

THAI LABOUR MOVEMENT *IN* 2006

ACTION AND DEVELOPMENT



BUNDIT THANACHAISETHAVUT

The Thai Labour Movement in 2006: Action and Developments

by

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Section 1: Summary of The Thai Labour Movement's Activities in 2006

This report is intended to provide vital facts and figures to enable greater understanding of labour campaigns in Thailand in 2006, as well as to enable monitoring and evaluation of the effectiveness of the Thai labour movement's activities during this year. Since this annual report cannot summarize all labour campaigns and activities during 2006, only 11 key areas of campaigning are considered:

- (1) International Women's Day: March 8th Demands**
- (2) Labour Mobilization Against the Thaksin Led Government**
- (3) The 2006 May Day March: Demands Submitted to the Royal Thai Government**
- (4) The Thai Labour Movement's Health Scheme Reform Proposals**
- (5) Demands Submitted to the September 19th Coup Makers and Subsequent Provisional Government**
- (6) Struggle Waged by the Gina Relations Labour Union: Lessons Learnt**
- (7) Mobilization Against Unfair and Non-Transparent Management of the Social Security System**
- (8) The Thai Labour Movement's Demand for Minimum Wage Adjustment: The Call for a Nationwide Minimum Wage of 233 Baht**
- (9) Demand for Meaningful Labour Movement Participation in Political Reform: The Second Round of Struggle**
- (10) Workers' Radio: People's Media Run by the Thai Labour Movement**
- (11) Demands for the Protection of Migrant Workers' Rights**

(1) International Women's Day: March 8th Demands



On March 8th 2006, a 1,000 strong march from the Royal Plaza to Government House was jointly staged by the Women Worker's Unity Group in close collaboration with the Women's Section of the State Enterprise Labour Confederation, the Textile, Garment and Leather Worker Federation of Thailand, concerned NGOs, and a coalition of other organizations working on women-related issues. On the same day, a panel discussion was held to consider the pressing issues faced by women over the previous 5 years of the administration of Prime Minister Police Lt. Col. Thaksin Shinawatra. Women have faced a number of crucial issues during these past five years, including:

1. **The Continuing Lay-offs of Women Workers:** for example, a total workforce of 1,200 women workers at Thai Kriang Garment Factory were dismissed en masse; many pregnant workers and female trade unionists were dismissed; and workers found to be HIV positive were also dismissed;
2. **The Widespread Practice of Sub-Contracting and Temporary Employment:** these mechanisms were used to reduce production costs and to sidestep labour laws for the benefit of employers;
3. **Enforcement of Labour Laws for the Benefit of Employers:** for example, Article 75 of the *Labour Protection Act 2541* (1998) states that: 'Whereas it is necessary for an employer to temporarily suspend business, in part or whole, for whatever cause, other than force majeure, the Employer shall pay to the worker not less than fifty percent of the Wages for a Working Day received by the worker before the suspension of business throughout the period which the Employer does not require the worker to work.' This law was utilised by employers for temporary factory closures and the payment of only 50% of worker's wages each workday. Workers were unable to survive on this minimal payment, and hence this was a malicious strategy used by employers to force workers to resign without getting compensation;
4. **Poor Occupational Health and Safety:** work-related accidents causing injury, disability and death have increased. However, following such accidents, existing conventional mechanisms continued to be ineffective and inadequate in providing necessary assistance to victims and their dependents. In 2004 alone, approximately 200,000 work-related accidents were recorded. The situation was aggravated by the shortage of adequately trained specialists to diagnose and manage occupational diseases;

5. **Women Workers Continued to Earn Lower Wages Than Men, Even For Similar Work:** even though women earned low wages, the cost of living rose constantly as a result of the rising cost of fuel.¹ Under these circumstances, workers found it difficult to survive, could not meet family expenses, and were increasingly forced into taking loans from loan sharks as well as from financial institutions;²
6. **Social Welfare Provisions for Development in Quality of Life and Family Promotion Were Inadequate:** most workers have to send children to be cared for by grandparents because of the lack of social welfare provisions (such as childcare centres) in industrial and other working areas. As a result, children are deprived of the guarantee of proper rearing and adequate education, and suffer a lack of emotional and psychological support. This situation can increase risks of children becoming involved in drugs and crime;



In relation to the issues outlined above, Ms. Vilaiwan Sae Tia, the former President of the Women's Solidarity Group, proclaimed that: 'So far, women workers have proposed ways and means to address these issues. But Prime Minister Thaksin Shinawatra has never shown any interest in accepting the demands from women workers, not even once.'

The demands submitted by women workers in recent years can be summarised as follows:

1. The establishment of an Independent Institute for Occupational Health and Safety Protection and Environment in Workplaces (ICHSPEW), to oversee all issues relating to the health and safety of workers;
2. Amendments to the *Labour Protection Act 2541* (1998) by abolishing Article 75 (discussed above), and amendments to a variety of other labour laws, to enable the further development of labour standards and to increase the quality of life for workers;
3. Establishment of sufficient and adequate child care centres in all industrial areas for the benefit of the children of workers and people in poor communities;
4. Abolition of sub-contracting and lump sum wage systems;
5. Guarantees for meaningful participation of women workers in the formulation of policies that affect their lives and livelihood.

The continued presence of these pressing issues for women clearly illustrated that the Prime Minister was not sincere in earnestly tackling labour issues, alongside the other serious issues

¹ This was one of the reasons why the Thai government decided to privatize the Petroleum Authority of Thailand to investment groups.

² Ironically, this situation was totally different from that of Thaksin's family, which, during the 5 years of the Thaksin administration, amassed more than 73,000 million baht realized from the sale of one of their companies, the Shin Corporation.

facing the country.³ Such malpractices illustrated that continuation of Thaksinomics would have continued to invite more social, economic and political problems for Thailand.

Under these circumstances, women's labour groups and other organizations in their coalition strongly demanded that Prime Minister Thaksin Shinawatra should promptly withdraw from his political roles and responsibilities by resigning from his premiership, and then also refrain from running for political office for at least one term. In addition, the coalition also called for any new government to tackle issues faced by women workers without delay. They demanded in particular the need for political reform, with due consideration for the meaningful participation of various active women's groups.

Despite the genuine efforts made by this coalition of women's groups, as outlined above, no government representative came out to accept the demands from women workers on March 8th, 2006.



³ For instance, the following pressing issues continually confront Thailand and challenge the Thai people: rampant corruption; conflict of interests; privatization of state enterprises; untoward interference with autonomous agencies or independent organizations; creating divisions and contradictions among citizen's groups; and many other unethical and immoral practices among political leaders.

(2) Labour Mobilization Against the Thaksin Led Government



On 23rd January 2006, Prime Minister Thaksin Shinawatra's family sold their stake in Shin Corporation to Singapore Temasek Company for B73 billion. The sale was tax free, and utilised a new law promulgated by the Thaksin Government that allowed foreign stakeholders to own up to 49% of telecommunication companies in Thailand (previously the proportion was limited to 25%). Although Thaksin defended this sale on the basis that it would allow him to be less involved in business, and therefore avoiding conflicts of interest, it led to widespread public discontent with Thaksin and his Government. Finally, on 24th February 2006, Thaksin dissolved Parliament to avoid an upcoming censure debate that would consider about the sale of Shin Corporation, and a General Election was called for April 2nd.

On February 26th 2006, the Thai Labour Solidarity Committee organised a march to demand that Prime Minister Thaksin Shinawatra step down from political office. This march started from the Democracy Monument and joined forces with other participants, under the banner of the People's Alliance for Democracy, at the Phramen Ground. This coalition publicly announced its decision to fight on under the slogan of 'No End to the Campaign until Final Victory' and called for genuine political reform.

On March 24th 2006, the Thai Labour Solidarity Committee called a press conference to publicize its demand: 'Thai Labour United to Demand that Thaksin Step Down.' The Committee urged workers to come out in full force to make history under the banner of the People's Alliance for Democracy. A long sit-in was staged in front of Government House from March 14th demanding the resignation of the Thaksin-led government due to their lack of political ethics and waning legitimacy to remain in power. The disclosure of the sale of Shin Corporation shares to the Temasek Fund of Singapore without paying any taxes was one clear illustration of the need for such action. In addition, the Administrative Court of Thailand had revoked two Royal Decrees on the privatization of the Electricity Generative Authority of Thailand on the grounds that they were unlawful. The question that needed to be asked was: "Can the labour movement believe in Thaksinomics?"

The Thai labour movement had no choice but to make public its demand for the immediate resignation of Prime Minister Thaksin and an end to his political role. This resignation would open the way for prompt socio-political reforms with the genuine and meaningful participation of all sectors of society. In this spirit, the Thai Labour Solidarity Committee called for workers and their unions to join forces in achieving this desired outcome.

The April 2nd General Election was boycotted by all the main opposition political parties, leaving the Thai Rak Thai party as the only main political party in Thailand that was contesting the election. As a result, the Thai Rak Thai party won a significant number of constituencies, but was unable to form a Parliament due to the constitutional requirement that at least 20% of voters must vote for the winning party in a constituency where there is just one party contesting the election. Many 'no vote' ballots had been cast which forced another round of voting in a number of these constituencies. Some voters also decided to tear up their ballots at the poll. A new cabinet could not be formed right away., Prime Minister Thaksin Shinawatra publicly announced on nationwide TV networks (on April 4th) that he would not accept a future premiership. However, he stated that he would still function as party leader and elected Member of Parliament to continue pushing his parties policies for the benefit of the country. Finally, Thaksin then decided to go back on his word by again assuming office.

The Constitutional Court ruled on 8th May that the April 2nd General Election was void. Following this, anti-Thaksin sentiment rose to new heights and was countered in pro-Thaksin quarters. This resulted in serious confrontations between the two camps with some physical injuries reported. While Thaksin was abroad, the two opposing forces called for large rallies. This situation led to a military coup d'état, with political confrontation cited as one of the justifications for seizing power from Thaksin on the night of September 19th 2006.

(3) The 2006 May Day March: Demands Submitted to Royal Thai Government



On May Day (May 1st) 2006, two marches were organized. One march was led by the Thai Labour Solidarity Committee together with the State Enterprise Labour Relations Confederation. The other march was held under the banner of the government-funded National Labour Day 2006 Organizing Committee (NLDOC) in collaboration with all labour centres and congresses. The latter event was led by Mr. Banjong Boonyarat, the President of the Labour Congress Centre for Labour Unions in Thailand, and was funded by the Government.

A Comparison of the Two Labour Movement May Day Activities

	Thai Labour Solidarity Committee & State Enterprise Labour Relations Confederation	National Labour Day 2006 Organizing Committee
Slogan	<ul style="list-style-type: none"> Workers Solidarity Dismantling of Thaksinomics Political Reform Anti-Globalised Capitalism 	<ul style="list-style-type: none"> Workers' Unity Solidarity Among Thai People Long Live the King.
Budget	From donations and shared financial responsibility, in order to maintain the autonomous and independent position required of a genuine labour movement.	<ol style="list-style-type: none"> The Labour Welfare and Protection Department of the Ministry of Labour: 1.6 million baht Budget Approved by the Prime Minister and the Office of Social Security: 1.4 million baht, plus 1 million baht was allocated for the production of 20,000 T-Shirts for the occasion.
Venue & Location	March at 8am from the staging point of the Democracy Monument to stage a rally in front of Government House at 1100am. The rally included	The march started from the Royal Plaza at 1:30pm to the Phramen Ground, featuring representatives from 11 national labour centres and congresses.

	speeches and the announcement of a set of demands to the government. The colourful march was highlighted by banners and signs showing demands of labour federations and unions. The event finished at 1pm.	
Opening Ceremony	The organisers of this march decided not to invite the Prime Minister or any Ministers to participate in the event.	The official ceremony began at 4:30pm with the Minister of Labour (Mr. Somsak Tepsuthin) substituting for the Prime Minister, who failed to show up.
Demands	Selected demands for the genuine benefit of workers, and proposals for constitutional reform, social justice, and promotion and protection of civil liberties.	A 10-point set of demands, covering issues of amendments to election laws, labour laws, laws on compensation and social security law, as well as a call for proportional representation of labour leaders in the tripartite committee system. For the first time, a demand was made for a Committee, to be appointed by the Ministry of Labour, to follow-up on future action taken in regard to the demands submitted on May Day.

The 10-point demands of the National Labour Day 2006 Organizing Committee, submitted to the Minister of Labour at the official Labour Day celebration, were as follows:

1. A call for the Government to amend the *Labour Protection Act B.E. 2541* (1998), particularly Article 5 (3), so as to enable Contract Workers to enjoy the same rights and responsibilities as regularly employed workers;
2. A call for the Government to amend the *Social Security Act B.E. 2533* (1990), Article 39, so that an insured person contributes only one portion to the Social Security Fund while any insured person already entitled to old age benefit shall continue to enjoy free medical benefit all his/her life;
3. A call for the Government to amend the *Workmen's Compensation Act B.E. 2537* (1994) Article 18 (1), so as to grant to victims of occupational accidents, requiring sick leave, due benefit of leave with full pay starting from the first day of sick leave;
4. A call for the Government to revoke the collection of income tax on all categories of welfare and/or benefits provided by employers, and to revoke any taxation on compensation given to workers by virtue of the *Labour Protection Act B.E. 2541* (1998);
5. A call for the Government to adjust wage scales in line with the rate of inflation in each province, and to impose proper price controls on consumer products deemed to be necessary to maintain life;
6. A call for the Government to establish an Institute of Occupational Health and Safety and Environment in Workplaces, as an autonomous or independent agency;
7. A call for the Government to adjust the proportions of representation of tripartite labour committees in Thailand, so as to ensure equal representation of workers, employers and the Government;
8. A call for the Government to ratify ILO core conventions, specifically Conventions No. 87 and 98;

9. A call for the Government to amend relevant legislation so as to permit workers, no matter where they work or what type of work they perform, to exercise their right to cast votes at their respective workplaces;

10. A call for the Government to appoint representatives to work with workers' representatives from 10 labour centres and congresses in order to follow up on the results of the demands submitted on May 1st 2006, with the appointment of the Director of the Labour Relations Office as the Secretary;

Meanwhile, the demands made by the Thai Labour Solidarity Committee and the State Enterprise Relations Confederation were not submitted directly to the Government, but presented at a Press Conference and distributed to the public on May Day. The proposals were laid out in 5 categories as follows:

(1) Proposals for Economic and Political Reform

1. Revocation of the minimum qualification requirement of candidates for election to the House of Representative and the Senate to be university graduates with Bachelor Degrees, on the grounds that this discriminates against the civil liberties of the majority of the people;
2. Amendments to the Constitution and electoral laws so that workers and eligible voters living or working outside their own registered constituencies can exercise their rights to vote for both Members of House of Representatives and the Senate in the constituencies where they currently live and work;
3. Amendment to Article 10 of the Constitution stipulating that parties must have a minimum of 5% votes for their party-list candidates to win a seat. This Article places new or small parties at a clear disadvantage vis-à-vis big parties. The minimum votes required must be reduced to only 3 % or 1%;
4. Genuine or bona-fide representatives of workers and all sectors of the population should have a full participatory role in determining each and every issue that is related to economic and political reform.

