The background image shows a close-up view of a fishing boat's deck. Several workers are visible, some wearing red shirts and others in blue. They are handling large, dark fishing nets. The scene is dynamic, with water splashing and ropes visible. A semi-transparent blue rectangle is overlaid on the right side of the image, containing the title and subtitle text.

# Business Guidebook: How to Mediate Employment Disputes under Thai Labour Law

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2021

An Overview of State-Based Grievance Mechanisms and In-court  
Alternative Dispute Resolutions Mechanisms in Employment  
Disputes Available to Businesses under the Thai Labour Law

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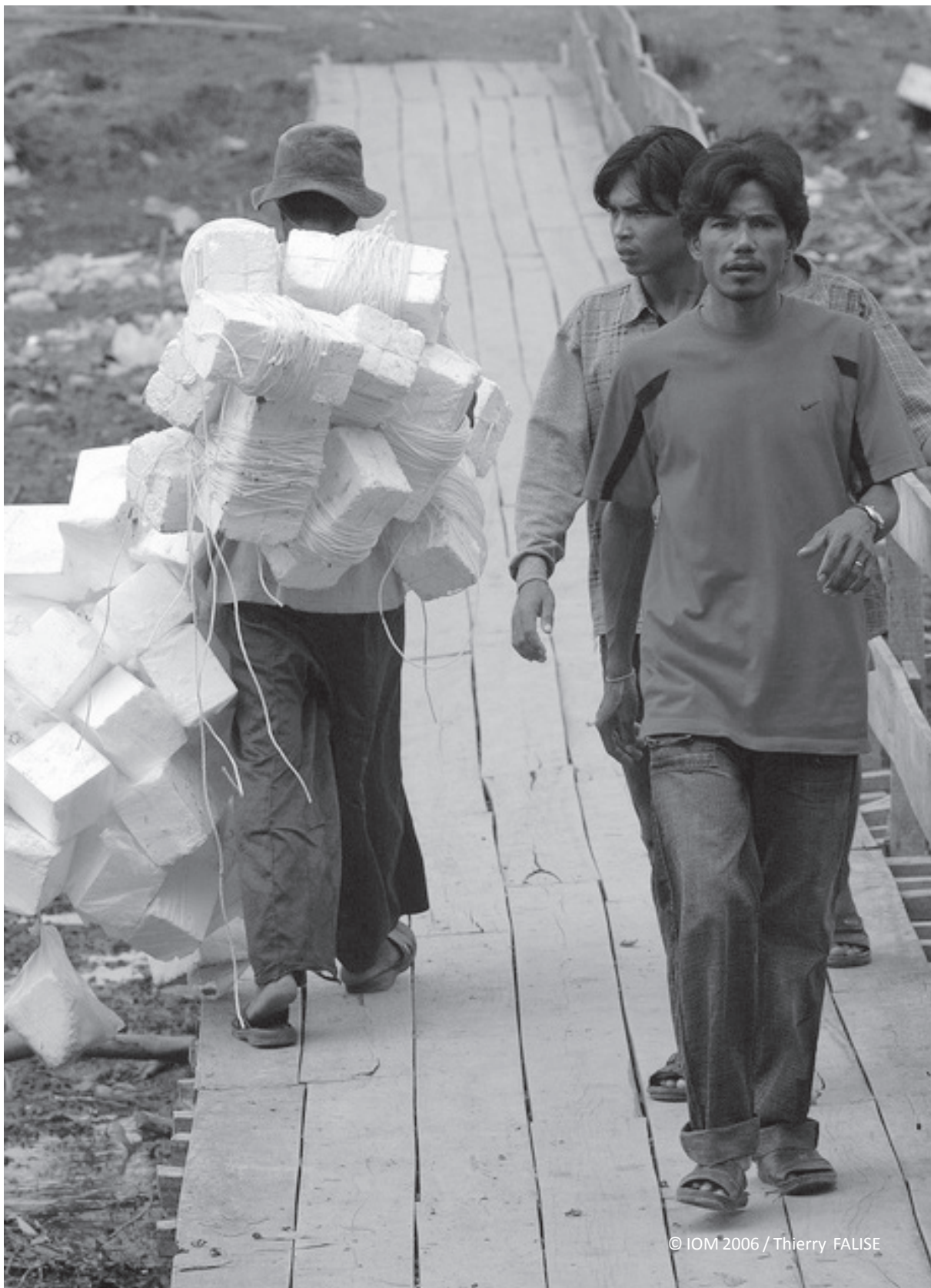
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within the Thai Labour Law**

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## Acronyms

ADR	Alternative Dispute Resolution Mechanisms
CCGM	Company- and Corporate-Level Grievance Mechanisms
CREST	Corporate Responsibility in Eliminating Slavery and Trafficking
IDFs	International Development Finance Institutions
IFAs	International Framework Agreements
ILO	International Labour Organization
IOM	International Organization for Migration
LLPC	Law on the Establishment and Procedure of the Labour Court
LPA	Labour Protection Act
MSDHS	Ministry of Social Development and Human Security
MoU	Memorandum of Understanding
MRCs	Migrant Resource Centres
MSI	Multi-stakeholder Initiatives
MWACs	Migrant Worker Assistance Centres
NAP	National Action Plan on Business and Human Rights
NGOs	Non-Governmental Organizations
OECD	Organisation for Economic Co-operation and Development
OGM	Operational Grievance Mechanism
OHCHR	Office of the United Nations High Commissioner for Human Rights
SIDA	Swedish International Development Cooperation Agency
THB	Thai Baht
UN	United Nations
UNGP	United Nations Guiding Principles for Business and Human rights
USD	United States Dollar

# Introduction

Migrant workers play a key role in a country's economic development, whether in the country of origin or country of destination. Their positive contribution to “inclusive growth and sustainable development”<sup>1</sup> and the importance of ensuring full respect for human rights and the humane treatment of all people, including migrants, is underlined in the United Nations' *Transforming our world: the 2030 agenda for sustainable development* and the Global Compact for Safe, Orderly and Regular Migration.

Access to remediation for any wrongdoings experienced by workers, including migrant workers, at the workplace, is considered a basic human right that governments and business should uphold at all times.

To reinforce this obligation, in 2011, the United Nations issued the *United Nations Guiding Principles on Business and Human Rights* (UNGP), a set of 31 principles outlining the responsibilities of governments and businesses in preventing and addressing human rights violations in the context of a globalized economy. They note that States and businesses need to be aware of the specific challenges that vulnerable individuals, including migrant workers, may face in the workplace so that they can protect them against exploitation and abuse through facilitating access to effective remediation, among others.

Committed to ensuring that the principles in the UNGP are respected in Thailand, in October 2019, the Royal Thai Government published the *National Action Plan on Business and Human Rights* (NAP). In this document, the Government and the International Organization for Migration (IOM), as one of the contributors to the document, outlined a “smart mix” of mandatory and voluntary government and business measures necessary to support the implementation of the UNGP in Thailand, including measures to improve access to remediation for all workers.

The obligation of employers to provide remediation to all workers, including migrant workers, for any human rights violations reported to the labour court or labour inspector, which the employer has caused or contributed to, stems primarily from the Labour Protection Act B.E. 2541 (the Labour Protection Act) and the Ministerial Regulations adopted under this act. Failure to comply with an order issued by any of these two bodies constitutes an offence under Thai law.

Despite the State's commitment and legal obligations on businesses, migrant workers continue facing challenges when reporting their grievances and seeking justice.

During consultations, IOM and the Ministry of Labour of the Royal Thai Government concluded that employers' lack of knowledge of the different legal avenues to provide remediation, such as in-court and out-of-court alternative dispute resolution mechanisms (ADR) remains a key challenge to ensuring timely and effective remediation. Under Thai law, the labour court offers mediation as part of the judicial process prior to going to trial. Due to this lack of knowledge, the Ministry of Labour noted that several employers choose inaction or retaliatory action against workers who reported them to authorities. Court proceedings in cases of labour rights violations often take a long time, and as a result many cases remain unresolved or dropped.<sup>2</sup> This situation applies particularly to migrant workers, as they are limited in their terms of employment and stay in Thailand, and thus, may have to return to the country of origin before the case is resolved. Promoting in-court ADR has the potential to improve remediation outcomes for all workers, including migrants.



