



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

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**DLPW. No. 45/2547**

**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 Labour Relations Act B.E. 2518 (1975) where the fundamental rights at work of labour are provided is kindly trusted to be a supportive document inwhich 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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<b>(Thailand)</b>		

**(Unofficial Translation)**

LABOUR RELATIONS ACT B.E. 2518 <sup>1</sup>

BHUMIBOL ADULYADEJ, REX.

Given on 14th February B.E. 2518

Being the 30th year of the Present Reign

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

Whereas it is expedient to have a law on labour 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 "Labour Relations Act B.E. 2518".

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

**Section 3.** Article 4 and Article 11 of the Announcement of the National Executive Council No. 103, dated 16th March B.E. 2515 shall be repealed.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 Metropolitan and Pattaya City Administration

(4) State Enterprises 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 may be prescribed in the Royal Decree.

**Section 5.** In this Act:

"Agreement relating to Conditions of Employment" means an agreement between an Employer and Employee or between an Employer or Employers' Association and a Labour Union relating to Conditions of Employment;

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<sup>1</sup> published in the Government Gazette Vol.92,Part 47, Special Issue, Page 1, dated 26th February B.E. 2518.

"Conciliation Officer" means the person appointed as such by the Minister for the execution of this Act;

"Conditions of Employment" means employment or working conditions, working days and hours, wages, welfare, termination of employment, or other gains received by an Employer or Employee relating to employment or work;

"Director-General" means the Director-General of the Department of Labour;

"Employee" means a person agreeing to work for an Employer in return for wages;

"Employer" means a person agreeing to accept an Employee for work by paying him wages, and includes a person entrusted by an Employer to act on his behalf; where an Employer is a juristic person, an Employer means the person authorised to act on behalf of the juristic person and includes the person entrusted by the authorised person to act on his behalf;

"Employers' Association" means an organisation of Employers established pursuant to this Act;

"Employers' Federation" means an organisation of two or more Employers' Associations established pursuant to this Act;

"Labour Dispute" means a dispute between an Employer and Employees relating to Conditions of Employment;

"Labour Federation" means an organisation of two or more Labour Unions established pursuant to this Act;

"Labour Union" means an organisation of Employees established pursuant to this Act;

"Lock-out" means a temporary refusal by an Employer to permit Employees to work as the result of a Labour Dispute;

"Minister" means the Minister having charge and control of the execution of this Act;

"Registrar" means the person appointed as such by the Minister for the execution of this Act; and

"Strike" means a concerted stoppage of work temporarily by Employees as the result of a Labour Dispute.

**Section 6.** The Minister of the Interior shall have charge and control of the execution of this Act and shall have the following powers to:

(1) appoint the Registrar, Conciliation Officer and Labour Dispute arbitrators for the execution of this Act; and

(2) issue Ministerial Regulations for the execution of this Act.

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

Such Ministerial Regulations shall come into force after their publication in the Government Gazette.

**Section 7.** The Central Registration Office shall be established in the Department of Labour, Ministry of Interior, having powers and duties to supervise the registration of Employers' Associations, Labour Unions, Employers' Federations and Labour Federations throughout the Kingdom and shall also act as the Bangkok Metropolitan Registration Office.

In provinces other than Bangkok Metropolis, the Minister may establish a Provincial Registration Office to be responsible directly to the Central Registration Office.

**Section 8.** The Office of the Labour Relations Committee shall be established in the Ministry of Interior having the following powers and duties to:

- (1) conduct preliminary inquiries relating to complaints and Labour Disputes;
- (2) comply with resolutions of the Labour Relations Committee; and
- (3) exercise any other powers and duties.

**Section 9.** The Labour Disputes Arbitration Office shall be established in the Ministry of Interior having the following powers and duties to:

- (1) compile a list of names and qualifications of Labour Dispute arbitrators to be submitted to the parties for selection; and
- (2) supervise and carry out technical and administrative affairs relating to the arbitration of Labour Disputes.

## CHAPTER 1

### AGREEMENTS RELATING TO CONDITIONS OF EMPLOYMENT

**Section 10.** A place of business having twenty or more Employees shall have an Agreement relating to Conditions of Employment in accordance with the provisions of this Chapter.

The Agreement relating to Conditions of Employment shall be made in writing.

Where there is doubt as to whether a place of business has an Agreement relating to Conditions of Employment, the working regulations which an Employer is required to have under the law on labour protection shall be regarded as the Agreement relating to Conditions of Employment under this Act.

**Section 11.** An Agreement relating to Conditions of Employment must contain at least the following particulars:

- (1) employment or working conditions;
- (2) working days and hours;
- (3) wages;
- (4) welfare;
- (5) termination of employment;
- (6) submission of complaints by Employees; and
- (7) amendment or renewal of an Agreement relating to Conditions of Employment.

**Section 12.** An Agreement relating to Conditions of Employment shall be applicable for the duration agreed to by the Employer and Employees but it shall not be longer than three years. If no time has been prescribed therein, the Agreement relating to Conditions of Employment shall be regarded as being applicable for one year from the date of agreement between the Employer and Employees or from the date of employment, as the case may be.

Where the time specified in the Agreement relating to Conditions of Employment comes to an end, if there has not been new negotiation, such Agreement relating to Conditions of Employment shall be regarded as being applicable for one further year each time.

**Section 13.** The demand for an Agreement relating to Conditions of Employment or an amendment thereof shall be submitted in writing by either the Employer or Employees to the other.

Where the Employer submits the demand, he must specify the names of participants for negotiation by either nominating himself or a representative. If the Employer nominates a representative for negotiation, such representative must be a director, shareholder, partner or

regular Employee, Committee member of an Employers' Association or Employers' Federation, and the number of representatives must not exceed seven persons.

Where Employees submit the demand, such demand must contain the names and signatures of Employees involved in the demand, which must not be less than fifteen percent of the total number of Employees in the enterprise. If the Employees have elected representatives for negotiation, not more than seven names of the representatives for negotiation shall be specified in the demand submitted: if the representatives for negotiation have not been elected by the Employees, the latter shall forthwith elect not more than seven representatives whose names shall be specified accordingly.

The election and prescription of time for being representatives of Employees for negotiations, the procedure relating to demands, and the acknowledgement of awards shall be in accordance with the rules and procedure prescribed in the Ministerial Regulations.

**Section 14.** The election of representatives of Employees may be carried out by the Employees themselves or upon application to the Conciliation Officer to act on their behalf and the number of representatives of Employees shall be in accordance with that specified by the person in charge of election but that number must not exceed seven. The representatives of Employees must be Employees involved in the demand or Committee members of the Labour Union or Labour Federation of which Employees involved in the demand are members. Every Employee involved in the demand has the right to vote in the election of the Employees' representatives.

**Section 15.** An Employers' Association or Labour Union may submit a demand under Section 13 to the other party on behalf of Employers or Employees who are members thereof. The number of Employees who are members of the Labour Union must not be less than one-fifth of the total number of Employees.

Where the demand is submitted by a Labour Union, the demand is not required to contain a list of names and signatures of Employees involved in the demand.

Where there is doubt as to whether a Labour Union has the required number of members who are Employees involved in the demand as specified in paragraph one, the relevant Employer, Employers' Association or Labour Union may submit a written application to the Conciliation Officer for examination and certification. Upon receipt of the application,



the Conciliation Officer shall proceed to examine the evidence to ascertain if the said Labour Union has sufficient members who are Employees involved in the demand; if it has, the Conciliation Officer shall issue a certified letter and give it to the applicant as evidence; if it has not, the Conciliation Officer shall notify the interested party.

Where the demand is submitted by a Labour Union, if it later appears to the Conciliation Officer that, according to a complaint submitted by any party, certain Employees involved in the demand are also members of other Labour Unions, the Conciliation Officer shall arrange for an election of representatives of the Employees in order to proceed according to Section 13.

**Section 16.** After having received the demand, the party receiving it shall forthwith give notice of his name or the names of his representatives to the party submitting the demand and both parties shall begin the negotiation within three days of receiving the demand.

**Section 17.** An Employer or Employees may appoint advisers to give advice or recommendations to his representatives under Section 13 or Section 16 but the number of advisers shall not exceed two persons for each party.

An adviser under paragraph one shall possess qualifications as prescribed by the Director-General and shall submit an application to be registered. After being registered by the Director-General or a person entrusted by him, the adviser may be appointed.

Where an Employer or Employees appoint an adviser, the Employer or Employees shall notify the name of the adviser to the other party in the demand under Section 13 or in a written notice if the appointment is made afterwards, and the adviser is entitled to attend the meetings and negotiate for settlement.

**Section 17 bis.** A person who has been registered as an adviser of an Employer or an adviser of Employees under Section 17 shall hold the post of adviser for a period of two years from the date of registration.

An adviser may be removed from the post of adviser before the expiry of the period under paragraph one, if disqualified in circumstances prescribed by the Director-General.

Where an adviser has been removed from the post of adviser, such person may re-apply for registration as an adviser of an Employer or Employees after two years has elapsed from the date of his removal from the post of adviser as ordered by the Director-General.