(2) Proposals for Achieving Social Justice

1. Adjustments to the tax structure to ensure fair collection by reducing or revoking the value-added tax (being an indirect tax) and increasing the rate for direct taxes (i.e. stock and share tax, income tax, property tax, asset tax, inheritance tax);
2. Revocation of the constitutional stipulation that free trade is part of the basic policy of the state;
3. Revocation of the privatization of state enterprises and a total ban on any sale and/or privatization of vital state enterprises providing public utilities and public services as stipulated in the Constitution. This would allow the use of state mechanisms to provide an adequate level of well-being for the Thai people;
4. Revocation of Free Trade Agreements;
5. Establishment of fair wages and hiring practices to ensure job security in line with international labour standards, to be adopted as part of the national policy approach and to be included in the Constitution.

(3) Proposals to Promote Civil Liberties

1. Revocation of certain limitation or exception clauses in the Constitution that could lead to possible violations or abuse of civil liberties;
2. Amendment of organic laws requiring any citizen petition to be endorsed by at least 5,000 signatures for a constitutional amendment according to Article 170 of the Constitution. The amendment should make it more convenient and practical for citizens to exercise their

constitutional rights, while enabling them to participate meaningfully in the legislative process based on their own initiatives;

3. Any attempt made by citizens to organize by virtue of Article 45 of the current Constitution must be duly protected and actively promoted by allocating adequate budget for citizen groups to organize freely and independently;

4. The contents of Articles 39, 40 and 41 of the current Constitution, that promote and guarantee freedom of expression and a free and independent media, must be put into practice earnestly and in full conformity with the spirit of the Constitution, alongside meaningful media reform.

(4) Demands Submitted on May Day 2005 Must Still Be Closely and Continuously Monitored

1. Demand for the Government to impose strict controls on the rising price of oil and consumer products. Thai people have been shouldering the high cost of living themselves. As a result, those employed in both the agricultural and industrial sectors (farmers and workers alike) have suffered from a constantly rising cost of living;

2. Demand for the Government to make necessary and fair adjustments to the current minimum wage, based on the international standards promoted by the ILO, at not less than 7,000 baht per month or 233 baht per day for civil servants. Workers in the private sector still earn much less than this wage, despite the fact that workers have equal value and dignity;

3. Demand for the Government to establish promptly an Independent Institute for the Protection of Occupational Health and Workplace Environment (IPOHWE) based on the legislative Draft proposed by the labour movement. The Institute should be an autonomous and independent organisation, administered by a quinti-partite structure (consisting of workers, employers, Government, experts and specialists, and occupational victim support groups), and the Workmen's Compensation Fund should be transferred to and then administered by the new IPOHWE;

4. Demand for the Government to ratify ILO Core Conventions 87 and 98, guaranteeing the Right to Organize and the Right to Collective Bargaining. This would ensure that the Thai government recognises the basic rights of all types or categories of workers in the country. In principle, all workers should be governed by the same labour legislation, without any untoward interventions from any state agencies. These fundamental labour rights should also be accorded to all migrant workers working in Thailand without discrimination;

5. Demand for the Government to withdraw the Government-sponsored draft Labour Protection Law from the Office of the Council of State due to the fact that this particular version, if approved and adopted, would provide serious legal loopholes for employers to engage in short-term hiring practice. In addition, it would also encourage widespread sub-contract and lump-sum wage hiring in workplaces;

6. Demand for the Government to submit the draft Labour Relations Act, sponsored by the labour movement, to due legislative process. This 'workers' version' of draft legislation has been stalled by the Government for more than 10 years;

7. Demand for the Government and the Office of Social Security to accelerate their joint efforts to amend defective social security law i.e. amending Article 39 of the *Social Security Act 2533* so that workers pay only one part of the contribution; extending labour protection to cover workers in informal sectors and agricultural workers also; and including better standard benefits to HIV-positive workers. Most importantly, workers should be allowed to participate in decision-making processes of the administration of the social security system at all levels, including each and every tripartite structure;

8. Demand to the Government that any bilateral or multilateral free trade treaty to be concluded with any country, affecting the livelihood of the people, society and the country as

a whole, must be subjected to public scrutiny and public criticism prior to making any commitment in line with the Constitution. At the same time, the Government shall revoke any laws regarding Special Economic Zones. Such laws clearly violate the civil liberties of the people, threatens national sovereignty, and threaten the social, economic, political, cultural and environmental future of the country;

9. Demand for the Government to accelerate its efforts to provide urgent assistance to workers directed affected by the tsunami tidal wave in the South, by allocating adequate emergency funds from the Social Security Fund for emergency loans to worker victims, while strictly and equally imposing legal provisions across the board;

10. Demand for the Government to support Pre-School Day Care Centre Programmes by providing adequate funds in targeted industrial zones and communities, with a participatory role for labour and community organizations in the administration of such programmes.

(5) Other Proposals:

1. An amendment to Chapter 8 of the Constitution (that focuses on the judiciary and justice systems) is required to establish an Election Court specifically mandated to adjudicate promptly any offence committed against election laws;

2. The proportion of Members of the House of Representatives (MPs) required to file a 'no confidence' motion should be reduced from 2/5 of the total number (or 200 votes) to only 1/4 (or 125 votes) to make it more realistic and practical to file a censure motion;

3. The processes and procedures for screening and selecting members of any 'autonomous' or 'independent and impartial' organization must be free and fair, ensuring that truly impartial and qualified individuals are selected. To achieve this, selection committees must be carefully screened with full and active participation of the people, or elected by the people or genuine people's organizations;

4. Urgent reform is needed to ensure that the Senate is truly a forum of highly qualified Senators representing all sectors and occupations in Thai society. It is vital that effective and efficient provisions be introduced to prevent any political party from having their own members selected and from exerting their influence on the Senate;

5. The Political Party Act must be amended so that each and every political party has a democratic structure that is transparent and free from any political influence. In addition, any donation in either cash or kind made to any political party must be limited to a stated amount to prevent financially influential quarters from gaining political influence over any party. Any conditions that lead to new and small parties being placed at a disadvantage and making it practically impossible for them to survive as viable parties must be revoked (i.e. requirements on the minimum number of political party branches and minimum number of party members etc.);

6. iTV (Independent TV Channel), being an significant and concrete fruit of the popular struggle against military dictatorship in the Bloody May 1992 Incident, must be maintained in the original spirit of serving as an independent TV station committed to straightforward, reliable and impartial news and other socially responsible programming.

Some Observations on 2006 May Day Activities

1. The 2006 May Day Rally was for the very first time presided over by the Minister of Labour at the Phramen Ground in the late afternoon instead of before noon. The opening was carefully timed after the workers' march and sit-in staged in front of the Government House were over, to avoid confrontation with morning marches in

- the opposite direction organized by the Thai Labour Solidarity Committee and the State Enterprise Relation Confederation;
2. It was the first time that the then Prime Minister of Thailand, Thaksin Shinawatra, personally approved a government budget to fund the May Day Rally held at the Phramen Ground. This generous gesture from the Prime Minister came after the Organizing Committee of that rally had paid a courtesy call to shower him with flowers at Government House amidst the increasing anti-Thaksin cries from many pro-democratic groups since March 1st 2006;
 3. Although separate rallies were held by two different labour movements in Thailand, four demands appeared to be in common:
 - a. Contributions from workers to the Social Security Fund under Article 39 must be reduced to only one portion;
 - b. Strict consumer price controls must be imposed on consumer goods deemed to be most essential to workers and the people at large;
 - c. The Government must ratify promptly ILO Core Conventions No. 87 and 98;
 - d. Workers throughout the country, regardless of where they work, must be entitled to exercise their voting right for both Members of the House of Representatives and Senators in the constituency where they work.
 4. The Thai Labour Solidarity Committee resolutely opposed any attempt by some official quarters or agencies to use any budget drawn from the Social Security Fund to buy T-shirts and hand them out at the rally staged at the Phramen Ground and other places, for their own agenda. The Committee deemed such practice to be a clear breach of the intent and purpose of the Social Security Fund, and stated that such funds should be used only to improve the benefits of the more than eight million insured workers under this scheme.
 5. This was the first time that the Minister of Labour appointed (in June 2006) a Committee which they publicly stated would monitor and follow up on the demands submitted on May Day 2006. This Committee was composed of 21 members with the Permanent Secretary of the Ministry of Labour serving as the *ex officio* Chairperson. Other members comprise the Directors-Generals of each Department of the Ministry of Labour, the President of every Labour Council or Labour Congress, and a senior official from the Office of Labour Relations serving as the *ex officio* Secretary of the Committee. If needed, the Committee would be able to invite representatives from concerned labour organizations to offer suggestions and advice, as well as to share facts and figures.

(4) The Thai Labour Movement's Health Scheme Reform Proposals



In 2006 the Council of Work and Environment Related Patient's Network of Thailand (WEPT) organized a public seminar to brainstorm and solicit ideas and comments from representatives of labour organizations, concerned NGOs and a wider patients network. Subsequently, a number of well-analysed proposals were compiled for the purpose of further mobilization and to articulate demands for serious reform on the administration of health care and better services to workers. The proposals were submitted to the Prime Minister on October 10th 2006. The key points of concern were as follows:

(A) Proposals to Deal With the Medical Diagnosis of Occupational Injury and Disease Cases

Short-term Measures

- 1) Recruitment of impartial physicians to diagnose occupational disease cases;
- 2) Any diagnostic authority should be organisationally separate from the supervising authority of the Workers Compensation Fund (currently the Office of Social Security);
- 3) Any physician authorized to diagnose occupational injury and disease cases must be required to identify specifically the exact cause of an illness or health problem.

Long-term Measures

- 4) Accelerated efforts to establish an Independent Institute for the Protection of Occupational Health and Workplace Environment (IPOHWE);
- 5) Adoption of government policy on and then prompt establishment of a special medical unit related to occupational health and safety, possibly named the Occupational Health and Workplace Environment Medical Unit (OHWEMU);
- 6) Publication of the Government declaration, issued in B.E. 2547 (2004), on Health Examinations for Worker, so that workers will be properly and accurately informed of medical benefits and be able to act accordingly;
- 7) Genuine and accelerated efforts to train and produce medical personnel adequately trained and qualified to serve as specialists in occupational health, safety and environment issues, to meet the urgent need and demand.

(B) Prompt Establishment of an Independent Institute for the Protection of Occupational Health and Workplace Environment (IPOHWE) by a Draft Bill Proposed to Parliament According to Due Legislative Process

(C) Proposals On the Public Health Administration of the Office of Social Security

1) *With respect to dental care and treatment*, standard coverage should be extended to provide free dental care and treatment from both government and private dental clinics available in local areas, where the workplace is located. The quality of dental care and treatment must be provided with professional efficiency and be clearly transparent and accessible to all. The dental clinic should be entitled to collect any expenses from the Office of Social Security directly.

2) *With respect to maternal leave and care:*

- a) In case of normal delivery, lump sum expenses should be increased from 6,000 to 12,000 baht per delivery;
- b) In case of special delivery with irregular symptoms detected on both mother and infant, the insured worker should be eligible to draw full coverage according to the actual expense incurred in each case.

Delivery in both cases means maternal benefits, which includes standardized medical service ranging from pre-delivery to post-delivery maternal care to infant care from the time of delivery to the discharge from the clinic or hospital. It must be made perfectly clear that such expenses be billed and collected directly from the Office of Social Security.

3) *In case of sick leave:*

- a) Insured Workers should not be classified or treated differently from other patients in general, recognizing fully that any insured worker is fully entitled to standard medical or maternal care and treatment on an equal basis, not lower than the standard care and treatment normally administered to regular out-patients;
- b) Insured workers should be fully entitled to standard pharmaceutical and medical products, both imported and locally produced;
- c) Any emergency case involving insured workers/patients registered for medical benefits in other areas should be entitled to adequate medical care and treatment from both government-run and private hospitals. The hospital shall bill the full expenses incurred without limit directly to the Office of Social Security;
- d) Emergency insured workers/patients registered at a hospital outside the area but admitted to another hospital (government-run or private) should be entitled to an extended period of at least 1 week longer than the required time-frame to notify the hospital where he/she is registered;
- e) There should be revocation of all current exemptions of illnesses from the Social Security System, entitling insured worker to receive standard medical examination, care and treatment without exception.

4) Public health and medical services administered by the Office of Social Security should be extended fully to workers in the informal sector, while the quality of medical care and service must be on a par with medical care and services provided to workers in the formal sector.

5) With respect to the administration of the Office of Social Security, genuine representatives of insured workers should have participatory roles in administration and decision-making processes of the Office at every level and procedure, as legitimate insured persons contributing to the Social Security Fund.

6) An interim financial assistance fund should be established so that insured workers can draw preliminary and legitimate compensation from the Social Security Fund pending proper diagnosis by a physician.

(5) Demands Submitted to the September 19th Coup Makers and Subsequent Provisional Government



On the evening of September 19th 2006 the Council for Democratic Reform with HM the King as the Head of State (CDRM or Koh Poh Koh in Thai abbreviation), comprising of Chiefs of the Army, Air Force, Navy and Police, under the leadership of Army Chief Gen. Sonthi Boonyaratkalin, staged a coup d'état to overthrow the Thaksin Shinawatra Government. The coup makers insisted that the following reasons justified the coup:

- 1) The Thaksin government had caused serious divisions among the population;
- 2) The Thaksin government was plagued with corrupt practices;
- 3) Many supposedly autonomous and independent agencies were heavily under the influence of the Thaksin government;
- 4) Certain conduct of Thaksin and his administration was seen as on the brink of committing a *Lese Majeste*.

The Junta publicly announced that they had never had any intention of

administering the country by themselves, and hence they would hand power back to the people as soon as possible.

Immediately after the coup, the Junta announced the termination of the 1997 Constitution, the functions of the Thaksin Shinawatra Cabinet, and also the functions of the Constitutional Court. In addition, the coup makers urged students to assume a participatory role in politics by sending their comments to the Secretariat Office of the Royal Thai Army. The military leaders asked workers and farmers to remain calm and peaceful, for they said such a situation would allow the Council for Democratic Reform with HM the King as the Head of State (CDRM) to find solutions to the country's problems and thus ease their sufferings.



The Junta immediately announced the imposition of martial law throughout Thailand, and strictly prohibited any political gatherings, activities and/or mobilization involving 5 or more persons. All political parties were banned from organizing meetings and carrying out political activities, and no new political parties could be established. Most threatening to the right to access to information was the administrative order issued by the

CDRM for the Ministry of Information Technology and Communications (MITC) to strictly control, intercept, block and destroy any attempt to disseminate information (by using information technology via any network of public communication system, be it in the form of articles, printed or verbal statements or any other forms) that may be deemed to negatively affect or undermine CDRM. An example of the use of these sweeping powers was the closure of the of the Midnight University which had disseminated critical comments on the military coup.

