



**The state Enterprise
Labour Relations Act B.E. 2543
(2000)**

DLPW. No. 46/2547

**Legal Affairs Division
Department of Labour
Protection and Welfare**

PREFACE

Affirming the intention to jointly promote sound labour policies and practices and Decent Work as defined by the International Labour Organization (ILO), Thailand have desired to reinforce their growing economic and social relationship would be reflected in the international plan. The labour is one among various issues needed to achieve the favorable labour conditions for sustainable development in the high standards.

This State Enterprise Labour Relations Act B.E. 2543 (2000) where the fundamental rights at work of labour are provided is kindly trusted to be a supportive document in which the better understanding in our labour legal system will be found therefore.



(Surin Chiravisit)

Department of Labour Protection and Welfare
Ministry of Labour

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(Unofficial Translation)

THE STATE ENTERPRISE LABOUR RELATIONS ACT B.E. 2543

BHUMIBOL ADUYADEJ, REX

Given on the 23th day of March, B.E. 2543:

Being the 55th year of the Present Reign.

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

Whereas it is expedient to revise the law on State Enterprise labour relations;

Be it, therefore, enacted by the King, by and with the advice and consent of the Parliament as follows:

Section 1 This Act may be cited as the “State Enterprise Labour Relations Act B.E. 2543”.

Section 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3 The State Enterprise Labour Relations Act B.E. 2534 shall be repealed.

Section 4 This Act is a law containing certain provisions relating to restrictions on liberty on dwelling place and restrictions on freedom to unite and form an association, a union, a league, a cooperative, a farmer group, a private organisation, or any other group which issues by virtue of Sections 35 and 45 of the Constitution of the Kingdom of Thailand.

Section 5 This Act shall not apply to a State Enterprise as prescribed in the Royal Decree.

Section 6 In this Act.

"State Enterprise" includes:

(1) any government organization under the law on the establishment of government organizations or an enterprise of the State under the law establishing that enterprise, including business entities owned by the State; or

(2) a limited company or registered partnership which a government ministry, department or equivalent public body or a state enterprise under (1) has a share capital of more than fifty per cent.

"Employee" means any person who agrees to work for an Employer in return for wages.

"Employer" means any State Enterprise agreeing to accept an Employee for work by paying him wages in return and includes a person

authorized by a State Enterprise to act on its behalf, or the person entrusted by the authorized person to act on his behalf.

“Management” means any individual who works for a State Enterprise at a management level, with the authority to employ, dismiss, increase wages, cut wages, or reduce wages.

“Conditions of Employment” include any rule concerning employment or working conditions, working day and time, wages, welfare, termination of employment or other benefits of an Employer or an Employee relating to employment or work.

“Agreement on Conditions of Employment” means an agreement between an Employer and a Labour Union under this Act.

“Labour Dispute” means a dispute between an Employer and Employee in relation to Conditions of Employment.

“Lock-Out” means any temporary refusal by an Employer to permit an Employee to work as a result of a Labour Dispute.

“Strike” means any concerted stoppage of work whereby Employees act to slow down or delay their work with a view to halting or delaying, in part or in whole, of the operation of a State Enterprise.

“Labour Union” means a State Enterprise labour union established pursuant to this Act.

“Labour Federation” means a State Enterprise labour federation established pursuant to this Act.

“Committee” means the State Enterprise Labour Relations Committee.

“Registrar” means the Director-General of the Department of Labour Protection and Welfare or a person so designated.

“Conciliation Officer” means any person appointed as such by the Minister to carry out the execution of this Act.

“Competent Officer” means any government officer appointed by the Minister to carry on the execution of this Act.

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

Section 7 The Minister of Labour and Social Welfare shall have charge and control over the execution of this Act and retain the power to appoint Conciliation Officers and Competent Officers to carry out the execution of this Act.

The appointment under paragraph one of this Section shall be published in the Government Gazette.

CHAPTER 1

The State Enterprise Labour Relations Committee

Section 8 There shall be the establishment of Committee called “The State Enterprise Labour Relations Committee” consisting of the

Minister as its Chairman and the Permanent Secretary of the Ministry of Labour and Social Welfare, the Secretary General of the Office of the National Economic and Social Development Board, and the Comptroller General as its members ex officio. The other Committee members appointed by the Minister are five representatives of Employers and five representatives of Employees. The Director-General of the Department of Labour Protection and Welfare is a Committee member and the Secretary to the Committee.

Employer representatives under paragraph one mean the governor, the Director, the managing director or a person in position with similar authorization but otherwise named in the State Enterprise.

Employee representatives under paragraph one mean persons elected from among chairmen of State Enterprise Labour Unions. The election shall be conducted as so prescribed in the Ministerial Regulations published in the Government Gazette.

Section 9 The Committee members shall be appointed by the Minister for a term of two years. A Committee member who vacates office may be reappointed.

Section 10 In addition to the expiration of office term under Section 9, the Committee members appointed by the Minister shall vacate office upon his:

(1) death;

(2) resignation;

(3) removal by the Minister for having committed an act violating or failing to comply with the Act, or having committed an offence according to the Act;

(4) ceasing to be an Employer or chairperson of a Labour Union, as the case may be;

(5) being adjudged bankrupt;

(6) being adjudged incompetent or quasi-incompetent; or

(7) being imprisoned by a final judgment to imprisonment, except for an offence committed by negligence or a petty offence.

