

## Labor Relations Act, B.E. 2518 (1975)

Translation

BHUMIBHOL ADULYADEJ, REX.

Given on 14th Day of February B.E. 2518;

Being the 30th Year of the Present Reign

His Majesty King Bhumibhol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a on labor relations;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

### Section 1

This Act is called the "Labor Relations Act, B.E. 2518 (1975)".

### Section 2

This Act shall come into force after the expiration of thirty days as from the date of its publication in the Government Gazette.

### Section 3

Article 4 and Article 11 of the Announcement of the Revolutionary Council No. 103, dated 16th March B.E. 2515 shall be repealed.

### Section 4

This Act shall not apply to:

- (1) central administration;
- (2) provincial administration;
- (3) local administration, including Bangkok Metropolis and Pattaya City administration;
- (4) affair of State enterprise under the law on State enterprise labor relations, except where the labor federation being member of the Employee Council under the Section 120 ter;
- (5) other activities as prescribed in the Royal Decree.

### Section 5

In this Act:

"Employer" means a person who agrees to accept the employee to do work in return of wage, including a person who is entrusted by the employer to act on his or her behalf. If the employer is a juristic person, the employer means a representative of such juristic person, including a person who is entrusted by the representative of the juristic person to act on his or her behalf;

"Employee" means a person who agrees to do work for the employer in return of wage;

"Working condition" means a condition on employment or work, working days and hours, wage, welfare, termination of employment or other benefits of the employer or employee related to employment or work;

"Working condition agreement" means an agreement between the employer and employee or between the employer or employers' association and the labor union related to working condition;

"Labor dispute" means a dispute between the employer and employee related to working condition;

“Lock-out” means an act done by the employer which refuses the employee to do work temporarily due to labor dispute;

“Strike” means a cessation of work done by the employees due to labor dispute;

“Employers’ association” means an organization of the employers established under this Act;

“Labor union” means an organization of the employees established under this Act;

“Employers’ federation” means an organization formed by two or more employers’ associations established under this Act;

“Labor federation” means an organization formed by two or more labor unions established under this Act;

“Registrar” means a person appointed by the Minister for the execution of this Act;

“Conciliation officer” means a person appointed by the Minister for the execution of this Act;

“Director-General” means the Director-General of the Department of Labor;

“Minister” means the Minister having charge and control for the execution of this Act.

### **Section 6**

The Minister of Interior shall have charge and control for the execution of this Act and shall have the power as follows:

- (1) to appoint the registrar, conciliation officer and labor dispute arbitrator for the execution of this Act;
- (2) to issue the Ministerial Regulation for the execution of this Act.

The appointments under (1) shall be published in the Government Gazette.

Such Ministerial Regulation shall come into force upon its publication in the Government Gazette.

### **Section 7**

There shall establish the Central Registration Office in the Department of Labor, Ministry of Interior, having the powers and duties to control the registration of the employers’ association, labor union, employers’ federation and labor federation throughout the Kingdom and shall also act as the Bangkok Metropolis Registration Office.

In other Changwat other than Bangkok Metropolis, the Minister may establish a Changwat Registration Office which report directly to the Central Registration Office.

### **Section 8**

There shall establish the Office of the Labor Relations Committee in the Ministry of Interior having the powers and duties as follows:

- (1) to conduct preliminary inquiry related to the complaint and labor dispute;
- (2) to act in compliance with the resolution of the Labor Relations Committee;
- (3) to perform other powers and duties.

### **Section 9**

There shall establish the Office of the Labor Dispute Arbitrator in the Ministry of Interior having the powers and duties as follows:

- (1) to make a list composing of names and qualifications of the labor dispute arbitrators so as to submit to the parties to the dispute for selection;
- (2) to control and perform technical and secretariat work related to the making of award.

## **Chapter I**

### **Working Condition Agreement**

## **Section 10**

A work place having twenty or more employees shall have the working condition agreement under the provisions of this Chapter.

The working condition agreement shall be made in writing.

If it is suspected whether there is the working condition agreement in such work place, it shall be deemed that the regulation related to work which shall be provided by the employer under the law on labor protection is the working condition agreement under this Act.

## **Section 11**

The working condition agreement shall have at least the following statements:

- (1) employment or working conditions;
- (2) working days and hours;
- (3) wages;
- (4) welfare;
- (5) termination of employment;
- (6) petition procedure for the employee;
- (7) an amendment or renewal procedure of the working condition agreement.

## **Section 12**

The working condition agreement shall be applicable through the period of time as agreed upon by the employer and employee, but such period shall no longer than three years. If the applicable period has not been specified therein, it shall be deemed that such working condition agreement shall be applicable for one year as from the date the agreement has been made or as from the date the employer accepted the employee to work, as the case may be.

At the expiration of the period of time as specified in the working condition agreement, if there is no negotiation thereon, it shall be deemed that such working condition agreement shall be applicable further for one year.

## **Section 13**

In demanding for the making or amending of working condition agreement, the employer or the employee shall submit such demand in writing to the others.

If the employer submits such demand, the employer shall specify the name of the participant to the negotiation. In this case, the employer may name his or her own as the participant to the negotiation or appoint a representative to be the participant to the negotiation. If the employer appoints a representative to be the participant to the negotiation, such representative has to be a director, shareholder, partner or permanent employee, member of the employers' association or member of employers' federation. The number of the representatives to be appointed shall not exceed seven persons.

If the employee submits the demand, such demand shall specify names and signatures of the employees related to the demand, which shall not less than fifteen per cent of the total number of the employees related to such demand. In the case where the employees have elected their representative to be the participant to the negotiation, the name of the representative for negotiation, which shall not exceed seven persons, shall be submitted together with the demand. If the representative to be the participant to the negotiation of the employees has not been elected, the employees shall elect their representative to be the participant to the negotiation which shall not exceed seven persons and specify name of such representative without delay.

The election and duration to be a representative of the employees for negotiation, the conduct related to the demand and the acknowledgement of award shall be in accordance with the rule and procedure as prescribed by the Ministerial Regulation.

## **Section 14**

In organizing the election for the representatives of the employees, the employees may organize such election themselves or request the conciliation officer to organize the election. The number of the representative of the employees shall be specified by the person who organize the election, but shall not exceed seven persons. The representative of the employees shall be the employees related to such demand or being director of the labor union or labor federation which the employees who relates to such demand are members. The employee who relates to such demand shall have the right to vote in the election of the representatives of the employees.

## **Section 15**

The employers' association or labor union may submit the demand under Section 13 in lieu of the employers or employees who are members thereof. The number of employees who are members shall not less than one-fifth of the total number of employees.

If the labor union submits the demand, the names and signatures of the employees related thereto are not required.

If there is suspected whether such labor union composing of the employees related to the demand in an amount as prescribed in paragraph one, the relevant employer, employers' association or labor union may request, in writing, the conciliation officer for certification. After receiving the request, the conciliation officer shall examine all evidences so as to ascertain whether such labor union composes of the employees related to the demand. If there is so, the conciliation officer shall issue a certification letter to the applicant as evidence. If there is not so, the conciliation officer shall notify all relevant parties.

In the case where the demand is submitted by the labor union, if it appears upon the request of any party that a part of the employees related to such demand are member of other labor unions, the conciliation officer shall organize an election of the representatives of the employees under Section 13.

## **Section 16**

After receiving the demand, the party who receives such demand shall inform, in writing, his or her name or representatives to the party who submitted the demand without delay, and the two parties shall begin the negotiation within three days as from the date of receiving the demand.

## **Section 17**

The employer or employees may appoint the advisers to give advice or recommendations to his or her representatives under Section 13 or Section 16, but the number of advisers shall not exceed two persons for each party.

The adviser to be appointed under paragraph one shall have qualifications as determined by the Director-General and shall apply for registration and be registered by the Director-General or a person entrusted by the Director-General.