<sup>1</sup> United Nations, *Transforming our World: The 2030 Agenda For Sustainable Development*, (A/RES/70/1), paragraph 29.

<sup>2</sup> International Labour Organization, *Access to Justice for Migrant Workers in South-East Asia*, 2017. Available at: [www.ilo.org/asia/publications/WCMS\\_565877/lang--en/index.htm](http://www.ilo.org/asia/publications/WCMS_565877/lang--en/index.htm).

*The Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), and the Examination of Grievances Recommendation, 1967 (No. 130), both lay down principles and provide guidance that is useful in measuring the effectiveness of dispute resolution systems. They call “for the participation of workers and employers on an equal footing as a cornerstone for the effective management and governance of dispute resolution systems.” Recommendation No. 130 further highlights that “Grievance procedures should be so formulated and applied that there is a real possibility of achieving at each step provided for by the procedure a settlement of the case freely accepted by the worker and the employer.”<sup>3</sup>*

*When all parties consensually agree to resort to ADR and all sides engage in good faith, the mechanism does not limit migrant workers’ rights. On the contrary, these measures not only ensure that all workers, including migrant workers whose rights were violated are offered remediation, but also relieves the employers from some of the costs involved in litigation including financial expenses, time and publicity.*

## Objective

IOM and the Ministry of Labour developed this Guidebook to promote the use of ADR as an effective channel for improving remediation outcomes for all workers, including migrant workers. The Ministry of Labour acknowledged that providing businesses with knowledge on Thai ADR is crucial in promoting the use of these mechanisms for the benefit of workers, including migrant workers and companies.

This Guidebook is primarily for employers of migrant workers, especially human resources, compliance and sustainability staff, and is designed to:

- (a) Inform employers of migrant workers in Thailand about ADR under Thai law and their effectiveness in facilitating remediation outcomes so that they can use these mechanisms if a complaint is raised against them;
- (b) Provide clear and practical guidance to businesses in Thailand regarding their obligations under Thai law, the procedures that need to be followed when State-based grievance mechanisms are invoked, and the procedural set-up of in-court mediation;
- (c) Promote ADR as a means to achieve effective remediation outcomes for all workers, including migrant workers.

## Outline

The Guidebook is divided into three sections:

**Section I** provides an in-depth analysis of State-based grievance mechanisms in Thailand. It uses flow charts to provide step-by-step guidance for the procedure to be followed when lodging a complaint with the labour court or labour inspector. As a result, the reader will gain a clear understanding of what to expect if called in front of either of these two bodies.

**Section II** analyses the ADR mechanisms which are at the disposal of employers under Thai Law, with a focus on in-court mediation. A step-by-step explanation of this process, which is invoked by the labour court when a lawsuit is filed before it, is provided in this section.

**Section III** presents the benefits that ADR can offer when the following elements are fulfilled: (a) consensual agreement by both parties to use ADR; (b) participation of workers and employers on an equal footing; (c) engagement in good faith by both parties and (d) a settlement freely accepted by the worker and employer.

<sup>3</sup> International Labour Organization, Best Practices in Resolving Employment Disputes in International Organizations, 2014. Available at: [www.ilo.org/wcmsp5/groups/public/@dgreports/@jur/documents/publication/wcms\\_459955.pdf](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@jur/documents/publication/wcms_459955.pdf).



## Why is this Guidebook Useful?

As a result of cooperation between the Ministry of Labour and IOM, this Guidebook visually explains, for the first time, the processes for State-based remediation. The Guidebook summarizes the process that needs to be followed before the labour inspector and labour court (section I) and presents the key offences under the Labour Protection Act (Table 3), together with the corresponding penalties (section III).

Thanks to this Guidebook, the reader will have a better understanding of:

- (a) The process before the labour inspector/labour court;
- (b) The process of in-court mediation;
- (c) The process for unfair dismissal;
- (d) The key offences under the Labour Protection Act together with the corresponding penalties.

## Terms used in this Guidebook

For this document, the following general terms are used.

Term	Meaning in this Guidebook
Arbitration	Arbitration is a mechanism for the settlement of disputes; it is a private, consensual procedure, and leads to a final and binding determination of the rights and obligations of the parties. <sup>4</sup> <i>United Nations Conference on Trade and Development</i>
Development Finance Institutions (DFIs)	Institutions, specialized development banks or their subsidiaries set up to support private sector development in low-income countries. <i>Organization for Economic Cooperation and Development</i> The objectives of DFIs are one or more of the following: to invest in sustainable private sector projects; to maximize impacts on development; to remain financially viable in the long term; and to mobilize private sector capital. <sup>5</sup> <i>Overseas Development Institute</i>
Employer	A person or an entity that engages employees or workers, either directly or indirectly. <i>ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs, 2019</i>
Forced Labour	All work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself/herself voluntarily. <i>ILO Forced Labour Convention, 1930 (No. 29)</i>

<sup>4</sup> Available at: [https://unctad.org/system/files/official-document/edmmisc232add38\\_en.pdf](https://unctad.org/system/files/official-document/edmmisc232add38_en.pdf).

<sup>5</sup> Available at: <https://cdn.odi.org/media/documents/7310.pdf>.

Grievances	<p>A perceived injustice evoking an individual's or a group's sense of entitlement, which may be based on law, contract, explicit or implicit promises, customary practice, or general notions of fairness of aggrieved communities.</p> <p><i>The UN Guiding Principles on Business and Human Rights (The UN Guiding Principles), 2011</i></p>
Grievance Mechanisms	<p>Any routinized, State-based or non-State-based, judicial or non-judicial process through which grievances concerning business-related human rights abuse can be raised and remedy can be sought.</p> <p><i>The UN Guiding Principles, 2011</i></p>
International Framework Agreement Mechanisms	<p>An instrument negotiated between a multinational enterprise and a Global Union Federation in order to establish an ongoing relationship between the parties and ensure that the company respects the same standards in all the countries where it operates.<sup>6</sup></p> <p><i>European Foundation for the Improvement of Living and Working Conditions</i></p>
Mediation	<p>A process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements.</p> <p>“The premise of mediation is that in the right environment, conflict parties can improve their relationships and move towards cooperation. Mediation is a voluntary endeavour in which the consent of the parties is critical for a viable process and a durable outcome. A good mediator promotes exchange through listening and dialogue, engenders a spirit of collaboration through problem solving, ensures that negotiating parties have sufficient knowledge, information and skills to negotiate with confidence.</p> <p><i>United Nations. Guidance for Effective Mediation, 2012</i></p> <p>In view of the mediation's non-binding procedure, the parties, despite having agreed to submit a dispute to mediation, are not obliged to continue with the mediation process after the first meeting. The continuation of the process depends on their continuing acceptance of it.</p> <p><i>World Intellectual Property Organization</i></p> <p>Mediation is not appropriate in cases involving criminal offences, such as, among others, human trafficking or sexual gender-based violence.</p>
Migrant worker	<p>A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national. For these guidelines, the term migrant worker shall also include job seekers and aspirant migrants.</p> <p><i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; IOM Glossary, 2019</i></p>
Remediation	<p>Remediation is an attempt to right a wrong, to correct – as much as possible – an injustice. It refers to both the process and the outcome of addressing adverse human rights impacts.</p> <p><i>The UN Guiding Principles, 2011</i></p>

<sup>6</sup> Available at: [www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/international-framework-agreement](http://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/international-framework-agreement).

## Methodology

The findings of this Guidebook are mainly based on an in-depth analysis of Thai legislation and extensive consultations with the Ministry of Labour regarding: (a) labour court and labour inspector proceedings and, (b) the use of ADR by employers and workers. These consultations facilitated the drafting of the three flow charts presented in this Guidebook and the table of offences and penalties.

As a result, this Guidebook presents a review of selected national legislation regulating:

- (a) The obligations and rights of employers and workers;
- (b) The procedures for State-based grievance mechanisms;
- (c) The procedures for invoking in-court mediation.

