

LABOR LAW IN THAILAND: PART 8 – The Labor Protection Act: employees committee

The major legislation governing labor protection law in Thailand is the Labor Protection Act (the “LPA”). The LPA prescribes labor protection standards applicable to both employers and employees working in Thailand. However, the LPA does not apply to Government and State Enterprise employees.

In our last article, we described the “Work Rules” which an employer is required to provide and pointed out that this requirement is triggered when the employer’s total number of employees reaches ten or more. But that is not the only legal obligation triggered by the size of an employer’s work force. Once an employer employs fifty or more employees, an “Employees Committee” must be established.

Employees Committee members are entitled to hold their position for a term of three years. The minimum required number of members of the Employees Committee depends on the total number of the employees as follows:

Number of the Employees	Employee Committee Members
50 – 100	5
100 – 200	7
200 – 400	9
400 – 800	11
800 – 1,500	13
1,500 – 2,500	15

more than 2,500

17 – 21

Employers must arrange for a meeting with the Employees Committee at least once every three months, or when more than half of the total of all Employees Committee so request, or whenever otherwise “appropriately requested,” in order to:

- (a) provide welfare for an employee(s);
- (b) hold discussions regarding any Work Rule(s);
- (c) consider a complaint(s) of an employee(s); or
- (d) compromise a dispute(s).

Significantly, if any action of the employer is perceived to be to be unfair to an employee(s), the Employees Committee has the right to file a claim the Labor Court on behalf of the employee(s).

Note: any employer who violates or fails to comply with the LPA may be punished according to the level of his or her offence with a fine of Thai Baht 5,000 to Thai Baht 200,000, or imprisonment of up to one year, or both.

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