In the time between the military coup and the setting up of a new government with retired Gen. Surayuth Chulanont (Privy Councillor) appointed as Prime Minister, and also following this appointment, the Thai labour movement submitted demands to the CDRM and the junta-backed government. **The following organizations submitted the demands as outlined below:**

(A) The Thai Labour Solidarity Committee (TLSC) Demands

The Thai Labour Solidarity Committee issued public statements on September 22nd and October 3rd 2006. The Committee also submitted a series of demands to the Council for National Security (CNS), as summarized below:

1. Termination and revocation of all public announcements deemed to curtail rights and civil liberties of people [i.e. martial law, prohibition on any public gathering of more than 5 persons, and prohibition on the mobilisation of workers and farmers to express their plight and concerns]. These announcements contravened international human rights principles universally recognized by international organizations. The lifting of martial law would be a precondition to foster and enhance an atmosphere of national unity as publicly claimed to be the aim of the Council for National Security (CNS);⁴
2. Termination of strict controls imposed on and interfering with the mass media, enabling all media in the country to function freely, in full accordance with the right and freedom to monitor and scrutinize the administration under the Council for National Security (CNS);
3. The CNS must take appropriate action to scrutinize and expose any corrupt practices of the deposed government as a matter of urgency, and with transparency and fairness in accordance with the laws of the land;
4. Prompt promulgation of an interim constitution based on the key principles of the abrogated 1997 Constitution, and a start to drafting a new permanent Constitution with participation from all sectors of Thai society. This would enable a new general election for a new parliament as soon as was possible;
5. Any new Minister of Labour must be an expert who is well prepared to handle labour issues and with many years of active experience in working alongside the labour movement. The Committee proposed the following list of candidates for due consideration:
 - a) Mr. Somsak Kosaisook, senior trade unionist;
 - b) Assoc. Prof. Dr. Voravith Jareonlert, labour expert;
 - c) Assoc. Prof. Lae Dilok-Vidhayarat, labour expert;
 - d) Mr. Thapabutr Chomsevi, former deputy permanent secretary of the Ministry of Labour.

⁴ The Coup-makers originally called themselves CDRM, then CDR. With the interim constitution they renamed themselves as CNS.

6. To allow for more popular participation in the political process, while preventing Parliament from being monopolized and controlled by the Council for National Security (CNS). It was proposed that a legitimate proportion of representatives of workers and genuinely concerned NGOs should have a participatory role in the National Legislative Assembly (Parliament as appointed by the coup makers) and the National Assembly (the body later renamed the Constitutional Drafting Assembly). Representatives of workers in all professions should be given meaningful and determined roles in each step of the socio-political reform process;
7. The creation of social justice, through the following means:
 - a. Adjustment of the tax structure to achieve more fairness by reducing or eliminating value-added tax (as an indirect tax) to be correspondingly replaced by more direct taxes at progressive rates (i.e. stock and share tax, luxury tax, and inheritance tax);
 - b. Termination of any attempt to privatize any state enterprise, especially those providing public utilities, by clearly providing in the Constitution for a prohibition against selling or privatizing such enterprises. The government would then have the means to provide due welfare and better standards of living for the Thai people;
 - c. Termination of Free Trade agreements, both bilateral and multilateral, with any foreign counterpart, which have a direct impact on Thai people, Thai society and Thailand as a whole. It should be the responsibility of the Government to organize nationwide public hearings or referenda on such agreements so that the voice of people is heard and then taken into account;
 - d. The establishment of nationwide minimum wages and hiring practices that must be fair and enable workers to enjoy job security, while acting in full compliance with international labour standards;
8. Development in the quality of life, through the following means:
 - a) Strict price controls should be imposed by the Government on petrol and consumer goods. The Thai people have had to shoulder increases in the cost of living as a direct result of petrol price increases announced by the previous Government. Poor people working in the industrial sector, farmers and others throughout the country have suffered greatly from the high price of consumer products;
 - b) Prompt promulgation by the Government of overdue legislation on an independent Institute for the Protection of Occupational Health and Workplace Environment (IPOHWE). This establishment of this Institute should be based on the draft bill submitted by the labour movement, as an autonomous and independent organization with a quinti-partite structure. The Workmen's Compensation Fund should also be transferred so as to come under the supervision of this proposed Institute;
 - c) Prompt ratification by the Government of ILO Core Conventions No. 87 and No. 98. These conventions have been ratified by almost all other Governments in the world as a guarantee for all categories of workers employed in all sectors to enjoy internationally recognized standards of labour protection;
 - d) Submission by the Government to Parliament of the labour movement's Draft Labour Relations Bill for due consideration and deliberation;
 - e) Prompt amendment by the Government and the Office of Social Security of problematic social security legislation (i.e. Article 39 of the *Social Security Act 2533*). Insured workers should contribute only one portion of all contributions paid to the Social Security Fund. Labour protection should also be extended to those employed in informal and agricultural sectors;

- f) Government budgetary support for establishing Pre-School Child Care Centres in industrial areas and communities, and the promulgation of new laws which give labour organizations and relevant community organizations participatory roles in the administration of such centres.

(B) The State Enterprise Relations Confederation (SERC) Demands

The SERC submitted a 5-point demand to the Council for National Security (CNS) and Gen. Sonthi Boonyaratakalin on October 2nd 2006. The SERC called for overall reform to the administration of state enterprises as well as for a comprehensive review of government policy on free trade. The following were the key demands of the SERC:



1. Revocation of 11 laws known as “Treason Laws” which were promulgated when Thailand was facing an economic crisis;
2. A halt to all forms of privatization of state enterprises. This process was the direct result of the free trade policy propagated by an international capitalist system. The *State Enterprise Capital Act B.E. 2542 (1999)* privatized key state enterprises despite the fact that these vital enterprises were mandated to provide public utilities and services. Subsequently, public services have become more expensive, and this situation has caused a great deal of suffering among Thai people;
3. Urgent consideration of the methods used to recruit the Board of Directors of state enterprises. This consideration was necessary as the Directors of all state enterprises were political appointees, mandated by the relevant authorities to supervise and control their respective state enterprises. This was the reason why state enterprises in Thailand had not been developed as they should and had failed to respond to the needs of the people for efficient public services. There must be meaningful reconsideration of the methods for recruitment of the Board of Directors for state enterprises so they are composed of qualified individuals with some of the following credentials:
 - a) Civil servants in departments whose remit is related to the specific state enterprise;
 - b) Representatives of the people’s sector;
 - c) Representatives of the academic community and experts or specialists in the particular field of the state enterprise;
 - d) Representatives of labour unions in the particular state enterprise.

(C) The Democratic Trade Unions Alliance (DTUA) Demands

The DTUA submitted a 5-point demand to Prime Minister Gen. Surayuth Chulanont:

1. Restoration of democracy by returning power to the people and organizing a general election as soon as possible;
2. Immediate revocation of directives, administrative orders or legislation deemed to restrict the civil liberties of the people;
3. Use of the 1997 Constitution as the basis for drafting a new constitution, with necessary amendments on specific provisions that were deemed to have been conducive to the consolidation of power by parties close to the successive administrations, as well as to provisions deemed to allow interference in autonomous or independent agencies. If

successful, the constitution would strengthen the guarantee of civil liberties for the Thai people and therefore prevent any future military coup d'état;

4. Tackling of the pressing problems faced by workers during the period of administrative reform. In particular, the following two issues should be addressed :

- a) An increase in the Minimum Wage to 233 Baht per day, which would then be enough for one worker and two family members;
- b) An amendment to labour laws to revoke use of lump sum wage systems.

5. The Minister of Labour should be a qualified person who has an in-depth understanding of labour issues, and a person who is open to new ideas and suggestions including those submitted by labour organizations.

(D) The Council of Work and Environment Related Patient's Network of Thailand (WEPT) Demands

WEPT submitted an open letter to Prime Minister Gen. Surayuth Chulanont and the Council for National Security (CNS) on 10th October 2006. Demands related to health issues faced by workers and consisted of the following:

Proposed Short-Term Demands

1. Physicians recognized as being strictly impartial should be recruited to diagnose and medically adjudicate in cases of occupational injury and disease;
2. Any authority involved in diagnosis of occupational injury and disease cases should be separate from the authority supervising the Workmen's Compensation Fund (currently under the Office of Social Security);
3. Any physician who is involved in the diagnosis of occupational injury and disease cases should be required to specify fully whether or how injury or disease is related to work or a workplace;
4. Any rules or regulations that prevent workers from exercising their rights to proper medical diagnosis in cases of occupational injury or disease shall be amended or revoked.



Proposed Long-Term Demands

1. Accelerated efforts to establish an Institute for the Protection of Occupational Health and Workplace Environment;
2. Prompt formulation by the government of a policy to organise a medical unit specialized in Occupational Health, Safety and Environment;
3. Publication by the government of the 2004 Announcement on Health Examination of Workers in order to benefit workers in general and allow practical compliance;

4. Accelerated efforts to train qualified specialists in Occupational Safety, Health and Environment so that workers can directly benefit from having enough specialists to attend to their needs.

(6) Struggle Waged by the Gina Relations Labour Union: Lessons Learnt



Gina Form Bra Co. Ltd. was legally registered in 1985. Gina Labour Relations Union was then formally established in 1994 with approximately 1,000 rank and file members. The company was engaged in the manufacturing of women's underwear for export under brand names such as Victoria's Secret, Banana, and Calvin Klein, with a total workforce of 1,400 workers, about 80% of whom were women.

Around the beginning of July 2006 the Gina Labour Relations Union discovered that some of the machines used in production had been removed and transported to mainland China and Cambodia, resulting in some of the workers having no sewing machines to work with. As a result, some workers were ordered to repair some sewing machines and also to participate in a training project pending new assignment. During this time, workers were fully paid, without any overtime, but the employer had not officially terminated their employment.

On August 31st 2006, the Gina Labour Relations Union decided to submit a formal compliant to the Minister of Labour. They claimed that the representative of the company had failed to clarify the situation to the satisfaction of workers regarding efficient measures to address threats and pressing problems, including the serious impact on workers whose machines had been dismantled and shipped to China. This matter was also later brought to the attention of the Director of the Office of Labour Relations on September 1st 2006.

On September 4th 2006, the management of the Gina Form Bra Co. Ltd suddenly put up an announcement and informed workers through the public address system in the factory that the

company would terminate its business activities in Thailand permanently on October 31st 2006. The reason given was that business competition had been too fierce, while production orders had reduced considerably. The company said that all these conditions developed in a context of rising costs of production, transport and shipping, causing great loss to the company to the point that the management decided to close down its business in Thailand totally.

On September 6th 2006, the Minister of Labour (Mr. Somsak Dhepsuthin at the time) officially issued a Ministerial Announcement stating that the Company must stop removing any machines or transferring any of its assets until it was made clear that workers would receive due compensation and benefits in accordance with the *Labour Protection Act B.E. 2541* (1998) and the *Labour Relations Act B.E. 2518* (1975). Failure to comply with the said Ministerial Announcement would result in full legal actions being taken against the company. Later, the Secretary of the Minister of Labour subsequently informed the Commander of Bang Khen District Police Station of the said Ministerial Announcement, as well as the Director-General of the Customs Department, and the Director of the Port Authority of Thailand, seeking their cooperation in preventing any attempt on the part of Gina Form Bra Co. Ltd. to export or ship any assets out of the Kingdom.



In addition, the Gina Labour Relations Union filed a formal complaint to the National Human Rights Commission (NHRC). Subsequently, the Labour Rights Sub-Committee of the NHRC took up the complaint as an urgent case on September 18th 2006. The process involved

the participation of representatives of the Minister of Labour, the Director of the Office of Labour Protection and Welfare, the local Office of Labour Protection and Welfare, the local Office of Social Security, and representatives from Gina Form Bra Co. Ltd and Gina Labour Relations Union. As a result of joint consultations, the case proceeded as follows:

1. The Ministry of Labour was requested to appoint a Tripartite Taskforce to resolve the labour dispute between Gina Form Bra Co. Ltd. and the Gina Labour Relations Union and to file progress reports to the Labour Rights Sub-Committee of the NHRC for proper acknowledgement;
2. The management of Gina Form Bra Co. Ltd. was requested to make necessary corrections to its official announcement by clarifying that the company would pay extra or additional compensation or full benefits in accordance with all labour laws, and not only remunerations and compensation by virtue of the *Labour Protection Act 2541*;

3. The management of Gina Form Bra Co. Ltd. was requested to arrange for adequate assets or for cash transfers into a verifiable bank account, equal to the total compensation and living allowances to be paid to all workers as a viable guarantee to workers;
4. Proper and accurate verification must be undertaken of the exact number of workers which Gina Form Bro Co. Ltd. had notified to the labour union, because this number did not match the number of workers as registered with the Office of Social Security. The properly verified numbers would be the basis for the calculation of compensations, and therefore all parties concerned must cross-check and verify the figures;
5. As regards financial assistance granted to terminated workers, in addition to benefits provided by virtue of the *Labour Protection Act 2541*, the *Labour Relations Act 2518* and the *Social Security Act 2533*, the Gina Labour Relations Union was requested to propose appropriate additional sums for further discussion with the Company.

Protest Organized to Safeguard Labour Rights

After Gina Form Bra Co Ltd. announced that it would permanently close down its business in Thailand from October B.E. 2549 (2006) onwards, more than 500 rank and file members of the Gina Labour Relations Union travelled to Government House and submitted a formal complaint to Prime Minister Thaksin Shinawatra on September 7th 2006, calling for the Premier to accelerate a problem-solving process as follows:

1. An urgent investigation was needed to verify if Gina Form Bra Co. Ltd. was actually in the process of relocating production from the Kingdom of Thailand, or if this was only a smoke screen to undermine or sabotage the labour union there;
2. A request that the company place an adequate deposit with the Ministry of Labour as collateral to ensure that workers would receive due benefit and compensation as entitled to by virtue of labour laws and according to the hiring conditions both parties had mutually agreed to;
3. A call for the Prime Minister to issue an *Executive Order* to stop any attempt by Gina Form Bra Co. Ltd. to remove and ship production machines out of the Kingdom of Thailand;
4. A call for the establishment of a Lay-Off Assistance Fund or Employment Termination Assistance Fund for the benefit of workers;
5. A call for a systematic integration of labour laws on termination of employment, so that the drawing of any due compensation and benefit could be much less time-consuming, prompt and fair.

After the September 19th Military Coup D'état, the labour movement in Thailand continued to formulate workable plans to address this particular case, despite the oppressive situation under Marshall Law and particularly as a result of a strict ban on political gathering of more than 5 persons at a time being imposed by the Council of National Security. The Gina Labour Relations Union was the only one labour organization that dared to organize a labour dispute protest.

On October 8th, the Union led more than 500 of its rank and file members to stage a protest rally in front of the US Embassy in the heart of Bangkok. Later on October 13th and 24th, the protest was changed to a sit-in in front of the Ministry of Labour. Again, on October 26th, the Union went back to the US Embassy to vent their anger. Eventually, the Minister of Labour Mr. Arpai Chantana-Julaka gave an interview stating that he was prepared to summon all parties involved in this labour dispute to a meeting at the Ministry as he deemed this to be more appropriate than staging any protest in defiance of martial law. The Union also

meanwhile sent two of their representatives to voice their sentiment on the case to the Head Office of the company in Hong Kong, owned by Hong Kong Chinese investors.

As the result of a long and protracted struggle for more than 2 months, Gina Form Bra Co. Ltd. and the Gina Labour Relations Union finally reached a settlement on November 17th 2006 under which the Company agreed to pay to the Union an extra sum of compensation and benefit of US\$ 1.6m or the equivalent of about 58 million baht. This additional sum was subsequently distributed amongst the 1,327 workers, with additional benefits as demanded by workers.

Lessons Learnt From This Mobilisation

(A) This labour dispute was unprecedented in Thailand since a labour union proved capable of organizing labour in a highly pro-active way and taking a great number of initiatives. The success was noted when the Ministry of Labour decided to take up the complaint and eventually ordered the employer to stop dismantling production machines for shipment abroad. The attempt to relocate production facilities and other assets to another country was blocked by the Ministry of Labour in a timely fashion, pending clear proof that the affected workers would be paid due compensation and benefits according to labour laws. In addition, the workers, led by their union, were able to plan efficiently a demand for extra benefits in addition to the standard benefits granted by labour laws.