Where a Committee member appointed by the Minister vacates office before the expiration of his term, the Minister shall appoint a person to fill the vacancy. The person so appointed shall hold office for the remainder of his predecessor's term.

Where the appointment of Committee member to fill a vacancy before the expiration of the term for a Committee member of the Employee party is required, the chairperson of the Labour Union holding the next order of the same election as his predecessor shall be appointed.

Section 11 If the office term of a Committee member appointed by the Minister has expired and the appointment of his successor has not

yet been made, the member shall remain in the office until his successor takes up his duties.

Section 12 At the meeting of the Committee, the presence of not less than half of the Committee members and one member from each of the party of Employers and Employees is required to constitute a quorum.

If, at any meeting the Committee Chairman is not present or is unable to perform his function, the Committee members present shall elect one among themselves to chair the meeting.

The resolution of a meeting shall be taken by a majority vote. Each member shall have one vote. In the event of an equality of votes, the person presiding over the meeting shall have a casting vote.

If, at any meeting the quorum requirement under paragraph one is not fulfilled, the next meeting shall be held within fifteen days from the date of the previous appointment. At this meeting, if none of the Committee members of both the Employer and Employee parties are present, the presence of not less than half of the Committee members shall be deemed to constitute a quorum.

Section 13 The Committee shall have the following powers and functions:

(1) to determine the minimum standards of Conditions of Employment;

(2) to propose to the Cabinet to determine the scope of the Conditions of Employment with financial implications for each State Enterprise in which the State Enterprise may manage itself;

(3) to consider and approve the Conditions of Employment under paragraph three and Section 28;

(4) to consider and arbitrate Labour Disputes under Section 31;

(5) to appoint a person or group of persons to conciliate Labour Disputes before the arbitration award is made under Section 31 paragraph five;

(6) to consider and arbitrate under Section 38;

(7) to consider, arbitrate and give orders under Section 39;

(8) to suggest and give opinion and advice concerning legal practices to State Enterprises; and

(9) to perform other functions under this Act or assigned by the Minister.

The minimum standards of Conditions of Employment under paragraph (1) shall, upon their approval by the Cabinet, be applicable to every State Enterprise.

If the State Enterprise makes an adjustment to improve the Conditions of Employment relating to financial implications other than

those prescribed in Section 13 (2), it shall be applicable to every State Enterprise, upon the approval of the Committee and the Cabinet.

Section 14 The Committee shall have the power to appoint up to five qualified persons to act as advisors to the Committee to consult with and to submit opinions on matters assigned by the Committee.

Section 15 The Committee shall have the power to appoint Sub-Committees to consider or carry out any activity assigned by the Committee.

Section 16 In the performance of their functions, the Committee, the Sub-Committee, or Competent Officers entrusted by the Committee or the Sub-Committee, shall have the following powers:

(1) to enter the workplace of an Employer, the workplace of an employees, or offices of an employer, Labour Union or Labour Federation during working hours in order to inquire into facts or examine documents as deemed necessary; and

(2) to issue letters of inquiry or summon any person to give evidence or forward relevant items or documents to supplement the consideration of the Committee, the Sub-Committee or the Competent Officer so entrusted.

The person concerned shall render facilities, explain the facts, reply to the letter of inquiry, or forward relevant items or documents to the Committee, the Sub-Committee, or the Competent Officer in the performance of their functions under paragraph one.

Section 17 The Committee or the Sub-Committee may invite in writing experts or qualified persons to give opinions on the relevant matters.

Section 18 There shall be an Office of the State Enterprise Labour Relations Committee in the Department of Labour Protection and Welfare, which shall have the following powers and functions:

- (1) to perform the technical duties of the Committee and the Sub-Committee under this Act; and
- (2) to perform any duties assigned to it by the Committee or the Sub-Committee.

CHAPTER 2

Relations Affairs Committee

Section 19 There shall be a relations affairs committee in each State Enterprise. It shall be composed of a member of the board of that State Enterprise whom the board has designated as the chairperson of

the committee; the representatives of the Employer appointed from management level in the number specified by the State Enterprise, which shall not be less than five but not exceeding nine, and representatives of the Employee appointed from the members proposed by a Labour Union of that State Enterprise, in the equal number to those of the employer party, to be committee members.

Where a Labour Union has not been formed in a State Enterprise or where the Labour Union has been dissolved under Section 65, the State Enterprise shall appoint Employees in the equal number as that of the representatives of the Employer to become members of the committee.

The Employees appointed under paragraph two shall hold office until the representatives of a Labour Union under paragraph one have been appointed.

Section 20 Members of the relations affairs committee shall hold office for the term of two years and be entitled to be reappointed, if needed.

Section 21 Apart from the expiration of the office term under Section 20, a member of the relations affairs committee shall vacate office upon his:

- (1) death;

(2) resignation;

(3) being adjudged incompetent or quasi-incompetent;

(4) ceasing to be a member of the Management or deemed, by the State Enterprise, appropriate to be replaced, in the case of a representative from Employer party;

(5) ceasing to be a member of the Labour Union or deemed, by the Labour Union, appropriate to be replaced, or ceasing to be an Employee in case of an Employee's representative; and

(6) being imprisoned by a final judgment to imprisonment, except for an offence committed by negligence or a petty offence.