Whilst special focus is given to the Labour Protection Act B.E. 2541 (1998) and its amendments, and the Act on the Establishment of and Procedure for Labour Court, B.E. 2522 (1979), the Guidebook also assesses the following legislation:

- (a) Ministerial Regulations issued under the Labour Protection Act B.E. 2541 (1998);
- (b) Labour Relations Act B.E. 2518 (1975);
- (c) Act on the Requirements of the Labour Court on Proceedings in the Labour Court, B.E. 2549 (2006);
- (d) Thai Civil Procedure Code B.E. 2477 (1934);
- (e) Regulations of the Judicial Administration Commission on Mediation B.E. 2544 (2001);
- (f) Dispute Mediation Act, B.E. 2562 (2019);
- (g) Thai Penal Code B.E. 2499 (1956).

All legislation referenced in this Guidebook applies to all workers, meaning both Thai and migrant workers.

A peer-review process involving ten organizations in the private and non-profit sectors was carried out.



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A woman with dark hair tied back, wearing a yellow short-sleeved shirt and a red patterned sarong, sits on a reddish-brown tiled floor. She has a somber expression and is looking slightly to her left. In the foreground, the back of a person wearing a blue shirt is visible, out of focus. The background is a cluttered indoor space with various items hanging on the wall. A white power cord and a small white adapter are on the floor near her hands.

# SECTION I

STATE-BASED GRIEVANCE  
MECHANISMS IN THAILAND





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## Section I: State-based Grievance Mechanisms in Thailand

As part of their responsibility to respect human rights, businesses are required to remedy any adverse human rights impact which they have caused or contributed to. The UNGP note that remediation can be done alone or in cooperation with other actors. In those instances where the adverse human rights impact is directly linked to the business operation but cannot be attributed to it, the business is not required to provide for remediation. However, the business is encouraged to take a role in doing so. By way of example, such a situation can occur when a producer of raw materials used in the brand's supply chain violates its workers' labour rights. Even if there is no contractual relationship between the brand and the producer causing the adverse impact on the individuals' human rights, the brand may be directly linked to it.

*The objective of remediation is to restore those who have been adversely affected by a business activity to the situation they would have been in, had the impact not occurred. Where this is not possible, the remedies can take the form of an apology; restitution; rehabilitation; financial and/or in-kind compensation; and the implementation of measures that prevent future occurrences of the grievance. The above-mentioned remedies are not mutually exclusive, meaning that more than one type of remedy may be granted to workers, for example apology followed by financial compensation.<sup>7</sup>*

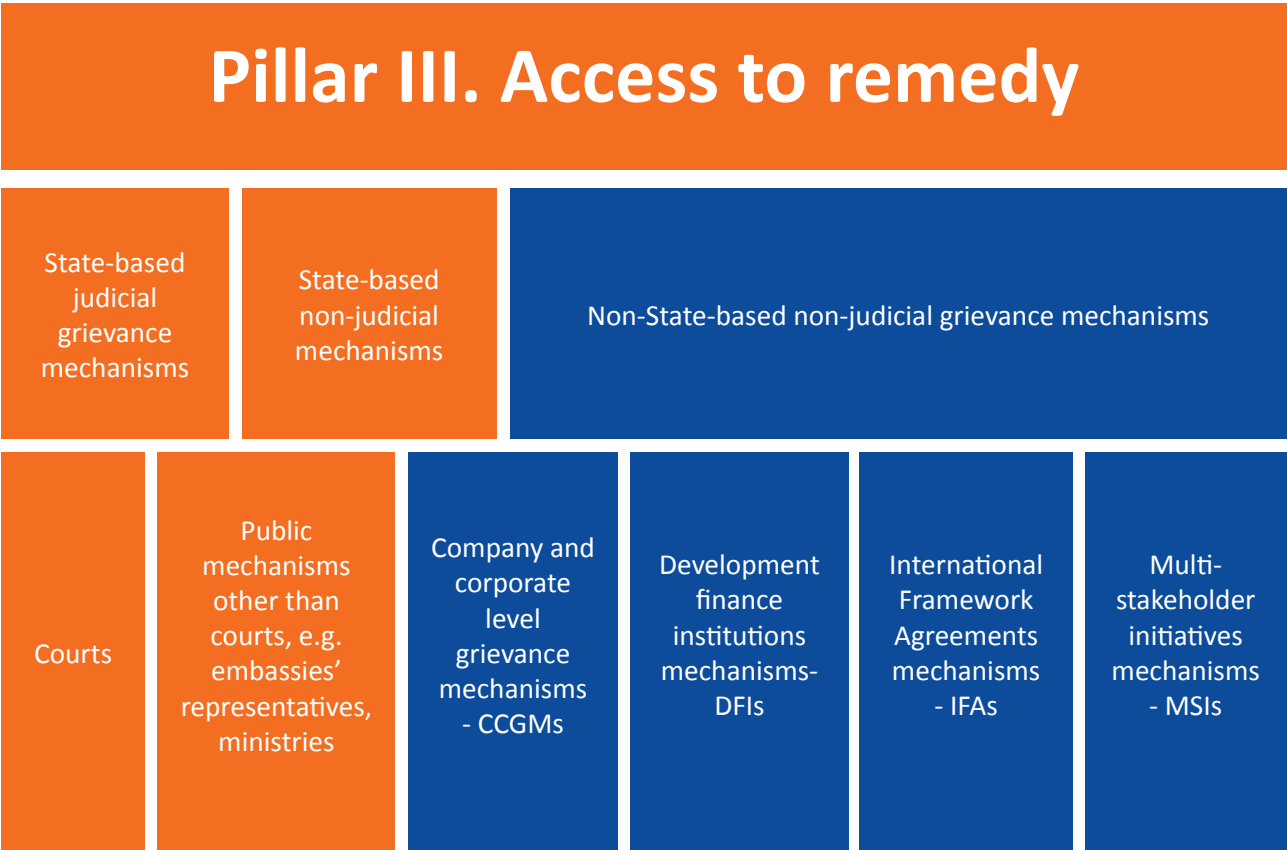
Effective remedies can be obtained through a well-designed and functional grievance mechanism. As illustrated in Figure 1 below, the UNGP under the third pillar, access to remedy, outline three main categories of grievance and remediation mechanisms:

- (a) State-based judicial grievance mechanisms: administered by courts (the focus of this Guidebook);
- (b) State-based non-judicial grievance mechanisms: operated outside of formal courts by entities such as labour inspectors (the focus of this Guidebook);
- (c) Non-State-based grievance mechanisms: implemented by, among others, companies and corporations, multi-stakeholder initiatives, development finance institutions or signatories to international framework agreements.<sup>8</sup>

<sup>7</sup> United Nations, UN Guiding Principles on Business and Human Rights, 2011. Available at: [www.ohchr.org/Documents/Issues/Business/Intro\\_Guiding\\_PrinciplesBusinessHR.pdf](http://www.ohchr.org/Documents/Issues/Business/Intro_Guiding_PrinciplesBusinessHR.pdf).

<sup>8</sup> Ibid.

**Figure 1. Channels through which remedies can be provided according to UNGP**



The legal framework, which addresses the issue of remediation in Thailand in cases of labour rights violations processed by the labour court and labour inspectorate, and which is analysed in this section, includes: (a) the Labour Protection Act and (b) the Act on the Establishment of the Labour Courts and Labour Court Procedure.

*The Labour Protection Act covers the rights and duties of all workers, including migrant workers in Thailand as well as their employers. The Labour Protection Act covers topics such as general employment provisions, including employment of women and young workers; wages, overtime pay, holiday pay and holiday overtime pay; wage committee; welfare; occupational health and safety; supervision; suspension from work; severance pay; lodgment and consideration of complaints; employee welfare funds; labour inspectors; delivery of notices and penalties.*

*The Labour Protection Act falls under the responsibility of the Minister of Labour, who is also in charge of issuing the ministerial regulations needed for its execution. Besides stipulating the rights and obligations of all workers and employers, the Act also provides the procedure that needs to be followed when filing a complaint in front of the labour inspector. The procedure in front of the labour court is regulated by the Act on the Establishment of the Labour Courts and Labour Court Procedure.*

## State-based Grievance Mechanisms Available to Workers in Thailand

This section will present, using flow charts, the procedure for:

- (a) Filing a complaint before the labour inspector (Diagram A);
- (b) Filing a complaint before the labour court (Diagram A.2);
- (c) Filing a complaint for unfair dismissal (Diagram B).

As reflected in Table 1 below, all workers or statutory heirs of deceased workers, including migrant workers, can approach the labour court or the labour inspector to file complaints regarding their rights or duties covered under the Labour Protection Act. The various human rights violations on the basis of which a worker may file a complaint under the Labour Protection Act are presented in Table 3. The top five causes of action brought in labour cases in 2019 are illustrated in Figure 2.