**Section 18.** If an Employer or Employers' Association and Employees or Labour Union are able to agree on a demand submitted under Section 13, an Agreement relating to Conditions of Employment shall be made in writing, signed by the Employer or representative of the Employer and representative of the Employees or Committee member of the Labour Union, as the case may be, and the Employer shall, within three days of the date of the agreement, openly display a notice of the Conditions of Employment for at least thirty days at the place where Employees involved in the demand work.

The Employer shall register the Agreement relating to Conditions of Employment under paragraph one with the Director-General or a person entrusted by the Director-General within fifteen days of the date of the agreement.

**Section 19.** The Agreement relating to Conditions of Employment shall bind the signatory Employer and Employees in the demand as well as every Employee who takes part in the election of representatives to be participants in the negotiation.

Where the Agreement relating to Conditions of Employment has been executed by an Employer or Employers' Association, and a Labour Union having more than two-thirds of the total number of Employees as members, or with Employees, where more than two-thirds of the total number of Employees working in the same category of business joined in making the demand on the Conditions of Employment, the Agreement relating to Conditions of Employment shall be considered binding on such Employer and every Employee working in the same description of work.

**Section 20.** After the Agreement relating to Conditions of Employment has come into force, the Employer shall not enter into any hire of services contract with Employees which is contrary to or inconsistent with the Agreement relating to Conditions of Employment unless it is more favourable to the Employees.

**CHAPTER 2**  
**SETTLEMENT OF LABOUR DISPUTES**

**Section 21.** Where there has been no negotiation within the period prescribed in Section 16 or there is no agreement after the negotiation for whatever reason, a Labour Dispute shall be regarded as having occurred and the party which presented the demand shall notify a Conciliation Officer in writing within twenty-four hours of the period prescribed in Section 16 elapsing or from the time agreement cannot be reached, as the case may be.

**Section 22.** If a Conciliation Officer has been notified under Section 21, he shall proceed to effect settlement between the party presenting the demand and the party receiving the demand within five days of the notification.

If a settlement can be reached within the period prescribed in paragraph one, Section 18 shall apply mutatis mutandis.

Where a settlement cannot be reached within the period prescribed in paragraph one, the Labour Dispute shall be regarded as one that cannot be settled. In this case, the Employer and Employees may agree to appoint a Labour Dispute arbitrator under Section 26 and the Employer may effect a Lock-out or the Employees may go out on Strike without contravening Section 34; that is, subject to Section 23, Section 24, and Section 25 or Section 36.

**Section 23.** When there is a Labour Dispute which cannot be settled in any of the following undertakings:

- (1) Railway;
- (2) Port;
- (3) Telephone or telecommunications;
- (4) Production or distribution of energy or electricity for the public;
- (5) Water Works;
- (6) Production or refinery of oil fuel;
- (7) Hospitals or clinics; or
- (8) Other undertakings as prescribed in the Ministerial Regulations,

the Conciliation Officer shall refer the Labour Dispute to the Labour Relations Committee for consideration and notify both parties within thirty days of receiving the Labour Dispute by the Labour Relations Committee.

The Employer, Employers' Association, Employers' Federation, Employees, Labour Union or Labour Federation has the right to appeal to the Minister within seven days of receiving the decision. The Minister shall consider the appeal and notify both parties of his decision within ten days of receiving the appeal.

A decision of the Labour Relations Committee which has not been appealed within the prescribed period or a decision of the Minister shall be final and both the party presenting the demand and the party receiving the demand shall comply therewith.

**Section 24.** When there is a Labour Dispute which cannot be settled in any undertaking other than those under Section 23, if the Minister considers that the Labour Dispute may affect the economy of the country or public order, he is empowered to refer the matter to the Labour Relations Committee which shall settle the Labour Dispute within thirty days of receiving the order.

The Minister may extend the period for decision by the Labour Relations Committee as he considers appropriate.

The decision of the Labour Relations Committee shall be final and both the party presenting the demand and the party receiving the demand shall comply therewith.

**Section 25.** Where there is a declaration of martial law under the law on martial law or a state of emergency under the law on administration of Government affairs during a state of emergency or where the country is facing a serious economic crisis, the Minister shall have the power to publish a notice in the Government Gazette specifying that a Labour Dispute which occurs in any locality or in any undertaking and which cannot be settled under Section 22 paragraph three shall be decided by any group of persons as the Minister may determine or appoint.

The decision of such group of persons shall be final and both 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 at any time by having the repeal thereof published in the Government Gazette.

**Section 26.** When there is a Labour Dispute which cannot be settled under Section 22 paragraph three, the Employer and Employees may agree to appoint one or several Labour Dispute arbitrators to settle the said Labour Dispute.

**Section 27.** Within seven days of being informed of their appointment, the Labour Dispute arbitrators shall give notice to the party presenting the demand and the party receiving the demand of the date for submission of relevant information relating to the Labour Dispute and the date, time and place of the sitting of the arbitrators.

**Section 28.** During the arbitration proceedings, the Labour Dispute arbitrators must afford an opportunity for the party presenting the demand and the party receiving the demand to submit arguments and produce witnesses.

**Section 29.** At the end of the arbitration proceedings, the Labour Dispute arbitrators shall make an award in writing which must contain at least the following particulars:

- (1) the date of the award;
- (2) the issues of the Labour Dispute;
- (3) the facts as found in the arbitration;
- (4) the reasons for the award; and
- (5) the requirements to be carried out or refrained from being carried out by one or both parties.

The award of the Labour Dispute arbitrators shall be by a majority of votes and signed by the Labour Dispute arbitrators.

Within three days of making the award, the Labour Dispute arbitrators shall send copies of the award to the party presenting the demand and the party receiving the demand (or to their representatives under Section 13 or Section 16), and shall post a copy of the award to the place where the Employees involved in the demand work.

Within fifteen days of making the award, the Labour Dispute arbitrators shall have the award registered with the Director-General or a person entrusted by him.

**Section 30.** A decision of the Labour Relations Committee which has not been appealed within the prescribed period, or an appeal decision of the Minister under Section 23, a decision of the Labour Relations Committee under Section 24, Section (4) or

Section 41 (3), or a decision or award on a Labour Dispute under Section 25 or Section 29 respectively shall be effective for one year from the date thereof.

**Section 31.** Where a demand has been notified under Section 13, if such demand is in the course of negotiation, settlement or arbitration under Section 13 to Section 29, an Employer shall not dismiss or transfer from duty any Employees, representatives of Employees, Committee members or Sub-committee members or members of the Labour Union, or Committee members or Sub-committee members of the Labour Federation involved in the demand, unless such persons:

(1) perform their duties dishonestly or intentionally commit a criminal offence against the Employer;

(2) intentionally cause damage to the Employer;

(3) violate the rules, regulations or lawful orders of the Employer after a written warning or caution has been given by the Employer, except in a serious case where the Employer is not required to give a warning or caution; provided, such rules, regulations or orders have not been issued for the purpose of preventing the said persons from carrying out the demands; or

(4) neglect their duties for three consecutive days without justifiable reason.

The Employees, representatives of Employees, Committee members, Sub-committee members or members of the Labour Union or Committee members or Sub-committee members of the Labour Federation involved in the demand shall not encourage or cause a Strike.

**Section 32.** Persons not being Employers, Employees, Committee members of Employers' Associations, Labour Unions, Employers' Federations or Labour Federations, representatives or advisors involved in the demand shall not participate or join in any act relating to the demand, negotiation, settlement or arbitration of a Labour Dispute, Lock-out or Strike gathering.

**Section 33.** Where the country is facing a serious economic crisis and a Notification prohibiting the price increase of goods and services has been issued, the Minister shall have the power to publish a Notification in the Government Gazette prohibiting Employees, Labour Unions or Labour Federations from submitting a demand to Employers, Employers'

Associations or Employers' Federations to increase wages or prohibiting Employers from giving wage increases to Employees.

The provisions in paragraph one shall not apply to any annual increase in wages in the form of promotions for Employees, which are definitely fixed by the Employer, or an increase in wages resulting from an Employee's change of work.

The Notification of the Minister under paragraph one may be repealed at any time by having the repeal thereof published in the Government Gazette.

### CHAPTER 3

#### LOCK-OUTS AND STRIKES

**Section 34.** An Employer shall not effect a Lock-out nor shall Employees go out on Strike in the following cases:

(1) when a demand has not been presented to the other party under Section 13 or, after the presentation of the demand, the Labour Dispute is able to be settled under Section 22 paragraph three;

(2) when the party having the duty to comply with an agreement made under Section 18 has complied therewith;

(3) when the party having the duty to comply with an agreement on settlement made by a Conciliation Officer under Section 22 paragraph two has complied therewith;

(4) when the party having the duty to comply with an award of Labour Dispute arbitrators appointed under Section 25 or Section 26 has complied therewith;

(5) when the matter is pending a decision of the Labour Relations Committee or when there is decision of the Minister under Section 23 or decision of the Labour Relations Committee under Section 24; or

(6) when the matter is pending an award of Labour Dispute arbitrators appointed under Section 25 or Section 26.