In the case where the advisers are appointed by the employer or employees, the employer or employees shall notify names of the advisers to the other parties in the demand under Section 13 or in a written notice if the appointment is made afterwards. The advisers are entitled to attend the meetings and negotiation.

## **Section 17 bis**

A person who has been registered as an adviser of the employer or employees under Section 17 shall be in office for a term of two years as from the date of registration.

An adviser may be dismissed from office before term under paragraph one if he or she is disqualified as determined by the Director-General.

Upon dismissing from office under paragraph two, such person may reapply for registration after the expiration of two years as from the date the Director-General dismissed such person from being advisor.

## **Section 18**

If the employer or employers' association and the employees or labor union conclude the agreement related to the demand under Section 13, such working condition agreement shall be made in writing signed by the employer or the representatives of the employer and the representatives of the employees or members of the labor union, as the case may be, and the employer shall, within three days as from the date the agreement has been made, notify such working condition agreement openly at the work place of the employees related to the demand at least thirty days.

The employer shall register the working condition agreement under paragraph one to the Director-General or a person entrusted by the Director-General within fifteen days as from the date the agreement has been made.

## **Section 19**

The employer and employees who sign in the demand as well as all employees participating in an election for the representatives for negotiation shall be bound to the working condition agreement.

If the working condition agreement concluded by and between the employer or employers' association and the labor union or employees working the same category of work in which the employees who work in the same category are members or associate with the demand related to working condition for more than two-third of the total number of employees, such working condition agreement is deemed to be bound all employers and employees who working the same category.

## **Section 20**

No employer shall, when the working condition agreement comes into force, enter into a contract of hire of services which is contrary to, or inconsistent with, the working condition agreement with the employee, provided that such contract of hire of services is more favorable to the employee.

## **Chapter II**

### **Settlement of Labor Dispute**

## **Section 21**

If there is no negotiation within the period under Section 16 or the negotiation could not be concluded by whatever reasons, it shall be deemed that there is a labor dispute. In this case, the party submitting the demand shall notify, in writing, the conciliation officer for the acknowledgement thereof within twenty four hours as from the expiration of the period under Section 16 or as from the time the negotiation could not be concluded, as the case may be.

## **Section 22**

Upon receiving of the notification under Section 21, the conciliation officer shall proceed conciliation in order to make the party submitting the demand and the party receiving the demand to settle the dispute within five days as from the date the conciliation officer receive the written notification.

If there is no settlement within the period prescribed in paragraph one, Section 18 shall apply *mutatis mutandis*.

If it is unable to settle the labor dispute within the period prescribed in paragraph one, it shall be deemed that such labor dispute is unconcluded labor dispute. In this case, the employer and employees may agree to appoint the labor dispute arbitrator under Section 26 or, subject to Section 23, Section 24, Section 25 or Section 36, the employer may lock-out or the employees may strike without contravention to Section 34.

### **Section 23**

If there is unconcluded labor dispute in the undertakings as follows:

- (1) railway;
- (2) port;
- (3) telephone or telecommunications;
- (4) production or distribution of energy or electricity to public;
- (5) water supply;
- (6) fuel oil production or refinery;
- (7) hospital or infirmity;
- (8) other undertakings as prescribed by the Ministerial Regulations;

The conciliation officer shall refer such labor dispute to the Labor Relations Committee for award and shall notify the two parties for acknowledgement within thirty days as from the date of receiving such labor dispute.

The employer, employers' association, employers' federation, employees, labor union or labor federation shall have the right to appeal to the Minister within seven days after receiving the award. The Minister shall consider the appeal and notify the appeal decision to the two parties within ten days after receiving the appeal.

A award of the Labor Relations Committee which has not been appealed within the prescribed period and the appeal decision of the Minister shall be final and conclusive which the party submitting the demand and the party receiving the demand shall comply therewith.

### **Section 24**

If there is an unconcluded labor dispute in any undertaking other than the undertaking under Section 23, if the Minister is of opinion that such unconcluded labor dispute may have adverse effect to the country economy or good moral or public order, the Minister shall have power to order the Labor Relations Committee to award such dispute. In this regards, the Labor Relations Committee shall award the dispute within thirty days as from the date of receiving the order.

The Minister shall have the power to extend the period for the making of award of the Labor Relations Committee as appropriate.

The award of the Labor Relations Committee shall be final and conclusive in which the party presenting the demand and the party receiving the demand shall comply therewith.

### **Section 25**

In the case where there is a declaration of martial law under the law on martial law or a declaration of the state of emergency under the law on State administration in the state of emergency, or where the country is facing with severe economic problem, the Minister shall have power to notify in the Government Gazette that the unconcluded labor dispute under Section 22 paragraph three occurred in any locality or in any undertaking shall be awarded by any group of persons as determined or appointed by the Minister.

The award of such group of persons shall be final and conclusive in which the party presenting the demand and the party receiving the demand shall comply therewith.

The notification of the Minister under paragraph one may be repealed any time by notifying in the Government Gazette.

### **Section 26**

If there is an unconcluded labor dispute under Section 22 paragraph three, the employer and employees may agree to appoint one or several labor dispute arbitrators to award such dispute.

## **Section 27**

The labor dispute arbitrators shall, within seven days as from the date of acknowledgement of the appointment, notify the date for submitting statement related to the labor dispute and the sitting date, time and place for such dispute, in writing, to the party presenting the demand and the party receiving the demand.

## **Section 28**

In considering the labor dispute, the labor dispute arbitrators shall provide sufficient opportunity to the party presenting the demand and the party receiving the demand so as to state their reasons and take evidences.

## **Section 29**

After having considered the labor dispute, the labor dispute arbitrators shall make an award in writing having, at least, the following statements:

- (1) date in which the award has been made;
- (2) issue of the labor dispute;
- (3) facts as found in the arbitration;
- (4) reason of award;
- (5) award to be carried out, or refrained from, by either party or both parties.

The award of the labor dispute arbitrators shall be made by a majority of votes and signed by the all arbitrators.

The labor dispute arbitrators shall, within three days as from the date the award has been made, send the award to the party presenting the demand and the party receiving the demand or their representatives under Section 13 or Section 16, and shall post a copy of the award at the place where the employees related to the demand are working.

The labor dispute arbitrators shall, within fifteen days as from the date the award has been made, register the award to the Director-General or a person entrusted by the Director-General.

## **Section 30**

The award of the Labor Relations Committee which has not been appealed within the prescribed period and the decision on the appeal made by the Minister under Section 23, the award of the Labor Relations Committee under Section 24, Section 35 (4) or Section 41 (3), or the award related to labor dispute under Section 25 or Section 29 shall be effective for one year as from the date the decision or award has been made.

## **Section 31**

In the case where the demand has been notified under Section 13, if such demand is in the course of negotiation, conciliation or award under Section 13 to Section 29, the employer shall not dismiss or transfer from duty of any employee, representative of the employee, director, member of the labor union or that of the labor federation related to the demand; provided that such person:

- (1) being dishonest in the discharge of duty or commits a criminal offense intentionally against the employer;
- (2) intentionally causes damage to the employer;
- (3) violates the rule, regulation or lawful order of the employer after a written warning or caution has been given by the employer, except where such violation is serious. In this case, such rule and regulation shall not be issued with a view to obstruct such person to carry out the demands;
- (4) neglects his or her duty for three consecutive days without reasonable ground.

No employee, representative of the employee, director, member of the labor union or that of the labor federation related to the demand shall support or course a strike.

## **Section 32**

Any person other than the employer, employee, director of the employers' association, director of the labor union, director of employers' federation, director of labor federation, representative or advisor related to the demand shall proceed or participate any act related to the demand, negotiation, conciliation, award the labor dispute, lock-out or association with the strike.

## **Section 33**

In the case where the country faces with serious economic problem and there is a notification to prohibit an increasing of price in goods and services, the Minister shall have power to notify in the Government Gazette prohibiting the employees, labor unions or labor federations from submitting the demand for wage increasing to the employer, employers' associations or employers' federation.