**Table 1. Which offence, where?**

Type of offence	Labour court	Labour Inspector
Dispute concerning rights or duties under the Labour Protection Act	X	X
Appeals against a decision of a labour inspector under the Labour Protection Act or the labour relations committee or the Minister under the Labour Relations Act	X	
Dispute concerning rights or duties under the Labour Relations Act	X	
Wrongful acts in connection with a labour dispute or performance of work under an employment agreement, which in accordance to the law, would need to be addressed directly with the labour court	X	
Disputes that the Minister of Interior requests the labour court to decide on, following the Labour Relations Act	X	

*The Labour Relations Act outlines fundamental rights at work of all workers, including migrant workers. This Act covers topics such as agreements relating to conditions of employment; settlement of labour disputes; lock-out and strikes; Labour Relations Committee; Employee's Committee; Employers' Associations; labour unions; Employers' Federation and Labour Federations; unfair practices and penalties.*

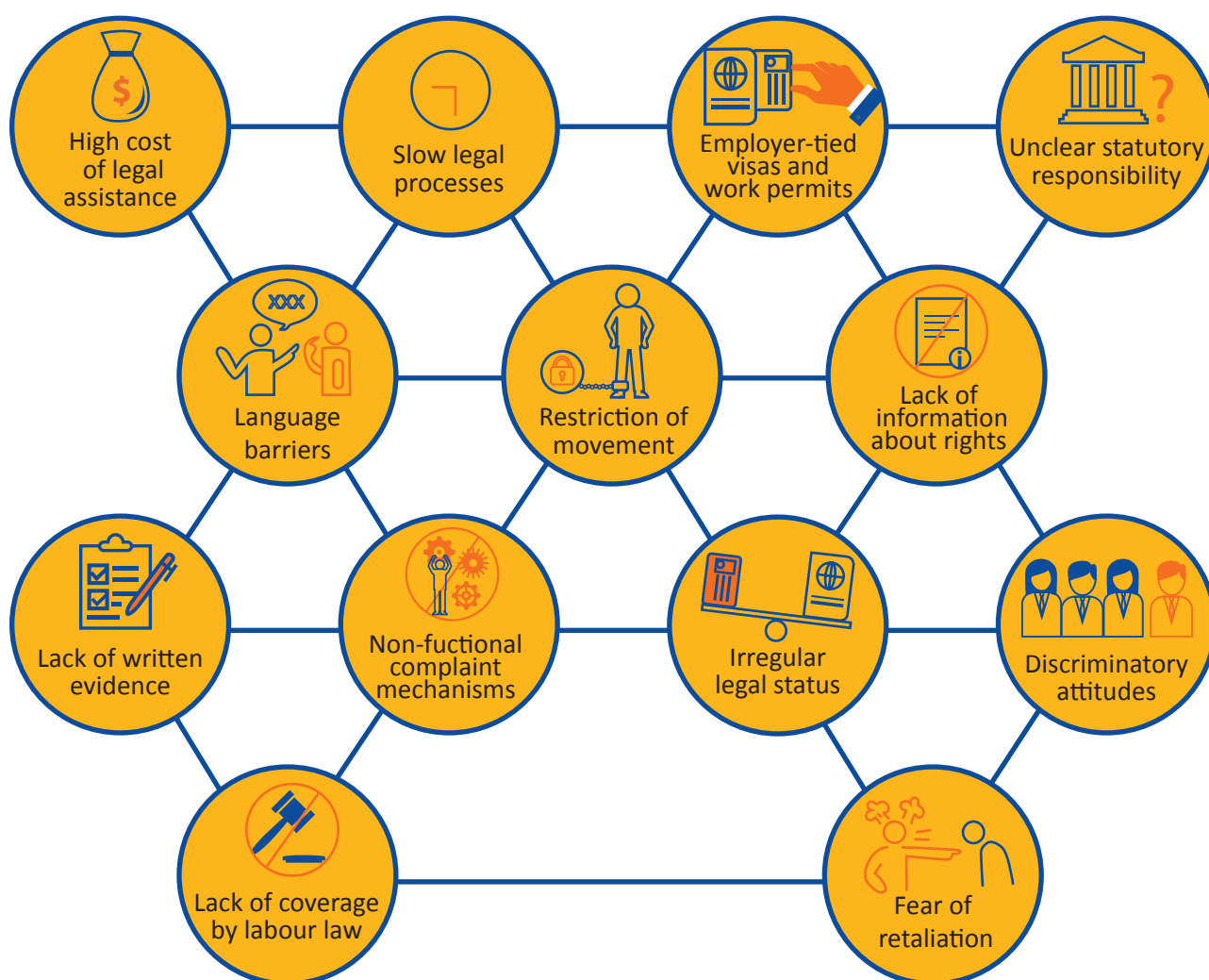
*The Labour Relations Act falls under the responsibility of the Minister of Interior, who is also in charge of issuing the Ministerial Regulations needed for its execution. This Act will not be analysed for the purpose of this Guidebook.*

## Who can access State-based grievance mechanisms?

State-based grievance mechanisms in Thailand are accessible to all workers or the statutory heir of a deceased worker, including migrant workers. Furthermore, **with the consent of the worker**, the complaint can also be lodged by:

- (a) Their legal representative;
- (b) Labour attaches at respective embassies;
- (c) Migrant Worker Assistance Centres (MWACs);
- (d) Non-governmental organizations (NGOs);
- (e) Migrant Resource Centres (MRCs).

Migrant workers may face specific challenges when accessing justice, including lack of written evidence to support their claims, lack of knowledge of their rights, high cost of legal assistance and slow legal processes. Moreover, workers may fear retaliation or discrimination. They are likely to face language barriers when accessing justice systems. Irregular legal status and employer-tied visas and work permits are often an obstacle when filing complaints. As a result of the challenges illustrated in the diagram below,<sup>9</sup> the contribution of the entities such as Migrants Resource Centres or Labour Attaches is key in assisting migrant workers to seek redress.



<sup>9</sup> Based on Figure 3. 2017.ILO. ILO: Access to justice often out of reach for migrant workers in South-East Asia, Page 20, Available at: [www.ilo.org/hanoi/Informationresources/Publicinformation/WCMS\\_566072/lang--en/index.htm](http://www.ilo.org/hanoi/Informationresources/Publicinformation/WCMS_566072/lang--en/index.htm).



According to an International Labour Organization (ILO) study on Access to Justice for Migrant Workers in South-East Asia, the majority of migrant workers who complained to MRCs in 2011–2015 dropped their cases without remedy because of (a) fear of retaliation from their employer; (b) need to relocate due to their visas expiring;<sup>10</sup> and (c) state authorities refusing to pursue their cases due to insufficient evidence or an inability to meet procedural requirements (often due to the migrant worker's lack of legal status).<sup>11</sup> The use of ADR mechanisms could limit some of these barriers, including the high cost of legal assistance and time needed.

If the employer or worker need to leave the country, the legal representative can continue the process on their behalf. Therefore, the case does not need to be withdrawn.



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<sup>10</sup> Migrant workers can stay in Thailand for up to four years. After this, they must return to their country of origin and wait for three years before they can return to Thailand as workers.

<sup>11</sup> International Labour Organization, Access to Justice for Migrant Workers in South-East Asia, 2017.





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## Process Flows of State-based Judicial and Non-judicial Remediation Channels

The next part of this section will look into three different process flows that are available to all workers, including migrant workers:

- (a) The process before the labour inspector (Diagram A);
- (b) Labour court (Diagram A.2.);
- (c) Labour court when the issue concerns an unfair dismissal (Diagram B).

## The Process before the Labour Inspector

The Labour Protection Act explains the procedure that all workers, including migrant workers, or their statutory heir, need to follow when filing a complaint before a labour inspector. The flow chart below illustrates this process. A detailed explanation of the different steps in the flow chart is also provided.

Complaints related to the topics regulated by the Labour Protection Act, such as general employment provisions, including employment of women and young workers; wages; overtime pay; holiday pay and holiday overtime pay; welfare; occupational health and safety; supervision; suspension from work; ; and severance pay can be raised through this channel.