The complaint filed with the National Human Rights Commission was another well-considered strategic action by the Gina Labour Relations Union and its leadership, forcing the employers and management to come to the negotiation table to settle the labour dispute directly with the Union. Due credit must be given to the Labour Welfare and Protection Department and the Minister of Labour. This case where an employer agreed to pay extra compensation of 58 million baht for jobs and employment opportunity lost has been recorded as a high point in the history of labour relations in Thailand.

(B) The strength of the Gina Labour Relations Union and its commitment to wage a protracted fight, as demonstrated by the series of rallies and sit-ins under martial law and during the military junta's ban on gatherings of more than 5 people, proved to be successful and set an admirable example of self-determination under of the banner of 'dare to struggle, dare to win.' As a result, the struggle gained moral support from many quarters in Thai society, and eventually protesting workers won the fight and gained due benefits guaranteed by labour laws. The workers quickly reached a settlement without being manipulated or unjustifiably delayed in getting their lawful benefits.

(C) The historic victory of the workers of the Gina Labour Relations Union can clearly be attributed to the trade unionists resourcefulness in knowing how to take full advantage of vital mechanisms available to them. To demand social justice and efficiently obtain badly-needed support during the course of struggle, trade unionists needed to have the right data and reliable information (i.e. market conditions, facts and figures on relocation of production facilities to foreign countries, and the harsh reality faced by workers on the brink of being unemployed).

The most difficult task of the union was to know how to beat the strategies and tactics adopted by the management of the company, which tried to undermine the credibility of the union and its power to engage in collective bargaining. One concrete example was a sudden

change of hiring conditions in some parts of the employment contracts which the Company decided to announce to workers without prior warning or consultation with union officials or representatives. The company also tried to convince workers that they should resign voluntarily in order to draw compensation before the official factory closing date.

(D) The practice of relocating production facilities to other countries which offer lower labour costs and much less welfare and benefits to workers is a recurring phenomenon in recent years in the context of increasing globalization. Third World Governments are markedly weak and inefficient in providing adequate labour protection. Under these circumstances, lessons must be drawn and learned by genuinely committed labour organizations. The vanguard of labour movements must be more conscientious and well-prepared to collaborate with allies and sympathetic organizations. Such alliances can collectively seek and demand effective and efficient mechanisms to prevent problems most likely to arise from fly-by-night sweatshops and speculative, short-term foreign investment. These opportunistic companies proved to be most exploitative but least responsible in many countries. Such companies are ever ready to move their business to another country when faced with stiff resistance from workers, militant unions and hard collective bargaining. They very often claim falsely that the rising cost of production is the prime cause of the relocation of production facilities.



(7) Mobilization Against Unfair and Non-Transparent Management of the Social Security System



2006 was an active year for critical scrutiny of the administration of the Social Security Fund. Some Ministry of Labour bureaucrats and unscrupulous politicians collaborated on a number of questionable projects. These conspiracies were recognized as non-transparent, unjustified and/or not in full compliance with the

aims and objectives of the Social Security Fund. Under these circumstances, on a number of occasions the Thai Labour Solidarity Committee (TLSC) urged the Prime Minister and the Minister of Labour to promptly halt certain projects and/or to seriously scrutinize the administration of certain projects for possible malpractice or wrongdoing.

The TLSC approached the Law Society of Thailand to consider possible legal action to be filed with the Administrative Court, and petitioned the National Human Rights Commission to consider taking up the seven major cases highlighted below:



1. The approval of disbursement of 16 million baht from the Social Security Fund to a Discount Coupon Scheme for product promotion, from which insured workers never gained any benefit.
2. The approval of a one million baht budget from the Social Security Fund in support of the National Labour Day event, specifically for the procurement of 20,000 shirts, from which 8.5 million insured workers did not gain anything.
3. The approval of a total budget of 611 million baht from the Office of Social Security (500 million baht to buy the land and Watthajak building and 111 million baht for fitting it out), despite the fact that the original price of the property when purchased by the Legal Execution Bureau was only 129 million baht. This extremely lucrative deal was a clear case of private company amassing a huge profit of 260 million baht from the Office of Social Security.
4. A huge sum of 17,500 million baht from the Social Security Fund was invested in the

international stock market, specifically to buy 40 % of MFC (Thailand's first Mutual Fund Company) stock. MFC's authorised representatives were then assigned to join the management of the fund. The question raised was why other investors were not allowed to compete for and share the responsibility to minimize the risk of such a large investment. The crucial point of concern was how a return on the investment could be guaranteed, bearing in mind that such large investments in foreign countries always carry the risk of changes in exchange rates and interest rates. Worrying was the question of who could possibly guarantee the investment risk and who would be held responsible for any losses and how.

5. Acquisition of 3-4% of stocks and shares in Bank Thai Ltd. Concerns were in relation to whether the price was the same as originally offered and the criteria used to make such an important investment decision. Again, concern related to who would be held responsible for the risk involved in such an acquisition.

6. Possible serious mismanagement of budget from the Social Security Fund under the supervision of the Office of Social Security to acquire computers installed at the Ministry of Labour. There were strong suspicions of redundant procurement as well as of possible conflict of interest due to the high costs of the computers.

7. The unsound investment by the Office of Social Security of 486 million baht for the construction and establishment of Rehabilitation Centres for Workers in Chiang Mai in the North and in Khon Kaen in the Northeast. This budget was large enough to construct and establish the long overdue Institute for Occupational Health and Safety, as demanded by the labour movement, as part and parcel of an overall preventive scheme for systematic promotion of safety at workplaces. Such an Institute would have the most qualified physicians and specialists in OHS to provide professional services.



The Law Society of Thailand

On July 28th 2006, Mr. Dej-Udom Krairuek, President of the Law Society of Thailand, officially appointed the Taskforce for Legal Aid to Workers on Social Security Laws to provide legal aid for workers to scrutinize the actions taken by the Office of Social Security. This task force held two meetings on August 18th and September 5th 2006. The last in the

series of meetings was held on September 29th 2006 in close collaboration with the Sub-Committee on Worker Rights of the National Human Rights Commission, and adopted as its title 'Approaches to Promotion and Protection of Insured Workers by Virtue of the Social Security Law.'. Despite great efforts made, the Task Force had neither made any concrete progress on providing effective legal aid based on the existing Social Security Act, nor prosecuted any case in the Administrative Court on questionable uses of budget from the Social Security Fund in non-transparent ways. No case filed by the TLSC had been taken up.

As a result of the TLSC's call to the Minister of Labour for scrutiny of cases of possible non-transparent practices in the Office of Social Security, the Executive Meeting of the Office of Social Security decided on December 4th 2006, to appoint a Special Investigative Committee on alleged corrupt practices in the Office of Social Security in relation to seven areas, as listed below:

1. Acquisition of property and Watthajak Building (estimated value of 500 million baht);
2. Procurement Project for the Installation of a Computerized Labour Data and Information System (estimated value of 2.8 billion baht);
3. Approval of 16 million baht for the production of Discount Coupons as part of a shopping promotion scheme launched for the festive season;
4. Investment of an estimated 400 million baht for the construction of Rehabilitation Centres for Insured Workers in Chiang Mai and Khon Kaen provinces;
5. Highly speculative investment in MFC using workers' Social Security Fund and further other investments in a foreign country;
6. Problematic access to dental and maternal benefits for insured workers;
7. Official approval of budget in support of activities requested by workers and labour organizations. This had proven to be quite discriminatory due to favouritism and/or nepotism. Subsequently, the Permanent Secretary of the Ministry of Labour, Mr. Chutha-Thawach, was compelled to issue an urgent letter to the Governor of the Office of the Auditor-General (OAG) requesting him to accept cases of alleged corrupt practice concerning officials of the Ministry of Labour. It was deemed more appropriate to rely on the integrity of the OAG and its impartiality, expertise and professionalism.

The screening and appointment of members of the Special Investigative Committee was quite opaque in relation to the question of which agencies members might be recruited from and the degree of autonomy or independence of Scrutinizing Committee members. Close monitoring of developments was considered to be an imperative. The labour movement was concerned at the possibility that this process could conveniently be used as a smoke screen to cover up malpractices and also to dampen the feelings of dissatisfied workers and their unions. Worst still, the process could also function as a tool to slow down the process of penalizing any corrupt official or person implicated in such wrongdoing.

(8) The Thai Labour Movement's Demand for Minimum Wage Adjustment: Calls for a Nationwide Minimum Wage of 233 Baht



Regarding this year's minimum wage adjustment, there were two different proposals that should be discussed:

1. The 2006 National Labour Day Organising Committee submitted proposals to the Minister of Labour (Mr. Somsak Dhepsuthin) at the Phramen Ground urging the Government to adjust the minimum wage at a rate corresponding to the inflation rate of each province;
2. The Thai Labour Solidarity Committee (TLSC) and the State Enterprise Relations Confederation (SERC) have submitted proposals to the Minister of Labour since 2005 calling on the Government to adjust the minimum wage. This adjustment should be based on International Labour Standards promoted by the International Labour Organization (ILO) and be no less than the minimum salary of civil servants at approximately 7,000 baht per month or 233 baht per day. Such a change would signify human dignity on an equal basis.

On July 31st 2006 the TLSC formally submitted its letter of concern urging the Minister of Labour to instigate a prompt and serious review of the minimum wage adjustment system based on the decision of the Central Wage Committee to adjust minimum wage scales only in some provinces without adjusting the minimum wage for Bangkok and its vicinity. Meanwhile, the Director of the Clustered Work Group on Income Scheme Development and Minimum Wage in the Ministry of Labour stated that the conceptual framework for wage

scale adjustment was based on proposals by the respective Wage Sub-Committee of each province as to whether or not to make any adjustment. However, the Central Wage Committee did not agree with this conceptual framework because the minimum wage had just been increased. In a bilateral agreement entered into between representatives of employers and workers, some worker representatives unilaterally and voluntarily stated their position as follows: ‘Since the minimum wage had recently been adjusted, it was decided that there would not be any wage adjustment for workers employed in Bangkok and vicinity.’

The demand for a minimum wage adjustment to 233 baht per day (currently at 184 baht per day for Bangkok and vicinity) failed to be accepted because the demand was not in line with the current conceptual framework on minimum wage scales. It is important to note that the labour leaders on Minimum Wage Committees both at national and provincial levels were heavily influenced by concerned government agencies and employers. This power structure was markedly different from that governing the wage or salary scale adjustment in the public sector bureaucracy, where the Minister could always exercise his/her discretion in promoting or demoting anyone under his supervision. This situation was more apparent when one single political party won a majority of the seats in the lower House of Parliament, so that any decision could be made in a much speedier manner, claiming the mandate of the people without due regard for right or wrong.

The minimum wage adjustment in 2006 was also directly influenced by the rise oil prices since the beginning of the year, causing a continuous rise in the cost of living, together with the supporting view expressed by the then Minister of Labour, Mr. Somsak Dhepsuthin, who publicly disagreed with a minimum wage adjustment in only 35 provinces. Consequently, the National Wage Committee had to promptly review its decision and decided to raise the minimum wage nationwide by between 3 and 8 baht per day effective on January 1st 2007, as illustrated by the chart below:



No.	Provinces	Minimum Wage (2006)	Minimum Wage (2007)	Increase (baht)
1	Bangkok / Nakhon Pathom / Nonthaburi / Pathum Thani / Samut Prakan / Samut Sakhon	184	191	+7
2	Phuket	181	186	+5
3	Chonburi	166	172	+6
4	Saraburi	163	168	+5
5	Nakhon Ratchasima	158	162	+4
6	Rayong	155	161	+6
7	Chachoengsao	153	160	+7
8	Phra Nakhon Sri-Ayutthaya / Ranong	155	160	+5
9	Chiang Mai / Phang-nga	155	159	+4
10	Krabi	151	156	+5
11	Phetchaburi	150	156	+5
12	Kanchanaburi / Lopburi	151	155	+4
13	Chanthaburi	150	155	+5
14	Ratburi / Sra Kaew	147	154	+7
15	Samut Songkhram	150	154	+4
16	Prachuab-Kiri Khan / Prachinburi / Singburi	147	152	+5
17	Trang / Ang Thong	148	152	+4
18	Songkhla	144	152	+8
19	Loei	144	150	+6
20	Udon Thani	145	150	+5
21	Chumphon / Trat / Lampang / Lamphun / Sukhothai / Suphanburi	145	152	+7
22	Kalasin / Khon Kaen / Nakhon Phanom / Nakhon Sri Thammarat / Narathiwat / Buriram / Pattani / Yala / Satun / Nong Khai	144	148	+4
23	Kamphaeng Phet / Tak / Nakhon Nayok / Nakhon Sawan / Patthalung / Phitsanulok / Phetchabun / Surat Thani / Uttaradit	143	147	+4
24	Chainat / Chaiyaphum / Chiang Rai / Mahasarakham / Mukdahan / Yasothon / Roi Et / Sisaket / Sakon Nakhon / Nong Bua Lamphu / Uthai Thani	142	146	+4
25	Phichit / Mae Hong Son / Surin / Ubon Ratchathani / Amnat Charoen	141	145	+4
26	Phayao / Phrae	140	144	+4
27	Nan	140	143	+3

Some Observations on the 2007 Minimum Wage Adjustment

(A) 2007 was the first time since 1997 that the minimum wage was increased seven baht per day for workers employed in Bangkok and it's vicinity. Prior to this, the minimum wage rise was only three to five baht per day;

(B) The data in the above chart indicates that the minimum wage adjustment was different among 27 groups of provinces, and 13 single provinces, namely Phuket, Chonburi, Saraburi, Nakhon Ratchasima, Rayong, Chachoengsao, Krabi, Phetchaburi, Chanthaburi, Songkhla, Loei, Udon Thani and Nan. By comparison, the minimum wage adjustment in 2006 was different for 17 groups of provinces and only 5 single provinces, namely Phuket, Chonburi, Saraburi, Nakhon Ratchasima, and Chachoengsao;

(C) It was the very first time that Songkhla province had a higher minimum wage adjustment than any province in the country, including Bangkok and it's vicinity.

(9) Demand for Meaningful Labour Movement Participation in Political Reform: The Second Round of the Struggle



Thai labour history reveals that genuine political reform first occurred after the 1992 Bloody May Massacre, leading to the establishment of the historic Constitution Drafting Assembly (CDA) entrusted with the task of drafting the Constitution of the Kingdom of Thailand promulgated on October 11th 1997. Historically, this Constitution was hailed as the People's Constitution, for the drafting itself involved nationwide popular participation from citizen groups of all sectors. It was in fact the most representational Constitution and had extensive provisions promoting civil liberty in the most comprehensive ways. In addition, many 'autonomous' agencies or 'independent' organizations were given the mandate to scrutinize the exercise of government authority within the bureaucracy. For the first time the Constitution clearly stipulated the electoral system for the voters to cast votes both for Members of the House through party lists and by constituency, and for Members of the Senate.

Certain limitations to the 1997 Constitution have become apparent however. Some limitations stemmed from different interpretations of the provisions whilst some were not complementary to the spirit of the Charter. When the military junta staged a coup d'état on September 19th 2006, the 'People's Constitution' was torn up to be replaced by the (*Provisional*) 2006 *Constitution of the Kingdom of Thailand*, promulgated on October 1st 2006.