The provisions under paragraph one shall not apply to the increasing of wage annually as employee gratuity which is previously fixed by the employer, or the increasing of wage upon the changing of work of the employee.

The notification of the Minister under paragraph one may be repealed any time by notifying in the Government Gazette.

## **Chapter III** **Lock-out and Strike**

## **Section 34**

No employer or employee shall lock-out or strike in the following cases:

- (1) where the demand has not been submitted to the other party under Section 13, or where the demand has been submitted, but the labor dispute is not constitute an unconcluded labor dispute under Section 22 paragraph three;
- (2) where the party having duty to comply with an agreement under Section 18 has complied therewith;
- (3) where the party having duty to comply with the agreement made by a conciliation officer under Section 22 paragraph two has complied therewith;
- (4) where the party having duty to comply with an award made by the labor dispute arbitrators appointed under Section 25 or Section 26 has complied therewith;
- (5) where the matter is subjected to the consideration of the Labor Relations Committee or there is a decision of the Minister under Section 23 or award of the Labor Relations Committee under Section 24;
- (6) where the matter is subjected to the consideration of the labor dispute arbitrators appointed under Section 25 or Section 26.

In any cases, neither employer nor employees shall lock-out or strike without giving notice to the conciliation officer and the other party in advance at least twenty four hours as from the time of receiving the notice.

## **Section 35**

In the case where the Minister is of opinion that the lock-out or strike may have adverse effect to the economy of the country or may cause grievance to public or may be detrimental to the security of the country or may contrary to public order, the Minister shall have power as follows:

- (1) to order the employer who lock-out admit the employees back to work and pay wage at the rate previously paid to such employees;
- (2) to order the employees on strike get back to work;



- (3) to engage other persons in place of the employees who are unable to work due to lock-out or strike. The employer shall admit those persons to work and the employees shall not obstruct those persons from working. The employer shall pay wages to those persons at the rate previously paid to the employees;
- (4) to order the Labor Relations Committee to award the labor dispute.

### **Section 36**

In the case where there is a declaration of martial law under the law on martial law or a declaration of the state of emergency under the law on State administration in the state of emergency, the Minister shall, by notifying in the Government Gazette, have power to prohibit the employer from locking-out or prohibit the employees from striking within the area as the martial law or the declaration of the state of emergency is in force, wholly or partly.

If there is a lock-out or strike before the notification of the Minister under paragraph one, the Minister shall, by notifying in the Government Gazette, have power to order the employer who lock-out admit the employees back to work or order the employees on strike get back to work within the period determined by the Minister.

The notification of the Minister under paragraph one may be repealed any time by notifying in the Government Gazette.

## **Chapter IV Labor Relations Committee**

### **Section 37**

There shall be a committee called the "Labor Relations Committee" consisting of a Chairperson and not less than eight, but not more than fourteen members. The members shall consist of representatives of the employer and the employee at least three of each party.

The Minister shall have power to appoint the Chairperson and members.

### **Section 38**

The Chairperson and members under Section 37 shall hold office for a term of three years. At the outset, one-third of the total number of the Chairperson and members shall vacate from office at the end of the first year by drawing lots, and at the end of the second year, one-third of the remaining Chairperson or members shall vacate from office by drawing lots.

If there is an appointment of the new Chairperson or members in place of the Chairperson or members who vacate from office at the end of the term or by drawing lots, the newly appointed persons shall hold office for a term of three years.

If there is an appointment of the new Chairperson or members in place of the Chairperson or members who vacate from office under Section 39 (1), (2), (3), (5), (6) or (7), the newly appointed persons shall hold office for the remaining term of the Chairperson or members they replace.

The Chairperson or members who vacate from office may be reappointed.

### **Section 39**

In addition to vacating office at the end of the term under Section 38, the Chairperson or members shall vacate from office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister;

- (4) drawing lots under Section 38 paragraph one;
- (5) being bankrupt;
- (6) being an incompetent or quasi-incompetent person; or
- (7) having been sentenced by a final judgment of the Court to a term of imprisonment.

#### **Section 40**

At a meeting of the Labor Relations Committee, the presence of not less than five members, of which at least shall be a representative of the employer and a representative of the employees, shall constitute a quorum. If such meeting is organized to consider a labor dispute under Section 23, Section 24 or Section 35 (4), the presence of not less than one-half of the total number of members, of which at least shall be a representative of the employer and a representative of the employees, shall constitute a quorum.

If the Chairperson is unable to attend the meeting or is unable to perform his or her duty, the members shall elect one among themselves to preside over the meeting.

An award shall be made by majority of votes. In casting vote, each member shall have one vote. In the case of equality of votes, the person who presides over the meeting shall have an additional vote as a casting vote.

#### **Section 41**

The Labor Relations Committee shall have the powers and duties as follows:

- (1) to award the labor dispute under Section 23;
- (2) to award the labor dispute under Section 24 or Section 35 (4);
- (3) to award labor dispute as authorized or entrusted;
- (4) to decide the complaint under Section 125. In the case where the Labor Relations Committee decides that there is unfair practice, it shall have power to order the employer to admit the employees back to work, pay compensation thereto or compel the violator to do or refrain from doing any act as appropriate;
- (5) to give recommendation related to the demand, negotiation, settlement of labor dispute, strike and lock-out as entrusted by the Minister;
- (6) to issue meeting regulations and lay down rules and procedure for considering and awarding the labor dispute and for considering and making award on unfair practice and on the making of order of the Labor Relations Committee.

#### **Section 42**

The Labor Relations Committee shall have power to appoint a sub-committee to find facts and give recommendation on the matter entrusted, regularly or particularly, by the Labor Relations Committee.

#### **Section 43**

In the performance of duty, a member of the Labor Relations Committee or Labor Relations Sub-committee shall have power as follows:

- (1) to enter into the work place of the employer, the work place of the employees or the office of the employers' association, labor union, employers' federation or labor federation during business hours in order to inquire into facts or examine documents as necessary;
- (2) to issue the letter of inquiry or summon any person to testify or submit all relevant things or documents for consideration of the Labor Relations Committee or Labor Relations Sub-committee.

All related persons shall facilitate, answer the letter of inquiry, give statement or submit all relevant things or documents to the members of the Labor Relations Committee or Labor Relations Sub-committee who are performing duty under paragraph one.

#### **Section 44**

The members of the Labor Relations Committee or Labor Relations Sub-committee may invite, in writing, the experts or qualified persons to give their opinions on relevant matters.

### **Chapter V Employees' Committee**

#### **Section 45**

The employees of a work place having fifty or more employees may establish employee committee of such work place.

In the case where more than one-fifth of the total numbers of employees of a work place are members of the labor union, the employee committee shall consist of members who are the employees of such work place appointed by the labor union and members who are not member of the labor union. The number of members who are the employees of such work place appointed by the labor union shall be more than members who are not member of the labor union one in number. If more than one-half of the total numbers of the employees of such work place are member of the labor union, the labor union may appoint the whole members of the employee committee.

The provision of Section 15 paragraph three and paragraph four shall apply mutatis mutandis to the appointment of the employee committee under paragraph two.

#### **Section 46**

The number of the employee committee shall be as follows:

- (1) five persons for a work place having fifty or more employees, but not more than one hundred employees;
- (2) seven persons for a work place having more than one hundred employees, but not more than two hundred employees;
- (3) nine persons for a work place having more than two hundred employees, but not more than four hundred employees;
- (4) eleven persons for a work place having more than four hundred employees, but not more than eight hundred employees;
- (5) thirteen persons for a work place having more than eight hundred employees, but not more than one thousand and five hundred employees;
- (6) fifteen persons for a work place having more than one thousand and five hundred employees, but not more than two thousand and five hundred employees;
- (7) seventeen to twenty-one persons for a work place having more than two thousand and five hundred employees.