**Diagram A: Process Flow of Worker Complaint Management System through Labour Inspector according to Labour Protection Act**



#### Important notes

\* When the parties reach an agreement through mediation outside of the procedure explained above, the worker/statutory heir of the deceased worker (including migrant worker) **needs to inform the labour inspector of this agreement**, after which the case is withdrawn. The fact that an agreement has been reached will be recorded. Unlike in the labour court, the labour inspector has no authority to enforce what has been agreed to between the parties.

\*\* If the employer brings the appeal case to the labour court, the employer is first required to deposit, before the court, a sum of money equivalent to the financial compensation ordered by the labour inspector. The amount will be refunded should the employer win the case – or will be awarded to the worker if the worker win the case.

\*\*\* When workers file a complaint with the labour inspector, they are also allowed to simultaneously submit a request for financial support from the Employee Welfare Fund.

## A. Detailed explanation of the procedure presented in Diagram A, which all workers, including migrant workers, or their statutory heir, need to follow when filing a lawsuit before the labour inspector has been presented below.

**Step 1:** The worker/statutory heir of the deceased worker, using form Kor Ror.7 (see Annex 1), files a complaint with the labour inspector of the area where the workplace is located or where the employer's residence is located.

**Step 2:** The worker/statutory heir of the deceased worker has 60 days to decide whether to withdraw the case. A good justification needs to be provided for the case to be withdrawn. Once the case is withdrawn the case is considered closed.

**Step 3:** If the case is not withdrawn, the labour inspector continues with the investigation.

**Step 4:** The labour inspector has 60 days, from the date of receipt of the complaint, to investigate the facts and make an order. These 60 days can be extended to a maximum of 90 days if the labour inspector provides valid reasons to the Director-General of the Department of Labour Protection and Welfare.

*If it is not possible to deliver the order or notice to the employer, these shall be displayed in a visible area in the office of the employer the employer, his residence his residence or workplace. The order is deemed to have been acknowledged once it has been visibly displayed for at least 15 days.*

**Step 5a:** When the labour inspector rules in the workers' favour, the labour inspector will order the employer to pay to the worker/statutory heir of the deceased worker, a sum of money corresponding to the penalty outlined in the Labour Protection Act. Payment needs to be made within 30 days from the date when the employer acknowledges the order or the deemed date of acknowledgement of the order. Where the employer has complied with this order, the criminal proceedings against the employer cease.

**Step 5b:** The order of the labour inspector will be deemed as final if neither of the parties, meaning neither employer nor worker/statutory heir of the deceased worker, appeals. If the employer does not comply with the order of the labour inspector, the labour inspector will bring the case to the criminal court and the labour court. **The criminal court is invoked because non-compliance with the order of the labour inspector is an offence in itself.** The issue is brought to the labour court to sue the employer and compel them to comply with the order.

**Step 5c:** If the employer, worker or statutory heir of the deceased worker is not satisfied with the order, either one can bring the case to the labour court within 30 days from the date of receipt of the labour inspector's order. When the employer brings the appeal case to the labour court, a sum of money equal to the outstanding amount that the employer was required to pay to the worker as per the order of the labour inspector, needs to be deposited before the court. If the labour court eventually orders the employer to pay, the court can use this deposited amount to pay the worker. When the employer complies with the court ruling, the criminal proceedings against the employer shall be ceased.

## The Process before the Labour Court

The Act on the Establishment of and Procedure for the Labour Court explains the procedure that all workers, including migrant workers, or their statutory heir, need to follow when filing a complaint before the Labour Court. Each step of the process, illustrated in this flow chart, is explained in detail.

Complaints related to the topics regulated by the Labour Protection Act, such as general employment provisions, including employment of women and young workers; wages; overtime pay; holiday pay and holiday overtime pay; welfare; occupational health and safety; supervision; suspension from work; and severance pay can be raised through this channel.



**Diagram A.2: Process Flow of Worker Complaint Management System through the Labour Court (according to the Act on Establishment of and Procedure for the Labour Court)**



## A.2 Detailed explanation of the procedure presented in Diagram A.2, that all workers, including migrant workers, need to follow when filing a lawsuit before the labour court is presented below.

**Step 1:** The worker/statutory heir of the deceased lodges a complaint before the labour court either verbally or in written.

**Step 2:** The labour court sets a date for the hearing. Once the parties, meaning the employer or worker/statutory heir of the deceased worker, or their representatives, appear before the labour court, the court shall mediate to have the parties reach an agreement. The mediation can be held behind closed doors. A detailed analysis of this part of the process is presented in Section II of this Guidebook.

**Step 3a:** If no agreement or compromise could be reached through mediation, the labour court records the matter as a dispute and then proceeds to gather evidence.

**Step 3b:** If mediation is successful, the court will give the employer a time frame within which to comply.

**Step 3b1:** If the employer does not comply with the order, the worker needs to go back to the labour court and ask for the enforcement of the settlement agreement.

**Step 3b2:** If the employer complies with the order the case is considered closed.

**Step 4:** When mediation is not successful, trial begins. Once all evidence has been gathered and heard, the trial shall be closed.

**Step 5:** The labour court shall pronounce the judgement or order within three days from the end of the trial. This shall be made in writing, and a copy sent to the Department of Labour Protection and Welfare.

**Step 5a:** If the employer implements the order of the labour court, all criminal proceedings against the employer are extinguished.

**Step 5b:** If the employer does not implement the order of the labour court, the worker must ask the labour court for an enforcement order that the court then submits to the Legal Execution Department. The Legal Execution Department is entrusted with enforcing the order of the labour court.

**Step 5c:** Once the labour court issues its order, the employer or the worker/statutory heir of the deceased worker has 15 days to appeal to the Supreme Court.

In deciding on the penalty, the labour court will consider a number of elements including the working conditions, cost of living, impact of the rights violation on the worker, and level of wages and/or the rights and benefits usually afforded to workers in the same type of businesses, as well as the status of the employer's business, to provide fairness to both parties.



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## The Process before the Labour Court for Unfair Dismissal Cases

The below diagram illustrates the process adopted for unfair dismissal cases that are governed by a different procedure than the one outlined in the previous section. A detailed explanation of the different steps is given.

### Diagram B: Access to Remediation Process for Unfair Dismissal Cases (through the Labour Court)





**Detailed explanation of procedure presented in Diagram B for unfair dismissal, that all workers, including migrant workers, need to follow is:**

**Step 1:** Worker files a complaint with the labour court.

**Step 2:** The labour court issues its order which can either be: (a) to order the employer to reinstate the worker at the same level of wage as at the time of dismissal; (b) to fix the amount of compensation that the employer must pay the worker if the court thinks that the employer and worker cannot work together. In fixing this amount, the court shall take into consideration several factors including the age of the worker, the suffering incurred by the worker as a result of the dismissal and the reason for dismissal.

