Year 1 months 7-12, 20,000 baht/month  Year 2 15,000 baht/month  Year 3 onwards 10,000 baht/month</p> <p>The post-kidney transplant treatment shall be terminated as of the first day of the following month in cases as itemised below:  (i) Return to dialysis or abdominal treatment with special solution;  (ii) Termination of status of insured person/worker;  (iii) Death.</p> <p><b>(5) Bone-Marrow Transplant</b>  The Social Security Office will pay for hospital services under pre-arranged contracts covering a total budget of 750,000 baht.</p> <p><b>(6) Lens Change/ Replacement Operation</b>  The Social Security Office shall pay medical expenses of 20,000 baht to the eye clinic under contract and 5,000 baht to the Eye Centre under the supervision of the Red Cross Society</p>
<p><u>(ii) Sick Leave for Longer Than Three Consecutive Days</u></p> <p>Compensation shall be drawn on a monthly basis at the rate of 60% of the workers monthly salary, starting from the day of absence throughout the period of sick leave, but for not more than 1 year.</p>	<p><u>(ii) Compensation for Loss of Income During Sick Leave for Hospitalisation by Doctor's Orders</u></p> <p>The insured person/worker is entitled to compensation for loss of income at the rate of 50% of wages, not exceeding 90 days per leave, or not exceeding 180 days per annum, or, in cases of chronic illness, not exceeding 365 days.</p> <p>Where an insured person/worker is entitled to draw wages from the employer during sick leave for hospital care and treatment under the <i>Labour Protection Act</i> or by rules and regulations governing the employment contract, or by any agreement on hiring practice, whichever the case may be, the insured person/worker is not entitled to draw compensation for loss of income or wages, until the right to draw wages is terminated. After that, compensation can be drawn for the remainder of the time period.</p>
<p><u>(iii) Loss of Limb or Partial Loss of Ability to Work</u></p> <p>The worker is entitled to compensation on a monthly basis depending upon the type or classification of loss, but for not exceeding 10 years.</p>	<p><u>(iii) Loss of Limb or Partial Loss of Ability to Work</u></p> <p>The insured person/worker is entitled to claim or to be fitted with artificial limbs or rehabilitation equipment or tools, depending on type or classification.</p>

<p>(iv) <i>Post Accident or Post Treatment Occupational Rehabilitation</i>  If a worker requires a rehabilitation programme, he or she is entitled to compensation as described below:  (i) Coverage for rehabilitation expenses incurred, including medical expenses and occupational rehabilitation, at actual cost, but not exceeding 20,000 baht;  (ii) Coverage for expenses incurred in operations for the benefit of occupational rehabilitation, not exceeding 20,000 baht.</p>	<p>(iv) <i>Post Accident or Post Treatment Occupational Rehabilitation</i>  By law, such a rehabilitation programme is not available.</p>
<p><b><u>(b) Maternity Leave</u></b></p> <p><b><u>Conditions:</u></b>  Not allowed by law</p> <p><b><u>Rights</u></b>  No entitlement</p>	<p><b><u>(b) Maternity Leave</u></b></p> <p><b><u>Conditions:</u></b>  The insured person/worker has contributed to the Social Security Fund for not less than seven months within the 15 months prior to maternity leave.</p> <p><b><u>Rights of Insured Female Worker</u></b>  1) A lump sum of 6,000 baht per delivery;  2) Welfare benefit for delivery at a lump sum rate of 50% of the wages earned, based on the average wages earned in 90 days.</p> <p><b><u>Rights of Insured Male Worker</u></b>  Benefit for delivery at a lump sum rate of 6,000 baht per delivery of a legally registered wife or non-registered partner.</p> <p>An insured female worker or wife of an insured male worker is entitled to maternal care and benefit and delivery including post delivery care of a new-born child at a clinic or hospital specified in the Social Security Card without having to pay any expenses.</p> <p>In cases of <i>force majeure</i> when an insured female worker requires emergency treatment at the closest clinic or hospital (not specified on the Card), she can submit cash receipts to claim reimbursement of a lump sum amount of 6,000 baht.</p> <p>Where both husband and wife are insured persons/workers, they are entitled to a combined claim for not more than four delivery benefits, provided that any child for whom benefit has been</p>

	<p>already claimed is not be entitled for another.</p> <p>The Social Security Committee decided that effective from January 2007 onward, the direct lump sum benefit for insured workers or wives shall be increased to 12,000 baht per delivery, covering maternal examination and registration, medical treatment, medicines and medical equipment, delivery fee and treatment, infant care and observation for newborns.</p>
<p><b><u>(c) Disability Related to Work</u></b></p> <p><b>Conditions:</b> Entitled to full benefit upon being hired as an worker.</p> <p><b>Rights</b> Compensation can be drawn at a monthly rate of 60% of the wage earned depending on the types of disability, but for not more than 15 years.</p>	<p><b><u>(c) Disability Not Related to Work</u></b></p> <p><b>Conditions:</b> Entitled to benefit after contributing to the Social Security Fund for not less than three months within a period of 15 months prior to disability.</p> <p><b>Rights</b></p> <p>(i) Entitled to compensation for loss of income at the rate of 50% of wages for the rest of his/her life;  (ii) Entitled to medical benefit at actual cost, but not exceeding 2,000 baht per month for the rest of his/her life;  (iii) In case of death of a disabled person, the dependent of the deceased insured person/worker shall be entitled to the same benefit as any case of death, as described below:</p> <ul style="list-style-type: none"> <li>• Funeral rite/service to a sum of 30,000 baht;</li> <li>• Benefits in proportion to the length of time contributions were made to the Social Security Fund prior to disability as specified below: <ul style="list-style-type: none"> <li>- Those contributing to the Social Security Fund for more than 3 years but less than 10 years are entitled to a benefit equivalent to an average of 1 and one-half month's wages;</li> <li>- Those contributing to the Social Security Fund for more than 10 years are entitled to a benefit equivalent to an average of 5 months' wages.</li> </ul> </li> </ul> <p>(iv) Entitled to physical, psychological and occupational rehabilitation programmes, to the necessary and actual cost, but not exceeding 40,000 baht per case as stipulated in the Official Announcement of the Social Security Office on Criteria and Compensation Rate for Rehabilitation of Disabled, Insured Person/Workers.</p>
<p><b><u>(d) Death or Dissapearence Related to Work</u></b></p> <p><b>Conditions:</b></p>	<p><b><u>(d) Death Not Related to Work</u></b></p> <p><b>Conditions:</b> Dependents entitled to claim if contributions have</p>