The rule and procedures for the election of the employee committee shall be determined by the Director-General and published in the Government Gazette.

#### **Section 47**

A member of the employee committee shall hold office for a term of three years, but may be reelected or reappointed.

#### **Section 48**

In addition to vacating office at the end of the term, a member of the employee committee vacates from office upon:

- (1) death;
- (2) resignation;
- (3) being an incompetent or quasi-incompetent;

- (4) having been sentenced by a final judgment of the Court to a term of imprisonment.
- (5) being dismissed by a resolution of more than one-half of the total number of the employees of such work place;
- (6) being dismissed by the Labor Court order;
- (7) election or appointment for new members of the employee committee en masse.

If a member of the employee committee vacates office before term, there shall be an appointment or election, as the case may be, a new member for the vacancy.

A newly appointed or elected member under paragraph two shall hold office for the remaining term of the appointed or elected members.

#### **Section 49**

There shall be a new election or appointment for new members of the employee committee en masse upon:

- (1) the number of employees of such work place increases or decreases for more than one-half of the total number of employees previously;
- (2) more than one-half of the members of the employee committee vacate from office;
- (3) a resolution to dismiss the members of the employee committee en masse has been made by more than one-half of the employees of such work place;
- (4) the Labor Court dismisses the employee committee en masse.

#### **Section 50**

The employer shall organize the meeting with the employee committee at least once every three months or upon request of more than one-half of the total number of the employee committee or the labor union for the following reasons:

- (1) to provide employees welfare;
- (2) to consult for the determination of working regulation which may be beneficial to the employer and employees;
- (3) to consider complaints of the employees; and
- (4) to compromise and settle disputes in the work place.

In the case where the employee committee is of opinion that an act of the employer is unfair or causing excessive grievance to the employees, the employee committee, employees or labor union may request the Labor Court for decision.

#### **Section 51**

In the case where a member of the employee committee or the employee committee itself fails to perform their duty in good faith or conduct unsuitable act which may deteriorate public order or unreasonably disclose business secrecy of the employer, the employer may request the Labor Court to order such member of the employee committee or the employee committee en masse vacate from office.

#### **Section 52**

No employer shall dismiss, reduce wage, punish and withhold the performance of duty of members of the employee committee which may cause members of the employee committee to continue working, provided that the permission in so doing has been given by the Labor Court.

#### **Section 53**

No employer shall give, or offer to give, money or property to a member of the employee committee other than wage, overtime wage, call-back pay, bonus, dividend or other benefits which a member of the employee committee is entitled to receive generally as employee.

## **Chapter VI**

### **Employers' Association**

#### **Section 54**

The employers' association shall be established by virtue of this Act.

The employers' association shall have objectives to acquire and protect benefit related to working condition and to promote good understanding between the employer and employees and among the employers themselves.

#### **Section 55**

The employers' association shall have its regulation and shall be registered to the Registrar. The employers' association shall, upon registration, be a juristic person.

#### **Section 56**

Persons who have the right to establish the employers' association shall be employers in the same undertaking, being sui juris and having Thai nationality.

#### **Section 57**

In applying for employers' association registration, not less than three employers who have the right to establish the employers' association shall be the promoters and shall submit a written application, together with at least three copies of the draft regulation of the employers' association, to the Registrar.

The application shall specify the names, ages, occupation or profession and addresses of all promoters.

#### **Section 58**

The regulation of the employers' association shall, at least, have statements as follows:

- (1) name of the association which shall have the words "employers' association" attached therewith;
- (2) objectives of the association;
- (3) address of the office;
- (4) members admission procedure and termination of memberships;
- (5) admission fee, dues and payment method thereof;
- (6) determination on right and duty of members;
- (7) determination on management, expenditure and keeping of money and other properties as well as accounting and auditing;
- (8) determination on lock-out procedure and approving the working condition agreement;
- (9) determination on general meeting;
- (10) determination on the number of directors, election of directors, term of office and vacating from office of directors and the meeting of the board of directors.

#### **Section 59**

If the Registrar, upon receiving the application together with the draft regulation, is of opinion that the applicant having qualifications under Section 56, the regulation made correctly under Section 58 and the objectives of the association are in accordance with Section 54 paragraph two and are not against public order, the Registrar shall register such employers' association and issue a certificate of registration thereto.

If the Registrar is of opinion that the application or draft regulation is not comply with paragraph one, the Registrar shall order the applicant to make an amendment. The

Registrar shall, upon correct amendment, register such employers' association and issue a certificate of registration thereto.

If the Registrar is of opinion that it is unable to make a registration because the proposed objective is contrary to public order, the Registrar shall refuse to make a registration and notify such order with justification to the applicant without delay;

The applicant may appeal such refusal order to the Minister by submitting the written appeal to the Registrar within thirty days as from the date of receiving such refusal order.

The Minister shall consider the appeal and notify his or her decision to the appellant within thirty days as from the date of receiving the appeal.

If the appellant is not satisfied with the decision of the Minister, the appellant has the right institute the case to the Labor Court.

### **Section 60**

The Registrar shall publish the employers' association registration in the Government Gazette.

### **Section 61**

The promoters of the employers' association shall, within one hundred and twenty days as from the date of registration, convene the first ordinary general meeting for election of the board of directors and entrust all power and duties to the board and to approve the regulation submitted to the Registrar under Section 59.

When the board of directors has been elected and the regulation has been approved by the ordinary general meeting, a copy of the regulation and the names, addresses and occupation or profession of the directors shall be registered within fourteen days as from the date the resolution thereon has been made.

### **Section 62**

An amendment of the employers' association regulation shall be made by the resolution of the general meeting and shall be registered within fourteen days as from the date the resolution thereon has been made.

An amendment of the regulation under paragraph one shall come into force upon the registration of the Registrar.

Section 59 shall be applied to the request for an amendment of the regulation mutatis mutandis.

### **Section 63**

A person to be a member employers' association shall be the employer in the same undertaking. If the employer is a juristic person, such juristic person shall be a member of the employers' association.

### **Section 64**

A member of the employers' association shall have right to examine the membership register, document or account of the employer association for information related to its operation during its working hour as determined by the board of directors.

In requesting for an examination under paragraph one, the officer of the employers' association shall facilitate such member as appropriate.

### **Section 65**

A membership of a member of the employers' association shall terminate upon death, resignation, dismissed by a resolution of the general meeting or determination of the employers' association.

### **Section 66**

For the benefit of its members, the employers' association shall have the powers and duties as follows:

- (1) to make a demand, negotiation and acknowledge an award or enter into agreement with the labor union or employees for its members;
- (2) to manage and perform any act for the benefit of its members subject to the objectives of the employers' association;
- (3) to provide information service so as to facilitate its members in making contact related to their business;
- (4) to provide consulting service in solving any problem or eliminating any dispute related to business management and work;
- (5) to provide services related to the allocation of money or properties to be welfare of its members or public interest subject to the resolution of the general meeting;
- (6) to collect membership fees and dues at the rate as determined by the regulation of the employers' association.

### **Section 67**

In the case where the employers' association performs any of the following acts for the benefit of its members other than business related to politics, the employer, employers' association, directors, member of sub-committee and officer of the employers' association shall be exempted from any accused or charge for criminal or civil liability:

- (1) to participate the negotiation with the employees, labor union, employer, other employers' associations, labor federation or employers' federation with a view to right or benefit of its members;
- (2) to make a lock-out order or assist, induce or encourage its members to lock-out;
- (3) to clarify or publish facts related to labor disputes;
- (4) to organize rally of its members, provided that such act is a criminal offense on harm to public offense, life and body offense, liberty and reputation offense, property offense and civil liability in concerning with those criminal offense.

### **Section 68**

The employers' association shall have the board of directors to operate its business and being its representative in doing undertaking with a third person. For this purpose, the board of directors may entrust any or several directors to act on its behalf.