**Step 3a:** Employer implements the order and the case is considered closed.

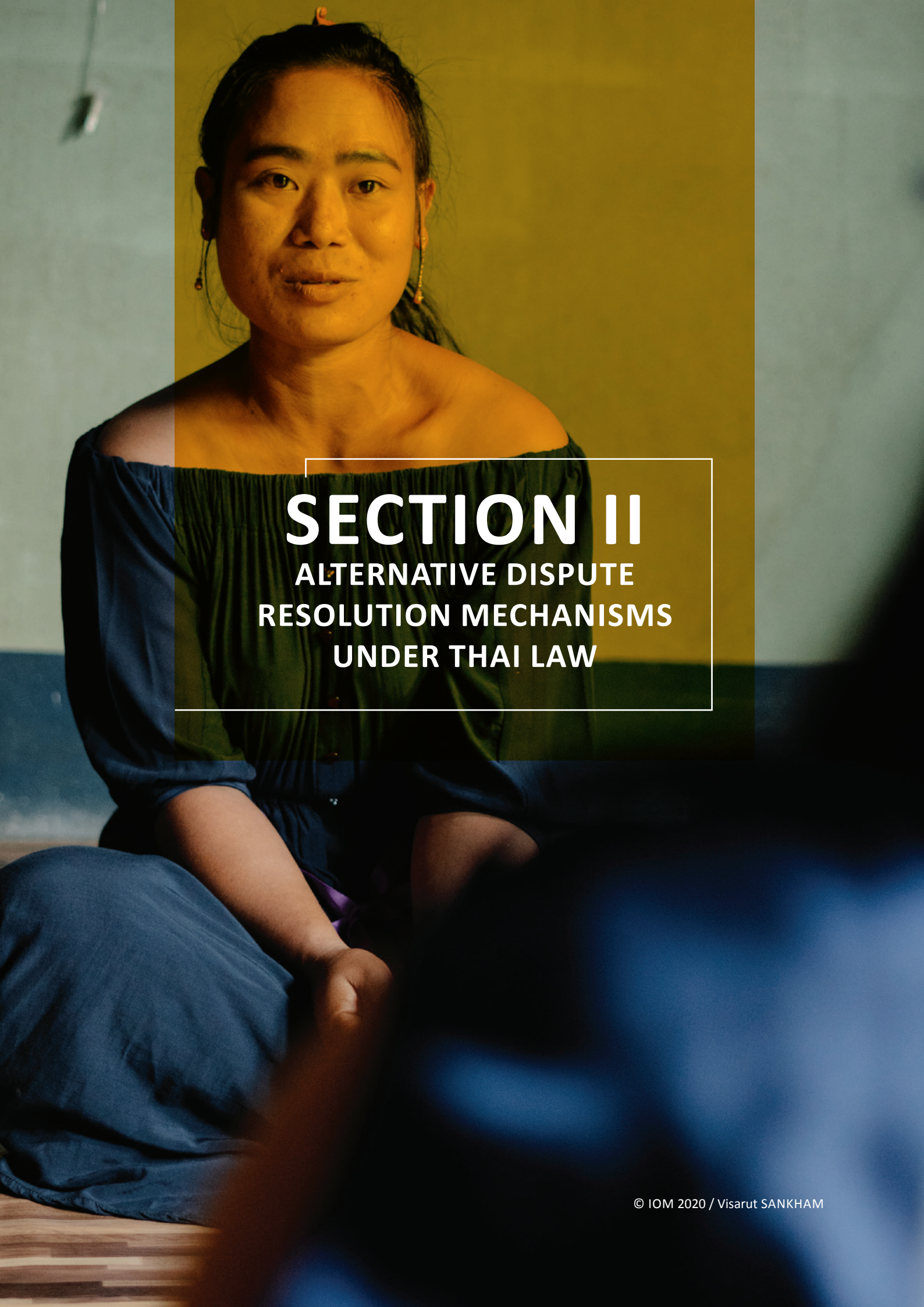
**Step 3b:** Employer appeals to the Supreme Court within 15 days from the publication of the order of the labour court.

**Step 3c:** The employer does not comply with the court's decision. The consequences for non-compliance depend on the order. If the employer was ordered to rehire the worker and the order was not respected, the employer risks being sentenced to prison. If the employer was ordered to pay the worker and this was not done, the matter is then handled by the Legal Execution Department. The Legal Execution Department is entrusted with enforcing the order of the labour court: retrieving the sum of money that the labour court had ordered the employer to pay.



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A woman with dark hair tied back, wearing a blue off-the-shoulder top, is sitting and looking directly at the camera. The background is a warm, yellowish-gold color. A white rectangular box is overlaid on the right side of the image, containing the section title.

# **SECTION II**

**ALTERNATIVE DISPUTE  
RESOLUTION MECHANISMS  
UNDER THAI LAW**





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## Section II: Alternative Dispute Resolution Mechanisms under Thai Law

**A**lternative dispute resolution mechanisms (ADR) refer to those processes that serve as an alternative to legal action. They usually involve a neutral third party who seeks to assist the parties, meaning the employer or worker/statutory heir of the deceased worker or their representatives, reach an agreement.

Under Thai legislation, all civil disputes can be settled using ADR if the concerned parties agree.

ADR are not always an alternative to court proceedings. International guidelines clearly point out that when dealing with human trafficking or gender-based violence, ADR should, under no circumstance, be used. With the consent of the worker, these cases should be referred through the formal process.<sup>12</sup>

Amongst the offences covered under the Labour Protection Act, some, such as sexual harassment, have both a criminal and civil element. When that is the case, the offence is divided into two parts. The civil aspect (the financial compensation part) is addressed by the labour court or the labour inspector. **The criminal aspect is handled by the criminal court. As a result, only the financial aspect of the offence can be settled using ADR. The case, however, should be referred to respective authorities before engaging in any ADR.**

<sup>12</sup> UN-Women, Gender- Responsive Guidance on Employment Contracts, 2019.

## What alternative dispute resolution mechanisms are available to employers under Thai Law?

Thai Law provides for the following ADR:

**Arbitration:** the parties agree to bring the dispute in front of a third party, known as the arbitrator. In choosing arbitration, the parties opt for a private resolution procedure whereby it is the arbitrator who sets out the terms of the decision. Similar to a court ruling, **the decision is final and binding. Arbitrators can range from senior lawyers or industry experts to arbitration bodies and independent arbitrators.** In accordance with Thailand's Arbitration Agreement 2002, arbitrators must be impartial, independent and possess:

- (i) the qualifications required by the arbitration agreement that the parties have signed (the agreement stipulating that all or certain disputes that have arisen or might arise between them will be submitted to arbitration);
- (ii) in those cases where the parties decide to resort to an agency specifically established to address disputes using arbitration, the arbitrators need to fulfill the qualifications required by that agency.<sup>13</sup>

**Mediation:** reaching an agreement through negotiation. The parties, with the help of the mediator, engage in negotiation to reach a settlement that is acceptable to all. **It is the parties who set out the terms of the agreement and not the mediator.** In accordance with the Dispute Mediation Act, a person who intends to be registered as a mediator shall submit an application to the Head of the State Agency conducting the mediation.<sup>14</sup> To qualify as a mediator, the person must:

- (i) have successfully completed the dispute mediation training under the programme accredited by the Commission on National Development of Justice Administration; and
- (ii) have experience in areas that are beneficial to the dispute being mediated. Furthermore, the person must:
  - (1) not have been sentenced to imprisonment by a final judgement, unless the offence is a petty one or has been committed through negligence;

- (2) not be an incompetent or quasi-incompetent person or of unsound mind or mental infirmity;
- (3) not have had his status as mediator revoked in the last five years.

With regards to duties, the mediator must:

- (i) conduct mediation on the basis of impartiality;
- (ii) seek to facilitate a settlement by proposing solutions to the dispute;
- (iii) prepare a settlement agreement in accordance with the results of the negotiation.

Under Thai Law, ADR can be either take place:

- (a) In-court (focus of this Guidebook), that is, integrated in the process administered by the labour court but before going to trial (as per Diagram A.2);
- (b) Out-of-court; whilst this alternative will not be addressed in this document, out-of-court ADR can be a viable option for employers and workers to solve employment disputes.

In-court, ADR blends judicial and non-judicial dispute resolution mechanisms. Integrating ADR in the court system injects a certain flexibility into the process – it is usually missing in traditional litigation, which is characterized by rigid procedures. The flexibility that ADR introduces allows for the enhanced participation of the parties, which in turn could lead to a higher probability for the parties to reach an amicable and mutual settlement.

The nature of the offence and the costs associated with addressing the issue usually determine which ADR is more appropriate for a given dispute. Considering that mediation is less costly than arbitration and enables the parties to decide on the settlement themselves, this type of ADR tends to be very popular with employers. Mediation makes it easier for the employer and worker to retain a good working relationship once the matter is closed. Mediation (in-court and out-of-court) has proven to be very popular for addressing employment disputes in Thailand.

As can be seen from “The process before the labour court” chart in section I, when a matter is addressed to the labour court (Diagram A.2), the process incorporates mandatory mediation. On the other hand, when a matter is brought before the labour inspector

<sup>13</sup> The Thai Arbitration Institute publishes a list of arbitrators accredited to it on its website. Available at: <https://tai.coj.go.th/th/content/category/detail/id/8/cid/10646/iid/211768>.

<sup>14</sup> Thailand's Arbitration Centre publishes a list of mediators on its website. Available at: <https://thac.or.th/dispute-resolution/registered-list-of-mediators/>.

(Diagram A), mediation is not formally part of the process. This, however, does not preclude the parties from using mediation in parallel. If mediation is used and is successful, the parties must then inform the labour inspector that an agreement has been reached. **The labour inspector, unlike the labour court, cannot enforce this agreement but will note that an agreement has been reached. However, if the employer fails to implement the agreement, the worker will need to take the matter in front of the labour court.** An analysis of the procedure to be followed in the case of in-court mediation is provided below.