<p>Dependents entitled to full benefit upon the deceased being hired as an worker.</p> <p><b>Rights</b>  1) Funeral expenses to dependents at the equivalent of 100 times the highest daily wage;  2) Monthly compensation to dependents at a rate of 60% of monthly wages for a total period of 8 years.</p> <p><b>Remarks</b>  Monthly compensation shall not be less than 2,000 baht per month and not more than 9,000 baht per month.</p>	<p>been made to the Social Security Fund for a period of not less than one month within a period of six months prior to death.</p> <p><b>Rights</b>  1) Funeral expenses at a lump sum rate of 30,000 baht;  2) Benefits in proportion to the length of time contributions were made to the Social Security Fund prior to death as specified below:  (i) Those contributing to the Social Security Fund for more than 3 years but less than 10 years are entitled to a benefit equivalent to an average of 1 and one-half month's wages.  (ii) Those contributing to the Social Security Fund for more than 10 years are entitled to a benefit equivalent to an average of 5 months' wages.</p>
<p><b><u>(e) Child Benefit</u></b></p> <p><b>Conditions:</b>  Not stipulated in law.</p> <p><b>Rights</b>  Not entitled by law.</p>	<p><b><u>(e) Child Benefit</u></b></p> <p><b>Conditions:</b>  Entitled to claim if contributions to the Social Security Fund have been made for not less than 12 months, within a period of 36 months prior to eligibility to make a claim.</p> <p><b>Rights</b>  Entitled to monthly child benefit of 350 baht per legitimate child from birth to 6 years of age, but for not more than 2 children at any time.</p>
<p><b><u>(f) Old Age</u></b></p> <p><b>Conditions:</b>  Not stipulated in law.</p> <p><b>Rights</b>  Not entitled by law.</p>	<p><b><u>(f) Old Age</u></b></p> <p><b>Conditions:</b>  <i>Old Age Pension</i>  Entitled to claim only with contributions to the Social Security Fund for not less than 180 months, continuously or not, ending at 55 years of age or when status as insured person/worker ends.</p> <p>Entitled to claim with contributions to the Social Security Fund for less than 180 months, and having reached 55 years of age, the status as insured person/worker ends, or in the case of disability or death.</p> <p><b>Rights</b>  <i>Old Age Pension</i>  1. For contributions for up to 180 months, an insured person/worker is entitled to an old age pension at the rate of 15% of the average wage earned during the last 60 months of work (which is the basis for the</p>

	<p>calculation of the rate of contribution prior to the termination of status as insured person/worker).</p> <p>2. For contributions to the Social Security Fund for more than 180 months, the rate of old age benefit shall be increased (above that rate specified above) by 1% for contributions made in excess of 180 months.</p> <p><i>Old Age (Retirement) Pension</i></p> <p>1. Where matching contributions have been paid to the Social Security Fund for less than 12 months (1-11 months), the old age (retirement) pension shall be equivalent to the total contributions of the insured person/worker;</p> <p>2. Where matching contributions have been paid to the Social Security Fund for 12 months or more (12-179 months), the old age (retirement) pension shall be equivalent to the total matching contributions made by both the insured person/worker and employer combined as well as the benefit officially announced by the Social Security Office.</p>
<p><b><u>(g) Unemployment</u></b></p> <p><b>Conditions:</b> Not stipulated in law.</p> <p><b>Rights</b> Not entitled by law.</p>	<p><b><u>(g) Unemployment</u></b></p> <p><b>Conditions:</b> Entitled to claim only when matching contributions have been paid to the Social Security Fund for not less than 6 months within a period of 15 months prior to unemployment.</p> <p><b>Rights</b> An unemployed insured person/worker shall be provided with due assistance with (a) Recruitment and employment service as well as skills training programme; and (b) Unemployment benefits as follow:</p> <p>(1) <i>Termination of Employment.</i> Benefit equivalent of 50% of the wages earned but not exceeding 180 days of said wages;</p> <p>(2) <i>Resignation or Expiration of Fixed Term Employment Contract.</i> Benefit of 30% of the wages earned, but not exceeding 90 days of said wages.</p> <p>Applicants who file more than one request for unemployment benefit under (1) and (2) within one calendar year shall be entitled to draw such benefit, but the combined benefit shall not exceed 180 days in total.</p> <p>Applicants filing more than one request for</p>