Where a member of the labour relations committee vacates office before the expiration of his office term, there shall be an appointment to fill the vacancy. The person so appointed shall hold office only for the remainder term of his predecessor's term.

Section 22 The relations affairs committee shall hold a meeting at least once a month. The prescriptions under Section 12 shall apply, *mutatis mutandis*, at the meeting of the committee.

Upon a request by not less than one-third of its members, the committee shall hold a meeting within ten days from the date of such request.

Section 23 The relations affairs committee shall have the following powers and functions:

(1) to consider and give opinions on an improvement of the operational capacity of the State Enterprise as well as to promote and develop labour relations affairs;

(2) to find out a method of harmony and to prevent Labour Disputes in such State Enterprise;

(3) to consider improving rules and regulations which will benefit Employers, Employees and such State Enterprise;

(4) to consult to solve problems in any grievance made by an Employee or a Labour Union except a complaint concerning a disciplinary penalty; and

(5) to consult to consider improving Conditions of Employment.

Section 24 An Employer shall render facilities to the performing of functions by the member of the relations affairs committee or refrain from committing any activity which impairs the functional operation of a member of the relations affairs committee.

An Employer may only terminate the employment, permanently reduce wages, refrain from paying any wages or Lock-Out a member of the relations affairs committee with the permission of the Labour Court, except where the committee member has considered in writing, or the termination of employment is due to the member's retirement.

CHAPTER 3

Agreement on Conditions of Employment and Settlement of Labour Disputes

Section 25 Agreements on Conditions of Employment shall be applicable according to the duration agreed upon by the Employer and Labour Union, but such agreement shall not be more than three years.

The demand for an agreement relating to Conditions of Employment or an amendment thereof shall be submitted in writing by either the Employers or the Employees to the other. The party presenting the demand shall furnish a copy to the Registrar without delay.

The party presenting the demand shall specify names of its authorized persons as its representatives for negotiation, the number of which shall not exceed seven persons.

The representatives for negotiation for the Employer party shall be appointed from the management level of the state enterprise. The representatives for negotiation for the Labour Union party shall be appointed from Committee members or members of such Labour Union.

Section 26 Upon having received the demand, the receiving party shall forthwith submit the names of representatives, the number of

which shall not exceed seven persons, to the party presenting the demand. Both parties shall begin the negotiation within five days from the date of which the demand has been received.

Employer or Employees may appoint advisers to advise or recommend to his representatives but the number of the advisers thereof shall not exceed two persons for each party.

Section 27 If the Employer and Labour Union are able to agree upon the demand submitted, the Agreement on Conditions of Employment shall be made in writing which must contain signatures of not less than half of the representatives for negotiation of both the Employer and the Labour Union parties. The Employer shall openly display a notice of Conditions of Employment at the workplace of Employees involved for at least thirty days, within three days from the date of such agreement.

The Employer shall register the Agreement on Conditions of Employment under paragraph one with the Registrar or person entrusted by him within fifteen days from the date of such agreement.

Section 28 An Employer shall only be able to execute an Agreement on Conditions of Employment relating to financial implications other than those prescribed in Section 13 (2), with the approval of the Committee and the Cabinet.

Section 29 The Agreement on Conditions of Employment shall bind the signatory Employer and Employees possessing Labour Union membership.

The Employer shall not engage in any employment contract contrary to or inconsistent with such agreement, with Employees being members of the Labour Union unless it is more favourable to the Employees.

Section 30 Where there is no negotiation within the period prescribed in Section 26, or there is no agreement after the negotiation for whatever reason, a Labour Dispute shall be regarded as having occurred, and the party presenting such demand shall notify the Conciliation Officer in writing within seventy-two hours after the prescribed period has lapsed or from the date the agreement cannot be reached, as the case may be.

Section 31 When the Conciliation Officer has been notified under Section 30, he shall proceed to settlement within ten days from the date he was notified.

If a settlement can be reached within the period prescribed in paragraph one, Section 27 shall apply *mutatis mutandis*.

If a settlement cannot be reached within the period prescribed in paragraph one, such Labour Dispute shall be regarded as one which can not be settled. The party presenting the demand shall submit the unsettled Labour Dispute to the committee within fifteen days from the date of the settlement cannot be reached.

After having received the unsettled Labour Dispute, the committee shall consider and arbitrate the dispute thereof within ninety days from the date such Labour Dispute has been received.

If it deems expedient the Committee shall appoint a person or group of persons to proceed the negotiation of a Labour Dispute before the arbitration is made.

Section 32 The arbitration of the Committee shall be final. Both the parties presenting and receiving the demand shall comply therewith, except for an award regarded as financial implications other than those prescribed in Section 13 (2) shall be applicable, upon the approval of the Cabinet, as the case may be.

Section 33 In any case, there is a prohibition of a Lock-Out by an Employer or a Strike by Employees.

Section 34 When the demand has been notified under Section 25 and it is pending proceedings of negotiation, conciliation, settlement, or

arbitration of Labour Dispute under Section 26, Section 27, Section 28, Section 29, Section 30, or Section 31, the Employer shall be prohibited to dismiss or transfer any duty of any Employee, Employee representative, Committee member, or Sub-Committee member involved in the demand, unless such a person:

(1) dishonestly performs their duties or intentionally commits a criminal offence against the Employer;

(2) intentionally causes damage to the Employer;

(3) violates the rules, regulations or lawful orders of the Employer after a warning or caution in writing has been given by the Employer within not more than one year from the date of which the Employee has been informed about such a warning letter; provided that such rules, regulations, or orders have not been issued to prevent such person from carrying out the demand, and except in a serious case where the Employer is not required to give a warning or caution;

(4) neglects his duty for three consecutive days without justifiable reason.