Regardless of whichever is the case, an Employer shall not effect a Lock-out nor Employees go out on Strike without giving notice to the Conciliation Officer and to the other party at least twenty four hours prior to the proposed Lock-out or Strike.

**Section 35.** Where the Minister considers that the Lock-out or Strike may adversely affect the economy of the country or cause hardship to the public or endanger the security of the country or be against public order, the Minister shall have the following powers to:

(1) order the Employer effecting the Lock-out to re-engage Employees and pay wages at the rate previously received by the Employees;

(2) order Employees on Strike to return to work;

(3) arrange for persons to replace the Employees who are not working because of the Lock-out or Strike; the Employer shall allow such persons to work and the Employees shall not obstruct those persons from working. The Employer shall pay such persons wages at the same rate as the Employees; or

(4) order the Labour Relations Committee to settle the Labour Dispute.

**Section 36.** Where there is a declaration of martial law under the law on martial law or a state of emergency under the law on the administration of Government Affairs during a state of emergency, the Minister shall have the power to publish in the Government Gazette a Notification prohibiting Lock-outs by Employers or Strikes by Employees for the entire or part of the locality where the martial law or state of emergency has been declared.

Where a Lock-out or Strike is in progress before the Notification of the Minister under paragraph one is issued, the Minister shall have the power to publish in the Government Gazette an order compelling the Employer effecting the Lock-out to re-engage Employees or compelling Employees on Strike to return to work within such time as the Minister may prescribe.

The Notification of the Minister under paragraph one may be repealed at any time by having the repeal thereof published in the Government Gazette.

#### **CHAPTER 4**

#### **LABOUR RELATIONS COMMITTEE**

**Section 37.** There shall be a committee called the "Labour Relations Committee" consisting of a Chairman and not less than eight but not more than fourteen members. Out of this number there must be three members representing Employers and three members representing Employees.



The Minister shall appoint the Chairman and members of the committee.

**Section 38.** The Chairman and members appointed under Section 37 shall hold office for a term of three years. At the end of the first year of the initial term, one-third of the number of members (including the Chairman) shall retire by drawing lots.

Where the Chairman or members are appointed to replace those who retire at the end of term or by drawing lots, the new appointees shall hold office for a term of three years.

Where the Chairman or members are appointed to replace those who vacate office under Section 39 (1), (2), (3), (5), (6), or (7), the new appointees shall hold office for the remaining term of the Chairman or members they replace.

The Chairman or members who vacate office may be reappointed.

**Section 39.** In addition to the expiration of the term of office under Section 38, the Chairman or members shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) dismissal by the Minister;
- (4) retiring by drawing lots under Section 38 paragraph one;
- (5) being declared bankrupt;
- (6) being an incompetent or quasi-incompetent person; or
- (7) being imprisoned by final judgement of imprisonment.

**Section 40.** At a meeting of the Labour Relations Committee, the presence of not less than five members and one member representing each of Employers and Employees, is required to constitute a quorum. However, if the meeting is to consider a Labour Dispute under Section 23, Section 24 or Section 35 (4), the presence of not less than one-half of the total number of members and one member representing each of Employers and Employees is required to constitute a quorum.

If the Chairman is not present at a meeting or is unable to perform his duty, the members present shall elect one among themselves to preside over the meeting.

The resolution of the meeting shall be by majority of votes and each member shall have one vote. In the case of an equality of votes, the Chairman of the meeting shall have an additional vote as a casting vote.

**Section 41.** The Labour Relations Committee shall have the following powers and duties to:

- (1) consider Labour Disputes under Section 23;
- (2) settle Labour Disputes under Section 24 or Section 35(4);
- (3) settle Labour Disputes as authorised or entrusted;
- (4) consider and decide complaints under Section 125 and, where the Labour Relations Committee decides that an unfair practice has occurred, order the Employer to re-engage any Employees or pay damages or compel the violator to carry out or refrain from carrying out any act as deemed appropriate;
- (5) submit opinions concerning the demand, negotiation and settlement of Labour Disputes, Strikes and Lock-outs as entrusted by the Minister; and
- (6) issue meeting regulations and lay down rules of procedure for the consideration and settlement of Labour Disputes and unfair practices and for the issue of orders of the Labour Relations Committee.

**Section 42.** The Labour Relations Committee shall have the power to appoint a sub-committee to find facts and submit opinions on matters assigned to it by the Labour Relations Committee for permanent or indefinite duration.

**Section 43.** In the performance of their duties, members of the Labour Relations Committee or Labour Relations Sub-committee shall have the following powers to:

- (1) enter the offices of an Employer, the place of work of Employees or the offices of an Employers' Association, Labour Union, Employers' Federation or Labour Federation during office hours in order to inquire into facts or examine documents as deemed necessary; and
- (2) issue letters of inquiry or summon any person to give evidence or forward relevant items or documents to supplement the consideration of the Labour Relations Committee or Labour Relations Sub-committee.

The person concerned shall render all facilities, reply to the letter of inquiry, present facts or forward relevant items or documents to members of the Labour Relations Committee or Labour Relations Sub-committee who are performing the duties under paragraph one.

**Section 44.** Members of the Labour Relations Committee or Labour Relations Subcommittee may send out letters inviting experts or qualified persons to give opinions on relevant matters.

**CHAPTER 5**  
**EMPLOYEES' COMMITTEES**

**Section 45.** In a place of business having fifty or more Employees, an Employees' Committee may be established by the Employees.

Where more than one-fifth of the total number of Employees at a place of business are members of a Labour Union, the Employees' Committee shall be composed of Employees of such place of business whose number appointed by the Labour Union shall be one more than the number of Committee members who are not members of the Labour Union. If more than one-half of the total number of Employees at a place of business are members of a Labour Union, the Labour Union may appoint all of the members of the Employees' Committee.

Section 15 paragraph three and paragraph four shall apply mutatis mutandis to the appointment of Committee members under paragraph two.

**Section 46.** The number of members of an Employees' Committee shall be as follows:

- (1) five members for a place of business which has fifty or more Employees but not more than one hundred Employees;
- (2) seven members for a place of business which has more than one hundred but not more than two hundred Employees;
- (3) nine members for a place of business which has more than two hundred but not more than four hundred Employees;
- (4) eleven members for a place of business which has more than four hundred but not more than eight hundred Employees;
- (5) thirteen members for a place of business which has more than eight hundred but not more than one thousand five hundred Employees;
- (6) fifteen members for a place of business which has more than one thousand five hundred but not more than two thousand five hundred Employees; and

(7) seventeen to twenty-one members for a place of business which has more than two thousand five hundred Employees.

Rules and procedures for the election of Committee members shall be as prescribed by the Director-General and published in the Government Gazette.

**Section 47.** An Employees' Committee member shall hold office for a term of three years but may be re-elected or re-appointed.

**Section 48.** In addition to retirement at the expiration of term of office, an Employees' Committee member shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being an incompetent or quasi-incompetent person;
- (4) being imprisoned by a final judgement of imprisonment;
- (5) dismissal by resolution of more than one-half of the total number of Employees at the place of business;
- (6) dismissal by an order of the Labour Court; or
- (7) a new election or appointment of the Employees' Committee en masse.

When a member of the Employees' Committee vacates office before the expiration of his term of office, a new member of the Employees' Committee shall be elected or appointed to fill the vacancy, as the case may be.

A new member of the Employees' Committee elected or appointed under paragraph two shall hold office for the remainder of the term of the member he replaced.

**Section 49.** There shall be a new election or appointment of the Employees' Committee en masse when:

- (1) the number of Employees at a place of business increases or decreases by more than one-half of the previous total number of Employees;
- (2) more than one-half of the Committee members vacate office;
- (3) more than one-half of the Employees at a place of business pass a resolution dismissing the Employees' Committee en masse; or
- (4) the Labour Court orders the dismissal of the Employees' Committee en masse.

**Section 50.** An Employer must arrange for a meeting with the Employees' Committee at least once every three months, or upon request with appropriate reasons by more than one-half of the total number of the Committee members or the Labour Union in order to:

(1) provide welfare for the Employees;

(2) carry out discussions on the prescription of working regulations which would be beneficial to both the Employer and Employees;

(3) consider complaints of the Employees; and

(4) effect compromise and settlement of disputes in the place of business.

Where the Employees' Committee considers that an action by an Employer is unfair or causing excessive hardship to Employees, the Employees' Committee, Employees or the Labour Union has the right to submit a motion to the Labour Court for decision.

**Section 51.** Where any Committee member of the Employees' Committee performs his duty dishonestly or acts in the way which is against public order, or discloses secrets of the Employer regarding the undertaking without justifiable reason, the Employer has the right to submit a motion to the Labour Court for an order dismissing such Committee member of the Employees' Committee.

**Section 52.** An Employer shall not dismiss, reduce wages, discipline, obstruct the performance of duty of a Committee member or perform any act resulting in a Committee member being unable to continue working, unless permission is obtained from the Labour Court.