An attempt to draft a new Constitution is being made during 2007. Given these new circumstances, the Thai Labour Solidarity Committee (TLSC) joined with the State Enterprise Labour Relations Confederation (SELRC), the American Committee for International Labour Solidarity (ACILS) and Friedrich Eibert Stiftung (FES) in organising a workshop entitled:

‘Workers and the 2nd Round of Political Reform.’ The workshop took place on December 3rd 2006 and was attended by approximately 60 representatives from many committed labour organizations, concerned NGOs and others involved in related issues. It proved to be a viable forum for sharing ideas and comments solicited from grouped participants. The content of discussions can be summarized as follows:



Group 1: Notes on Failures at Attempted Political Reform

Acts Considered as Non-Compliant With or Contradictory To The Intent or Spirit of the Constitution and Affecting Workers and the Labour Movement

1. Human dignity and civil liberty shall be cherished and duly safeguarded (Articles 4, 26 and 28).

Failure: The state has failed to promote and protect the exercise of civil liberty, and is lacking any efficient mechanism or effective measure to accommodate problems arising from exercising civil liberty.

2. A person is entitled to freedom of assembly (Article 44).

Failure: The state exercised its power to obstruct and control the exercise of rights to freedom of assembly, rallies, demonstrations or protest marches by claiming that it constituted a violation of traffic laws or other laws.

3. A person is entitled to the right to organize (Article 45).

Failure: The state failed to ratify ILO Core Conventions Nos. 87 and 98 and also failed to render due support and to sanction the right to collective bargaining.

4. According to Article 76, the state shall promote and support popular participation in the formulation of Government policy.

Failure: So far, there has been no popular participation in the formulation of any policy or legislation governing labour or the exploitation of natural resources, e.g. privatization of state

enterprises, Free Trade Agreements, establishment of an Institute for Occupational Health & Safety and Environment in Workplaces and a number of other labour laws.

5. The state shall promote ready access to standard public health care and services (Article 82).

Failure: The government has failed to promote medical personnel specializing in Industrial Occupational Health, to ensure better quality of life with adequate OHS at the workplace, the protection of worker rights to get work-related sick leave, and adequate medical care and treatment (Article 82).



6. The state shall execute a fair distribution of income (Article 83).

Failure: The state has failed to set a fair and adequate minimum wage scheme for workers employed in the private sector which would give them an income at par with those employed as civil servants. This is deemed to contravene the principle cherished by ILO where one wage earner is capable of providing a livelihood for 3 members of his/her family.

7. The qualification requirements to become a Member of Parliament or Senator include a bachelors degree (Article 107 par. 3), and no less than 50,000 eligible voters are entitled to sign a petition proposing draft legislation to Parliament for deliberation.

Failure: These qualifications and conditions are deemed to curtail the rights and liberty of the people to serve as a representative, contravening Article 4 of the Constitution. Meanwhile, many restrictions and conditions are imposed on the exercise of the people's basic democratic rights to submit draft laws to Parliament (i.e. each signatory has to attach verified proof of identity such as signed copies of House Registrations and citizen ID cards (Article 170).

8. Gender Equality (Article 30).

Failure: Employers and workplaces in general still set different retirement ages for males and females and require applicants to specify sex and marital status in application forms. This practice constitutes a clear discriminatory hiring practice.

Laws Affecting Workers Across the Board

1. The National Election Commission has proved to be incapable of ensuring a free and fair election nationwide;

2. 'Autonomous' or 'independent' agencies have proved to be ineffective due to several shortcomings and limitations. These shortcomings include the inability to address issues at hand, insufficient budget allocation, and failure to prosecute corrupt practices against election laws within the statute of limitations;

3. The decentralization of administrative power and authority to local government has been slow and implemented in an inefficient way;

4. Scrutiny and monitoring of the performance of the Prime Minister and other cabinet members was extremely difficult;

5. There was no effective legal mechanism to limit individual land ownership or any business entity so as to eliminate any monopoly of property or business;

6. The tax system is unfair in having legal loopholes which allow the rich to avoid taxes while the poor have to shoulder a greater burden. A case in point is the absence of inheritance tax to be collected from the rich;
7. Long-awaited educational reform was not implemented in a sincere and serious manner. Workers and people from all sectors should have equal, convenient and true access to education;
8. Labour laws were enforced in an unequal and unfair way with respect to migrant workers, irrespective of where they came from, and there was a failure to recognize and genuinely promote their rights to organize and to collective bargaining.



Group 2: Proposed 2nd Round of Political Reform

Proposals Related to the Constitution and Subordinate Laws

1. The Government must duly ratify ILO Core Conventions Nos. 87 and 98 to safeguard workers' rights to organize and to collective bargaining in line with international labour standards and practices, together with adequate budget earmarked specifically to support labour organizations in Thailand;
2. The Government must remove the current qualification requirements for candidates running for political office at all levels from local to national which currently require a minimum of a university bachelors degree;
3. Workers should be entitled to cast ballots in national elections in any constituency where they are employed, regardless of their permanent residence;
4. The Prime Minister should assume his/her post through direct election, whilst the Prime Minister and members of his/her cabinet should serve a maximum of 2 consecutive 4-year terms;
5. Parliamentary rules and procedures shall be simplified with regard to the right of citizen groups to propose their own bills to parliament;
6. Members of the House of Representatives may or may not be members of a political party;
7. Members of the Senate must be elected and represent all sectors and professions;
8. Motions for a House vote of non-confidence or in order to investigate any case of alleged corruption should require only the endorsement of a minimum of 25 MPs;
9. It is the duty of the Government to assume administration of state enterprises, thereby ensuring that public services are fair and extended across all sectors of the population;
10. The Government shall provide social welfare (i.e., public health services, education, employment and recruitment) to all people in an equitable way;
11. The Government shall enforce laws in an efficient and equitable way, without discrimination;
12. Any international agreement entered into by Government affecting the livelihood and/or well-being of the people (e.g. Free Trade Agreements, WTO Agreement) as well as any legislation on Special Economic Zones should strictly require the due approval of Parliament;
13. Legislation against coups d'état must be enacted where instigation or conspiracy to stage a coup shall face a sedition charge. This law shall not have a statute of limitation clause;
14. There should be revocation of the Martial Law Act B.E. 2547 (1914) and the limiting of the role of military to national defence only;

15. Provincial governors shall be elected by direct democratic elections;
16. Any citizen with and by their own initiative shall be entitled to file a case with the Constitutional Court if their rights are violated or their civil liberties infringed upon;
17. Any Prime Minister or head of a Government agency found guilty of abuse of power (e.g. having issued unjustified orders to slaughter citizens exercising their democratic rights) shall be brought to justice before an International Tribunal.

Labour Related Laws Proposed for Inclusion in the Constitution or Through Proclamation of Subordinate Laws

1. The Social Security Fund should be considered and managed as an independent fund free from the supervision of any Government agency, while the Social Security Committee shall be democratically elected from insured workers so as to contribute to the meaningful participation of insured workers at all levels of the administration of the Social Security Fund. The Government should also be required to contribute a sum to the Social Security Fund as equal to those sums contributed by workers and employers;
2. Any labour union should be free to engage in any political activity and union officials should likewise be allowed to serve and function as executives or officials of a political party;
3. A new department should be established specifically mandated to promote labour unions and union activities;
4. Workers should be entitled to a high rate of compensation in cases of dismissal to prevent malicious attempts by employers to dismiss or lay off any workers unfairly without having to pay due compensation;
5. The Government should promptly adjust the minimum wage scale equally nationwide, and in full compliance with ILO promoted international labour standards and practices;
6. The Government should meaningfully engage in a nationwide scheme to promote full employment and fair hiring practices, thereby making it possible for any worker to earn enough for themselves and their family;
7. The Government should meaningfully promote gender equality, and equal rights and opportunities should be protected. Women's rights should be respected by allowing women to participate with a minimum participation rate of 30% at all levels of policy making;
8. The Government should refrain from providing election campaign budget support to politicians, while allowing tax-paying citizens to make donations to politicians or political parties on a voluntary basis. Anyone wishing to make such contributions should be strictly required by law to provide details and particulars in a specifically designed 'Standard Contribution or Donation Form.'



Group 3: How Should Workers Participate in the Political Reform Process?

Participation in the 2006 Constitutional Drafting Council

1. An impartial body should be established to officially call for an assembly of qualified candidates to be screened and selected to serve in the Constitutional Drafting Council;
2. An organization or body should be mandated specifically to liaise with networks of concerned organizations and agencies to solicit points of concern, ideas and comments for eventual presentation to the Constitutional Drafting Council;
3. Well-formulated and analysed methods for candidate selection should be submitted to the Council of National Security (CNS) as a matter of urgency. To endorse such an attempt, labour organisations and concerned organizations should be mobilized to propose their own candidates;
4. To achieve the above objectives, labour organisations must be mobilized in full force on December 10th 2006, marking Constitution Day, to pressure the Government to heed the calls from the Thai labour movement.

Popular Participation in Constitution Drafting: A Parallel Attempt by the People's Sector and/or Civil Society

1. Public fora for workers should be organised in industrial zones and areas;
2. Mobilizing activities should be undertaken to encourage workers and people in general to share their opinions on a workers' version of a draft Constitution, in collaboration with various sectors of civil society;
3. Campaign marches should be organised to demonstrate workers' concerns and their determination to have the most people-friendly version of a Constitution. Appropriate but low-budget media should disseminate workers' voices and opinions via community radio programmes, printed media and leaflets.
4. There should be public proposals on establishing a form of People's Council for the purpose of soliciting ideas and opinions for the drafting of a people's constitution;
5. To accurately represent the voice of working people, workers' concerns should be solicited via their respective unions or organisations for effective liaison and coordination with clearly assigned focal points and coordinators for specific tasks and responsibilities.

It was decided that a Revised Proposal for a Political Reform Working Group (RPPRWG) should be tabled for consideration in January 2007, composed of the following nine members:

1. Ms. Wilaiwan Sae Tia, President of Thai Labour Solidarity Committee (TLSC);
2. Mr. Sawit Kaew-Wan, Deputy Secretary-General of the State Enterprises Relations Confederation (SERC);
3. Mr. Taweep Kanjanawong, President of the Thai Labour Museum Foundation (TLMF);
4. Mr. Udomsak Bupanimitr, President of the Council of Employee' Organizations of Thailand;
5. Mr. Jongrak Supholjitt, President of the Electrical and Electronic Appliances Federation of Thailand (EEAFT);
6. Mr. Charlie Loy-Soong, President of the Thailand Electric, Automotive and Metal Confederation (TEAM);
7. Mr. Boonsom Tawijitr, President of Area Coalition of Labour Unions in Saraburi and Vicinity (ACLU in SV);
8. Mr. Skoldej Silapong, Representative of The American Centre for International Labor Solidarity (ACILS)
9. Mr. Sakdina Chatrakul Na Ayudhaya, Representative of the Friedrich Ebert Stiftung (FES).

(10) Workers' Radio: People's Media Run By The Thai Labour Movement

Historic Inauguration in Thailand

The first-ever Workers' Radio was successfully established in 2006. This long-overdue project idea was conceived as part of a public demand for urgent and genuine media reform in the country. The idea emerged as an integral part of the people's movement in the run-up to the historic 'Black May' anti-military and democratic popular movement in 1992. As a result of great sacrifices made in the course of struggle, the military dictatorial regime was subsequently toppled and the 'People's Constitution' drafted. Although the fruits of this struggle have not yet produced a great deal of benefit to the poor working masses all over the country, the 1997 Constitution has stipulated that TV, radio and telecommunications wave lengths are in the public domain and shall be allocated and/or distributed and managed in a way that allows fair access by people and their organisations (representing all sectors). Subsequently, in 2001, some wave lengths were assigned to a number of community-based radio stations initiated and run by civil society. Historically speaking, this was an important phenomenon since it was the very first time that this powerful medium had become a meaningful tool for the people's sector and their concerned organisations.



This new and positive media development emerged from a situation where most media, of all sizes and forms, had long been in the hands of commercial powers, employers, the bureaucracy, the armed forces, the police and Government agencies, and with the Public Relations Department serving as the official mouthpiece of successive Governments. Prior to this, workers never had a fair chance to make their grievances heard through radio and TV, although the printed media seemed to be more sympathetic to the cause of workers. As a result, pressing labour issues were rarely broadcast on the airwaves, despite a total workforce of 35 millions that is more than half of the whole population.

Against all odds, many in the labour movement initiated the idea that workers must have a voice of their own and run their own radio programmes to take full

advantage of this powerful media in the most efficient and meaningful way. Eventually, Workers' Radio started to broadcast on June 24th 2006 with a small budget allocated by the

State Railway Union. Mr. Somsak Kosaisuk, a senior trade unionist, served as the first director of the radio station.

Currently, Workers' Radio broadcasts daily programmes from 0600 – 2200 hours on FM 98.25 megahertz, covering more than 60 % of greater Bangkok (including the industrial belt of Nonthaburi, Pathum Thani and Nakhon Pathom). Many labour organizations have contributed to overall efforts to make programme content most responsive to the needs of the working masses. With a variety of relevant content and approaches, Workers' Radio has offered news and perspectives from the workers' point of view on the current labour situation (mostly the local situation at this point of development), as well as news updates and some entertainment.

Some key programmes include:

- “Daily News Analysis” by Mr. Savit Kaew-Wan, Secretary of the Thai Labour Solidarity Committee;
- “Labour Laws We Must Know in Concrete and Simple Terms” by Mr. Somsak Kosaisuk, senior trade unionist;
- “Voice of Women Workers” by Ms. Saneh Hongthong, Thai Labour Campaign;
- “A Chat with the Thai Labour Solidarity Committee” by Ms. Wilaiwan Sae Tia, President of the Thai Labour Solidarity Committee;
- “Conversation with OHS Patients” by Ms. Somboon Sikamdokkhae, President of the Council of Work and Environment Related Patient's Network of Thailand;
- “Music & Songs – Workers' Culture” by Mr. Vichai Nara-Paiboon and members of the labour movement band ‘Paradorn’;
- “Labour History Revisited with the Thai Labour Museum” by Mr. Sakdina Chatrakul na Ayudhya;
- “World Labour Updates” by invited or selected academics;
- “Labour Hot Line”; and
- “Union Co-ops.”

To make the radio and its programmes most meaningful to workers, concerned and committed labour unions may contribute both in cash and in kind, including able staff to make the programmes more attractive to workers and a general audience. Ideally, it must serve as the true and genuine voice of the working people. The staff at the radio station also welcome sincere comments and contributions for the benefit of workers (they can be contacted on 02-537-0255).

(11) Demands for the Protection of Migrant Workers' Rights

On December 18th B.E.2549 (2006), the Thai Labour Solidarity Committee (TLSC) organized a campaign march to Government House and the Ministry of Labour to mark International Migrants Day. TLSC representatives and allies formally urged the Thai Government to extend labour protection to migrant workers in a more serious manner than had previously been the case. Currently, most migrant workers in Thailand are from the three neighbouring countries of Myanmar (Burma), Laos and Cambodia. In general, they work as labourers or in labour-intensive work, and constitute a workforce that is the most neglected and exploited. Migrant workers are also routinely denied adequate access to minimum standards of labour protection and social welfare.