The Employees, Employee representative, Committee members and Sub-Committee members of the Labour Union involved in the demand are prohibited to provoke or cause a Strike.

Section 35 An Employer is prohibited to:

(1) dismiss or commit any act which may result in an Employee's inability to continue working because of his proceeding to establish a Labour Union, Labour Federation, or being the member of a Labour Union, Labour Federation, the relation affairs committee, Committee or Sub-committee of the State Enterprise Labour Relations Committee, prosecution proceedings, being witness, or rendering evidence to Competent Officers, the Registrar, the Committee, or the Labour Court against the Employer;

(2) prevent an Employee from becoming member, or cause the Employee to relinquish his membership of a Labour Union, Labour Federation, the relations affairs committee, or agree to give money or property to the Employee or to Labour Union staff on the condition that he shall not apply for or accept the Employee to be its member or relinquish Labour Union membership;

(3) obstruct the operation of a Labour Union or a Labour Federation or the Employee's right of Labour Union membership; or

(4) unlawfully interfere with the activity of a Labour Union or a Labour Federation.

Section 36 Any person is prohibited to:

(1) directly or indirectly coerce or threaten an Employee to or not to become a member of a Labour Union or to relinquish Labour Union membership; and

(2) perform any act causing an Employer to violate the provisions of Section 35.

Section 37 During the application of the Agreement on Conditions of Employment under Section 25 paragraph one or the arbitration awards under Section 32, an Employer is prohibited to dismiss or transfer any Employee, Employee representative, Committee member, Sub-Committee member, or the member of Labour Union involved in the demand except for the dissolution of a State Enterprise or any part of the work of a State Enterprise thereof, or such person:

(1) performs their duty dishonestly or intentionally commits a criminal offence against the Employer;

(2) intentionally causes damage to the Employer;

(3) violates the rules, regulations, or lawful orders of the Employer after a warning or caution in writing has been given by the Employer, except in a serious case where the employer is not required to give a warning or caution; provided that, such rules, regulations, or orders have not been issued to prevent such person from carrying out the demand;

(4) neglects his duty for three consecutive days without justifiable reason; or

(5) performs any act provoking, encouraging, or causing the violation of an Agreement on Conditions of employment or the arbitration award.

Section 38 A person suffering from a violation of the provisions under Section 35 or Section 37, shall have the right to submit a complaint to the Committee for arbitration within thirty days from the date the violation occurred.

The Committee shall have the power to arbitrate and issue an order, within sixty days from the date of which the complaint has been received, to the Employer to reinstate the Employees, or reimburse any costs incurred, or that the violator shall or shall not perform any act, as deemed appropriate.

Section 39 In case the Registrar deems that any Committee member of a Labour Union or Labour Federation has committed any act contrary to the objectives of the labour union or labour federation, as the case may be, and such act is harmful to public peace or national security, such case shall be referred to the Committee to consider without delay.

The Committee shall consider and issue an order within seven days from the date the complaint has been received. The violator shall comply with such order.

Chapter 4

Labour Unions

Section 40 A Labour Union may be established only by virtue of this Act.

A Labour Union must have the following objectives:

- (1) to promote a good relationship between the Employees and Employer, and among Employees themselves;
- (2) to consider rendering assistance to its members in pursuant of any complaint;
- (3) to acquire and protect Employees' interests relating to Conditions of Employment;
- (4) to carry out and cooperate with a view to enhancing the capacity and protecting the interest of a State Enterprise.

Each State Enterprise shall have only one Labour Union.

Section 41 A person who has the right to, in concert, establish a Labour Union must be:

- (1) an Employee in the same State Enterprise but not working at Management level;
- (2) sui juris; and
- (3) of Thai nationality.

Section 42 A Labour Union shall be established by not less than twenty-five percent of the total number of Employees, excluding Employees engaged in work characterised by occasion, incident, shift, season or project. A Labour Union must have regulations and be registered with the Registrar. Upon registration, the Labour Union shall be a juristic person.

Section 43 In applying for the registration of a Labour Union, not less than ten Employees eligible to establish a Labour Union shall, as the promoters, submit an application in writing to the Registrar, together with at least three copies of the draft regulations of the Labour Union, a list of names and signatures of not less than ten percent of the total number of employees wishing to be members of the Labour Union, excluding any Employee engaged in work characterised by occasion, incident, season or project.

The application and list of names shall comply with the form determined by the Director-General of the Department of Labour Protection and Welfare.

After having received the application for Labour Union registration, the Registrar shall openly display the application at the workplace of the Employee in order that all Employees shall be notified.

Section 44 The regulations of a Labour Union shall contain the following items:

(1) its name preceded by the words “State Enterprise Labour Union”;

(2) its objectives;

(3) the address of its office;

(4) regulations concerning the admission and the termination of its membership;

(5) rates of admission fee and membership fee and the methods of payment;

(6) regulations concerning the rights and duties of members;

(7) regulations concerning the Committee, i.e. the membership of the Committee, the election of a Committee member, the term of a Committee member, the termination of a Committee member, and the meeting of the Committee;

(8) regulations concerning the general meeting;

(9) regulations concerning the labour union administration; and

(10) regulations concerning the disbursement, the custody and the maintenance of money and other properties as well as the accounting and auditing of the account.