	unemployment benefit under (2) within one calendar year shall be entitled to the benefit, but for not more than 90 days in total.
<p><b>12. Compensation for Workers with Post-Employment Status</b> Workers with post employment status are fully entitled, in case of illness, to file a request for compensation within 2 years starting from the notification date of the illness.</p>	<p><b>12. Benefit for Insured Person/Workers with Post-Employment Status</b> Insured persons/workers who have contributed to the Social Security Fund according to its terms and conditions are entitled to full unemployment benefit in the following cases:</p> <ul style="list-style-type: none"> <li>- Injury due to accident or dangerous situations or illness.</li> <li>- Maternity leave.</li> <li>- Disability.</li> <li>- Death.</li> </ul> <p>After termination of employment status, he/she is still entitled to unemployment benefit for 6 months, starting from the termination date of employment.</p>
<p><b>13. Appeal</b> Any employer, worker or entitled person who is not satisfied with any order, decision or estimate of contribution made by competent officials is fully entitled to file a formal appeal to the Compensation Fund Committee within 30 days, starting from the notification date of the order, decision or estimate of contribution, except in cases of confiscation, sequestration and/or auction of property belonging to an employer.</p> <p>Any appellant not satisfied with the ruling or decision made by the Fund Committee is entitled to bring the case to the Labour Court within 30 days, starting from the date of notification of the ruling or decision. If the case is not filed with the Labour Court by the due date, the said ruling or decision shall be considered final.</p> <p>Any appeal by an worker, entitled person or employer filed with the Labour Court shall not suspend the orders issued by competent officials or decisions made by the Fund Committee.</p>	<p><b>13. Appeal</b> Any employer, insured person/ worker, entitled person who is not satisfied with any order issued by a secretary-general or competent official under this Act, except for any cases of confiscation, sequestration and/or auction of property belonging to an employer, has the right to file a formal appeal to the Appeal Committee within 30 days, starting from the notification date of said order, decision, etc.</p> <p>Any appellant not satisfied with the ruling of the Appeal Committee is fully entitled to bring the case to the Labour Court within 30 days, starting from the notification date of the order or ruling. If the case is not filed with the Labour Court by the due date, the ruling by the Appeal Committee shall be final.</p> <p>An appeal shall not constitute a suspension of orders issued by the secretary general or competent official.</p>
<b>14. Penalties</b>	<b>14. Penalties</b>

<p>(a) Any employer, who:</p> <ul style="list-style-type: none"> <li>• Fails to provide immediate and the most appropriate medical attention or treatment to worker suffering a dangerous condition, accident or illness; or</li> <li>• Fails to arrange or organize a proper funeral for an worker who dies from a dangerous condition, accident or illness, and who has no one else to arrange or organize a proper funeral; or</li> <li>• Fails to file a proper Registration Form for paying his/her contributions to the common fund, recording the names of workers and their share of contributions to the said fund, within 30 days starting from the day required to start paying contributions; or</li> <li>• Fails to file an official report on accidents, dangerous conditions, illnesses or absence of workers to the competent office, within 30 days starting from the day the employer is officially notified of such a case,</li> </ul> <p>is liable to a penalty of imprisonment for a maximum of 6 months or a maximum fine of 10,000 baht or both.</p> <p>(b) Any employer refusing to pay due compensation as instructed or ordered by a competent official without exercising his/her right to appeal or bringing the case to a Labour Court within the due date, is liable to a maximum jail term of 1 year or a maximum fine of 20,000 baht or both.</p> <p>(c) Anyone who discloses any fact or classified information about the business or enterprise of an employer, which is considered to be a trade or commercial secret, as a result from any act prohibited under this Compensation Act is liable to a maximum prison term of 1 month or a maximum fine of 2,000 bath or both. Exception is made if such disclosure is</p>	<p>(a) Any employer who, with intent:</p> <ul style="list-style-type: none"> <li>• Fails to file an official list of insured persons/workers, rate of pay and other essential particulars as required to the Social Security Office within 30 days, starting from the day an worker becomes an insured person/worker; or</li> <li>• Fails to file a written request for changes, additions or deletions of any conditions to previously filed worker information by the 15<sup>th</sup> day of the following month,</li> </ul> <p>is liable to a penalty of imprisonment for a maximum of 6 months or a maximum fine of 20,000 baht or both.</p> <p>(b) Any employer who files with the Social Security Office a list of insured persons/workers, rate of pay and other required information, or files a written request for changes, additions or deletions of any conditions to previously filed worker information, with intent to provide false information, shall be liable to a maximum jail term of 6 months or maximum fine of 20,000 baht or both.</p> <p>(c) Anyone who discloses any fact or information concerning the business or enterprise of an employer which should not be disclosed, but to which he/she has access to or has gained knowledge of due to his/her compliance with this Social Security Act, shall be liable to a maximum jail term of 1 month, or a maximum fine of 3,000 baht or both. Exception is made only when such information is disclosed for the purpose of labour protection, or an investigation, or for legal prosecution.</p> <p>(d) Anyone who:</p> <ul style="list-style-type: none"> <li>▪ Fails to comply with an order of the Social Security Committee, Medical Committee, Sub-Committee on Appeals, other Sub-Committee or Competent Official, to testify or to submit material evidence or necessary data; or</li> <li>▪ Obstructs orders or fails to provide necessary cooperation for competent officials to carry out their orders or duties, or to conduct fact-finding missions or necessary searches on premises, upon submission of a written request or enquiry or official subpoena for individuals to testify, etc., or to confiscate or sequester or auction assets,</li> </ul> <p>shall be liable to a maximum jail term of 1 month or</p>
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<p>for the benefit of the public at large, or for the benefit of labour protection, or for the purpose of due investigation, or for legal prosecution.</p> <p>(d) Anyone who fails to:</p> <ul style="list-style-type: none"> <li>▪ Comply with an order issued by the Fund Committee, Medical Committee or Sub-Committee to any concerned individual to make clarifications or to submit documents or materials deemed to be necessary for due consideration; or</li> <li>▪ Comply with an order issued by a competent official conducting an enquiry or with any subpoena to testify or to submit evidence for due consideration; or</li> <li>▪ Arrange for convenient access for the purposes of conducting an investigation in a workplace or a place of employment or of seizing, sequestering or auctioning assets belonging to employer,</li> </ul> <p>shall be liable to a maximum jail term of 1 month or a maximum fine of 2,000 baht or both.</p> <p>(e) A competent official (Secretary-General or Provincial Governor) may decide that, regardless of the offences stipulated in the <i>Compensation Act</i>, an offender should neither be penalised with a jail term nor be fined as stipulated in the said Act.</p>	<p>a maximum fine of 10,000 baht, or both.</p> <p>(e) A competent official (Secretary-General or Provincial Governor) may decide that an offender should neither be penalized with a jail term nor be prosecuted for an offence punishable by a jail term of less than 6 months (except for the offence for illegal disclosure of classified information) and shall be authorized to impose a fine as stipulated in the Act.</p>
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**Source : Amendment to ‘Employer’s Manual’ published by the Information Centre, Social Security Office, Ministry of Labour, March B.E. 2548 (2005) pgs. 5-18**