The board of directors may appoint a sub-committee to perform any entrusted duty.

### **Section 69**

A person who is eligible for election or appointment as a director or member of a sub-committee under Section 68 shall have the following qualifications:

- (1) being member of the employers' association or representative of a juristic person which is a member of the employers' association;
- (2) being of Thai nationality by birth.

### **Section 70**

The employers' association may undertake the following acts upon a resolution of the general meeting;

- (1) to amend its regulations;
- (2) to perform any act which may be detrimental to common interest of its members;
- (3) to elect director or auditor, or to certify balance sheet, annual report and annual budget;
- (4) to allocate money or properties to be welfare of its members or public interest;
- (5) to dissolve the employers' association;
- (6) to merge with other employers' associations;
- (7) to establish or being member of the employers' federation.

### **Section 71**

The employers' association shall make a membership register in compliance with the form prescribed by the Director-General and keep it at its office for inspection during office hours.

The employers' association shall announce its working days and office hours at its office.

### **Section 72**

The Registrar or a person entrusted by the Registrar shall have power to:

- (1) enter into the office of the employers' association during office hours so as to inspect its operation;
- (2) order the director, officer or employee of the employers' association to submit or present documents or account of the employers' association for consideration of any occurrence problem;
- (3) interrogate the person under (2) or summon such person to testify or give statement of fact related to the operation of the employers' association.

### **Section 73**

The Registrar shall have power to dismiss a director or the board of directors of the employers' association if it appears that such director or the board of director:

- (1) commit an unlawful act which obstructs the performance of duty of the conciliation officer, labor dispute arbitrator or the Labor Relations Committee;
- (2) fail to operate the employers' association according to its objectives which is inconsistent with laws or public order or may be detrimental to economy and security of the country; or
- (3) allow or consent any person who is not a director to operate the employers' association.

The order under paragraph one shall be made in writing and notified, without delay, to all related persons and the employers' association.

### **Section 74**

A person receiving the order under Section 73 shall have right to appeal such order to the Minister by submitting a written appeal to the Registrar within fifteen days as from the date of receiving the order.

The Minister shall make a decision on the appeal and notify his or her decision to the appellant within thirty days as from the date of receiving the appeal.

If the appellant is not satisfied with decision of the Minister, the appellant shall have right to institute the case to the Labor Court.

### **Section 75**

The employers' association shall cause its account to be audited annually and shall propose its balance sheet together with an audit report of the auditor to the general meeting.

If the balance sheet and audit report have been certified by the general meeting, each copy thereof shall be submitted to the Registrar within thirty days as from the date the certification of the general meeting has been made.

### **Section 76**

Two or more employers' associations with the same undertaking may merge altogether to be one employer's association.

The merger of the employers' associations under paragraph one shall be made upon a resolution of the general meeting of each association and an approval of the Registrar. In this case, a resolution of the general meeting shall be made by more than one-half of the total number of its members.



In requesting for approval of the Registrar, a copy of the minutes of the general meeting of the employers' association approving the merger shall also be submitted therewith.

### **Section 77**

The employers' associations shall, upon approval of the Registrar under Section 76, have written notification to all of their creditors for their acknowledgement to the merger and shall request the creditors having any objection to such merger to submit their objections to the employers' associations within thirty days as from the date of receiving such notification.

If there is no objection within such period, it shall be deemed no objection and the employers' associations may continue the merger.

If there is objection, the employers' associations may not be continue the merger until the full payment of the obligation is made or the security to such obligation is given.

### **Section 78**

The board of directors of each employer's association to be merged shall appoint not more than three representatives so as to conduct the registration under Section 79.

### **Section 79**

The employers' association formed by merger shall be registered as the new employers' association having the same undertaking as its forerunners by submitting the written application for registration to the Registrar.

The application for registration of the new employers' association shall be signed by at least two representatives of each employer's association to be merged.

The application for registration of the new employers' association shall be submitted together with the following documents:

- (1) letters of the employers' associations to be merged representing that all of their creditors has been informed under Section 77 paragraph one and no objection has been made within the prescribed period or, if there is such objection, the full payment of the obligation has been made or the security to such obligation has been given to such creditor.
- (2) two copies of the draft regulation of the new employers' association to be registered;
- (3) a copy of the minute of the meeting of the employers' associations to be registered.

The documents under (2) and (3) shall be signed by two elected directors of the new employers' association.

Section 54 to Section 75 shall be applied *mutatis mutandis*.

### **Section 80**

Upon registration of the new employers' association formed by merger, the Registrar shall delete names of the employers' associations which are merged together from the register.

### **Section 81**

All properties, obligations, rights, duties and liabilities of the employers' associations which are merged together shall devolve on the new employers' association.

The members of the employers' associations which are merged together shall be members of the new employers' association.

### **Section 82**

The employers' association shall dissolve upon:

- (1) the occurrence of any dissolution cause as stipulated by regulations of the employers' association;
- (2) a dissolution resolution of the general meeting;

- (3) a dissolution order of the Registrar;
- (4) being bankrupt.

### **Section 83**

The Registrar shall have power to dissolve the employers' association in the following cases:

- (1) it appears that the operation of the employers' association is contrary to laws or detrimental to the economy or security of the country or against public order or good morals;
- (2) the Registrar has ordered to elect the new board of directors en masse and there is no such election within the period as determined by the Registrar or within the period extended by the Registrar; or
- (3) the employers' association has not operated for more than two consecutive years.

If the Registrar has ordered to dissolve any employers' association, the Registrar shall notify such order, in writing, to the employers' association without delay.

The order to dissolve the employers' association under this Section may be appealed to the Minister. In this regards, more than one-half of the total number of the directors holding office on the date the dissolution order has been made may jointly submit a written appeal to the Minister by through the Registrar within thirty days as from the date of receiving the order.

The Minister shall decide the appeal and notify his or her decision to the appellant within thirty days as from the date of receiving the appeal.

If the appellant is not satisfied with the decision of the Minister, he or she shall have right to institute the case to the Labor Court.

The order to dissolve the employers' association shall be published in the Government Gazette after the expiration of a period of appeal or when the adjudication of the Labor Court has been given, as the case may be.

### **Section 84**

If the employers' association has to be dissolved under Section 82 (1), (2) or (3) or Section 83, a liquidator shall be appointed to carry out the liquidation. In this case, the provisions of the Civil and Commercial Code on Liquidation of Registered Partnerships, Limited Partnerships and Limited Companies shall be applied to the liquidation of the employers' association *mutatis mutandis*.

### **Section 85**

After liquidation, the remaining properties, if any, shall not be divided among the members of the employers' association, but shall be transferred to other juristic persons as specified by the regulation on the management of the employers' association or upon the resolution of the general meeting. If such juristic persons have not been specified by the regulation or the general meeting, the liquidator shall transfer those properties to the Department of Labor so as to be welfare of employees.

## **Chapter VII**

### **Labor Union**

### **Section 86**

A labor union may be established only by virtue of this Act.

The labor union shall have objectives in acquiring and protecting interests relating to working conditions and promoting good understanding between employer and employees and among employees themselves.

## **Section 87**

A labor union shall have its regulation and shall be registered to the Registrar. A labor union shall, upon registration, be a juristic person.

## **Section 88**

Persons who have the right to establish the labor union shall be employees of the same employer or being employees who work in the same undertaking irrespective of the number of the employer, being sui juris and having Thai nationality.

## **Section 89**

In applying for labor union registration, not less than ten employees who have the right to establish the labor union shall be the promoters and shall submit a written application, together with at least three copies of the draft regulation of the labor union, to the Registrar.

The application shall specify the names, ages, occupation or profession and addresses of all promoters.