The regulations under paragraph one shall contain the substance which facilitates the activity of the Labour Union to create justice and protect the interest of Employees in a State Enterprise.

Section 45 The Registrar, upon having received the application for Labour Union registration in any State Enterprise, shall examine the application thereof and consider if the objectives are correct as prescribed under Section 40 and not against the public order or morality, the applicants have the required qualifications under Section 41, the application thereof contains all required information as well as documents under Section 43, and the correct regulations under Section 44, that signatures of not less than twenty-five percent of the total number of the Employees wishing to become member of the Labour Union, excluding any employee whose work is characterised by occasion, incident, season, or project; and that there has not been any Labour Union registered in a State Enterprise. The Registrar shall accept the registration thereof and issue the certification of registration to such Labour Union.

If an application contains either information or documents which fails to reach required qualification thereof, or the number of Employees

wishing to become Labour Union members does not reach twenty-five percent of the total number of Employees under paragraph one, the applicant thereof shall rectify the application within one year from the date the Registrar has notified the applicant in writing. If the applicant fails to do so within the period so prescribed, the application thereof shall lapse.

Section 46 In any case, where there are more than one application in any State Enterprise, the Registrar shall accept and register the first application containing all of the required information and documents as well as notifications of the number of Employees wishing to become members of the Labour Union up to twenty - five percent of the total number of Employees as prescribed under Section 45. If there is more than one qualified application, the Registrar shall summon each applicant to jointly consider to make an agreement for a joint application. If an agreement cannot be reached, the Labour Union with the largest number of Employees wishing to be its members, shall be accepted for registration. In addition, if there are more than one application with the equal figure of the largest number, the Registrar shall openly arrange a drawing lots among the applicants thereof, and shall register only the drawn Labour Union.

Section 47 An applicant shall have the right to appeal in writing to the Minister against an order refusing the registration thereof within thirty days from the date the notification of such order has been received.

The Minister shall adjudicate the appeal and notify the appellant thereof within thirty days from the date he has received the appeal in writing.

The Minister's adjudication shall be final.

Section 48 After the registration has been made, the Registrar shall announce the registration of the Labour Union thereof in its publication in the Government Gazette.

Section 49 The promoters of a Labour Union shall convene the first ordinary general meeting, within one hundred and twenty days from the date of registration, in order to elect the committee of labour union; to assign all affairs to the committee of the Labour Union, to elect an account auditor and to approve the draft regulations submitted to the Registrar under Section 45.

After the general meeting has elected the committee of labour union and approved the draft regulations, copies of the regulations and the names, address, occupations, or professions of the committee

member shall be registered within fourteen days from the date of the resolution of the general meeting.

Section 50 The revision and amendment of the regulations of a Labour Union and any changes to the committee of a labour union can be made by a resolution of the general meeting and shall be registered within fourteen days from the date of the resolution of the general meeting.

The revision and amendment of the regulations and the change of the membership of Labour Union under paragraph one, shall come into force after the Registrar has accepted the registration thereof.

Section 45 will apply, *mutatis mutandis*, on the revision and amendment of regulations and the change of membership of a Labour Union.

Section 51 A member of a Labour Union in any State Enterprise shall be an Employee in such State Enterprise throughout the period of his Labour Union membership.

Management level is prohibited to be a member of a Labour Union.

Section 52 The members of a Labour Union shall have the right during office hours to request inspection of the registration of its

members, documents, or accounts so as to ascertain the operation of the Labour Union.

In requesting the inspection under paragraph one, the staff of the Labour Union shall render all facilities, as appropriate .

Section 53 The membership of a Labour Union shall terminate upon:

- (1) death;
- (2) registration;
- (3) removal by the resolution of the general meeting according to reasons as prescribed in the regulations of labour union; and
- (4) lack of qualification under Section 51.

Section 54 For the benefits of the members of a Labour Union, the Labour Union shall have the following powers and duties:

- (1) to submit, on behalf of its members, a demand on the Conditions of Employment to the Employer party;
- (2) to file a complaint to the relations affairs committee to consider under Section 23 (4);
- (3) to appoint representatives to be members of the relation affairs committee;

(4) to provide a service for the welfare of members, or to allocate money or properties for public interest, as deemed appropriate by the general meeting;

(5) to collect subscription fees and dues at the rate determined in the regulations of the Labour Union; and

(6) to pursue activity in compliance with the objectives prescribed under Section 40.

Section 55 The Labour Union shall have the committee of the Labour Union to carry out its affairs and to be its representative in affairs relating to outsiders. For this affair, the committee of the Labour Union shall assign one or more committee members to act on its behalf.

The committee of the Labour Union may appoint a sub-committee of the labour union to carry out the duties assigned

The committee of the labour union is to be composed of the chairperson of the labour union as chairperson of committee members, and other member as prescribed in the regulation.

Section 56 A committee member of the Labour Union or the member of the sub-committee of the Labour Union under Section 55, shall be a member of the Labour Union thereof.

The committee member of the Labour Union removed from his position by the order of the Registrar under Section 63, may resume the

position of committee member after one year from the date of such removal.