## **Core Content Of Ministerial Rules on Labour Protection for Home Workers B.E.2547 (2004)**

### *Definition*

Home-work by law means work assigned by an employer to be performed at home, a type of production carried out anywhere other than in premises run by the employer, as mutually agreed upon, where the worker receives payment in return for the work done. Under these arrangements, raw materials and tools/equipment are partly or totally provided by employer. Normally, the tasks performed by home-workers are, in part or in whole, a production process of an enterprise under the responsibility of the employer.

### *Rules*

- The employer shall treat female and male workers equally in the terms of hiring, such as wage scales, except where nature and working conditions are not conducive to equal treatment;
- The employer and his/her supervisors or inspectors are strictly prohibited from committing any act of sexual exploitation or sexual harassment against any woman worker or children;
- The employer is legally prohibited from hiring any minor under 15 to work as an worker;
- In assigning jobs or production work to home-workers, the employer is required to inform the competent labour inspector of such assignment at least seven days in advance or 7 days prior to each assignment;
- The employer is legally required to make two copies of the Employment Contract (one for the worker and one for the employer) and to maintain a proper filing of such documents ready for inspection at any time. The said contract must contain at least the following 8 items as set forth by the Ministry of Labour:
  - ⇒ Date, month, year and the place (address) of entering into said hiring or employment contract;
  - ⇒ Given names and family names and addresses of both employer and worker;
  - ⇒ Type of work;
  - ⇒ Date, month, year and address of place where the tasks assigned by the employer are to be performed;
  - ⇒ Wages and circumstances where deductions may be made from wages;
  - ⇒ Specific date, month, year and place for delivery upon completion of assignment;
  - ⇒ Specific date, month and year and place where wages shall be paid.
- The employer shall pay wages as specified in the hiring or employment contract no later than 15 days after completion of the assignment and delivery to the employer. In addition, the employer is strictly prohibited from making any deduction from wages, other than legitimate deductions permitted by law i.e. payment of debts owed to a Savings Co-operative, or any outstanding or due payment for any unilateral welfare and benefit schemes for workers, or any deduction to cover damage done to the equipment or tools or any raw materials owned by the employer;

- The employer is strictly prohibited from assigning any work deemed to be dangerous to the occupational health and safety of workers, such as production, assembly, packaging or processing of explosives or flammable materials such as fireworks, manufacturing or packing dangerous chemicals or poisonous materials, cyanide, or carcinogenic substances, or any work that involves handling dangerous chemicals or poisonous ingredients;
- The employer is strictly required to provide safety tools or equipment or protective gear for workers in the performance of their tasks, and to establish necessary safety measures to meet the standards and criteria set forth by the Minister of Labour, and to require workers to follow safety procedures in handling tools or equipment and to comply with safety standards as arranged by the employer;
- In cases where the employer refuses or fails to pay due wages, workers are entitled to file an urgent request for emergency assistance as set forth by the Workers' Welfare Fund administered by the Workers' Welfare Contingency Fund Committee;
- In cases where an employer defies or fails to comply with the law, workers can file a formal complaint to a competent Labour Inspector with jurisdiction over the district where workers work or over the district where employer resides;
- In cases where an employer, worker or legitimate heir of workers are not satisfied with an order issued by the competent Labour Inspector, he or she is entitled to bring such a case to the Labour Court within 30 days, starting from the date of acknowledgement of the Labour Inspector's order;
- Labour protection shall be effected according to the agreement concluded between employer and worker. Any case arising from the violation of this agreement by either party can be filed with the Labour Court for a ruling.