**Section 53.** An Employer shall not give or agree to give money or property to a Committee member except for wages, overtime, holiday pay, bonus, dividend or other gains to which a Committee member in his capacity as an Employee is generally entitled.

## **CHAPTER 6**

### **EMPLOYERS' ASSOCIATIONS**

**Section 54.** An Employers' Association may be established only by virtue of this Act.

An Employers' Association must have the objectives of acquiring and protecting interests relating to Conditions of Employment and promoting better relationships between Employers and Employees and among Employers themselves.

**Section 55.** An Employers' Association must have regulations and must be registered with the Registrar. After registration, the Employers' Association shall be a juristic person.

**Section 56.** Persons who have the right to establish an Employers' Association must be Employers in the same description of undertaking, sui juris and of Thai nationality.

**Section 57.** In an application for the registration of an Employers' Association, not less than three Employers who have the right to establish the Employers' Association shall, as the promoters, submit a written application to the Registrar together with at least three copies of the draft regulations of the Employers' Association.

The application must specify the name, age, occupation or profession and address of each promoter.

**Section 58.** The regulations of an Employers' Association must contain at least the following:

- (1) its name which must also have the accompanying words "Employers' Association";
- (2) its objectives;
- (3) the address of its office;
- (4) the procedure for admission of members and termination of membership;
- (5) the rate of admission fee and subscription and procedure for the payment thereof;
- (6) regulations concerning the rights and duties of its members;
- (7) regulations concerning the management, disbursement, custody and maintenance of money and other properties as well as the keeping and examination of accounts;
- (8) regulations concerning the procedure for a Lock-out and approval of an Agreement relating to Conditions of Employment;
- (9) regulations concerning the general meeting; and
- (10) regulations concerning the number, election, term of office and retirement from office of Committee members, and the Committee meeting.

**Section 59.** If the Registrar, upon receipt of the application together with the draft regulations, considers that the applicants have the required qualifications under Section 56, the regulations are correct according to Section 58 and the objectives are in compliance with section 54 paragraph two and are not against the public order, the Registrar shall accept the

registration of the Employer Association and issue a certification of registration to that Employers' Association.

If the Registrar considers that the application or the draft regulations do not comply with paragraph one, he shall order them to be amended. After amendment, the Registrar shall accept the registration of the Employers' Association and issue a certificate of registration to the Employers' Association.

If the Registrar considers that the application cannot be accepted for registration because the objectives are against the public order, he shall refuse to accept the registration and forthwith notify the applicant of the order together with the reasons therefor.

The applicant has the right to appeal against such order to the Minister by submitting an appeal in writing to the Registrar within thirty days of being notified of the order.

The Minister shall consider the appeal and notify the appellant of his decision within thirty days of receiving the appeal.

Where the appellant is dissatisfied with the decision of the Minister, the appellant has the right to proceed further for a ruling from the Labour Court.

**Section 60.** The Registrar shall publish the registration of an Employers' Association in the Government Gazette.

**Section 61.** The promoters of an Employers' Association shall, within one hundred and twenty days of the date of the registration, convene the first ordinary general meeting for election of a Committee, the assignment of all matters to the Committee and the approval of the draft regulations which were submitted to the Registrar under Section 59.

When the general meeting has elected a Committee and approved the draft regulations, a copy of the regulations and the name, address and occupation or profession of each Committee member shall be registered within fourteen days of the resolution of the general meeting.

**Section 62.** Any amendment of the regulations of an Employers' Association may be made by resolution of the general meeting and must be registered within fourteen days of the resolution of the general meeting.

An amendment of the regulations under paragraph one shall come into force after the Registrar has accepted the registration thereof.

**Section 63.** Persons who may become members of an Employers' Association must be Employers in the same description of undertaking. If an Employer is a juristic persons, then such juristic person shall be regarded as the member of the Employers' Association.

**Section 64.** A member of an Employers' Association has the right to inspect the register of membership, documents or accounts of the Employers' Association in order to ascertain the operation of activities of the Employers' Association during office hours as prescribed by the Committee.

Officials of an Employers' Association must render appropriate facilities for inspections under paragraph one.

**Section 65.** Membership of an Employers' Association terminates upon death, resignation, dismissal by the general meeting or according to the regulations of the Employers' Association.

**Section 66.** For the benefit of its members, an Employers' Association shall have the following powers and duties to:

- (1) demand, negotiate for settlement and acknowledge an award or enter into an agreement with a Labour Union or Employees regarding the activities of its members;
- (2) manage and carry out activities for the benefit of its members, that is, within the objectives of the Employers' Association;
- (3) provide information services regarding business undertakings for its members;
- (4) provide advisory services for solving problems or eliminating disagreements relating to administration and working methods;
- (5) provide welfare services relating to the allocation of funds or properties for its members or for the public benefit, that is, as the general meeting considers appropriate; and
- (6) collect membership fees and subscriptions at the rates prescribed in the regulations of the Employers' Association.

**Section 67.** When an Employers' Association, for the benefit of its members, carries out the following activities, not related to politics, the Employer, Employers' Association, members of the Committee or Sub-committee and officials of the Employers' Association shall not be liable to criminal or civil charges or actions:



(1) participate in the negotiation for settlement on demand for rights or benefits to which its members should be entitled with Employees, Labour Unions, Employers, other Employers' Associations, Labour Federations or Employers' Federations;

(2) order a Lock-out or assist, persuade or encourage a Lock-out by a member;

(3) explain or publicise facts concerning Labour Disputes; or

(4) arrange for a rally of its members,

that is, except where the activities constitute criminal offences in the nature of offences endangering the public safety, offences against life and body, offences against liberty and reputation, offences against property or civil infringement resulting from the commission of the said criminal offences.

**Section 68.** An Employers' Association shall have a Committee to carry out its activities and act as representative of the Employers' Association in activities dealing with a third person. For this purpose, the Committee may entrust one or several Committee members to act on its behalf.

The Committee may appoint a Sub-committee to carry out any work as entrusted.

**Section 69.** A person who is eligible for election or appointment as a member of the Committee or Sub-committee under Section 68 must possess the following qualifications:

(1) be a member of the Employers' Association or representative of a juristic person who is a member of the Employers' Association; and

(2) have Thai nationality by birth.

**Section 70.** An Employers' Association may, by resolution of the general meeting, carry out the following activities:

(1) amend its regulations;

(2) perform any acts which may affect the mutual interests of its members;

(3) elect Committee members and an auditor, and certify the balance sheet, annual report and expenditure of the association;

(4) allocate funds or properties for the welfare of its members or for the public benefit;

(5) dissolve the Employers' Association;

(6) amalgamate Employers' Associations; or

(7) establish an Employers' Federation or become a member of an Employers' Federation.

**Section 71.** An Employers' Association must provide a register of membership according to the form prescribed by the Director-General and keep it at its offices ready for inspection during office hours.

An 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 the power to:

(1) enter the offices of an Employers' Association during office hours to inspect the activities of an Employers' Association;

(2) order the Committee members, officials or Employees of an Employers' Association to submit or present documents or the accounts of an Employers' Association to supplement any consideration where a problem has arisen; and

(3) question the persons in (2) or summon the said persons for inquiry or an explanation of facts relating to the conduct of activities of an Employers' Association.

**Section 73.** The Registrar has the power to order the dismissal of any Committee member or the Committee of an Employers' Association en masse when it appears that the Committee member or the Committee:

(1) has committed an unlawful act which obstructs the performance of duty of a Conciliation Officer, Labour Dispute arbitrator or the Labour Relations Committee;

(2) has carried out activities which are not in compliance with the objectives of the Employers' Association thereby violating the law or being against the public order or jeopardising the economy or security of the country; or

(3) has permitted or allowed any person who is not a Committee member to carry out any activities of the Employers' Association.

The order issued under paragraph one shall be in writing and notified without delay to the persons concerned and the Employers' Association.

**Section 74.** The person receiving the order issued under Section 73 has the right to appeal against the order to the Minister by submitting an appeal in writing to the Registrar within fifteen days of receiving the order.

The Minister shall consider the appeal and notify the appellant of his decision within thirty days of receiving the appeal.

Where the appellant is dissatisfied with the decision of the Minister, the appellant has the right to proceed further for a ruling from the Labour Court.

**Section 75.** An Employers' Association shall arrange for an annual account auditing and submit the balance sheet together with the report of an auditor to the general meeting.

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

**Section 76.** Two or more Employers' Associations which have members in the same description of undertaking, may amalgamate into one Employers' Association.

The amalgamation of Employers' Associations under paragraph one must receive approval by a resolution of the general meeting of each association by the majority of votes of the total number of members and must be approved by the Registrar.

In applying for approval by the Registrar, a copy of the minutes of the general meeting of the Employers' Association which passed the resolution approving the amalgamation shall also be forwarded.

**Section 77.** When the Registrar has given approval under section 76, the Employers' Associations shall give notice of the proposed amalgamation to all creditors of the Employers' Associations requiring those creditors who have any objections to the amalgamation to submit a notice of objection to the Employers' Associations within thirty days of the date of the notice.

If no objection is raised within the said period, none is deemed to exist and the Employers' Associations may proceed with the amalgamation.