Frequently, migrant workers face a variety of pressing problems that include:

- No clear legal status;
- Lack of basic knowledge on Thai labour laws;
- Cheating on wages (even when earning below the minimum wage levels);
- Working longer hours than regular workers; and
- Very limited or no legal access to health care and services.

This poor situation of migrant workers in Thailand has a subsequent impact on Thai society as a whole.

In fact, migrant workers are fully entitled to basic minimum rights which should be accorded to them both as human beings and as workers. One of the main causes of their suffering is the lack of awareness of their rights as workers under the law. At the same time, legal mechanisms for the protection of migrant workers are not in place, or not easily accessible, due to the language barrier between Government officials and migrant workers, their inadequately defined legal status, and a general lack of due regard to migrant workers' basic rights. In addition, the present failure of migrant workers to organise collectively to gain a stronger bargaining position within the framework of labour relations is also a major obstacle to their gaining due recognition. Adding to these obstacles is a generally negative attitude towards migrant workers by Thai society at large. Given all these challenges faced by migrant workers in Thailand, they have inevitably been subject to inhumane exploitation and violation of various workers' rights. This grave situation is likely to worsen if nothing meaningful and effective is done to deal with these challenges.

Current Challenges and Issues Relating to Migrant Workers

1. Deficiencies in the System for Registering Migrant Workers and Issuing Them With Work Permits

There are important deficiencies in the system for registering migrant workers and issuing them work permits. Despite some earnest attempts by the Thai Government to address this issue by a policy of registering all migrant workers for a number of years now, the competent agency faces a decreasing number of migrant workers seeking extensions for their work permits. The obvious reasons for falling registration rates are as follows:

- Migrant workers are not adequately informed of their rights and obligations regarding registration, since the targets of information or public relations provided by Government

agencies are mostly employers. Even when information is provided, the materials are all published in the Thai language, while very little information is disseminated in the languages of migrant workers;

- Migrant workers have found the registration process too complicated and the timeframe too short, resulting in poor or incomplete understanding of the procedures by both migrant workers and employers and subsequent failure to register in time;
- Some migrant workers change their place of employment or employer without properly informing the authorities or officially changing their employment status data. This is due to the common practice of employers holding vital documents and work permits. Very often employers themselves do not inform competent officials about such changes. The situation becomes more confused when different officials or employment offices adopt different procedures or practices. As a result, registered migrant workers find the whole system confusing and are unable to extend their work permits;
- A high turnover rate is found in many enterprises that employ migrant workers, while the system for the registering of migrant workers is too rigid and not adaptable to such a situation. As a result, many migrant workers are not able to register changes to their employment status and this then results in illegal hiring practices;
- Migrant workers have to shoulder high costs or expenses in Thailand as they are compelled to pay all the expenses incurred in employment which are then frequently deducted from their monthly wages by their employers.

2. Problems in the Hiring Process and With Welfare Systems for Migrant Workers.

The problems faced by migrant workers in this regard are as follows:

- Migrant workers often do not receive the legal minimum wage or overtime rates, and nor are their working hours and working conditions as is required by Thai labour laws. Many migrant workers are forced to work more than eight hours a day but still earn less than the legal minimum wage and often do not receive overtime pay;
- Many employers have adopted the practice of seizing worker permits or any other form of identification of migrant workers in their employment as a form of guarantee or security. This places migrant workers in difficult situations if they are arrested outside the workplace or try to access public health services;
- Migrant workers are often subject to various forms of abuse (physical, emotional, psychological, and even sexual) within the confines of their workplace. However, they are not in any position to seek redress or access labour protection mechanisms;
- It is often difficult for migrant workers to change their employer or workplace due to complicated legal procedures and/or bureaucratic processes. With limited employment choices, they are forced to toil for one employer regardless of the level of exploitation or their inhumane working conditions. The alternative is to find employment elsewhere although it is illegal and there is no general access to labour protection;
- Migrant workers are not able to organise to form their own labour unions. They cannot therefore effectively address the pressing problems and issues they face or conduct effective and formal negotiations with employers with this limited legal framework;
- Migrant workers are almost always subject to automatic pay deductions for all sorts of questionable reasons (i.e. welfare, tools, protective gears) without any means to complain or to refuse such systematic exploitation

3. Labour Rights Protection and the Justice System

The following are some of the challenges faced by migrant workers in this regard:

- Current complaint procedures for labour rights protection under relevant labour laws allow limited access for migrant workers. This is due to the fact that migrant workers face complicated communication channels, language barriers and, most importantly, prevailing prejudices and negative attitudes towards them;
- The current labour protection process consumes too much time whilst the deportation process is quick. By law, migrant workers are given only one week to exercise their right to change jobs or to be hired by a new employer. This situation inevitably creates more and more labour disputes. Meanwhile, migrant workers are often deported promptly without enough time or opportunity to access to any labour protection mechanism available under various labour laws;
- The current Labour Court system does not provide qualified interpreters to assist migrant workers. This denies such workers a chance of a fair trial when accused of or claiming violations of labour laws.

4. Migrant Worker Policies and the Nationality Verification Process

Current, there is no clear long-term policy on migrant workers and no 'Master Plan' for dealing with the issue. Whatever policy is being implemented now is not particularly relevant to the influx of migrant workers from neighbouring countries. Policies adopted and implemented so far by the Government lack a labour rights protection dimension for migrant workers because greater emphasis is placed on issues of national security and the demand for cheap migrant labour. This results in an obvious lack of well-defined, properly formulated guidelines for effective labour protection. Practical guidelines have never materialised.

At a policy level, there has been no serious attempt to legalise migrant workers by creating efficient mechanism to verify their nationality or country of origin. Migrant workers from Myanmar (Burma) face particular problems that result from the fact that various minority groups in Myanmar (Burma) are waging independence struggles. These political factors contribute to the complexity of such issues. Policies affecting migrant workers have also been formulated and adopted without adequate participation from all concerned groups and organisations genuinely representing the voices of migrant workers, as well without the participation of those organisations who generally have focused just on Thai workers.

5. Occupational Health and Safety

Most migrant workers have been hired to work in the most oppressive and hazardous conditions, resulting in frequent cases of undocumented or unreported injuries, deaths and chronic health conditions.

6. Housing and Accommodation

A pressing problem faced by migrant workers is their lack of adequate accommodation. Migrant workers generally do not have a real choice in what work they do, and thus inevitably end up in substandard living quarters also. In some cases, national security officials have viewed this situation through a national policy lens, in which migrant workers are to be confined to the compound of their workplace. This leads to a worse situation for workers because their movements are strictly controlled or restricted by their employer. This creates more pressure on migrant workers, making particularly young female migrant workers vulnerable as targets for sexual abuse or physical violence.

Thai Labour Solidarity Committee Recommendations Related to Migrant Workers

Recommendations on the Registration of Migrant Workers

1. Any policy on the registration of migrant workers must be relevant to the actual situation and conditions in which they work and live. Migrant registration should therefore be open throughout the year so as to be responsive to changes of employment and workplace, and the increasing demand for migrant workers;
2. Concerned Government agencies (i.e. Employment Offices under the Ministry of Labour) should serve as a go-between between employers and workers in the form of Recruitment Centres for Migrant Workers. Under this arrangement, migrant workers could register directly with the Employment Office and proper employment contracts could also be negotiated and concluded at such offices. This proposal, if adopted, could fill the gap (or loophole) where employers are currently required to take workers to report and register legally. Under these circumstances, migrant workers are at the mercy of the employers as they depend on them to take them to report and register. Migrant workers currently have no choice but to comply with whatever their employers say and do. If employers manage to avoid this registration process, migrant workers become virtually a 'piece of property.' This proposed new system could also do away with the lucrative system of labour recruitment agents which involves a deep-rooted corrupt practice in the local labour market where migrant workers are especially easy victims;
3. The guarantee or collateral system should be abolished as it is intended to undermine the bargaining position of migrant workers, their access to labour protection mechanisms, as well as to deny them human dignity. This practice grants employers a discretionary controlling power over migrant workers that renders them powerless subjects under employers' complete control;
4. The expenses incurred in applying for a migrant work permit should be imposed on employers. This could remove the prevalent unfair deduction system where these costs are deducted from the wages of migrant workers;
5. Any relevant documents or materials produced for dissemination among migrant workers should be in foreign languages to ensure that migrant workers can properly and accurately understand their content (in particular requirements for applying for work permits or for proper registration). In addition, qualified interpreters or translators should be provided where necessary to aid migrant workers involvement in consultation or assistance procedures.



Recommendations on the Hiring Process and Welfare/Fringe Benefit Systems for Migrant Workers

1. There must be efficient labour protection mechanisms to which migrant workers can gain easy access, as provided for in accordance with Thai labour laws. This should include the production and distribution of a Handbook on Labour Rights and Access to Complaint Mechanisms and the assignment of qualified interpreters and translators to migrant workers at the Office of Labour Protection;
2. Genuine efforts must be made to facilitate the participation of all concerned parties in safeguarding and protecting the labour rights of migrant workers. Such concerned parties include representatives of workers' communities, migrant workers themselves, labour-related NGOs, and Government agencies. 'Volunteers' recruited to promote and safeguard labour rights in target areas or communities is one mechanism that should be considered;
3. Clearly defined punitive measures must be introduced and enforced against the prevalent practice of employers seizing or confiscating the ID cards of migrant workers as collateral or guarantee;
4. There must be a newly designed social security system appropriate for providing due protection for migrant workers;
5. The current *Labour Relations Act 2518* should be amended to allow migrant workers to organise legally and form their own labour unions;
6. Migrant workers should be permitted to change employers if there is justifiable cause. If they are unjustly dismissed, they should be given a minimum period of one month to seek new employment or a new employer, based on the current labour situation.

Recommendations on Labour Rights Protection Procedures and the Justice System Relating to Migrant Workers

1. There should be appropriate mechanisms for migrant workers to file formal complaints or to voice grievances as part and parcel of safeguarding the rights of migrant workers under labour laws. For example, qualified interpreters or translators must be provided throughout entire complaint procedures, starting from the time of filing a formal complaint through to actual proceedings in labour courts. In addition, translated materials should be made available to migrant workers to foster accurate and adequate understanding of processes and procedures. Once a complaint is filed, there must also be an effective mechanism to protect workers so that they are not subject to untoward harassment or unfair dismissal during this complaint process;
2. In labour disputes and dispute-related dismissals or termination of employment, migrant workers should be given temporary permission to stay in Thailand pending a labour dispute ruling. When seeking a new employer, migrant workers should also be granted adequate time to comply with the required complaint procedures as well as labour protection mechanisms;
3. A prompt and systematic investigation or review of any case of possible deportation of migrant workers shall be introduced and put into practice. A migrant worker should be able to provide facts and figures on pending wages, compensation, or any other benefit due to them. This mechanism should be designed and implemented to prevent any untoward practice of avoiding payment due to migrant workers.

Recommendations on Migrant Worker Policy

1. A long-term Master Plan shall be formulated through a process of soliciting meaningful participation from all concerned parties to establish a set of clear guidelines for a long-term view of migrant worker issues;
2. There must be clearly defined policies and practices designed to provide protection for migrant workers as a platform to generate concrete and effective labour protection;

3. Procedures to verify the identity and nationality of migrant workers, especially those from Myanmar, should proceed with due consideration for all factors involved (i.e. the political situation and conditions in the country of origin). Such procedures should be subject to a prompt and systematic review that results in the most appropriate measures to address such issues;
4. To ensure that the certification of the status of migrant workers is based properly on international agreements allowing migrant workers to work legally in the country, a specially mandated Working Group should be established with meaningful and fair representation from migrant workers from Myanmar, Laos and Cambodia, the Thai labour movement, labour-related organizations, and migrant worker support groups and Government agencies. An effective proposal for verifying the nationality of migrant workers and endorsing their legal status should be formulated;
5. Meaningful and systematic attempts should be made to generate meaningful participation by labour representatives, labour organizations and other concerned parties in formulating migrant worker policy at all levels (i.e. through the participation of Thai trade unionists and migrant worker representatives working actively together as an authorized or mandated Committee dealing with migrant worker issues at these policy levels). This could ensure that any migrant worker policies adopted would reflect various perspectives and be most relevant to the existing situation faced by migrant workers.
6. The government should promptly revoke the Cabinet Resolution adopted on August B.E. 2542 (1999) on the repatriation or deportation of migrant woman workers to their countries of origin. In the case of pregnant migrant workers, such inhumane treatment clearly constitutes a violation of workers' rights and discrimination due to their pregnancy.

Recommendations on Standard Practices for Occupational Health and Safety (OHS) in Migrant Workplaces

For over two decades, Thailand has raised concerns about high risk, unhealthy and hazardous working conditions. It is now time for Thailand to get serious in addressing these problems. OHS practices need to be upgraded and standards raised, while competent Government agencies must demonstrate their political commitment to OHS by facilitating for situations which give the Thai labour movement and migrant workers the opportunities and fora for exchange of ideas and concerns aiming at raising the standards and practice of OHS in migrant workplaces.

Recommendations on the Rights of Migrant Workers to Adequate Accommodation

In principle, appropriate living quarters or adequate accommodation must be arranged or provided for migrant workers, especially in areas benefiting from the economic and social development to which migrant labour contributes both directly and indirectly. Measures must be initiated to ensure that adequate accommodation is arranged for migrant workers in their communities.

Recommendations on the Right to Work for Refugees

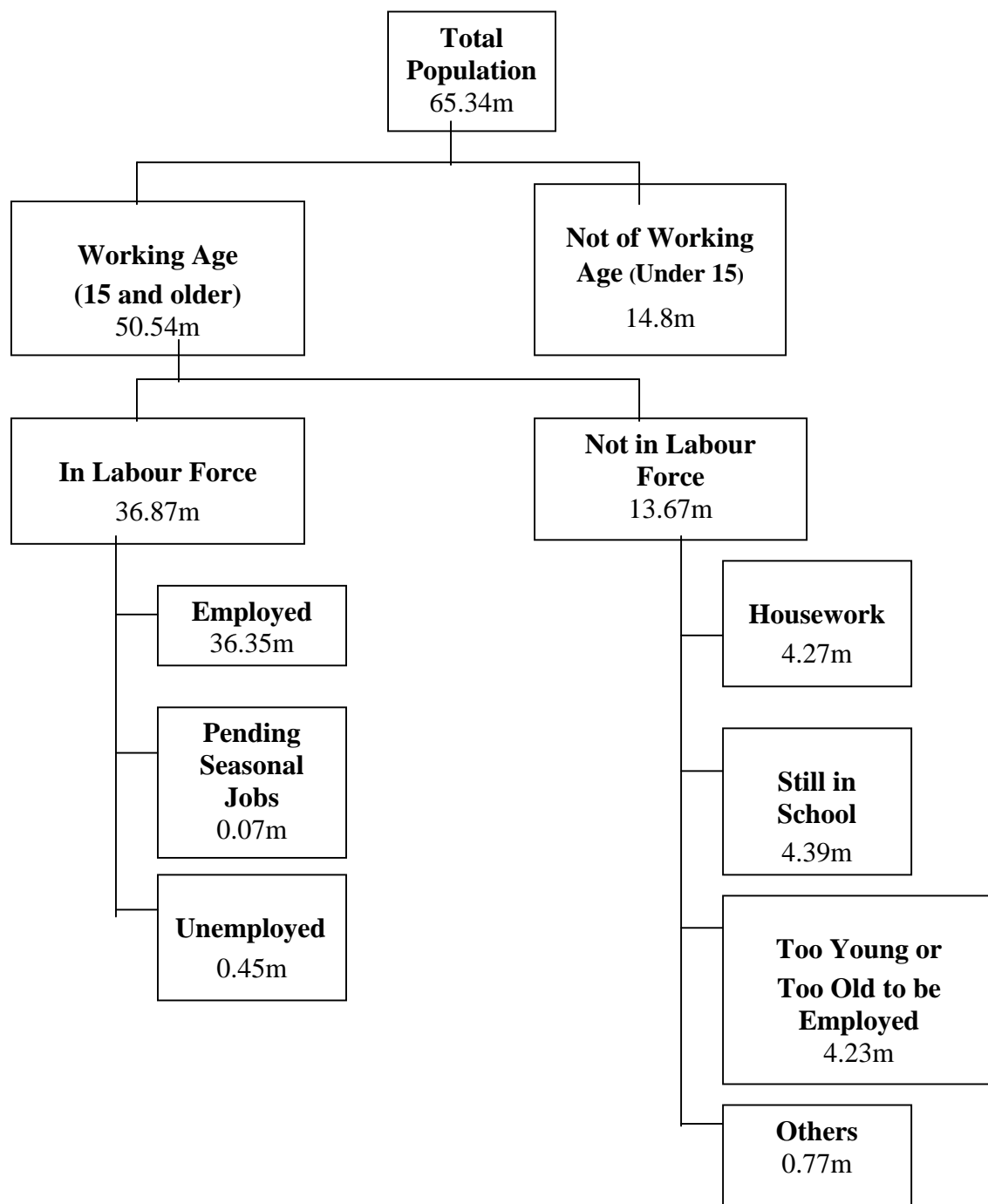
Currently, many refugees from Shan State in Myanmar (Burma) are in urgent need of humanitarian assistance from concerned organisations and agencies, both local and international. They are being targeted for involuntary repatriation, to face cruel treatment from the Burmese military junta. The immediate point of concern is that Shan refugees, especially women, should on humanitarian grounds be allowed to work in Thailand for their survival.