## **Section 90**

The regulation of the labor union shall, at least, have statements as follows:

- (1) name of the association which shall have the words "labor union" attached therewith;
- (2) objectives of the labor union;
- (3) address of the office;
- (4) members admission procedure and termination of memberships;
- (5) admission fee, dues and payment method thereof;
- (6) determination on right and duty of members;
- (7) determination on management, expenditure and keeping of money and other properties as well as accounting and auditing;
- (8) determination on strike procedure and approving the working condition agreement;
- (9) determination on general meeting;
- (10) determination on the number of directors, election of directors, term of office and vacating from office of directors and the meeting of the board of directors.

## **Section 91**

If the Registrar, upon receiving the application together with the draft regulation, is of opinion that the applicant having qualifications under Section 88, the regulation made correctly under Section 90 and the objectives of the association are in accordance with Section 86 paragraph two and are not against public order, the Registrar shall register such labor union and issue a certificate of registration thereto.

If the Registrar is of opinion that the application or draft regulation is not comply with paragraph one, the Registrar shall order the applicant to make an amendment. The Registrar shall, upon correct amendment, register such labor union and issue a certificate of registration thereto.

If the Registrar is of opinion that it is unable to make a registration because the proposed objective is contrary to public order, the Registrar shall refuse to make a registration and notify such order with justification to the applicant without delay;

The applicant may appeal such refusal order to the Minister by submitting the written appeal to the Registrar within thirty days as from the date of receiving such refusal order.

The Minister shall consider the appeal and notify his or her decision to the appellant within thirty days as from the date of receiving the appeal.

If the appellant is not satisfied with the decision of the Minister, the appellant has the right institute the case to the Labor Court.

## **Section 92**

The Registrar shall publish the labor union registration in the Government Gazette.

## **Section 93**

The promoters of the labor union shall, within one hundred and twenty days as from the date of registration, convene the first ordinary general meeting for election of the board of directors and entrust all power and duties to the board and to approve the regulation submitted to the Registrar under Section 91.

When the board of directors has been elected and the regulation has been approved by the ordinary general meeting, a copy of the regulation and the names, addresses and occupation or profession of the directors shall be registered within fourteen days as from the date the resolution thereon has been made.

## **Section 94**

An amendment of the labor union regulation shall be made by the resolution of the general meeting and shall be registered within fourteen days as from the date the resolution thereon has been made.

An amendment of the regulation under paragraph one shall come into force upon the registration of the Registrar.

Section 91 shall be applied to the request for an amendment of the regulation *mutatis mutandis*.

## **Section 95**

A person to be a member of the labor union shall be the employee of the same employer of the promoters or being employees working in the same undertaking of the promoters at least fifteen years of age.

Neither officer nor the executive under the law on State enterprise labor relations shall be member of the labor union under paragraph one.

An employee who is the supervisor having power in employing, reducing wage, terminating of employment, rewarding or punishing shall not be member of the labor union established by other employees or other employees being member, and other employees shall not be a member of the labor union established by the supervisor or the supervisor being member.

## **Section 96**

A member of the labor union shall have right to examine the membership register, document or account of the labor union for information related to its operation during its working hour as determined by the board of directors.

In requesting for an examination under paragraph one, the officer of the labor union shall facilitate such member as appropriate.

## **Section 97**

A membership of a member of the labor union shall terminate upon death, resignation, dismissed by a resolution of the general meeting or determination of the labor union.

## **Section 98**

For the benefit of its members, the labor union shall have the powers and duties as follows:

- (1) to make a demand, negotiation and acknowledge an award or enter into agreement with the employer or employers' association for its members;
- (2) to manage and perform any act for the benefit of its members subject to the objectives of the labor union;
- (3) to provide information service so as to facilitate its members in making contact related to work seeking;
- (4) to provide consulting service in solving any problem or eliminating any dispute related to business management and work;

- (5) to provide services related to the allocation of money or properties to be welfare of its members or public interest subject to the resolution of the general meeting;
- (6) to collect membership fees and dues at the rate as determined by the regulation of the employers' association.

### **Section 99**

In the case where the labor union performs any of the following acts for the benefit of its members other than business related to politics, the employee, labor union, director, member of sub-committee and officer of the trade union shall be exempted from any accused or charge for criminal or civil liability:

- (1) to participate the negotiation with the employer, employers' association, employee, other trade unions, employers' federation or employees federation with a view to right or benefit of its members;
- (2) to strike or assist, induce or encourage its members to strike;
- (3) to clarify or publish facts related to labor disputes;
- (4) to organize rally or attend the strike peacefully, provided that such act is a criminal offense on harm to public offense, life and body offense, liberty and reputation offense, property offense and civil liability in concerning with those criminal offense.

### **Section 100**

The labor union shall have the board of directors to operate its business and being its representative in doing undertaking with a third person. For this purpose, the board of directors may entrust any or several directors to act on its behalf.

The board of directors may appoint a sub-committee to perform any entrusted duty.

### **Section 101**

A person who is eligible for election or appointment as a director or member of a sub-committee under Section 100 shall have the following qualifications:

- (1) being member of such labor union;
- (2) being of Thai nationality by birth;
- (3) being not less than twenty years of age.

### **Section 102**

The employee who is a director of the labor union shall have right to leave for conducting the labor union business as a representative of the employees in a negotiation, conciliation and arbitration of labor dispute, and shall have right to leave for attending the meeting held by the officials. In this regards, such employee shall notify his or her leave to the employer in advance and shall present relevant evidence, if any, therewith. Such leave shall be deemed as a working day of that employee.

### **Section 103**

The labor union may undertake the following acts upon a resolution of the general meeting;

- (1) to amend its regulations;
- (2) to perform any act which may be detrimental to common interest of its members;
- (3) to elect director or auditor, or to certify balance sheet, annual report and annual budget;
- (4) to allocate money or properties to be welfare of its members or public interest;
- (5) to dissolve the labor union;
- (6) to merge with other labor unions;
- (7) to establish or being member of the employee federation;

- (8) to strike in the case where there is an unconcluded labor dispute under Section 22 paragraph three. In this case, the vote for the strike shall be made by secret ballot and a resolution is made by more than one-half of the total number of members of the labor union.

#### **Section 104**

The labor union shall make a membership register in compliance with the form prescribed by the Director-General and keep it at its office for inspection during office hours.

The labor union shall announce its working days and office hours at its office.

#### **Section 105**

The Registrar or a person entrusted by the Registrar shall have power to:

- (1) enter into the office of the labor union during office hours so as to inspect its operation;
- (2) order the director, officer or employee of the labor union to submit or present documents or account of the labor union for consideration of any occurrence problem;
- (3) interrogate the person under (2) or summon such person to testify or give statement of fact related to the operation of the labor union.

#### **Section 106**

The Registrar shall have power to dismiss a director or the board of directors of the labor union if it appears that such director or the board of director:

- (1) commit an unlawful act which obstructs the performance of duty of the conciliation officer, labor dispute arbitrator or the Labor Relations Committee;
- (2) fail to operate the labor union according to its objectives which is inconsistent with laws or public order or may be detrimental to economy and security of the country; or
- (3) allow or consent any person who is not a director to operate the labor union.

The order under paragraph one shall be made in writing and notified, without delay, to all related persons and the labor union.

#### **Section 107**

A person receiving the order under Section 106 shall have right to appeal such order to the Minister by submitting a written appeal to the Registrar within fifteen days as from the date of receiving the order.

The Minister shall make a decision on the appeal and notify his or her decision to the appellant within thirty days as from the date of receiving the appeal.

If the appellant is not satisfied with decision of the Minister, the appellant shall have right to institute the case to the Labor Court.

#### **Section 108**

The labor union shall cause its account to be audited annually and shall propose its balance sheet together with an audit report of the auditor to the general meeting.

If the balance sheet and audit report have been certified by the general meeting, each copy thereof shall be submitted to the Registrar within thirty days as from the date the certification of the general meeting has been made.

#### **Section 109**

Two or more labor unions whose members are the employees working for the same employer, irrespective of whether they are employees in the same undertaking, may merge altogether to be one labor union.