If an objection is raised, the Employers' Associations may not proceed with the amalgamation unless it has satisfied the claim or given security for it.

**Section 78.** The Committee of each amalgamated Employers' Association shall appoint not more than three persons as its representatives to proceed with registration under Section 79.

**Section 79.** The new association formed by the amalgamation must be registered as a new Employers' Association according to the original type of Employers' Association by submitting an application for registration in writing to the Registrar.

The application for registration of the new Employers' Association must be signed by at least two representatives of each amalgamated Employers' Association, and be submitted together with the following documents:

(1) letters from the amalgamated Employers' Associations confirming that all creditors have been notified under Section 77 paragraph one and no objection was raised within the prescribed period, or if an objection was raised, that the claim has been satisfied or security has been given;

(2) two copies of the draft regulations of the new Employers' Association which is applying for registration; and

(3) a copy of the minutes of the meetings of the amalgamated Employers' Associations.

The documents under (2) and (3) must be signed by two members of the Committee of the new Employers' Association as initially elected.

Section 54 to Section 75 shall apply to the new Employers' Association *mutatis mutandis*.

**Section 80.** After registration of the new Employers' Association, the Registrar shall delete from the register the names of the amalgamated Employers' Associations.

**Section 81.** The new Employers' Association shall assume the properties, obligations, rights, duties and liabilities of the amalgamated Employers' Associations.

Members of the amalgamated Employers' Associations shall become members of the new Employers' Association.

**Section 82.** An Employers' Association will be dissolved for any of the following reasons:

(1) if the regulations of the Employers' Association prescribe an event for dissolution, upon the occurrence of such event;

(2) a resolution of the general meeting to dissolve;

(3) an order of the Registrar to dissolve; or

(4) becoming bankrupt.

**Section 83.** The Registrar has the power to order the dissolution of an Employers' Association in the following circumstances:

(1) when it appears that the operation of an Employers' Association is contrary to its objectives or the law, jeopardises the economy or security of the country or is against public safety or good morals;

(2) when the Registrar has ordered a new election of the Committee en masse and no election has been held within the period prescribed by the Registrar or within the period extended by the Registrar; or

(3) when the Employers' Association has not carried out activities for more than two consecutive years.

When the Registrar has ordered any Employers' Association to dissolve, he shall notify the Employers' Association in writing of the order without delay.

The order to dissolve an Employers' Association issued under this Section may be appealed to the Minister by more than one-half of the total number of Committee members holding office on the date of the order to dissolve, by submitting the appeal in writing to the Registrar within thirty days of receiving the order.

The Minister shall consider the appeal and notify the appellant of his decision within thirty days of receiving the appeal.

Where the appellant is dissatisfied with the decision of the Minister, the appellant has the right to proceed further for a ruling from the Labour Court.

The order to dissolve an Employers' Association shall be published in the Government Gazette when the period for appeal has lapsed or when the Labour Court has given its ruling, as the case may be.

**Section 84.** When an Employers' Association is to be dissolved under Section 82(1), (2) or (3) or Section 83, a liquidator must be appointed to carry out the liquidation, and the

provisions of the Civil and Commercial Code on liquidation of registered partnerships, limited partnerships and limited companies shall apply mutatis mutandis to the liquidation of an Employers' Association.

**Section 85.** After the liquidation, the remaining property, if any, shall not be divided among members of the Employers' Association but shall be transferred to such other juristic person as specified in the regulations on the management of the Employers' Association or by a resolution of the general meeting. If the regulations or the general meeting do not specify any juristic person to be the recipient of the remaining property, the liquidator shall hand it over to the Department of Labour for the welfare of Employees.

## CHAPTER 7 LABOUR UNIONS

**Section 86.** A Labour Union may be established only by virtue of this Act.

A Labour Union must have the objectives of acquiring and protecting interests relating to Conditions of Employment and promoting better relationships between Employers and Employees, and among Employees themselves.

**Section 87.** A Labour Union must have regulations and must be registered with the Registrar. After registration, the Labour Union shall be a juristic person.

**Section 88.** Persons who have the right to establish a Labour Union must be Employees working for the same Employer, or Employees in the same description of work (whether or not they work for the same Employer), sui juris and of Thai nationality.

**Section 89.** In an application for the registration of a Labour Union, not less than ten Employees who have the right to establish a Labour Union shall, as the promoters, submit a written application to the Registrar together with at least three copies of the draft regulations of the Labour Union.

The application must specify the name, age, occupation or profession and address of each promoter.

**Section 90.** The regulations of a Labour Union must contain at least the following:

(1) its name which must also have the accompanying words "Labour Union";

- (2) its objectives;
- (3) the address of its office;
- (4) the procedure for admission of members and termination of membership;
- (5) the rate of admission fee and subscription and procedure for the payment thereof;
- (6) regulations concerning the rights and duties of members;
- (7) regulations concerning the management, disbursement, custody and maintenance of money and other properties as well as the keeping and examination of accounts;
- (8) regulations concerning the procedure for a Strike and for the approval of Agreements relating to Conditions of Employment;
- (9) regulations concerning the general meeting; and
- (10) regulations concerning the number, election, term of office and retirement from office of Committee members, and the Committee meeting.

**Section 91.** If the Registrar, upon receipt of the application together with the draft regulations, considers that the applicants have the required qualifications under Section 88, the regulations are correct according to Section 90 and the objectives are in compliance with Section 86 paragraph two and are not against the public order, the Registrar shall accept the registration of the Labour Union and issue a certificate of registration to the Labour Union.

If the Registrar considers that the application and the draft regulations do not comply with paragraph one, he shall order that they be amended. After amendment, the Registrar shall accept the registration of the Labour Union and issue a certificate of registration to the Labour Union.

If the Registrar considers that the application cannot be accepted for registration because the objectives are against the public order, he shall refuse to accept the registration and forthwith notify the applicant of the order together with the reasons therefor.

The applicant has the right to appeal against such order to the Minister by submitting an appeal in writing to the Registrar within thirty days of being notified of the order.

The Minister shall consider the appeal and notify the appellant of his decision within thirty days of receiving the appeal.

Where the appellant is dissatisfied with the decision of the Minister, the appellant has the right to proceed further for a ruling from the Labour Court.

**Section 92.** The Registrar shall publish the registration of a Labour Union in the Government Gazette.

**Section 93.** The promoters of a Labour Union shall, within one hundred and twenty days of the date of registration, convene the first ordinary meeting of the Labour Union for the election of a Committee, the assignment of all matters to the Committee and the approval of the draft regulations which were submitted to the Registrar under Section 91.

When the general meeting has elected a Committee and approved the draft regulations, a copy of the regulations and the name, address and occupation or profession of each Committee member shall be registered within fourteen days of the resolution of the general meeting.

**Section 94.** Any amendment of the regulations of a Labour Union may be made by resolution of the general meeting and must be registered within fourteen days of the resolution of the general meeting.

An amendment of the regulations under paragraph one shall come into force after the Registrar has accepted the registration thereof.

Section 91 shall apply mutatis mutandis to any amendment of the regulations.

**Section 95.** Persons who may become members of a Labour Union must be Employees working for the same Employer, or Employees in the same description of work as the promoters of the Labour Union, and shall be fifteen years of age or over.

Employees and management under the law on State Enterprise Labour Relations shall be prohibited from being members of a Labour Union under paragraph one.

An Employee who is a supervisor with the power to hire, reduce wages, terminate employment, give rewards or take disciplinary action shall not become a member of a Labour Union which is established by other Employees or has other Employees as members, nor shall other Employees become members of a Labour Union which is established by the said supervisor or has such person as a member.

**Section 96.** A member of a Labour Union has the right to inspect the register of membership, documents or accounts of the Labour Union in order to ascertain the operation of activities of the Labour Union during office hours of the Labour Union as prescribed by the Committee.



Officials of a Labour Union must render appropriate facilities for inspections under paragraph one.

**Section 97.** Membership of a Labour Union terminates upon death, resignation, dismissal by the general meeting or according to the regulations of the Labour Union.

**Section 98.** For the benefit of its members, a Labour Union shall have the following powers and duties to:

- (1) demand, negotiate for settlement and acknowledge an award or enter into an agreement with an Employer or Employers' Association regarding the activities of its members;
- (2) manage and carry out activities for the benefit of its members, that is, within the objectives of the Labour Union;
- (3) provide information services regarding employment opportunities for its members;
- (4) provide advisory services for solving problems or eliminating disagreements relating to administration and working methods;
- (5) provide welfare services relating to the allocation of funds or properties for its members or for the public benefit, that is, as the general meeting considers appropriate; and
- (6) collect membership fees and subscriptions at the rates prescribed in the regulations of the Labour Union.