### *Safety Measures Regarding Home-Workers*

According to the *Ministerial Announcement on Carcinogenic Substances Prohibited From Use in Home-Work*, banned substances are:

- 4-Aminodiphenyl
- Arsenic
- Asbestos
- Benzene
- Beryllium
- Benzedine
- bis (chloromethyl) ether
- CrVI (Chromium Cr VI compound)
- Coal tar pitch volatile
- B-Naphthylamine
- Nickel sulfide
- Vinyl chloride
- Zinc chromate

Where an employer has assigned production work to home-workers, regardless whether all or part of the raw materials or production tools and equipment are provided, he/she shall provide production tools and equipment considered safe for workers to handle or use, not sub-standard or of a lower standard than those specified in Ministerial Rules, issued under Article 103 of the *Labour Protection Act, B.E. 2541* (1998) as well as necessary manuals containing, at the minimum, the following details:

1. Methods and procedures for handling raw materials and tools for specific production;
2. Possible hazardous effect from handling specific raw materials or substances and production tools;
3. Restrictions relating to preventive measures against hazardous raw materials and production tools or equipment.

The employer shall provide two sets of such manuals, one for the worker and another for the employer, to be kept and made available to competent labour inspectors upon request throughout the employment period.

In the case any production being assigned to home-workers which involves the handling of hazardous materials or chemicals, the employer is strictly required to take the following precautionary measures:

- (1) Provision of containers deemed to be strong, secure and labelled with labels indicating in details the ingredients and chemical composition in the Thai language on each and every container;
- (2) Provision of manuals on standard working procedures or operations and the handling of chemicals or hazardous materials to home-workers for them to adopt as proper and systematic guidelines for working in the production process;
- (3) Provision of necessary and adequate individual protective gear for occupational health and safety deemed to be the most appropriate to the type and nature of the danger faced by each worker in the workforce;
- (4) Provision of appropriate and adequate first-aid kits and medical supplies for home-workers so as to minimize injuries from occupational accidents;
- (5) Provision of necessary and adequate training for workers on use and application of tools and equipment, the safekeeping or proper storage of hazardous chemicals, controls and preventive measures, waste disposal, emergency evacuation of workers, and first-aid procedures for workers.

# Section 4: Thai Labour Movement Contact Information

## *Private Sector Labour Organizations*

### **Labour Federations**

- 1. The Electric and Electronic Appliances Labor Federation of Thailand**  
(Established: September 14, B.E. 2523 or 1980)  
Contact Address: 1222 Moo-9, Sukhumvit Road, Tambon Samrong-Nuer,  
Muang District, Samut-Prakarn Province 10270  
Tel. (02) 394-4709, Fax. (02) 723 3499  
E-mail: [chalee.loysong@th.panasonic.com](mailto:chalee.loysong@th.panasonic.com)
  
- 2. The Textile, Garment and Leather Industrial Labour Federation of Thailand**  
(Established: March 24, B.E. 2524 or 1981)  
Contact Address: 264/57-58 Sooksawad Road, Soi-13, Kwaeng Bangpakaew,  
Khet Rasaburana, Bangkok 10140  
Tel. & Fax. (02) 427-6967  
E-mail: [twft1234@cscoms.com](mailto:twft1234@cscoms.com)
  
- 3. The Petroleum and Chemicals Labour Federation of Thailand**  
(Established: May 13, B.E. 2525 or 1982)  
Contact Address: The Thai Carbon Black Labour Union  
44 Ayudhaya-Ang-Thong Road, Tambon Po-Sah,  
Muang District, Ang-Thong Province 14000  
Tel. & Fax. (035) 616-239  
E-mail: [manut\\_yimkiet@yahoo.com](mailto:manut_yimkiet@yahoo.com)
  
- 4. The Banking and Financial Labour Federation of Thailand**  
(Established: October 1, B.E. 2525 or 1982)  
Contact Address: The Bangkok Bank Labour Union  
9 Suer-Pah Road, Kwaeng Dhepsirint, Khet Pomprab-Satruphai,  
Bangkok 10100  
Tel. (02) 225-2166, 230-2604, Fax. (02) 225-2166
  
- 5. The Metal Workers' Labor Federation of Thailand**  
(Established: February 11, B.E. 2526 or 1983)  
Contact Address: 14/17 Moo-9, Phuchao-Samingprai Road,  
Tambon Somrong-Nuer, Phra-Pradaeng District,  
Samut-Prakarn Province 10130  
Tel. (02) 394-5814, Fax. (02) 754-4326
  
- 6. The Pulp and Papers and Printing Labour Federation of Thailand**

(Established: May 19, B.E.2526 or 1983)  
Contact Address: 2249 Kurasapha-Lardprao Printing House,  
Lardprao Road, Wang-Thong-Lang District, Bangkok 10310  
Tel. & Fax. (02) 539-8372

**7. The Construction Workers and Wood Workers Labour Federation of Thailand**

(Established: November 27, B.E. 2535 or 1992)  
Contact Address: 25/59 Moo Baan Viphaville, Sukhumvit Road,  
Tambon Pak-Nam, Muang District, Samut-Prakarn Province  
10270  
Tel. & Fax. (02) 756-5346

**8. The Phuket Hotel and Services Labour Federation**

(Established: October 2, B.E. 2538 or 1995)  
Contact Address: 12/473, Soi-Tawee-Khoon, Chao-Fah Nong Road,  
Tambon Vichit, Muang District, Phuket Province 83000  
Tel. & Fax. (076) 220-782, Mobile: (081) 535-1764,  
Ask for Khun Vichit Dasanthad.