Section 57 The Labour Union shall carry out, only upon the resolution of the general meeting, the following activities:

- (1) the revision and amendment of regulations;
- (2) the election of the committee members of the Labour Union, the election of the auditor, and the approval of balance sheet, annual report, and budget;
- (3) the provision of services for the welfare of members or the allocation of money or properties for public interest;
- (4) the participation in establishing or becoming a member of a labour federation;
- (5) the receipt of any person who is not of Thai nationality or juristic person by laws on the aliens' undertakings; and
- (6) the abolition of the Labour Union.

Section 58 When the Labour Union acts for the benefit of its members, the Employee of the Labour Union, the committee member of the Labour Union, the sub-committee member, and the staff of the Labour Union, shall be exempted from the criminal or civil charge or action, upon the operation of the following activities:

(1) the participation in the negotiation for the settlement on the demand on Conditions of Employment with an Employer; and

(2) the explanation or the publication of the facts concerning the demand or the Labour Disputes or the operation of the Labour Union.

Except if the activities constitute criminal offences in the nature of offences against the public safety, life and body, liberty and reputation, properties, and civil offences resulting from the criminal offences thereof.

Section 59 Committee members shall carry out any activities of the Labour Union or attend the meetings of the Labour Union or any seminar which shall be regarded as work for Employer, in accordance with an agreement between the Labour Union and the Employer.

An Employee being a member of a Labour Union, shall have the right to leave to participate in the meetings of the Labour Union or other meetings or seminars, provided that the Labour Union shall inform the Employer in advance. The day on leave for such activities shall be regarded as a working day for Employee.

Section 60 A Labour Union shall provide a registration of its membership in the form prescribed by the Registrar, and keep it at its office ready for inspection during office hours.

A Labour Union shall display working days and office hours at its office.

Section 61 A Labour Union shall provide an account auditing and submit a balance sheet together with the report of an auditor to the general meeting.

Once the general meeting has approved the balance sheet and the report of the auditor, a copy shall be forwarded to the Registrar within thirty days from the date of the approval resolution of the general meeting.

Section 62 The Registrar or Competent Officer entrusted by him shall have the right to order an Employer, committee member of a Labour Union, or member of a Labour Union to act or refrain from any activity in compliance with the provisions prescribed in this Act or as prescribed in the laws or the regulations of a Labour Union, as the case may be, and shall have the following powers:

(1) to enter State Enterprise or office of a Labour Union during office hours to ascertain facts or examine the affairs of the Labour Union;

(2) to order an Employer party, the committee member of a Labour Union, the sub-committee member of a Labour Union, or the staff of a Labour Union, to submit or display the documents or the

accounts of the Labour Union to constitute the file of the case for consideration, in case any problem occurs; and

(3) to inquire the person in (2) or summon such person for inquiry or testimony to the facts concerning the activities of the Labour Union.

Section 63 The Registrar shall have the powers to remove any committee member of a Labour Union or the committee of a Labour Union from their position, if it appears that any of the following has occurred:

(1) an unlawful act obstructing the performance of the functions of the committee, the sub-committee, the Registrar, or competent officer;

(2) the violation of Section 57 (5);

(3) the violation or any activity in contravention of an order of the Registrar or Competent Officer entrusted by him under Section 62;

(4) activities contrary to the objectives of the Labour Union which violate the law, the public order or good morality; or endanger the national economy or security; or

(5) the permission or the consent to any person who is not a committee member of the Labour Union, to carry out the activities of the Labour Union.

The order under paragraph one shall be made in writing and notified forthwith to the person concerned and the Labour Union.

Section 64 The person receiving the order of removal from committee membership under section 63 shall have the right to appeal to the Minister against the order by submitting an appeal in writing within thirty days from the date he has received the order thereof.

The Minister shall arbitrate the appeal and notify the appellant within sixty days from the date he has received the appeal. The Minister's arbitration award shall be final.

Section 65 A labour union shall be dissolved for any of the following reasons:

- (1) if the regulations of the labour union prescribe conditions for dissolution, upon their occurrence;
- (2) a general meeting passes a resolution to dissolve the Labour Union;
- (3) bankruptcy; and
- (4) an order of the Registrar to dissolve under Section 66.

Section 66 The Registrar shall issue an order to dissolve a Labour Union, in the following cases:

- (1) when the Registrar examines and finds out later that the register and the issuance of the certificate of the registration of the Labour Union to the registration applicant are not in compliance with the Section 45 or Section 46;

(2) when it appears the activities of the Labour Union are contrary to its objectives, laws; or jeopardize national economy or security; or are harmful to the public order or good morality;

(3) when the Registrar issues the order to newly elect the committee and no election has been held within the period prescribed or extended by the Registrar; or

(4) when a Labour Union does not carry out any activity for more than two consecutive years; or

(5) when the number of its members becomes less than twenty-five percent of the total number of all Employees, excluding Employees whose work is characterised by occasion, season, or project.

When the Registrar issues an order to dissolve any Labour Union, the order thereof shall be notified in writing to the Labour Union without delay.

Section 67 In the connection with the order to dissolve a Labour Union under Section 66, more than half of the total number of the committee members holding the office on the date of such order is made, shall have the right to subscribe to appeal in writing against the order to the Minister by submitting it to the Registrar within thirty days from the date they have been notified the order thereof.

The appeal against the Minister under paragraph one shall not be regarded as the cause of suspension of the execution of the Registrar's order.

