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This paper comprises of four sections. The first section provides us with an introduction of the social, economic, legal and political context in Thailand. The second section details the labor dispute resolution institutions as well as the nature of the labor disputes that are processed by these institutions. Referring to the macro social, economic, legal, and political transformations in Thailand, the third section explicates the “major issues and trends concerning grievances” (p. 2). In the last section, the author indicates the major challenges that the labor dispute resolution system is facing and delineates its future prospects.

The first section chronicled the evolution of Thailand’s labor laws and labor dispute institutions since Labor Contract Chapter was first drafted in 1925. There are several milestones in this period: 1) In 1975, the Labor Relations Act which “covers the provisions of working condition agreement, demanding for amending working condition, settlement of labor dispute and the organizations of employers and employees” was announced (p. 4); 2) Labor Court was established in 1980 after the Labor Court Procedure Act was released in 1979; 3) In 1990, the Social Security Act which “provide(s) help for employees suffering or injured not causing from work” was promulgated (p. 4); 4) The Ministry of Labor and Social Welfare began to function in 2003 and was readjusted to Ministry of Labor in 2007.

Two main institutions are responsible for employment dispute resolution, namely Ministry of Labor and the Labor Court. The Labor Inspection Officials working in the department of labor protection and welfare “receive complaints from employees concerning the entitlement of any sum of money under Labor Protection Act 1998” (p.5). They would investigate the case and issue an order. The employee can bring this case to the Labor Court if he or she is not satisfied with the order. With regard to “the labor dispute on demanding to change a working condition agreement” (p. 5), Minister of Labor will appoint a Conciliation Officer and Labor Dispute Arbitrator. For a range of specific undertakings, including railway, port, fuel oil production or refinery, and so forth, the Minister of Labor will appoint Labor Relations Committee to solve their labor disputes. Similarly, if the employee is not satisfied with the order issued by the Labor Relations Committee, he or she can appeal to the Labor Court.

A tripartite system consisting of one professional judge and two associate judges from the two parties of a case is the basis of the Labor Court. The Labor Court is responsible for only civil cases. Different from civil procedures, the Labor Court procedures have the following characteristics: 1) The Labor Court needs to “mediate the parties to reach a compromising agreement” (p. 8); 2) “Cost-efficiency, convenience, expediency and fairness of the proceedings” are expected (p. 8).

The labor disputes to be resolved by the Labor Court and the Minister of Labor are disputes on civil cases and do not include the “labor disputes between public servants and the Government” (p. 9). There are 7 legislations that define the scope the labor disputes. It is

stipulated that “the law should be interpreted in the way that provides more protections to employees than employers” (p. 9).

The labor disputes on dismissal are considered as the most important issue, particularly after the flooding which ravaged Thailand from 2011 to 2012. The wave of factory closures due to the flooding, together with the economic downturn and Europe debt crisis, lead to rising dismissals. During the last several years, there is also a substantial increase in the number of unfair labor practices.

The labor dispute resolution system suffers from various deficiencies. First, the Labor Court is dragged down by sluggish efficiency and unnecessary long period of settling a case. Some of the 18 Supreme Court Justices who are appointed to tackle labor dispute cases have no experience in labor dispute resolution. In the meanwhile, whether labor court can build expert judges on labor dispute issue is rendered unknown under the 7-year term system. Furthermore, the transparency of the Labor Court’s proceeding of labor disputes. Second, there are also deficiencies of the Ministry of Labor, such as the overlapping of its duties with the Labor Court and the enforceability of its orders. Third, as some law provisions are ambiguously written, it is not easy to interpret them in practice.

The author lists several ways in which the institutional system on labor disputes can be improved: 1) The Ministry of Labor needs to carefully certify labor disputes and attempt to achieve both parties’ satisfaction; 2) It is indispensable to build experts in the area of labor dispute resolution; 3) It is better for other persons, instead of judges, to conduct mediation and conciliation in the Labor Court.

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