**9. The Automotive Labor Federation of Thailand**

(Established: September 22, B.E. 2540 or 1997)  
Contact Address: 1/446, Moo-14, Soi-Bang Saen 2, Tambon Tai-Baan,  
Muang District, Samut-Prakan Province 10280  
Tel. (02) 709-1426, Fax. (02) 707-8072  
E-mail: [tawbangsen@yahoo.com](mailto:tawbangsen@yahoo.com)

**10. The Metal and Alloy Industrial Federation of Thailand**

(Established: January 22, B.E.2546 or 2003)  
Contact Address: 102/32 Moo-7, Sooksawad Road, Tambon Bang-Jak,  
Phra-Pradaeng District, Samut-Prakarn Province 10130  
Tel. (02) 827-1940, Fax. (02) 819-0419

**Workers' Labour Councils**

**1. Labour Congress of Thailand (LCT)**

(Established: February 14, B.E. 2521 or 1978)  
Contact Address: 420/393-394, Moo Baan Thipawal-1, Tepharak Road,  
Tambon Samroeng-Nuer, Muang District,  
Samut-Prakarn Province 10270  
Tel.(02) 384-6789, 758-3300, Fax. (02) 384-6789

**2. National Free Labor Union Congress (NFLUC)**

(Established: March 29, B.E. 2521 or 1978)  
Contact Address: 277 Moo-3, Rasburana Road, Kwaeng Rasburana,  
Khet Rasburana, Bangkok 10140  
Tel. (02) 427-6506, Fax. (02) 428-4543

**3. National Congress of Thai Labor (NCTL)**

(Established: January 27, B.E. 2522 or 1979)  
Contact Address: 364 Moo-1, Moo Baan Uer-Patana-Niwes,

Sri-Nakarint Road, Tambon Bang-Kaew, Bang-Pli District,  
Samut-Prakarn Province 10540  
Tel. (02) 389-5134, 385-8975, Fax. (02) 385-8975

**4. Thai Trade Union Congress (TTUC)**

(Established: September 20, B.E. 2526 or 1983 )

Contact Address: 420/393-394 Moo Baan Thipawal-1, Tepharak Road,  
Tambon Samroeng-Nuer, Muang District,  
Samut-Prakarn province 10270  
Tel. & Fax. (02) 384-0438

**5. National Labour Congress (NLC)**

(Established: June 12, B.E. 2534 or 1991)

Contact Address: 586/126 Moo-2, Moo Baan City Village, Sukhumvit Road,  
Tambon Bang-Poo-Mai, Muang District,  
Samut-Prakarn province 10280  
Tel. & Fax. (02) 709-8030

**6. Federation of Thai Labor (CTL)**

(Established: October 29, B.E. 2536 or 1993)

Contact Address: 25/20 Moo Baan Viphaville, Sukhumvit (old route) Road,  
Tambon Pak-Nam, Muang District,  
Samut-Prakarn province 10280  
Tel. & Fax. (02) 756-5346

**7. Labour Congress Center for labour Unions of Thailand**

(Established: January 6, B.E.2543 or 2000)

Contact Address: 33/1450 Moo-10, Lard Prao-54 Road (Choke Chai-4),  
Lard Prao District, Bangkok 10310  
Tel. (02) 932-9215, Fax. (02) 539-4987

**8. National Congress of Workers (NCE)**

(Established: January 16, B.E. 2547 or 2004)

Contact Address: 1033/37 Moo-12, Soi Udomsook-26, Sukhumvit-103 Road,  
Kwaeng Bang-Na, Khet Bang-Na, Bangkok 10260  
Tel. & Fax. (02) 334-1596

**9. National Congress of Private Workers of Thailand (NCPE)**

(Established: February 19, B.E. 2547 or 2004)

Contact Address: 4 Moo-8, Phraya-Suren Road, Kwaeng Samwa-tawantok,  
Khet Klong Samwa, Bangkok 10510  
Tel. (02) 529-1710, (02) 914-0913, Mobile: (089) 201-614

**10. Labour Congress Freedom of Thailand (LCFT)**

(Established: May 4, B.E. 2547 or 2004)

Contact Address: 362 Moo-13, Nawa-Nakorn Road, Soi-3/3,  
Tambon Klong-Nueng, Klong Luang District,  
Pathum-Thani province 12120  
Tel. (02) 529-1710

**11. Labor Congress of Thai Labour Organizations (LCTLO)**

(Established: February 22, B.E. 2549 or 2006)

Contact Address: 283 Moo-1, Sooksawad Road,  
Tambon Pak-Klong Bang Plakod,  
Phra-Samut-Chedi, Samut-Prakarn province 10290  
Tel. (02) 463-0058, Fax. (02) 816-2325

**12. The Automotive Labour Congress of Thailand**

(Established: July 13, B.E. 2550 or 2007)

Contact Address: 1821 -1822 Tepharak Road , Muang District,  
Samut-Prakarn Province 10270  
Tel.(02) 386 1661-2, Fax. (02) 386-1662

*State Enterprises' Labour Organizations*

**State Enterprise Relation Confederation (SERC)**

Contact Address: Head Office, the Electricity Generative Authority of Thailand  
(EGAT)  
Building Thor.125, 53 Moo-2, Jaran-Sanitwong Road,  
Bang Kruey District, Nonthaburi province 11130  
Tel. (02) 436-5972, Fax. (02) 436-5973  
E-mail: [ni\\_serc@thaiserc.org](mailto:ni_serc@thaiserc.org), Website: [www.thaiserc.org](http://www.thaiserc.org)