Two or more labor unions whose members are employees in the same undertaking, irrespective of whether they are employees of the same employer, may merge altogether to be one labor union.

The merger of the labor unions under paragraph one shall be made upon a resolution of the general meeting of each labor union and an approval of the Registrar. In this case, a resolution of the general meeting shall be made by more than one-half of the total number of its members.

In requesting for approval of the Registrar, a copy of the minutes of the general meeting of the labor union approving the merger shall also be submitted therewith.

#### **Section 110**

The provisions of Section 77, Section 78, Section 79, Section 80 and Section 81 shall be applied to the merger of the labor unions *mutatis mutandis*.

#### **Section 111**

The provisions of Section 82, Section 83, Section 84 and Section 85 shall be applied to the dissolution of a labor union *mutatis mutandis*.

### **Chapter VIII**

#### **Employers' Federation and Labor Federation**

#### **Section 112**

Two or more employers' associations having members who operate the same undertaking may jointly request for a registration to establish the employers' federation so as to promote good relationships between those employers' associations and to protect benefit of those employers' associations and individual employer.

#### **Section 113**

Two or more labor unions:

- (1) whose members are the employees working for the same employer, irrespective of whether they are employees in the same undertaking; or
- (2) whose members are employees in the same undertaking, irrespective of whether they are employees of the same employer, may jointly request for a registration to establish the labor federation so as to promote good relationships between those labor union and to protect benefit of those labor union and individual employee.

#### **Section 114**

The establishment of, and the admission to be a member of, the employers' federation or the labor federation under Section 112 or Section 113 shall be made upon the approval of the members of each employers' association or trade union. In this case, the approval shall be made by more than one-half of the total number of its members.

The casting of votes under paragraph one shall be in accordance with the regulation on management of each employer's association or labor union.

#### **Section 115**

The registered employers' federation and the registered labor federation shall be a juristic person.

#### **Section 116**

The employers' association which is a member of the employers' federation and the labor union which is a member of the labor federation has right to send their representatives to attend the meeting and operation of the employers' federation or labor federation in such

number as prescribed by the regulation on management of the employers' federation or labor federation.

#### **Section 117**

The board of directors of the employers' federation shall be elected from representatives of the employers' association which is a member of such employers' federation.

The board of directors of the labor federation shall be elected from representatives of the labor union which is a member of such labor federation.

#### **Section 118**

The provisions on employers' associations of Chapter VI and on labor unions of Chapter VII shall be applied to the employers' federation and labor federation mutatis mutandis.

#### **Section 119**

Not less than five employers' association or employers' federation may establish the Employers' Organization Council for promoting study and labor relations.

The Employers' Organization Council shall have regulation and shall be registered to the Registrar. The Employers' Organization Council shall, upon registration, be a juristic person.

The provisions on the employers' association of Chapter VI and on employers' federation of Chapter VIII shall be applied to the Employers' Organization Council mutatis mutandis.

#### **Section 120**

Not less than fifteen employees association or employees federation may establish the Employees' Organization Council for promoting study and labor relations.

The Employees' Organization Council shall have regulation and shall be registered to the Registrar. The Employees' Organization Council shall, upon registration, be a juristic person.

The provisions on the employees association of Chapter VII and on employees federation of Chapter VIII shall be applied to the Employees' Organization Council mutatis mutandis.

#### **Section 120 bis**

A director of the employers' association, employers' federation and Employers' Organization Council who is dismissed by the order of the Registrar due to a violation of any provision of this Act may hold office of a director of the employers' association, employers' federation and Employers' Organization Council after the expiration of one year as from the date the Registrar dismiss such person from office.

A director of the employees association, employees federation and Employees' Organization Council who is dismissed by the order of the Registrar due to a violation of any provision of this Act may hold office of a director of the employees association, employees federation and Employees' Organization Council after the expiration of one year as from the date the Registrar dismiss such person from office.

#### **Section 120 ter**

The labor federation under the law on State enterprise labor relations may be member of the Employees' Organization Council.

## **Chapter IX Unfair Practices**

#### **Section 121**

No employer shall:

- (1) terminate the employment or act in any manner which may cause an employee, a representative of the employee, a director of labor union or a director of labor



federation being unbearable to continue working with due to the fact that the employee or labor union calls for a rally, files a complaint, submits a demand, participates a negotiation or institutes a law suit or being a witness or submits evidence to the competent officials under the law on labor protection or to the Registrar, conciliation officer, labor dispute arbitrator or Labor Relations Committee under this Act or to the Labor Court, or due to the fact that the employee or Labor union preparing to do so;

- (2) terminate the employment or act in any manner which may cause an employee being unbearable to continue working with due to the fact that such employee is a member of the labor union;
- (3) obstruct the employee from being member of the labor union or cause the employee to resign from membership of the labor union, or give or agree to give money or property to the employee or officer of the labor union in lieu of the refusal to apply for membership, or to admit the applicant to be membership, of the labor union or in lieu of the resignation from the labor union;
- (4) obstruct the operation of the labor union or labor federation or obstruct the exercise of the right of the employee in applying for membership of the labor union; or
- (5) illegally interfere the operation of the labor union or labor federation.

### **Section 122**

No person shall:

- (1) compel or threat the employee, directly or indirectly, to be a member of the labor union or to resign therefrom; or
- (2) do any act which may cause the employer to act in violation of Section 121.

### **Section 123**

During the enforcement of the working condition agreement or award, no employer shall dismiss the employee, representative of the employee or director, member of Sub-committee or member of the labor union or the director or member of the Sub-committee of the labor federation who related to the demand, provided that such person:

- (1) being dishonest in the discharge of duty or intentionally commits a criminal offence against the employer;
- (2) willfully causes damage to the employer;
- (3) violates the regulation, rule or lawful order of the employer after a written warning or caution has been given by the employer. If there is a serious circumstance, such warning or caution may not be made. In this regards, the aforesaid regulation, rule or order shall not be made with a view to obstruct such person from doing any act related to the demand;
- (4) unreasonably neglects his or her duty for three consecutive days;
- (5) performs any acts which encourage, assist or induce any person to violate the working condition agreement or award.

### **Section 124**

If there is a violation of Section 121, Section 122 or Section 23, the person injured therefrom may submit a complaint against the violator to the Labor Relations Committee within sixty days as from the date of violation.

### **Section 125**

The Labor Relations Committee shall, upon receiving a complaint under Section 124, make an award and order thereon within ninety days as from the date of receiving the complaint.

The Minister shall have power to extend the consideration period for the Labor Relations Committee as he or she thinks fit.

### **Section 126**

If the accused person has complied with the order of the Labor Relations Committee made under Section 125 within the period determined by the Labor Relations Committee, the criminal proceedings against such person shall be extinguished.

### **Section 127**

The criminal proceedings against a person who violates Section 121, Section 122 or Section 123 shall be instituted if a person injured by such violation submits a complaint against the violator under Section 124 and the violator fails to comply with the order of the Labor Relations Committee under Section 125.

## **Chapter X**

### **Penalties**

### **Section 128**

A representative of the employer or employee under Section 13 or Section 16, or a representative of the employers' association or labor union under Section 15, who accept or agree to accept money or property from any other person in response of doing any act which may cause the employer, employee, employers' association or trade union which he or she is a representative in demanding, negotiating or acknowledging of award to lose their entitled benefit shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

### **Section 129**

The adviser of the employer or employee under Section 17 who accepts or agrees to accept money or property from any person in response of doing any act which may cause the employer or employee whom he or she is the adviser to lose an entitled benefit shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

### **Section 129 bis**

A person who acts as the adviser of the employer or the employees without registration under Section 17 paragraph two shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

### **Section 130**

The employer who violates or fails to comply with Section 18, Section 20 or Section 22 paragraph two in conjunction with Section 18 shall be liable to a fine of not exceeding one thousand Baht.