## The Process before the Labour Court

Building on the procedure outlined in “The process before the labour court” presented in Diagram A.2, below is a detailed guide of the mediation process invoked in this context.

### Who participates in mediation?

- The worker/statutory heir of the deceased worker, including migrant worker, and the employer should participate in the mediation process.
- Either party, meaning the employer or worker/statutory heir of the deceased worker, can appoint a representative to take part in the mediation on their behalf.
- If the labour court believes that the personal appearance of the parties may facilitate an agreement, it has the power to order all or any of the parties to appear in court in person.

### How is mediation carried out?

- All employment disputes described in this Guidebook and filed in the labour court are subject to compulsory mediation.
- Mediation is initiated as soon as the parties are called to appear before the labour court.
- When the labour court deems it appropriate or upon the request of either of the parties, the mediation process can be conducted behind closed doors.

### At what stage of the process can mediation be invoked?

- As soon as the parties are called to appear before the labour court. The objective is to reach an agreement at the initial stage of the process so that trial can be avoided.
- If, however, mediation is not successful and the trial commences, the labour court still has the power to propose mediation at any stage of the trial. The parties as well, at any time of the process, can request the court to proceed with mediation.
- If in-court mediation is not successful, it might be possible for parties to reach an agreement outside the court. In such cases, the parties need to inform the labour court. The judge then makes a formal statement confirming that the parties have reached an agreement. Upon mutual agreement between the parties, the settlement can be lower than what the law prescribes.

### What are the consequences of the employer not following up on mediation?

- When mediation is successful, the judge makes a formal statement on what has been agreed to and determines a timeframe for the employer to implement the agreement. If the timeframe elapses and the employer has not yet implemented the agreement, the worker will need to ask the labour court to issue an execution order to have the agreement enforced as per the Thai Civil Procedure Code.

### Conclusions

This section has shown that employers have various mechanisms at their disposal to provide remediation for any harm caused to workers, including migrant workers, under the Labour Protection Act. Employers can either opt to use formal processes such as a labour inspector or a labour court, or else opt for ADR. Under Thai legislation, mediation is embedded in the procedure of the labour court. When the formal set-up does not include mediation, such as in the case of a complaint lodged before the labour inspector, the parties can still agree to use ADR on the margins of the formal process. If an agreement is reached using ADR, the labour court/labour inspector needs to be informed and the formal process is concluded. The benefits ADR can offer to employers are described in the following section.





# SECTION III

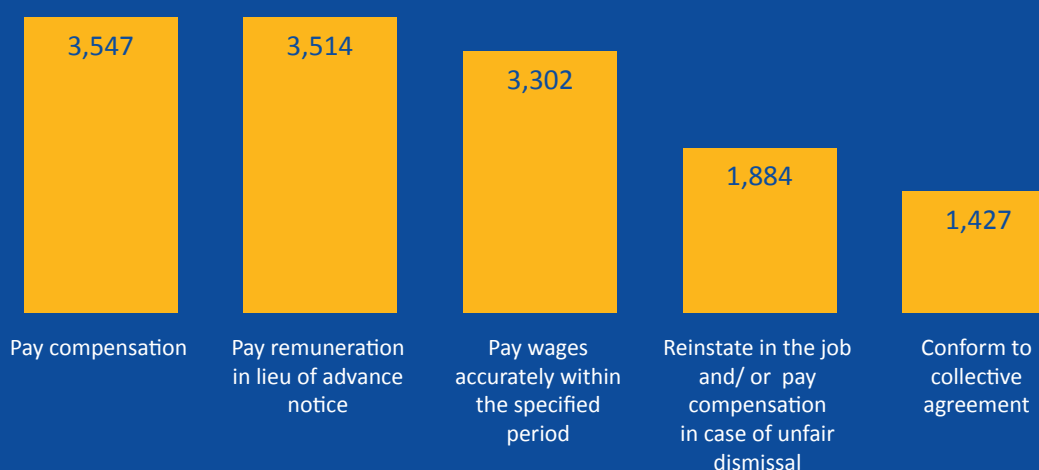
## BENEFITS OF USING ALTERNATIVE DISPUTE RESOLUTION MECHANISMS



## Section III: Benefits of Using Alternative Dispute Resolution Mechanisms

In 2019, most cases submitted by workers to the labour court were related to payment of compensation, payment of remuneration in lieu of advanced notice and underpayment of wages within a specific period. Nearly one in every four cases submitted that year were not resolved within the year of submission but instead were transferred to the following year. It is assumed that during the “waiting time”, employers acquired litigation expenses such as the legal representative fee or court proceedings fee, which negatively affected their budgets. It is likely that in-court ADR could have addressed the workers’ complaints in a timely way, while also saving money and staff time spent on court proceedings.

**Figure 2. Top 5 causes of action in labour cases in 2019<sup>15</sup>**



**Table 2: Cases pending before the labour court and disposed cases<sup>16</sup>**

Cases	Cases pending from previous years	New cases	Total cases filed to court	Disposed cases	Disposed cases (%)	Cases pending to following year
The central Labour Court	1,885	5,703	7,588	6,071	80.01	1,517
Labour Court Region I	829	1,703	2,532	1,621	64.02	911
Labour Court Region II	477	1,841	2,318	1,919	82.79	399
Labour Court Region III	46	197	243	197	81.07	46
Labour Court Region IV	43	200	243	176	72.43	67
Labour Court Region V	63	233	296	260	87.84	36
Labour Court Region VI	136	378	514	213	41.44	301
Labour Court Region VII	113	962	1,075	811	75.44	264
Labour Court Region VIII	81	429	510	431	84.51	79
Labour Court Region IX	76	343	419	410	97.85	9
Total	3,749	11,989	15,738	12,109	76.94	3,629

The benefits of using ADR are various and are explained in the following pages.

<sup>15</sup> Office of the Judiciary, Annual Judicial Statistics, 2019. Available at: [www.library.coj.go.th/Openmedia/index?f=../file\\_upload/module/manage\\_digital\\_file/digital\\_file/f6b30110.pdf](http://www.library.coj.go.th/Openmedia/index?f=../file_upload/module/manage_digital_file/digital_file/f6b30110.pdf).

<sup>16</sup> Ibid.



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## Penalties for Violating the Labour Protection Act

When a complaint is lodged before the labour inspector or labour court, the general rule is that the penalty imposed by the labour inspector or judge corresponds to the penalty stipulated by law for that offence. When ADR are used, such as in mediation, it is the parties, meaning the employer or worker/statutory heir of the deceased worker or their representatives, who set out the terms of the agreement. The penalties stipulated by Thai law can be referred to when formulating the resolution, but the outcome can be flexible enough to reflect the needs of the parties. As a result, upon mutual agreement between the parties, the settlement could be lower than the one stipulated by law.

*The ultimate goal of mediation is to reach a situation of agreement and compromise for both parties. A judicial solution usually fractures relationships whereas mediation is more likely to consolidate relationships between employer and employee going forward.*

Reaching a solution that is different or lower than the penalties stipulated by law should not be automatically seen as a less attractive outcome for workers. The benefit of mediation is that it enables the parties to reach an outcome tailored to their needs, a creative solution within the frame of the law, which a judge or a labour inspector might not be able to suggest.<sup>17</sup>

The law sets different penalties depending on which provision of the Labour Protection Act is violated. These provisions are in line with Thai law and apply to all workers, including migrant workers. However, they should not be considered as necessarily reflecting the views or carrying the endorsement of IOM, Laudes Foundation or Sida.

Table 3 sets out the key violations of workers' rights, whether they are migrants or Thai nationals, under the Labour Protection Act and the prescribed penalty by law.

<sup>17</sup> International Labour Organization, Best Practices in Resolving Employment Disputes in International Organizations, 2014.