*Industrial Area Coalitions of Labour Unions*

**1. Om-Noi & Om-Yai Industrial Area Coalition of Labour Unions**

Contact Address: C/O **Nakorn-Luang Textile Enterprise Labour Union**  
50/32 Moo-6, Moo Baan Sri-Sathien, Tambon Tha-Kham,  
Sampran District, Nakorn-Pathom Province 73110  
Tel. (02) 812-5277

**2. Phra-Pradaeng-Sooksawad & Rasburana Industrial Area Coalition of Labour Unions.**

Contact Address: 283 Moo-1, Sooksawad Road, Tambon Pak-Klong Bang Plakod,  
Phra-Samut-Chedi District, Samut-Prakarn Province 10290  
Tel. (02) 463-0058 Ext. 157

**3. Rangsit and Neighboring Industrial Area Coalition of Labour Unions.**

Contact Address: 14/8 Phahol-Yothin Road, Tambon Klong-Nueng,  
Klong Luang District, Pathum-Thani Province 12120  
Tel. (02) 516-4843, Fax. 02 516-4843

**4. Nawa-Nakorn Industrial Area Coalition of Labour Unions.**

Contact Address: 362 Phahol-Yothin Road, Tambon Klong-Nueng,  
Klong Luang District, Pathum-Thani Province 12120  
Tel. (02) 529-1710, 529-3657

**5. Eastern Region Coalition of Labour Unions.**

Contact Address: 33 Sri-Racha Nakorn-5 Road, Tambon Sri-Racha,  
Sri-Racha District, Choburi Province 20110  
Tel. (038) 770-504

**6. Berla Industry Group of Labour Unions**

Contact Address: c/o Thai Reyon Labour Union  
36 Moo-2, Ayudhaya Road, Tambon Pho-Sa,  
Muang District, Ang-Thong Province 14000  
Tel. & Fax. (035) 620-571

**7. Phuket Province Coalition of Labour Unions.**

Contact Address: c/o Tin Smeting Labor Union of Thailand  
Thai Zarco P.O. Box No.2,  
Sakdidej Road, Phuket province 83000  
Tel. (076) 391-111-7 Ext. Khun Chatchaya Thongdi

**8. Saraburi Province Coalition of Labor Groups.**

Contact Address: C/O Thai Acrylic Fibre Labour Union  
54 Moo-5, Tambon Tal-Diew, Keng-Koi District,  
Saraburi province 18110  
Tel. & Fax. (036) 246-162

**9. Central Region and Bang-na – Trad Area Coalition of Labour Unions**

Contact Address: 415/1 Ras-Patana Road, Kwaeng Bang-Pakok,  
Rasburana District, Bangkok 10140  
Tel. (02) 427-4701, Fax. (02) 872-2297

**10. Coalition of Hotel Business Labour Unions of Thailand**

Contact Address: **President of Coalition:**  
Khun Wisayan Neerawong  
Narai Hotel Labour Union  
222 Silom Road, Kwaeng Suriwong,  
Bang Rak District, Bangkok 10500  
Tel. (02) 237-0100 Ext. Laundry Dept., Fax. (02) 236-7161

Alternate Contact: **Secretary-General of Coalition**  
Khun Suwat Wuthi-Withayarak  
Holiday Inn Crown Plaza Labour Union  
981 Silom Road, Kwaeng Silom,  
Bang Rak District, Bangkok 10500  
Tel. (02) 238-4300, Fax. (02) 238-5289  
E-mail: [khonponpon@yahoo.com](mailto:khonponpon@yahoo.com)

**11. Ayudhaya and Neighbouring Area Coalition of Labour Groups.**

Contact Address: 39/133 Moo Baan Suphisara, Rojana-Wangnoi Road,  
U-Thai District, Phranakorn-Sri Ayudhaya province 13210  
Tel. (035) 330-193, (035) 244-390

*Other Labour-Related Groups and Labour-Oriented NGOs*

**1. Thai Labor Solidarity Committee**

Contact Address: 503/20 Nikom-Roatfai-Makasan, Khet Rajthewi,  
Bangkok 10400

Tel. & Fax.(02) 654-7688

**2. Workers' Coordination Center**

Contact Address: 44 Nikom-Roatfai Km.11, Viphawadi-Rangsit Road,  
Kwaeng Lard Yao, Khet Jatujak, Bangkok 10900  
Tel. (02) 936-0401, Fax. (02) 537-8403  
E-mail: [iftthai@asiaaccess.net.th](mailto:iftthai@asiaaccess.net.th)

**3. Women Workers' Unity Group**

Contact Address: 503/20 Nikom-Roatfai-Makasan, Kwaeng Makasan,  
Khet Rajthewi, Bangkok 10400  
Tel. & Fax. (02) 251-3173

**4. Thailand Electrical, Electronic, Automotive and Metal Confederation (TEAM).**

Contact Address: 1/446 Moo-14, Sukhumvit Road, Soi-Bang Saen 2,  
Tambon Tai-Baan, Muang District, Samut-Prakarn Province  
10280  
Tel. (02) 709-1426, Fax. (02) 707-8072  
E-mail: [tawbangsen@yahoo.com](mailto:tawbangsen@yahoo.com)

**5. Democratic Labour Unions Alliance (DLUA)**

Contact Address: 166/23 Moo-5, Moo Baan Nathakant-3,  
Phaholyothin Soi-52, Kwaeng Klong-Thanon,  
Khet Sai-Mai, Bangkok 10220  
Tel. & Fax: (02) 972-7035  
E-mail: [clist@loxinfo.co.th](mailto:clist@loxinfo.co.th)  
**Website:** [www.workers-voice.org](http://www.workers-voice.org)