**Section 99.** When a Labour Union, for the benefit of its members, carries out the following activities, not related to politics, the Employees, Labour Union, members of the Committee or Sub-committee and officials of the Labour Union shall not be liable to criminal or civil charges or actions:

- (1) participate in the negotiation for settlement on the demand for rights or benefits to which its members should be entitled with Employers, Employers' Associations, Employees, other Labour Unions, Employers' Federations or Labour Federations;
- (2) cause a Strike or assist, persuade or encourage its members to Strike;
- (3) explain or publicise facts concerning Labour Disputes; or
- (4) arrange for a rally or peaceful gathering for a Strike,  
that is, except where the activities constitute criminal offences in the nature of offences endangering the public against life and body, offences against liberty and

reputation, offences against property and civil infringements resulting from the commission of the said criminal offences.

**Section 100.** A Labour Union shall have a Committee to carry out its activities and act as representative of the Labour Union in dealings with a third person. For this purpose, the Committee may entrust one or several Committee members to act on its behalf.

The Committee may appoint a Sub-committee to carry out any work as entrusted.

**Section 101.** A person who is eligible for election or appointment as a member of the Committee or Sub-committee under Section 100 must possess the following qualifications:

- (1) be a member of such Labour Union;
- (2) have Thai nationality by birth; and
- (3) be not less than twenty years of age.

**Section 102.** An Employee who is a Committee member of a Labour Union has the right to take leave to conduct the activities of the Labour Union in the capacity of representative of Employees in a negotiation, settlement and arbitration of a Labour Dispute, and for attending meetings as specified by a government agency, and the day of leave of that Employee shall be regarded as a working day; provided that the said Employee shall inform the Employer in advance of the reason for his leave as well as produce any relevant documents.

**Section 103.** A Labour Union, by resolution of the general meeting, may carry out the following activities:

- (1) amend its regulations;
- (2) perform any acts which may affect the mutual interests of its members;
- (3) elect Committee members and an auditor, and certify the balance sheet, annual report and expenditure of the union;
- (4) allocate funds or properties for the welfare of its members or for the public benefit;
- (5) dissolve the Labour Union;
- (6) amalgamate Labour Unions;
- (7) establish a Labour Federation or become a member of a Labour Federation; or

(8) go out on Strike when a Labour Dispute cannot be settled according to Section 22 paragraph three. The resolution to go out on Strike shall be approved by more than one-half of the total Labour Union membership and the vote shall be by secret ballot.

**Section 104.** A Labour Union must provide a register of membership according to the form prescribed by the Director-General and keep it at its office ready for inspection during office hours.

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

**Section 105.** The Registrar or person entrusted by the Registrar shall have the power to:

(1) enter the offices of a Labour Union during office hours to inspect the activities of a Labour Union;

(2) order a Committee members, officials or Employees of a Labour Union to submit or present documents or the accounts of the Labour Union to supplement considerations where a problem has arisen; and

(3) question the persons in (2) or summon the said persons for inquiry or an explanation of facts relating to the conduct of activities of a Labour Union.

**Section 106.** The Registrar has the power to order the dismissal of any Committee member or the Committee of a Labour Union en masse when it appears that the Committee member or the Committee:

(1) has committed an unlawful act which obstructs the performance of duty of a Conciliation Officer, Labour Dispute arbitrator or the Labour Relations Committee;

(2) has carried out activities which are not in compliance with the objectives of the Labour Union thereby violating the law or being against the public order or jeopardising the economy or security of the country; or

(3) has permitted or allowed any person who is not a Committee member to carry out any activities of the Labour Union.

The order issued under paragraph one shall be in writing and notified without delay to the person concerned and the Labour Union.

**Section 107.** The person receiving the order issued under Section 106 has the right to appeal against such order to the Minister by submitting an appeal in writing to the Registrar within fifteen days of receiving the order.

The Minister shall consider the appeal and notify the appellant of his decision within thirty days of receiving the appeal.

Where the appellant is dissatisfied with the decision of the Minister, the appellant has the right to proceed further for a ruling from the Labour Court.

**Section 108.** A Labour Union shall arrange for an annual auditing and submit a balance sheet together with the report of an auditor to the general meeting.

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

**Section 109.** Two or more Labour Unions whose members are Employees working for the same Employer, whether or not they are Employees in the same description of work, may amalgamate into one Labour Union.

Two or more Labour Unions whose members are Employees in the same description of work, whether or not they are Employees working for the same Employer, may amalgamate into one Labour Union.

The amalgamation of Labour Unions under paragraph one or paragraph two must receive approval by a resolution of a general meeting of each Labour Union by a majority of the votes of the total number of members and must also be approved by the Registrar.

In applying for approval by the Registrar, a copy of the minutes of the general meeting of the Labour Union which passed the resolution approving the amalgamation shall also be forwarded.

**Section 110.** The provisions of Section 77, Section 78, Section 79, Section 80 and Section 81 shall apply mutatis mutandis to the amalgamation of Labour Unions.

**Section 111.** The provisions of Section 82, Section 83, Section 84 and Section 85 shall apply mutatis mutandis to the dissolution of a Labour Union.

CHAPTER 8  
EMPLOYERS' FEDERATIONS AND LABOUR FEDERATIONS

**Section 112.** Two or more Employers' Associations which have members in the same description of undertaking may, by registration, jointly establish an Employers' Federation for the promotion of better relationships between Employers' Associations and the protection of interests of Employers' Associations and Employers.

**Section 113.** Two or more Labour Unions:

(1) whose members are Employees working for the same Employer, whether or not they are Employees in the same description of work; or

(2) whose members are Employees in the same description of work, whether or not they are Employees working for the same Employer,  
may, by registration, jointly establish a Labour Federation for the promotion of better relationships between Labour Unions and the protection of interests of Labour Unions and Employees.

**Section 114.** The establishment of and admission to membership of an Employers' Federation or a Labour Federation under Section 112 or Section 113 may be carried out only with the approval by the majority of the votes of the total number of members of each Employers' Association or Labour Union.

The casting of votes under paragraph one shall be in accordance with the regulations on management of each Employers' Association or Labour Union.

**Section 115.** Upon registration, an Employers' Federation or Labour Federation shall be a juristic person.

**Section 116.** An Employers' Association which is a member of an Employers' Federation and a Labour Union which is a member of a Labour Federation has the right to send representatives to attend meetings and participate in the affairs of the Employers' Federation or Labour Federation in such number as prescribed in the regulations on management of the Employers' Federation or Labour Federation.

**Section 117.** An Employers' Federation Committee shall be elected from representatives of any Employers' Association which is a member of such Employers' Federation.

A Labour Federation Committee shall be elected from representatives of any Labour Union which is a member of such Labour Federation.

**Section 118.** The provisions on Employers' Associations in Chapter 6 and Labour Unions in Chapter 7 shall apply mutatis mutandis to Employers' Federations and Labour Federations.

**Section 119.** An Employers' Association and Employers' Federation may establish an Employers' Organisation Council for promoting study and labour relations.

**Section 120.** A Labour Union and Labour Federation may establish an Employees' Organisation Council for promoting study and labour relations.

**Section 120 bis.** A member of the committee of an Employers' Association, Employers' Federation and the congress of Employers' organisation, whose dismissal is ordered by the Registrar due to a violation of the provisions of this Act may again hold office on the committee of an Employers' Association, Employers' Federation and the congress of Employers' organisation after one year has elapsed from the date of dismissal as ordered by the Registrar.

A member of the committee of a Labour Union, Labour Federation and the congress of Employees' organisation, whose dismissal is ordered by the Registrar due to a violation of the provisions of this Act may again hold office on the committee of a Labour Union, Labour Federation and the congress of Employees' organisation after one year has elapsed from the date of dismissal as ordered by the Registrar.

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

**CHAPTER 9**  
**UNFAIR PRACTICES**

**Section 121.** An Employer shall not:

(1) terminate the employment of or take any action which may result in an Employee, a representative of an Employee, a Committee member of a Labour Union or Labour Federation being unable to continue working, as a result of the Employee or Labour Union calling a rally, filing a complaint, submitting a demand, negotiating or instituting a law suit or being a witness or producing evidence to competent officials under the law on labour protection or to the Registrar, Conciliation Officer, Labour Dispute arbitrator or Labour Relations Committee member under this Act, or to the Labour Court, or as a result of the Employee or Labour Union being about to take the said actions;

(2) terminate the employment of or take any action which may result in an Employee being unable to continue working as a result of the said Employee being a member of a Labour Union;

(3) prevent an Employee from becoming a member of a Labour Union or cause an Employee to resign from membership of a Labour Union, or give or agree to give money or property to an Employee or official of a Labour Union in order to induce the Employee to refrain from applying or to induce the official to refuse the application for membership or to induce resignation from membership of a Labour Union;

(4) prevent a Labour Union or Labour Federation from conducting its affairs or prevent Employees from exercising their rights to become members of a Labour Union; or

(5) interfere with the operation of a Labour Union or Labour Federation without lawful authority.

**Section 122.** No person shall:

(1) coerce or threaten, either directly or indirectly, an Employee to become a member of a Labour Union or to resign therefrom; or

(2) take any action causing an Employer to violate Section 121.