The Minister shall adjudicate the appeal and notify the appellant within thirty days from the date of the receipt of such appeal. The Minister's arbitration award shall be final.

The order to dissolve a Labour Union shall be announced in the Government Gazette upon the termination of the duration of such appeal or upon the Minister's adjudication, as the case may be.

Section 68 If a Labour Union is dissolved under Section 65, a liquidator shall be appointed, and the provisions of civil and commercial laws relating to liquidation, registered normal partnership, limited partnership, and limited company shall apply, *mutatis mutandis*, to the liquidation of the Labour Union.

Section 69 After the liquidation has been made, if there is some property left, it is prohibited to share such property with members of the Labour Union. Such property shall be transferred to an other Labour Union as prescribed in the regulations concerning the arrangement proceeding of the Labour Union or according to a resolution of the general meeting.

In case the regulation or the general meeting does not prescribe any Labour Union to receive the remaining property, the liquidator shall

give such property to a foundation or association having objectives to provide welfare, assistance or promote the welfare of workers.

Chapter 5

Labour Federations

Section 70 Ten or more Labour Unions may form a Labour Federation to protect their interests regarding Conditions of Employment and to promote education and good relations among State Enterprises.

A Labour Federation shall operate by regulations and shall register with the Registrar as a juristic person.

Section 71 The provisions regarding a Labour Union in Chapter 4 shall be apply, *mutatis mutandis*, to a Labour Federation.

Section 72 A labour congress may be a member of a Labour Federation under the Labour Relations Act.

Chapter 6

Penal Provisions

Section 73 A person who violates or does not comply with Section 13 paragraph two or Section 24 shall be punished by an imprisonment of not more than one month or a fine of not more than one thousand baht or by both.

Section 74 A person who does not facilitate, does not reply to a letter for information, does not give information or does not send related materials or documents to the Committee or the sub-committee under Section 16 or who violates or does not comply with the orders of the Registrar or an official entrusted by the Registrar under Section 62 shall be punished by imprisonment of not more than one month or a fine of not more than one thousand baht or by both.

Section 75 An Employer representative or a Labour Union representative under Section 25 or an advisor to an Employer or a Labour Union under Section 26 who receives or agrees to receive money or property from anyone in exchange for acting so that a State Enterprise or a Labour Union lose their interests shall be punished by an imprisonment of not more than five years or a fine of not more than sixty thousand baht or by both.

Section 76 A person who violates or does not comply with an agreement under Section 27 paragraph two or who violates Section 29 paragraph two or does not comply with the decision of the Committee under Section 32 shall be punished by an imprisonment of not more than one month or a fine of not more than one thousand baht or by both.

Section 77 A person who violates Section 33 shall be punished by an imprisonment of not more than one year or a fine of not more than twenty thousand baht or by both.

A person who instigates an offense under paragraph one shall be punished by an imprisonment of not more than two years or a fine of not more than forty thousand baht or by both.

Section 78 A person who violates or does not comply with the orders of the committee under Section 39 paragraph two shall be punished by an imprisonment of not more than one year or a fine of not more than twenty thousand baht or by both.

Section 79 A person who violates Section 34 or Section 36 or does not comply with the orders of the committee under Section 38 shall be punished by an imprisonment of not more than six months or a fine of not more than ten thousand baht or by both.

Section 80 A person who is a member of a Labour Union despite his knowledge that the Labour Union is not registered under Section 45 shall be punished by an imprisonment of not more than one month or a fine of not more than one thousand baht or by both.

A person who runs a Labour Union which is not registered shall be punished by an imprisonment of not more than one year or a fine of not more than twenty thousand baht or by both.

Section 81 A person who starts the establishment of a Labour Union and does not comply with Section 49 or a member of the committee of a Labour Union who does not comply with Section 50 shall be punished by a fine of not more than fifty baht per day through the period of non compliance.

Section 82 A Labour Union which accepts members contrary to the provisions of Section 51 shall be punished by a fine of not more than five thousand baht.

Section 83 A Labour Union which violates or does not comply with Section 60 or Section 61 shall be punished by a fine of not more than two thousand baht.

A member of the committee of a Labour Union who collaborates with the Labour Union in an offense under paragraph one shall be punished by an imprisonment of not more than three months or a fine of not more than five thousand baht or by both.

Section 84 A person who is a member of a Labour Federation despite his knowledge that the Labour Federation is not registered under Section 70 shall be punished by an imprisonment of not more than one month or a fine of not more than one thousand baht or by both.

A person who runs a Labour Federation which is not registered shall be punished by an imprisonment of not more than one year or a fine of not more than twenty thousand baht or by both.

Section 85 A Labour Federation which violates or does not comply with Section 71 together with Section 60 or Section 61 shall be punished by a fine of not more than two thousand baht.

A member of the committee of a Labour Federation who collaborates with the Labour Federation in an offense under paragraph one shall be punished by an imprisonment of not more than three months or a fine of not more than five thousand baht or by both.

Section 86 A person who starts the establishment of a Labour Federation and does not comply with Section 71 together with Section

49 or a member of the committee of a Labour Federation who does not comply Section 71 together with Section 50 shall be punished by a fine of not more than fifty baht per day through the period of non compliance.

Section 87 A Labour Federation which accepts members contrary to the provisions of Section 71 together with Section 51 shall be punished by a fine of not more than five thousand baht.