Section 2: Labour Statistics

The following statistics are outlined in this section:

- **Figure 1: Demographic Structure (3rd Quarter 2549 [2006])**
- **Table 1: Demographic Data by Gender and Labour Status (3rd Quarter 2549 [2006])**
- **Table 2: Number of Enterprises/Workers by Area (October 2549 [2006])**
- **Table 3: Top Five Industries Employing Casual Workers in 2006 (Basic Data)**
- **Table 4: Employment Classified by Type of Industry (3rd Quarter 2549 [2006])**
- **Table 5: Employment Classified by Types of Job and Gender (3rd Quarter 2549 [2006])**
- **Table 6: Workers Classified by Level of Education and Gender (3rd Quarter 2549 [2006])**
- **Table 7: Summary of Visa/Work Permit Extension, Bail, Proof of Nationality and Re-Import of Illegal Entries from Myanmar, Laos and Cambodia based on the Cabinet Decision Adopted on May 16th 2006 (October 2549 [2006])**
- **Table 8: Number of Workplaces and Insured Workers Registered With the Social Security Fund, Classified by Geographical Region and Size of Enterprise (3rd Quarter 2549 [2006])**
- **Table 9: Demands/Disputes/Conflicts Recorded (3rd Quarter 2549 [2006])**
- **Table 10: Organizations Concerned with Labour (October 31st 2549 [2006])**
- **Table 11: List of 11 Labour Councils, Presidents and Dates of Registration**
- **Table 12: List of Labour Representatives Serving on More Than Two Tripartite Committees**
- **Table 13: Labour Unions in Private Sector and Employers' Associations by Province (October 2549 [2006])**

Figure 1: Demographic Structure (3rd Quarter 2549 [2006])



Source: Office of National Statistics (Unit: Millions of People)

Table 1: Demographic Data by Gender and Labour Status (3rd Quarter 2549 [2006])

<i>Labour Status</i>	Male	Female	Total
Total Population	32.08	33.27	65.34
Aged 15 Years or Older (Working Age)	24.52	26.02	50.54
In Labour Force	19.92	16.94	36.87
⇒ Employed	19.64	16.71	36.35
⇒ Unemployed	0.26	0.19	0.45
⇒ Pending Seasonal Employment	0.03	0.04	0.07
Not in Labour Force	4.59	9.08	13.67
⇒ Housework	0.15	4.12	4.27
⇒ In School	3.08	2.31	4.39
⇒ Too Young or Old to be Employed	1.87	2.37	4.23
⇒ Others	0.49	0.28	0.77
Population Aged Under 15 Years	7.56	7.24	14.8
Ratio of Employment to Labour Force	98.54	98.6	98.58
Unemployment Rate	1.30	1.12	1.22

Source: National Statistics Office (Unit: Millions of People)

Remarks:

- Ratio of Employment to Labour Force = $\frac{\text{Employed} \times 100}{\text{Labour Force}}$
- Unemployment Rate = $\frac{\text{Unemployed} \times 100}{\text{Labour Force}}$

Table 2: Number of Enterprises/Workers by Area (October 2549 [2006])

<i>Area / Region</i>	No. of Enterprises (Places)	No. of Workers (Persons)
Nationwide	383,551	8,848,556
Bangkok Metropolis	165,707	3,211,570
5 Provinces (In Vicinity of Bangkok)	32,077	2,010,830
Central Region	56,586	1,849,048
Northern Region	38,014	576,633
Northeastern Region	50,039	618,914
Southern Region	41,128	581,561

Source: Department of Labour Protection and Welfare, Minister of Labour (November 1st 2006)

**Table 3: Top Five Industries Employing Casual Workers in 2549 [2006]
(Basic Date)**

<i>Type of Enterprise</i>	No. of Workers (Millions)	% of Workforce
Transport, Retail, Repair, Automotive	3.72	39.70
Hotels and Restaurants	1.7	18.18
Manufacturing	1.4	14.95
Construction	1.14	12.20
Logistics, Warehousing and Communications	0.54	5.76

Casually Employed: 21.8 m or 61.5 % of Total Employed Workforce

Mostly Employed in Agricultural Sector: 12.55 m or 57.5 % of Total Employed Workforce

Casually Employed Outside Agricultural Sector: 9.27 m or 42.5 % of Total Employed Workforce

Source: National Statistics Office

Table 4: Employment Classified by Type of Industry (3rd Quarter 2549 [2006])

<i>Type of Industry</i>	Male	Female	Total
Agricultural Sector	8,555.6	6,759.7	15,315.3
Agriculture, Hunting and Forestry	8,217.9	6,669.2	14,887.1
Fishery	337.7	90.5	428.2
Non-Agricultural Sector	11,082.6	9,946.6	21,029.2
Mining and Quarrying	42.6	12.0	54.5
Manufacturing	2,479.6	2,827.0	5,306.6
Electricity, Natural Gas and Water Works	85.0	14.3	99.4
Construction	1,716.4	322.5	2,038.9
Wholesale and Retail Distribution, Auto and Motorcycle Repair, Personal and Home Products	2,817.0	2,584.9	5,401.9
Hotels and Restaurants	777.2	1,437.7	2,214.9
Logistics, Warehousing and Communication	887.4	165.5	1,052.9
Finance	147.8	201.9	349.7
Real Estate, Rental Business and Related Business Activities.	371.7	287.6	659.2
Public Administration, National Defence Including Mandatory Social Security Schemes	784.0	386.1	1,170.1
Education	454.4	625.5	1,079.9
Health Care and Social Welfare	143.7	459.1	602.8
Community and Social Services including other Related Individual Care and Services	307.9	402.4	710.4
Domestic Helpers or Personal Assistants	34.0	187.9	221.9
International Agencies and International Organizations and Affiliates	0	0.4	0.4
Not Available	34.1	31.7	65.8
Total	19,638.2	16,706.3	36,344.5

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

Table 5: Employment Classified by Occupation and Gender (3rd Quarter 2549 [2006])

<i>Occupation</i>	Male	Female	Total
Legislators, Senior Civil Servants and Personnel of Managerial Level	1,698.6	701.3	2,400.0
Professionals in Various Sectors	622.5	882.1	1,504.6
Entrepreneurs in technical and related fields.	733.0	787.3	1,520.3
Office Clerks and Office Personnel	434.2	843.4	1,277.6
Service Personnel, Shopkeepers, Sales Clerks, Salespersons and Merchandiser or Marketing Personnel	1,784.2	3,137.3	4,921.4
Skilled Workers Employed in Agriculture and Fishery	7,686.1	6,208.0	13,894.1
Specialists in Specific Fields and Related Trades and Business.	2,558.6	1,202.6	3,761.1
Factory and Production Personnel, Machine Operators and Assembly Workers	1,985.1	910.6	2,895.7
Basic Personnel engaged in Sales and Services	2,101.8	2,008.9	4,110.7
Personnel Not Classified in Other Categories	34.3	24.9	59.1
Total	19,638.2	16,706.3	36,344.5

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

Table 6: Workers Classified by Level of Education and Gender (3rd Quarter 2549 [2006])

<i>Level of Education</i>	Male	Female	Total
Illiterate	524.2	796.4	1,320.7
Below Elementary Level	6,413.5	6,017.7	12,431.2
Elementary Level	4,441.1	3,454.6	7,895.7
Basic Secondary level	3,162.4	1,938.4	5,100.8
Advanced Secondary Level	2,565.3	1,779.2	4,344.5
⇒ Academic	1,831.3	1,337.2	3,168.5
⇒ Vocational	727.2	435.0	1,162.2
⇒ Educational	6.8	7.0	13.8
College / University	2,419.7	2,632.9	5,052.6
⇒ Academic	1,237.7	1,466.0	2,703.7
⇒ Vocational	822.0	660.7	1,482.7
⇒ Educational	360.0	506.2	866.2
Others	8.4	16.6	25.0
Not Available	103.7	70.4	174.1
Total	19,638.2	16,706.3	36,344.5

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

Table 7 : Summary of Visa/Work Permit Extension, Bail, Proof of Nationality and Re-Import of Illegal Entries from Myanmar, Laos and Cambodia
Based on the Cabinet Decision Adopted on May 16th 2549 (2006)

Region	Activities																				Aliens Granted with Work Permits by Cabinet Decision B.E. 2549 (2006) (1)+(2)+(3)+(4)				
	Work Permits Issued (1) (Aliens with Permit Toh.Ror.38/1 B.E. 2549 [2006])					Work Permit Extensions (2)					Nationality Verified (3)					New Entries (4)									
	E	T	M	L	C	E	T	M	L	C	E	T	M	L	C	E	T	M	L	C	E	T	M	L	C
Bangkok	10,209	28,214	19,689	5,580	2,945	38,596	83,996	69,364	10,079	4,553	10,741	18,141	0	12,531	5,310	47	205	0	66	139	59,593	130,556	89,053	28,556	12,947
Central	19,578	105,016	75,230	10,857	18,929	47,706	187,680	157,217	11,698	18,765	8,611	19,469	0	8,887	10,582	29	1,583	0	1,583	0	75,924	313,748	232,447	33,025	48,276
Northern	7,796	32,090	31,383	623	84	23,710	83,876	82,866	759	251	1,789	3,711	0	1,968	1,743	0	0	0	0	0	33,295	119,677	114,249	3,350	2,078
North-Eastern	2,180	4,342	841	2,928	573	6,354	8,686	2,755	5,382	549	3,082	5,336	0	3,187	2,149	4	245	0	245	0	11,620	18,609	3,596	11,742	3,271
Southern	7,377	38,900	36,356	1,665	879	22,370	95,776	93,177	1,765	834	1,039	2,557	0	1,443	1,114	7	1,173	0	1,173	0	30,793	138,406	129,533	6,046	2,827
National	47,140	208,562	163,499	21,653	23,410	138,736	460,014	405,379	29,683	24,952	25,262	49,214	0	28,316	20,898	87	3,206	0	3,067	139	211,225	720,996	568,878	82,719	69,399

Code: (E = No. of Migrant Worker Employers; T = Total No. of Migrant Workers; M = Migrant Workers From Myanmar (Burma); L = Migrant Workers From Laos; C = Migrant Workers From Cambodia)

Source: Department of Employment, Bureau of Migrant Labour Administration (October 16th 2006)

Note: Preliminary data only, subject to further adjustment or re-calculation

**Table 8: No. of Workplaces and Insured Persons Registered with Social Security Fund
Classified by Region and Size of Enterprise (3rd Quarter 2549 [2006])**

<i>Region</i>	Bangkok		Central		Northern		Northeastern		Southern		Nationwide	
<i>Size of Enterprise (No. of Workers)</i>	No. of Enterprises	No. of Insured Persons	No. of Enterprises	No. of Insured Persons	No. of Enterprises	No. of Insured Persons	No. of Enterprises	No. of Insured Persons	No. of Enterprises	No. of Insured Persons	No. of Enterprises	No. of Insured Persons
< 10	97,206	353,240	70,591	258,128	32,074	109,690	33,619	107,246	28,488	94,496	261,978	922,800
10-19	20,124	269,873	15,876	214,400	5,477	73,531	5,214	70,219	4,488	60,031	51,179	688,054
20-49	13,226	400,312	11,916	367,228	3,158	93,573	3,074	92,300	2,827	85,492	34,201	1,038,905
50-99	4,334	301,359	4,907	343,685	935	63,841	970	66,280	922	64,157	12,068	839,322
100-109	2,312	323,009	3,205	451,033	407	56,777	446	61,399	508	69,128	6,878	961,346
200-499	1,459	446,283	2,387	736,338	245	74,729	275	84,128	283	87,054	4,649	1,428,532
500-999	429	293,576	736	505,583	77	53,492	88	60,930	67	44,225	1,397	957,806
≥ 1,000	254	607,514	431	887,426	28	61,021	48	97,623	26	53,827	787	1,707,411
Total	139,344	2,995,166	110,049	3,763,821	42,401	586,654	43,734	640,125	37,609	558,410	373,137	8,544,176

Source: Office of Social Security, Ministry of Labour

Table 9: Demands/ Disputes/Conflicts Recorded (3rd Quarter 2549 [2006])

<i>Complaints Filed/Solutions</i>	Workplaces	Cases/Times	Workers
Complaints Filed	12	12	4,514
Resolutions	8	8	3,657
Solution Found Without Labour Dispute Cases	2	2	468
. Bilateral Agreements Reached	2	2	468
. Demands Withdrawn	0	0	0
. Others	0	0	0
Dispute Began	6	6	3,189
Solutions/Agreement Not Yet Found	4	4	857
<i>Disputes and Solutions</i>			
Labour Dispute Cases	8	8	3,973
Labour Dispute Resolved	7	7	3,235
. Resolved within 5 days	4	4	1,218
. Resolved in More Than 5 days	0	0	0
. Resolved by Rulings	0	0	0
- Resolved Voluntarily by Both Parties	1	1	1,804
. Others	2	2	213
Dispute Not Yet Resolved	1	1	738
<i>Conflicts/Resolutions</i>			
Conflicts	6	6	2,415
Conflict Resolutions	5	5	975
. Solutions Found	4	4	150
. Cases Withdrawn	0	0	0
. Cases Filed with Labour Court	1	1	825
Work Stoppage, Strikes	0	0	0
Solutions Not Yet Found	1	1	1,440

Source : Department of Labour Protection and Welfare (Data Compiled from Web Applications as of October 11th 2549 [2006])