**Section 123.** While an Agreement relating to Conditions of Employment or a decision or award is still in force, an Employer is prohibited from dismissing an Employee, representative of an Employee, member of a Committee or Sub-committee or member of a

Labour Union, or member of the Committee or Sub-committee of a Labour Federation who is involved in a demand, unless such person:

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

(2) intentionally causes damage to the Employer;

(3) violates the regulations, rules or lawful orders of the Employer who has given a written warning or caution, except where, in serious cases, the Employer is not required to give a warning or caution; provided the said regulations, rules or orders were not issued in order to prevent such person from taking action relating to the demand;

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

(5) performs any act thereby inciting, encouraging or persuading a violation of the Agreement relating to Conditions of Employment or the decision or award.

**Section 124.** Where there is a violation of Section 121, Section 122 or Section 123, the injured party may file a complaint against the violator with the Labour Relations Committee within sixty days of the violation.

**Section 125.** Upon receipt of a complaint under Section 124, the Labour Relations Committee shall make a decision and give the order within ninety days of receiving the complaint.

The Minister has the power to extend the period for the Labour Relations Committee to make a decision as he deems appropriate.

**Section 126.** Where a person against whom a complaint has been filed has complied with an order of the Labour Relations Committee issued under Section 125 within the period prescribed by the said Committee, criminal prosecution against such person shall not be instituted.

**Section 127.** The violation of Section 121, Section 122 or Section 123 will result in criminal prosecution only if the injured party has filed a complaint against a violator under Section 124 and the person against whom the complaint was filed does not comply with the order of the Labour Relations Committee issued under Section 125.



**CHAPTER 10**  
**PENAL PROVISIONS**

**Section 128.** Any representative of an Employer or Employee under Section 13 or Section 16, or representative of an Employers' Association or Labour Union under Section 15 who accepts or agrees to accept money or properties from any person for the purpose of causing the Employer, Employee, Employers' Association or Labour Union represented by him in the demands negotiation for settlement or acknowledgement of award, to lose an entitled benefit, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.

**Section 129.** Any adviser of an Employer or Employee under Section 17 who accepts or agrees to accept money or properties from any person for the purpose of causing the Employer or Employee of whom he is the adviser to lose an entitled benefit, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.

**Section 129 bis.** Any person who acts as an adviser of an Employer or an adviser of Employees without being registered under Section 17 paragraph two shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.

**Section 130.** Any Employer who violates or fails to comply with Section 18, Section 20 or Section 22 paragraph two coupled with Section 18 shall be liable to a fine not exceeding one thousand Baht.

**Section 131.** Any Employer or Employee who violates or fails to comply with an Agreement relating to Conditions of Employment or award which has been registered under Section 18 paragraph two, Section 22 paragraph two or Section 19 paragraph four while the Agreement relating to Conditions of Employment or the award is still in force, shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

**Section 132.** Any Employer, Employee, Employers' Association, Labour Union, Employers' Federation or Labour Federation violating or failing to comply with a decision of

the Labour Relations Committee or a decision of the Minister on appeal under Section 23, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht, or to both.

**Section 133.** Any person who violates or fails to comply with a decision on a Labour Dispute given under Section 24, Section 25 or Section 35 (4) shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.

**Section 134.** Any Labour Dispute arbitrator who accepts or agrees to accept money or properties from any person as an inducement to decide a Labour Dispute so as to cause an Employer, Employee, Employers' Association or Labour Union to lose an entitled benefit, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.

**Section 135.** Any Labour Dispute arbitrator who fails to comply with Section 29 paragraph three or paragraph four shall be liable to a fine not exceeding one thousand Baht.

**Section 136.** Any Employer who violates Section 31 paragraph one shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht, or to both.

**Section 137.** Any person who violates Section 32 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

**Section 138.** Any Employer, Employee, Employers' Association, Labour Union, Employers' Federation or Labour Federation violating a Notification of the Minister issued under Section 33 paragraph one shall be liable to imprisonment for a term not exceeding six months or to a fine 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 not exceeding six months or to a fine 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 not exceeding six months or to a fine 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 not exceeding two years or to a fine not exceeding forty thousand Baht, or to both.

**Section 142.** Any person who does not render facilities, obstructs, or fails to answer a written inquiry, present facts or forward relevant items or documents to a member of the Labour Relations Committee or Labour Relations 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 not exceeding one month or to a fine 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 not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

**Section 144.** Any promoter of an Employers' Association who fails to comply with Section 61, or any Committee member of a Employers' Association who fails to comply with section 62 shall be liable to a fine not exceeding fifty Baht a day throughout the period of his failure to comply therewith.

**Section 145.** Any Employers' Association which admits a member in violation of Section 63 shall be liable to a fine not exceeding one thousand Baht.

**Section 146.** Any Employers' Association which violates or fails to comply with Section 71 or Section 75 shall be liable to a fine not exceeding two thousand Baht.

Any Committee member of an Employers' Association who contrives the commission by the Employers' Association of a violation or failure to comply with Section 71 or Section 75 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

**Section 147.** Any liquidator who fails to comply with Section 85, or Section 111 coupled with Section 85, or Section 118 coupled with Section 85 or with Section 111 shall be liable to a fine not exceeding fifty Baht a day throughout the period of this failure to comply therewith.

**Section 148.** Any promoter of a Labour Union who fails to comply with Section 93, or any Committee member of a Labour Union who fails to comply with Section 94 shall be liable to a fine not exceeding fifty Baht a day throughout the period of his failure to comply therewith.

**Section 149.** Any Labour Union which admits a member in violation of Section 95 shall be liable to a fine not exceeding one thousand Baht.

**Section 150.** Any Labour Union which violates or fails to comply with Section 104 or Section 108 shall be liable to a fine not exceeding two thousand Baht.

Any Committee member of the Labour Union who contrives the commission by the Labour Union of a violation or failure to comply with Section 104 or Section 108 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

**Section 151.** Any person establishing an Employers' Federation who fails to comply with Section 118 coupled with Section 61, or any person establishing a Labour Federation who fails to comply with Section 118 coupled with Section 93 shall be liable to a fine not exceeding fifty Baht a day throughout the period of his failure to comply therewith.

**Section 152.** Any Committee member of an Employers' Association who fails to comply with Section 118 coupled with Section 62 or any Committee member of a Labour Federation who fails to comply with Section 118 coupled with Section 94 shall be liable to a fine not exceeding fifty Baht a day throughout the period of his failure to comply therewith.

**Section 153.** Any Employers' Federation which violates or fails to comply with Section 118 coupled with Section 71 or with Section 75, or any Labour Federation which violates or fails to comply with Section 118 coupled with Section 104 or with Section 108 shall be liable to a fine not exceeding two thousand Baht.

Any Committee member of an Employers' Federation who connives the commission by an Employers' Federation of a violation or a failure to comply with Section 118 coupled with Section 71 or with Section 75, or any Committee member of a Labour Federation who connives the commission by a Labour Federation of a violation or a failure to comply with Section 118 coupled with Section 104 or with Section 108 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

**Section 154.** Other than an Employers' Association, Labour Union, Employers' Federation or Labour Federation, whoever uses the names with the accompanying Thai letters "Employers' Association", "Labour Union", "Employers' Federation" or "Labour Federation" or the English letters having a similar meaning on a name plate, seal, letter, notice or other documents relating to activities of business shall be liable to a fine not exceeding one thousand Baht and to an additional fine not exceeding fifty Baht a day until cessation of the use thereof.

**Section 155.** Any person who becomes a member of any Employers' Association or Labour Union with the knowledge that such Employers' Association or Labour Union has not been registered shall be liable to a fine not exceeding one thousand Baht.

Any person who operates an Employers' Association or Labour Union which has not been registered shall be liable to imprisonment for a term not exceeding one month or to fine not exceeding one thousand Baht, or to both.

**Section 156.** Upon dissolution of an Employers' Association, Labour Union, Employers' Federation or Labour Federation under this Act, any Committee member or Subcommittee member of an Employers' Association, Labour Union, Employers' Federation or Labour Federation who obstructs the liquidator in performing his work shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

**Section 157.** Any person who continues to operate an Employers' Association, Labour Union, Employers' Federation or Labour Federation which has been dissolved under this Act shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht, or to both.

**Section 158.** Any Employer who violates section 121 or Section 123 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht, or to both.

**Section 159.** Any person who violates Section 122 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht, or to both.

## TRANSITORY PROVISIONS

**Section 160.** Any charges, demands, labour disputes, agreements, awards of a labour dispute arbitrator, decisions or orders of the Labour Relations Committee or cases which have been instituted or have not become final before the day of coming into force of this Act, shall be subject to the Notification of the Ministry of Interior issued under the Announcement of the National Executive Council No. 103, dated 16th March B.E. 2515 until such charges, demands, labour disputes, agreements, awards, orders or cases become final.

The Labour Dispute arbitrators and Labour Relations Committee appointed under this Act shall have the same power to make decision as well as to issue orders concerning the matters under paragraph one as the labour dispute arbitrators and Labour Relations Committee appointed under the Notification of the Ministry of Interior issued under the Announcement of the National Executive Council No. 103, dated 16th March B.E. 2515.