### **Section 131**

The employer or employee who violates or fails to comply with the registered working condition agreement or award under Section 18 paragraph two, Section 22 paragraph two or Section 29 paragraph four while such working condition agreement or award is still in force shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding one thousand Baht, or to both.

### **Section 132**

The employer, employee, employers' association, labor union, employers' federation or labor federation who violates or fails to comply with the award of the Labor Relations Committee or the appeal decision of the Minister under Section 23 shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht, or to both.

### **Section 133**

Any person who violates or fails to comply with the award under Section 24, Section 25 or Section 35 (4) shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

#### **Section 134**

Any labor dispute arbitrator who accepts or agrees to accept money or property from any other person as incentive in awarding the labor dispute which may cause the employer, employee, employers' association or labor union to lose their entitled benefit shall be liable to imprisonment for a term of not exceeding one year or to a fine of not exceeding twenty thousand Baht, or to both.

#### **Section 135**

Any labor dispute arbitrator who fails to comply with Section 29 paragraph three or paragraph four shall be liable to a fine of not exceeding one thousand Baht.

#### **Section 136**

The employer who violates Section 31 paragraph one shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

#### **Section 137**

Any person who violates Section 32 shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht, or to both.

#### **Section 138**

Any employer, employee, employers' association, labor union, employers' federation or labor federation who violates the notification of the Minister issued under Section 33 paragraph one shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

#### **Section 139**

Any employer or employee who violates Section 34 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

#### **Section 140**

Any employer or employee who violates or fails to comply with the orders of the Minister issued under Section 35 (1), (2) or (3) shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

#### **Section 141**

Any employer or employee who violates or fails to comply with Section 36 paragraph one or paragraph two shall be liable to imprisonment for a term of not exceeding two years or to a fine of not exceeding forty thousand Baht, or to both.

#### **Section 142**

Any person who fails to render facilities, obstructs, or fails to answer an inquiry letter, give statement or send relevant thing or evidence to the member of the Labor Relations Committee or its Sub-committee under Section 43 or to the Registrar or person entrusted by the Registrar under Section 72 or Section 105 shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht, or to both.

#### **Section 143**

Any Employer who violates or fails to comply with Section 50, Section 52 or Section 53 shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht, or to both.

#### **Section 144**

Any promoter of the employers' association who fails to comply with Section 61, or any director of the employers' association who fails to comply with Section 62, shall be liable to a daily fine of not exceeding fifty Baht per day throughout the period of such failure.

### **Section 145**

The employers' association which admits a member in violation of Section 63 shall be liable to a fine of not exceeding one thousand Baht.

### **Section 146**

The employers' association which violates or fails to comply with Section 71 or Section 75 shall be liable to a fine of not exceeding two thousand Baht.

Any director of the employers' association who consents the employers' association to violate or fails to comply with Section 71 or Section 75 shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht, or to both.

### **Section 147**

Any liquidator who fails to comply with Section 85, or Section 111 in conjunction with Section 85, or Section 118 in conjunction with Section 85, or Section 111 shall be liable to a daily fine of not exceeding fifty Baht per day throughout the period of such failure.

### **Section 148**

Any promoter of the labor union who fails to comply with Section 93, or any director of the labor union who fails to comply with Section 94, shall be liable to a daily fine of not exceeding fifty Baht per day throughout the period of such failure.

### **Section 149**

The labor union which admits a member in violation of Section 95 shall be liable to a fine of not exceeding one thousand Baht.

### **Section 150**

The labor union which violates or fails to comply with Section 104 or Section 108 shall be liable to a fine of not exceeding two thousand Baht.

A director of the labor union who consents the labor union to violate or fails to comply with Section 104 or Section 108 shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht, or to both.

### **Section 151**

Any person who establishes the employers' federation and fails to comply with Section 118 in conjunction with Section 61, or any person who establishes the employer federation and fails to comply with Section 118 in conjunction with Section 93, shall be liable to a daily fine of not exceeding fifty Baht per day throughout the period of such failure.

### **Section 152**

Any director of the employers' association who fails to comply with Section 118 in conjunction with Section 62, or any director of the labor federation who fails to comply with Section 118 in conjunction with Section 94, shall be liable to a daily fine of not exceeding fifty Baht per day throughout the period of such failure.

### **Section 153**

The employers' federation which violates or fails to comply with Section 118 in conjunction with Section 71 or Section 75, or the labor federation which violates or fails to comply with Section 118 in conjunction with Section 104 or Section 108, shall be liable to a fine of not exceeding two thousand Baht.

Any director of the employers' federation who consents the employers' federation to violate or fail to comply with Section 118 in conjunction with Section 71 or Section 75, or any director of the labor federation who consents the labor federation to violate or fail to comply with Section 118 in conjunction with Section 104 or Section 108, shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht, or to both.

#### **Section 154**

Any person other than the employers' association, labor union, employers' federation or labor federation who uses the names accompanying with the Thai letters read as "employers' association", "labor union", "employers' federation" or "labor federation", or the English letters having a similar meaning, on a name plate, seal, letter, notice or other documents related to his or her business, shall be liable to a fine of not exceeding one thousand Baht together with the daily fine of not exceeding fifty Baht per day until the expiration of use.

#### **Section 155**

Any person being member of any employers' association or labor union by knowing that such employers' association or labor union has not been registered shall be liable to a fine of not exceeding one thousand Baht.

Any person who operates the unregistered employers' association or labor union shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht, or to both.

#### **Section 156**

Upon dissolution of the employers' association, labor union, employers' federation or labor federation under this Act, any director or member of the Sub-committee of the employers' association, labor union, employers' federation or labor federation who obstructs the liquidator in the performance of his or her duty shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht, or to both.

#### **Section 157**

Any person who continues to operate the employers' association, labor union, employers' federation or labor federation which has been dissolved under this Act shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding one thousand Baht, or to both.

#### **Section 157 bis**

Whoever operates the Employers' Organization Council or Employees' Organization Council, or uses the name with the Thai letters read as "Employers' Organization Council" or "Employees' Organization Council" on any document related to his or her business, by failing to comply with Section 119 or Section 120, as the case may be, shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

#### **Section 158**

The employer who violates Section 121 or Section 123 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

#### **Section 159**

Any person who violates Section 122 shall be liable to imprisonment for a term of not exceeding six months or to a fine of not exceeding ten thousand Baht, or to both.

### **Transitory Provisions**

#### **Section 160**

All complaints, demands, labor disputes, agreements, awards of the labor dispute arbitrators, awards or orders of the Labor Relations Committee or cases which have been instituted or have not been final before the date this Act of comes into force shall be proceeded subject to the Notification of the Ministry of Interior issued under the Announcement of the Revolutionary Council No. 103, dated 16th March B.E. 2515, until those complaints, demands, labor disputes, agreements, awards, orders or cases become final.

The labor dispute arbitrators and Labor Relations Committee appointed under this Act shall have power to award and make orders related to the matters under paragraph one as same as the labor dispute arbitrators and Labor Relations Committee appointed under the Notification of the Ministry of Interior issued under the Announcement of the Revolutionary Council No. 103, dated 16th March B.E. 2515.

#### **Section 161**

The employers' associations and employees associations registered under the Notification of the Ministry of Interior issued under the Announcement of the Revolutionary Council No. 103, dated 16th March B.E. 2515, shall be deemed as the employers' associations and labor unions under this Act.

#### **Section 162**

The application for establishing the employers' association or employees association submitted under the Notification of the Ministry of Interior issued under the Announcement of the Revolutionary Council No. 103, dated 16th March B.E. 2515, shall be deemed as the application under this Act.

#### **Section 163**

During the period the law on the establishment of the Labor Court has not come into force, the Court of Justice shall have the same the powers and duties as the Labor Court.

Countersigned by

Mr. Sanya Dhamasakti

Prime Minister

#### **Disclaimer**

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