Section 88 A person who uses the words “State Enterprise Labour Union” or “State Enterprise Labour Federation” or words in a foreign language having similar meaning together with a name in an emblem, a name plate, a letter, a notification or in other business-related material despite the fact of not being a Labour Union or a Labour Federation shall be punished by a fine of not more than twenty thousand baht together with a fine of not more than fifty baht per day through the period of the use of such words.

Section 89 When a Labour Union or a Labour Federation ceases to exist under this Act, a member of the committee or of the sub-committee or a member of the Labour Union or of the Labour Federation who obstructs the work of the liquidator shall be punished by

an imprisonment of not more than three months or a fine of not more than five thousand baht or by both.

Section 90 A person who still runs a Labour Union or a Labour Federation which ceases to exist under this Act except for its liquidation shall be punished by an imprisonment of not more than three months or a fine of not more than five thousand baht or by both.

Section 91 Penalties under this Act which are liable to solely fine or fine or imprisonment of not more than six months or fine of not more than ten thousand baht or by both, the Registrar shall have the power to settle the case.

Subject to paragraph one, in an interrogation if the interrogator finds any person guilty under this Act and the person agrees to a settlement of the case, the interrogator shall communicate the case to the Registrar within seven days since the date the person express his agreement to a settlement of the case.

If the guilty person pays the fine according to the amount as settled within thirty days, the case shall come to an end in accordance with the Criminal Procedure Act.

If the guilty person does not agree to a settlement of the case or agrees to a settlement but does not pay the fine as settles within the

period prescribed in paragraph three, the case shall be continuously proceeded.

Transitory Provisions

Section 92 A State Enterprise labour relations association which has registered under The State Enterprise Labour Relations Act B.E. 2534 shall be deemed to be a Labour Union under this Act and has the rights and duties to operate so far as not contrary or controversial to this Act.

After ninety days from the date that this Act comes into force, if any Labour Union under paragraph one does not have as many members as prescribed in Section 42, such Labour Union shall be deemed to cease to exist and Section 68 and Section 69 shall apply, *mutatis mutandis*.

Section 93 After the period prescribed under Section 92 paragraph two has expired, a Labour Union under Section 92 paragraph one which has as many members as prescribed under Section 42 shall elect a new committee of the Labour Union without delay.

Members of the committee of a State Enterprise labour relations association which are members of the committee of a Labour Union under Section 92 shall vacate their positions after the election of new committee of the Labour Union or after a lapse of one hundred and fifty

days since the date this Act comes into force, notwithstanding the regulations of the Labour Union.

Section 94 An application to form a State Enterprise labour relations association submitted under the State Enterprise Labour Relations Act B.E 2534 before the date that this Act comes into force shall be deemed an application to establish a Labour Union under this Act.

Section 95 Regulations, announcements, resolutions, arbitrations or the orders of the State Enterprise Labour Relations Committee which are final under the State Enterprise Labour Relations Act B.E. 2534 which has existed before the date this Act comes into force shall continue to be in force.

An Agreement on Conditions of Employment which has existed before the date this Act comes into force shall be deemed an Agreement on Conditions of Employment under this Act.

Section 96 Petitions, complaints and recommendations concerning benefits submitted under the State Enterprise Labour Relations Act B.E. 2534 which have not reached final decision before the date this Act comes into force shall be further proceeded under this Act.

Section 97 Any legal provision which refers to the law on State Enterprise labour relations shall be deemed to refer to this Act and the word “official” under such Act shall mean “Employee” under this Act.

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International Affairs Division, Office of the Permanent Secretary

Ministry of Labour and Social Welfare

Tel: 2321272-5 Fax: 2482027

19 May 2000

LABOUR RELATIONS ACT (No. 3)

B.E. 2544 (2001)

BHUMIBOL ADULYADEJ, REX.

Given on 9TH November B.E. 2544

Being the 56th year of the Present Reign

**His Majesty the King Bhumibol Adulyadej is graciously pleased to proclaim
that:**

Whereas it is expedient to amend the law on labour relations;

**This Act has certain provisions concerning the restriction of right and personal
freedom, under section 29, together with section 45 of the Constitution of the Kingdom of
Thailand, has prescribed they may be exercised by virtue of the provisions of the law;**

**Be it, therefore, enacted by H.M. the King with the advice and consent of the
National Assembly as follows:**

Section 1. This Act shall be cited as the "Labour Relations Act (No. 3) B.E. 2544."

**Section 2. This Act shall come into force from the day after the date of its
publication in the Government Gazette.**

**Section 3. The provision under section 4 of the Labour Relations Act B.E. 2518, as
amended by the Labour Relations Act (No. 2) B.E. 2534 shall be repealed and replaced by
the following:**

"Section 4. This Act shall not apply to:

- (1) Central Administration**
- (2) Provincial Administration**
- (3) Local Administration including Bangkok Metropolitan and Pattaya
City Administration**

(4) State Enterprise under the law on State Enterprise Labour Relations except the Labour Federations enrolled into Employee Council membership under the section 120 *ter*

(5) Other Activities as prescribed in the Royal Decree."

Section 4. Add the following as section 120 *ter* of the Labour Relations Act B.E. 2518

"Section 120 *ter* Labour Federation under the law on State Enterprise Labour Relations may enrolled to be member of Employee Council."

Counter signed by

Pol. Lt. Col. Thaksin Chinnawat

Prime Minister