**Section 161.** An employers' association and employees' association registered under the Notification of the Ministry of Interior issued under the Announcement of the National Executive Council No. 103, dated 16th March B.E. 2515 shall be regarded as an Employers' Association and Labour Union under this Act.

**Section 162.** An application to establish an employers' association or employees' association submitted under the Notification of the Ministry of Interior issued under the Announcement of the National Executive Council No. 103, dated 16th March B.E. 2515 shall be regarded as an application under this Act.

**Section 163.** Pending the enactment of the law on establishment of the Labour Court, the Court of Justice shall have the same jurisdiction as the Labour Court.

Countersigned by  
SANYA DHARMASAKTI  
Prime Minister

## MINISTERIAL REGULATIONS<sup>2</sup>

No. 1 (B.E. 2518)

Issued under the Labour Relations Act B.E. 2518

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By virtue of Section 6 and Section 13 of the Labour Relations Act B.E. 2518, the Minister of Interior hereby issues the Ministerial Regulation as follows:

**Clause 1.** Where Employees themselves arrange for an election of representatives of Employees, the Employees shall call a meeting of Employees who are involved in the demand to agree as to who will be those representatives of the Employees, the number of which must not exceed seven. If there are more than seven Employees who intend to be the representatives and no agreement can be reached, voting shall be called and the seven persons obtaining the highest number of votes in descending order shall be the representatives of the Employees.

**Clause 2.** Where the demand is submitted by Employees and contains names and signatures of Employees of not less than fifteen percent of all of the Employees involved in the demand and specifies names of not more than seven representatives of the Employees therein, such representatives shall be regarded as having been validly elected by the Employees.

**Clause 3.** Where the demand is submitted to Employers by Employees but no representatives of Employees have been elected, if the Employees themselves wish to hold an election of representatives of Employees, the Employees involved in the demand shall hold such election and notify the Employer of the names of representatives of the Employees according to the procedure specified in Clause 1.

**Clause 4.** Where the Employees request a Conciliation Officer to hold an election of representatives of the Employees on their behalf, not less than ten Employees involved in the demand shall jointly submit signed application in the form L.R. 1 attached hereto.

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<sup>2</sup>Government Gazette Vol.92, Part 139, Special Issue, page 4,  
dated 24th July B.E. 2518

**Clause 5.** Upon receipt of application under Clause 4, the Conciliation Officer shall call for an election of representatives of Employees by informing the Employees of the date, time and place of the election in writing and shall post up notice of the date, time and place of the election in the form L.R. 2 attached hereto at a public place within the place where the Employees involved in the demand work not less than twenty four hours before the time of the election.

**Clause 6.** On the day and at the time of the election of representatives of the Employees, the Conciliation Officer shall call a meeting of Employees involved in the demand at the specified place for Employees present to submit names of suitable Employees to be the representatives of Employees and the Employees involved in the demand who are present shall record their votes for the candidates whose number must not exceed that specified by the Conciliation Officer.

Where certain Employees involved in the demand are members of a Labour Union and the Employees include names of committee member of the Labour Union in the proposal for representatives of Employees, the election thereof shall be by secret votes.

After the voting has been completed, the Conciliation Officer shall promptly count the votes and the candidates obtaining the highest number of votes in descending order are the representatives of the Employees according to the number of representatives specified by the Conciliation Officer.

**Clause 7.** Where the demand is submitted by a Labour Union, if it appears to the Conciliation Officer from the application of the Labour Union, Employees or Employer that some of the Employees involved in the demand are members of other Labour Unions, the Conciliation Officer shall arrange for an election of representatives of Employees by applying the provisions of Clause 5 and Clause 6 mutatis mutandis thereto.

**Clause 8.** Under Clause 6 and Clause 7, the Conciliation Officer shall give to the representatives of Employees and Employers the document showing the names of the representatives of Employees in the form L.R. 3 attached hereto.

The Conciliation Officer shall record the election of the representatives of Employees, the number of Employees involved in the demand, the number of Employees who voted in the election, the names of



representatives of the Employees and the number of votes recorded and keep it as evidence for not less than one year.

**Clause 9.** The term of the representatives of Employees shall begin from the date of the election until a new election of representatives of Employees or the termination of the Agreement relating to Conditions of Employment, as the case may be.

Given on 22nd May B.E. 2518

Boontheng Thongswadi

Minister of Interior

**MINISTERIAL REGULATION<sup>3</sup>**  
**NO. 2 (B.E. 2519)**  
**ISSUED UNDER THE RELATIONS ACT B.E. 2818**

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By virtue of Section 6 and Section 23 of the Labour Relations Act B.E. 2518, the Minister of Interior hereby issues a Ministerial Regulation as follows:

The following undertakings shall be regarded as those under Section 23 (8) of the Labour Relations Act B.E. 2518 :

- (1) All undertakings by State enterprises pursuant to the law on budgetary appropriations;
- (2) Private colleges and schools pursuant to the law on private colleges and the law on private schools;
- (3) Undertakings by co-operatives under the law on cooperative societies;
- (4) Land, water or air transport as well as supplementary undertakings of transport or in connection with transport at depot, harbour and airport, and tourism; and
- (5) Sale of fuel oil pursuant to the law on fuel oil.

Given on 20th October B.E. 2519  
Chalor Vanaputi  
Under Secretary Of State  
Exercising the Authority Of the Ministry Of Interior

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<sup>3</sup>Government Gazette Vol. 93, Part 137, page 504, dated 26th October B.E. 2519

LABOUR RELATIONS ACT (No. 3)

B.E. 2544 (2001)

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BHUMIBOL ADULYADEJ, REX.

Given on 9<sup>TH</sup> November B.E. 2544

Being the 56<sup>th</sup> 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:

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Government Gazette Vol. 118, Part 106a, dated 16th  
November B.E. 2544

"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<sub>ter</sub>

(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

**Announcement of the National Peace Keeping Council**  
**Re : Amendment of Labour Relations Act B.E. 2518 (Thailand)**

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Whereas the National Peace Keeping Council has considered that the Labour Relations Act B.E. 2518, is not appropriate to the present economic and condition, it should be revised, to be more appropriate the Leader of the National Peace Keeping Council therefore issues the following order:

CLAUSE 1. This Notification shall come into force as from the day following the date of its publication in the Government Gazette.

CLAUSE 2. The provisions of Section 17 of the Labour Relations Act B.E. 2518 shall be repealed and replaced by the followings:

“Section 17. An Employer or Employees may appoint advisers to give advice or recommendations to his representatives under Section 13 or Section 16 but the number shall not exceed two persons for each party.

The adviser under paragraph one shall possess qualifications as prescribed by the Director-General and shall submit an application to be registered. After being registered by the Director-General or a person entrusted by him, the adviser may be appointed.

Where an Employer or Employees appoint an adviser, the Employer or Employees shall notify the name of adviser to the other party in the demand under Section 13 or in a written notice if the appointment is made afterwards, and the adviser is entitled to attend the meetings and negotiate for settlement.”

CLAUSE 3 Add the following as Section 17 bis of Labour Relation Act B.E. 2518

“Section 17 bis. The person who has been registered as an adviser of an Employer or an adviser of Employees under Section 17 shall hold the post of adviser for a period of two years from the date of registration.

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Government Gazette Vol. 108 Part 37 Special issued page 67  
dated 28th February B.E.2534.

The adviser may be removed from the post of adviser before the expiry of the period under paragraph one, if disqualified as prescribed by the Director-General.

In the case of removal from the post of adviser, such person may re-apply for registration as an adviser of an Employer or an adviser of Employees after two years has elapsed from the date of his removal from the post of adviser as ordered by the Director-General.”

CLAUSE 4. Add the following as Section 103(8) of the Labour Relations Act B.E. 2518:

“(8) go out on Strike when a Labour Dispute cannot be settled according to Section 22 paragraph three. The resolution **\*\*to go out on Strike (or all resolutions)\*\*** shall be by more than one-half of the total Labour Union membership and the votes shall be by secret ballot.”

CLAUSE 5. Add the following as Section 120 bis of the Labour Relation Act B.E. 2518:

“Section 120 bis. A member of the committee of an Employers’ Association, Employers’ Federation and the congress of Employers’ organisation, whose dismissal is ordered by the Registrar due to a violation of the provisions of this Act may again hold office on the committee of an Employers’ Association, Employers’ Federation and the congress of Employers’ organisation after one year has elapsed from the date of dismissal as ordered by the Registrar.

A member of the committee of a Labour Union, Labour Federation and the congress of Employees’ organisation, whose dismissal is ordered by the Registrar due to a violation of the provisions of this Act may again hold office on the committee of a Labour Union, Labour Federation and the congress of Employees’ organisation after one year has elapsed from the date of dismissal as ordered by the Registrar.”

CLAUSE 6. Add the following as Section 129 bis of the Labour Relation Act

B.E. 2518:

“Section 129 bis. Any person who acts as an adviser of an Employer or an adviser of Employees without being registered under Section 17 paragraph two shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht, or to both.”

Notified on 28th February B.E. 2534

General Soonthorn Kongsompong

Leader, National Peace Keeping Council