Table 10: Organisations Concerned with Labour (October 31st 2549 [2006])

<i>Organisations Concerned with Labour</i>	Number of Organisations	Membership of Organisation
Employers Organisations	428	-
Employers' Associations	413	-
Employers' Federations	3	-
Council of Employers' Federations	12	-
Workers Organisations	1,397	-
Labour Unions in Private Sector	1,324	338,327
State Enterprise Labour Unions	45	179,616
State Enterprise Federations	1	-
Labour Federations	16	-
Worker Labour Councils	11	-
Total	1,825	517,943

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



Table 11: List of 11 Labour Councils, Presidents, and Registration Dates

<i>Name of Labour Council</i>	President	Registration Date
Labour Congress of Thailand (LCT)	Mr. Pratuerng Sangsang	Feb.14 th 2521 (1978)
National Free Labour Union Congress (NFLUC)	Mr.Sorayuth Siriworapha	March 29 th 2521 (1978)
National Congress of Thai Labour (NCTL)	Mr. Panas Thai-Luan	Jan. 27 th 2522 (1979)
Thai Trade Union Congress (TTUC)	Mr. Somsak Duangrat	Sept. 20 th 2526 (1983)
National Labour Congress (NCL)	Mr. Chin Tap-Pli	June 12 th 2534 (1991)
Confederation of Thai Labour (CTL)	Mr. Manas Kosol	Oct. 29 th 2536 (1993)
Labour Congress Centre for Labour Unions of Thailand.	Mr. Banjong Boonyarat	Jan. 6 th 2543 (2000)
National Congress of Workers (NCE)	Mr. Suchart Thai-Luan	Jan. 16 th 2547 (2004)
National Congress of Private Workers of Thailand (NCPE)	Mr. Thawee Deeying	Feb. 19 th 2547 (2004)
Labour Congress Freedom of Thailand (LCFT)	Mr. Nakorn Suthi-Prawat	May 4 th 2547 (2004)
Labour Congress of Thai Labour Organizations (LCTLO)	Mr. Udomsak Boopa-Nimit	Feb. 22 nd 2549 (2006)

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



Table 12: List of Labour Representatives Serving on More Than Two Tripartite Committees

<i>Name & Organization</i>	<i>Names of Tripartite Committees</i>
Mr. Somsak Duangrat President, Thai Trade Unions Congress (TTUC)	<ol style="list-style-type: none"> 1. Advisory Council for National Labour Development. 2. Workers' Fund Committee 3. Committee for OHS & Working Environment 4. Labour Relations Promotion Committee 5. Labour Standards Administration Committee 6. Social Security Committee
Mr. Pratuerng Saengsang President, Labour Congress of Thailand (LCT)	<ol style="list-style-type: none"> 1. Social Security Committee 2. Labour Standards Administration Committee 3. Workers' Fund Committee 4. Wage Committee
Mr. Thawee Techa-Thirawat Secretary-General, Thai Trade Union Congress (TTUC)	<ol style="list-style-type: none"> 1. Wage Committee 2. Labour Relations Promotion Committee 3. Compensation Fund Committee
Mr. Manas Kosol President, Confederation of Thai Labour (CTL)	<ol style="list-style-type: none"> 1. Labour Skills Development Promotion Committee 2. Labour Relations Promotion Committee 3. Compensation Fund Committee
Mr. Panas Thai-Luan President, National Congress of Thai Labour (NCTL)	<ol style="list-style-type: none"> 1. Wage Committee 2. Workers' Welfare Fund Committee 3. Social Security Fund Appeal Committee

Source: Diary Distributed by Ministry of Labour in 2549 (2006)



Table 13: Labour Unions in the Private Sector and Employers Associations, by Province (October 2549 [2006])

<i>Provinces</i>	Labour Unions in the Private Sector	Employers Associations
Bangkok	349	183
Kanchanaburi	-	1
Krabi	-	5
Kalasin	1	-
Kamphaeng Phet	-	1
Khon Kaen	2	4
Chanthaburi	-	2
Chachoengsao	16	1
Chonburi	75	7
Chiang Rai	3	-
Chiang Mai	1	-
Tak	-	-
Trat	-	-
Trang	1	-
Nakhon Pathom	11	-
Nakhon Phanom	3	-
Nakhon Ratchasima	8	6
Nakhon Si Thammarat	2	4
Nan	-	1
Nakhon Sawan	1	-
Nonthaburi	16	4
Buriram	1	-
Pathum Thani	131	30
Prachinburi	7	-
Prachuab Kiri Khan	-	1
Pattani	-	1
Phra Nakhon Si Ayutthaya	44	3
Phayao	1	1
Phang-nga	-	2
Phitsanulok	-	1
Phetchaburi	2	-
Phuket	29	25
Maharakham	3	3
Ranong	-	3
Rayong	36	2

Ratburi	4	2
Roi-Et	-	1
Lopburi	-	6
Lampang	2	1
Loei	-	4
Sisaket	1	-
Songkhla	7	11
Samut Prakan	492	39
Samut Sakon	39	18
Sa Kaew	21	-
Saraburi	1	4
Singburi	-	-
Suphanburi	1	2
Surat Thani	-	2
Nong Khai	3	2
Ang Thong	3	3
Udon Thani	5	21
Uthai Thani	1	-
TOTAL	1324	413

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

Section 3: 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 1st 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 1st 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 an 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 chose 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 23th 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 1st 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 1st 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 Central Labour Court 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:

1. An exemption from paying all types of normal court fees (normally required by law) (Article 27);
2. An exemption from normal court expenses covering the travel and accommodation costs of witnesses subpoenaed to testify for their party (Article 47);
3. 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 chose 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:

1. Once the case is brought before the court, the case shall be scheduled expeditiously (Article 37);
2. 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);
3. 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);
4. Normally, the Court shall try to bring the case to a conclusion in just one sitting, unless a postponement is deemed necessary (Article 45);
5. The Court shall record all the testimonies given by witnesses in brief to avoid unnecessary time-consuming proceedings (Article 46).
6. Once all the witnesses have testified, the Court shall read the judgment or issue court orders within 3 days (Article 50);
7. 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, 2nd Edition, Amended Version).



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

<i>The Workers Compensation Act 2537 (1994)</i>	<i>The Social Security Act 2533 (1990)</i>
<p>1. Law on Establishment and Administration of the Workers Compensation Fund. 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>1. Law on Establishment and Administration of the Social Security Fund. The Social Security System is administered under the <i>Social Security Act B.E. 2533 (1990)</i>, <i>2nd Amendment, B.E.2537 (1994)</i> and <i>3rd Amendment, B.E. 2542 (1999)</i></p>
<p>2. Objectives 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>2. Objectives 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>3. Scope of Coverage Any employer employing one or more workers is obligated to contribute to the Workmen's Compensation Fund.</p>	<p>3. Scope of Coverage 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>4. Worker Definition '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>4. Insured Person (Worker) Definition '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>5. Workers or Enterprises Not Covered (1) Domestic workers not engaged in any business activity;</p>	<p>5. Workers or Enterprises Not Covered (1) Domestic workers not engaged in any business activity;</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>(2) Civil servants, full-time workers and temporary 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>6. Registration Employers having one or more workers are required to register within 30 days.</p>	<p>6. Registration Employers having one or more workers are required to register within 30 days.</p>

<p>7. Contributions and Calculation of Contributions</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. 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 31st 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 1st up to the date of payment.</p>	<p>7. Contributions and Calculation of Contributions</p> <p>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 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 15th 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>
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<p>8. Additional Sums 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>8. Additional Sums 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>9. Reimbursement for Employer 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>9. Reimbursement for Employers and Workers 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>10. Compensation This refers to a sum of money paid as compensation for medical treatment and expenses, rehabilitation programmes and funeral expenses. Types of Compensation:</p> <ol style="list-style-type: none"> 1) For sick leave or accident leave for more than three consecutive days; 2) For any loss of limb or body part; 3) For disability; 4) In case of death or disappearance. 	<p>10. Fringe Benefits These refer to benefits for insured workers. An insured person is entitled to seven types of benefits:</p> <ol style="list-style-type: none"> (a) Benefit in case of injuries from accident or dangerous situation or sickness; (b) Childbirth benefit; (c) Disability benefit; (d) Benefit in case of death; (e) Child benefit; (f) Old age benefit; (g) Unemployment benefit.
<p>11. Conditions for Compensation</p> <p><u>(a) In the Case of Injuries From Having Worked in a Dangerous Situation</u></p> <p><u>Conditions:</u> Immediate coverage, once granted worker status.</p> <p><u>Rights</u> (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,</p>	<p>11. Conditions for Fringe Benefits</p> <p><u>(a) In the Case of Injuries From Accidents or Illnesses Not Caused By or Related to Work</u></p> <p><u>Conditions:</u> 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><u>Rights</u> (i) <i>Cost of Medical Services</i> When a worker/insured person is</p>

<p>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>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>(1) In Case of Admission to a Government Hospital</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> <p>(2) In Case of Admission to a Private Hospital</p> <p>2.1 <i>Out-Patient</i>: 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:</p> <ul style="list-style-type: none"> - Blood transfusion or specific composition of blood; - Anti-Clostridium tetanus injection; - Anti-rabies vaccine or serum (1st injection only); - Ultra-sound scan only in emergency cases of abdominal cavity pain; - TC-SCA or MRI scan only in specific cases or conditions;
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	<ul style="list-style-type: none"> - 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. <p>2.2 In-Patient:</p> <ul style="list-style-type: none"> - 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. <p>(3) Dental Care and Treatment</p> <p>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</p>
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	<p>reimbursement shall not exceed 200 baht per visit and not more than a total of 400 baht per annum.</p> <p>(4) Medical Service in the Case of Kidney Treatment</p> <p>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:</p> <p>(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;</p> <p>(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;</p> <p>(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:</p> <p>(i) Pre-transplant expenses shall be reimbursed according to actual costs, not exceeding 30,000 baht per case;</p> <p>(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;</p> <p>(iii) Post kidney transplant expenses can be drawn by the hospital operating on the insured person/worker, covering necessary expenses i.e., examination,</p>
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	<p>allergy treatment, lab tests, urine tests, allergic level 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:</p> <ul style="list-style-type: none"> (i) Return to dialysis or abdominal treatment with special solution; (ii) Termination of status of insured person/worker; (iii) Death. <p>(5) Bone-Marrow Transplant The Social Security Office will pay for hospital services under pre-arranged contracts covering a total budget of 750,000 baht.</p> <p>(6) Lens Change/ Replacement Operation 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>
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<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>
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<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>
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<p><i>(iv) Post Accident or Post Treatment Occupational Rehabilitation</i></p> <p>If a worker requires a rehabilitation programme, he or she is entitled to compensation as described below:</p> <p>(i) Coverage for rehabilitation expenses incurred, including medical expenses and occupational rehabilitation, at actual cost, but not exceeding 20,000 baht;</p> <p>(ii) Coverage for expenses incurred in operations for the benefit of occupational rehabilitation, not exceeding 20,000 baht.</p>	<p><i>(iv) Post Accident or Post Treatment Occupational Rehabilitation</i></p> <p>By law, such a rehabilitation programme is not available.</p>
<p><u>(b) Maternity Leave</u></p> <p><u>Conditions:</u> Not allowed by law</p> <p><u>Rights</u> No entitlement</p>	<p><u>(b) Maternity Leave</u></p> <p><u>Conditions:</u> 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><u>Rights of Insured Female Worker</u></p> <ol style="list-style-type: none"> 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><u>Rights of Insured Male Worker</u> 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</p>

	<p>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 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><u>(c) Disability Related to Work</u></p> <p>Conditions: Entitled to full benefit upon being hired as an worker.</p> <p>Rights 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><u>(c) Disability Not Related to Work</u></p> <p>Conditions: 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>Rights (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"> • Funeral rite/service to a sum of 30,000 baht; • 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"> - 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; - Those contributing to the Social Security Fund for more than 10 years

	<p>are entitled to a benefit equivalent to an average of 5 months' wages.</p> <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><u>(d) Death or Dissapearence Related to Work</u></p> <p>Conditions: Dependents entitled to full benefit upon the deceased being hired as an worker.</p> <p>Rights 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><u>Remarks</u> Monthly compensation shall not be less than 2,000 baht per month and not more than 9,000 baht per month.</p>	<p><u>(d) Death Not Related to Work</u></p> <p>Conditions: Dependents entitled to claim if contributions have 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>Rights 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><u>(e) Child Benefit</u></p> <p>Conditions: Not stipulated in law.</p> <p>Rights Not entitled by law.</p>	<p><u>(e) Child Benefit</u></p> <p>Conditions: 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>Rights 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><u>(f) Old Age</u></p> <p>Conditions: Not stipulated in law.</p> <p>Rights Not entitled by law.</p>	<p><u>(f) Old Age</u></p> <p>Conditions: <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>Rights <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 calculation of the rate of contribution prior to the termination of status as insured person/worker). 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> 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; 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>
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<p><u>(g) Unemployment</u></p> <p>Conditions: Not stipulated in law.</p> <p>Rights Not entitled by law.</p>	<p><u>(g) Unemployment</u></p> <p>Conditions: 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>Rights 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: (1) <i>Termination of Employment.</i> Benefit equivalent of 50% of the wages earned but not exceeding 180 days of said wages; (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 unemployment benefit under (2) within one calendar year shall be entitled to the benefit, but for not more than 90 days in total.</p>
<p>12. Compensation for Workers with Post-Employment Status</p> <p>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>12. Benefit for Insured Person/Workers with Post-Employment Status</p> <p>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"> - Injury due to accident or dangerous situations or illness. - Maternity leave. - Disability. - Death. <p>After termination of employment status, he/she is still entitled to unemployment</p>

	benefit for 6 months, starting from the termination date of employment.
<p>13. Appeal</p> <p>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>13. Appeal</p> <p>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>
<p>14. Penalties</p> <p>(a) Any employer, who:</p> <ul style="list-style-type: none"> • Fails to provide immediate and the most appropriate medical attention or treatment to worker suffering a dangerous condition, accident or illness; or • 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 • 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 	<p>14. Penalties</p> <p>(a) Any employer who, with intent:</p> <ul style="list-style-type: none"> • 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 • Fails to file a written request for changes, additions or deletions of any conditions to previously filed worker information by the 15th day of the following month, <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</p>

<p>contributions to the said fund, within 30 days starting from the day required to start paying contributions; or</p> <ul style="list-style-type: none"> • 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, is liable to a penalty of imprisonment for a maximum of 6 months or a maximum fine of 10,000 baht or both. <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 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"> ▪ 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 ▪ Comply with an order issued by a competent official conducting an enquiry or with any subpoena to 	<p>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"> ▪ 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 ▪ 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, <p>shall be liable to a maximum jail term of 1 month or 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</p>
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<p>testify or to submit evidence for due consideration; or</p> <ul style="list-style-type: none"> ▪ 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, <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>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

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

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

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 Norg 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

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 Vipphaville, 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

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, Website: 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

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, Vipawadi-Rangsit Road,
Kwaeng Lard Yao, Khet Jatujak, Bangkok 10900
Tel. (02) 936-0401, Fax. (02) 537-8403
E-mail: 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

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
Website: 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
Website: 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

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

9. Friedrich Ebert Stiftung (FES)

Contact Address: 1550 Thanaphum Building, 23rd 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
Website: 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
Website: www.friendsowomen.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

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
Website: 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
Website: 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

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
Website: www.wept.org