**6. Thai Labour Museum Foundation**

Contact Address: 503/20 Nikom-Rotfai-Makasan, Kwaeng Makasan,  
Khet Rajthevi, Bangkok 10400  
Tel. & Fax: (02) 251-3173  
E-mail: [tlm@thailabourmueseum.org](mailto:tlm@thailabourmueseum.org)  
**Website:** [www.thailabourmueseum.org](http://www.thailabourmueseum.org)

**7. Arom Pongpa-Ngan Foundation**

Contact Address: 51/109 Soi-Ngarmchawee, Phaholyothin Road,  
Tambon Klong-Nueng, Klong-Luang District,  
Pathumthani province 12120  
Tel. (02) 516-1589 Fax: (02) 516-1071  
E-mail: [apflrc@loxinfo.co.th](mailto:apflrc@loxinfo.co.th)

**8. American Center for International Labour Solidarity (ACILS)**

Contact Address: 120 Kasemkij Building, Rm. No. 402, Silom Road,  
Bang-Rak District, Bangkok 10500  
Tel. (02) 632-7159, 267-0366, 258-5335  
Fax: (02) 234-5809  
E-mail: [acilsth@loxinfo.co.th](mailto:acilsth@loxinfo.co.th)

**9. Friedrich Ebert Stiftung (FES)**

Contact Address: 1550 Thanapoom Tower, 23<sup>rd</sup> Floor, New Petchburi Road,  
Kwaeng Makasan, Rajthevi District, Bangkok 10310  
Tel. (02) 652-7178/9 Fax: (02) 652-7180  
E-mail: [info@fes-thailand.org](mailto:info@fes-thailand.org)  
Website: [www.fes-thailand.org](http://www.fes-thailand.org)

**10. Friends of Women Foundation**

Contact Address: 386/61-62, Rachada-Phisek Road, Soi-42, Kwaeng Lard-Yao,  
Jatujak District, Bangkok 10900  
Tel. (02) 513-1001, Fax: (02) 512-1929  
E-mail : [fow@mozart.inet.co.th](mailto:fow@mozart.inet.co.th)  
Website: [www.friendsofwomen.net](http://www.friendsofwomen.net)

**11. Center for Labour Information Service and Training (CLIST)**

Contact Address: 166/23 Soi-Nathakant-3, Phaholyothin-52 Road,  
Kwaeng Klong-Thanon, Sai-Mai District, Bangkok 10220  
Tel. (02) 972-6385, Tel.& Fax: (02) 972-7035  
E-mail: [clist@loxinfo.co.th](mailto:clist@loxinfo.co.th)

**12. Paisal Thawat-Chayanant Foundation**

Contact Address: 121 Jakar-Petch Road, Kwaeng Wang-Burapa,  
Phranakorn District, Bangkok 10200  
Tel. (02) 225-6813, 222-6624, Fax.(02) 225-6813

**13. Thai Labour Campaign**

Contact Address: P.O.Box 219, Lard-Prao Post Office,  
Lard-Prao Road, Bangapi District, Bangkok  
Tel. (02) 933-0585, Fax. (02) 933-1951  
E-mail: [campaign@thailabour.org](mailto:campaign@thailabour.org)  
Website: [www.thailabour.org](http://www.thailabour.org)

**14. Rangsit Area Youth Worker Groups**

Contact Address: 70/49 Moo Baan Krisada-Nakorn, Soi-19,  
Phaholyothin Road, Tambon Klong-Nueng,  
Klong Luang District, Pathum-Thani province 12120  
Tel. & Fax: (02) 516-1012

**15. Foundation for Labour and Occupational Development**

(Otherwise known as Homenet)

Contact Address: 677/6, Lard-Prao Soi-5/1, Lard-Prao Road,  
Kwaeng Lard-Yao, Jatujak District, Bangkok 10900  
Tel. (02) 513-9242 , 938-7976, Fax: (02) 513-8959  
E-mail: [center@homenetthailand.org](mailto:center@homenetthailand.org)  
Website: [www.homenetthailand.org](http://www.homenetthailand.org)

**16. Center for the Promotion of Thai Workers' Rights**

Contact Address: 264/57-58, Sooksawad Road, Soi-13, Kwaeng Bang-Pakok,  
Rasburana District, Bangkok 10140  
Tel. & Fax: (02) 428-0334

E-mail: [s\\_tlr@hotmail.com](mailto:s_tlr@hotmail.com)

**17. Nikhom Chanthara-Vitura Foundation**

Contact Address: Front Building, Ministry of Labor, Mitr-Maitri Road,  
Din-Daeng District, Bangkok 10400

**Alternate Postal Address:**

P.O. Box. 25, Buddha-Monthol Post Office,  
Nakorn-Pathom Province, 73170  
(Temporary) 02 232-1261, Fex. 02 248-5550  
Mobile: 081-347-5233

**18. Council of Work and Environmental Related Patient's Network of Thailand(WEPT)**

Contact Address: 30, Soi Tiwanont-45, Tambon Tha-Sai,  
Muang District, Nonthaburi province 11000  
Tel & Fax: (02) 951-2710, 951-3037

E-mail: [webmaster@wept.org](mailto:webmaster@wept.org)

Website: [www.wept.org](http://www.wept.org)