**Table 3. Penalties for violations of the Labour Protection Act**

Category	Article	Provision	Penalty for Employers for Violation of the Provision
Contract	11(1)	Sub-contractors are entitled to <b>similar benefits and wages</b> as workers <sup>18</sup> of a company.	Fine not exceeding THB 100,000
Deposits	9 and 10	The employers have the right to collect a security deposit from workers where the nature of the work requires them to be responsible for money or property belonging to the employers. Employers <b>must pay back the deposit within seven days after the last day worked</b> , or as agreed between the employers and workers. If the employers fail to pay back the deposit, <b>the employers must pay the workers interest at the rate of 15 per cent per year</b> during the default period.	Fine not exceeding THB 100,000 and/or imprisonment of no more than six months
Forced overtime	24	The workers' <b>prior consent is needed</b> before performing overtime on a working day.	Fine not exceeding THB 100,000 and/or imprisonment of no more than six months
	25	Employers are generally <b>prohibited from requiring workers to work on holidays</b> unless the description or nature of work requires it. For manufacturing, sales and services, prior consent of the workers is needed.	
	26	Hours for overtime work combined with hours for holiday work <b>must not exceed 36 hours per week</b> , as prescribed by the Ministerial Regulations.	
	31	Employers are <b>prohibited from requiring workers to perform work that may be hazardous</b> to the workers' health and safety during overtime or holiday days.	
Gender equality	15	Men and women workers <b>must be treated equally</b> unless the nature of the work precludes equal treatment.	Fine not exceeding THB 20,000
	53	Equal wages, overtime pay, holiday pay, and holiday overtime pay <b>should be paid to men and women workers performing the same work</b> .	
Health and Safety for women workers	37	Employers are <b>prohibited from requiring workers to lift, carry on their shoulders, carry on their head and pull or push loads</b> above the weight limits prescribed by the Ministerial Regulations. The limit is 25 kg for women and 55 kg for men.	Fine not exceeding THB 100,000 and/or imprisonment of not more than six months
	38	Except where the conditions of work are not harmful to the health or body of the workers, employers are <b>prohibited from requiring women workers to work underground, underwater, in a cave, in a tunnel, on a scaffold of 10 metre or more above the ground or to produce and transport explosive or inflammable materials</b> .	

<sup>18</sup> The term worker also covers migrant workers.



Category	Article	Provision	Penalty for Employers for Violation of the Provision
	39	Employers <b>are prohibited from requiring pregnant workers to perform work involving vibrating machinery or engines, driving a vehicle, lifting, carrying heavy objects above 15 kg, or to work on a boat.</b>	
	39/1 and 42	Employers are <b>prohibited from requiring pregnant workers to work between 10.00 p.m. – 6.00 a.m. or to work on holidays.</b> In certain professions, overtime is allowed as long as there is no effect on the health of the pregnant workers and prior consent has been obtained. Based on a medical certificate stipulating that the pregnant worker is unable to continue with their current duties, <b>the employer must consider changing the nature of their work.</b>	
	40	If employers require all women workers to work between 00.00 – 6.00 a.m., performing tasks that the labour inspection office deems hazardous to her health and safety, <b>the employers must comply with any order to change and/or reduce working times.</b>	Fine not exceeding THB 100,000 and/or imprisonment of not more than six months
	41 and 59	Women workers are entitled to 98 days of maternity leave but are only <b>entitled to a maximum of 45 days of pay from the employers for this leave.</b> Another 45 days are covered from the social security fund and the remaining eight days are self-covered. <sup>19</sup>	Fine not exceeding THB 20,000
	43	Employers are <b>prohibited from terminating the employment of women workers on the grounds of pregnancy.</b>	Fine not exceeding THB 100,000 and/ or imprisonment of not more than six months
Holidays and pay rate	28	Employers must <b>announce in advance at least 13 traditional holidays per year for workers</b> , including National Labour Day (all of which are paid).  *Traditional holidays include official Thai holidays and other local holidays that the employer decides to observe.	Fine not exceeding THB 20,000
	29	Workers who have worked for an uninterrupted period of one year are <b>entitled to request annual holidays of no less than six working days per year</b> , the exact timing of which is subject to the employer's approval. These will be paid holidays.	
	34	Workers are <b>entitled to at least three days of paid leave per year for personal reasons.</b>	
	56 and 57	Wages <b>must be paid for weekly holidays, traditional holidays, annual holidays and sick leave.</b>	Fine not exceeding THB 20,000
	62	Holiday pay <b>must be paid at a rate that is no less than the normal daily wage.</b>	

<sup>19</sup> Women workers are entitled to 98 days maternity leave. However, the amount paid depends on their Social Security Fund insurance status. For those non-insured, the worker can take 98 days off, for which the employer will cover 45 days as paid leave. Meanwhile, insured workers are entitled to take the same amount of time with 45 days payment covered by the employer and another 45 days covered by the Social Security Fund. The last eight days are considered as non-paid leave.

Category	Article	Provision	Penalty for Employers for Violation of the Provision
	62(1)	For salaried workers who are not entitled to wages during holidays, employers <b>must pay them the hourly wage of a working day.</b>	Fine not exceeding THB 100,000 and/or imprisonment of not more than six months
	62(1)	For daily wage workers who are not entitled to wages during holidays, employers <b>must pay the rate of twice the hourly wage of a working day.</b>	
	62(2)	For overtime work on a holiday, employers <b>must pay a rate of at least three times the hourly wage of a working day for the actual number of hours of work.</b>	
	63 and 64	Holiday overtime <b>pay must be paid at a rate of no less than three times the normal working wage.</b>	
	67	Unless employment is terminated on any of the grounds mentioned in Article 119, employers <b>must pay the workers' wages for annual leave for the year in which the workers' employment is terminated in accordance with the ratio of annual leave to which workers are entitled.</b> *The following are the grounds listed in Article 119: a) Workers perform their work dishonestly; b) Workers commit a criminal offence against the employers; c) Workers intentionally cause damage to the employers; d) Workers cause serious damage to the employers as a result of the workers' negligent acts; e) Workers violate work rule, regulation or order of the employers; f) Workers are absent from work for three consecutive days with no justifiable reason; g) Workers are sentenced to imprisonment by a final court judgement.	
Overtime and pay rate	61	For overtime work, employers <b>must pay a rate of 1.5 times the hourly wage.</b>	Fine not exceeding THB 200,000 and/or imprisonment of not more than one year
	62	Workers are entitled to 13 traditional holidays and to six annual holidays per year. When workers are asked to work on one of these six annual holidays or one of the 13 traditional holidays, employers <b>must pay the workers the following rates in addition to their usual daily wage:</b> (a) if the workers are entitled to wages during holidays, <b>the rate must be at least equal to the hourly rate of a working day for each hour paid;</b> (b) if the workers receive wages on a piece-rate basis, <b>the rate must be at least equal to the piece rate of a working day for work done.</b>	
	74	If so agreed between the employers and workers, overtime pay, holiday pay, and holiday overtime pay will be paid at higher rates according to an agreement between workers and employers. The agreement must meet the minimum requirement described by law.	Fine not exceeding THB 20,000

Category	Article	Provision	Penalty for Employers for Violation of the Provision
Rest period during the day	27	Generally, employers <b>must arrange for a rest period during work of at least one hour per day after workers have been working for five consecutive hours.</b>	Fine not exceeding THB 20,000
	27	Unless the workers are required to do work of a continuous nature and consent of the workers has been obtained, or in the case of emergency work, the general rule is that <b>for any overtime work that is longer than two hours and that is undertaken after the daily working hours, employers must arrange for the workers to take a rest period of not less than 20 minutes before the workers commence the overtime work.</b>	
Keeping records	112	Employers who employ more than 10 workers <b>must keep their records in Thai.</b> These records should contain details on each worker according to Article 113 and should be made readily available to labour inspection officers. *The details stipulated in article 113 include: name and surname of workers; sex; nationality; date of birth or age; present address of workers; date of commencement and termination of employment; workers' position or duties; rate of wages and any other benefits which they would be entitled to.	Fine not exceeding THB 20,000
	115	The above records should be kept for <b>at least two years after the termination of employment.</b> The same rule applies for documents relating to the payment of wages, overtime pay, holiday pay and holiday overtime pay referred to in article 114.	
Announcement	108	If employers employ more than 10 workers, they <b>must distribute and post the work rules in Thai in a prominent spot at the workplace or via electronic means so they are available to all workers.</b> The working rules must contain information related to <b>normal working days, rest periods, holiday and leave rules, overtime and holiday work rules, date and place of wage payment, overtime pay, holiday and holiday overtime pay, rules for taking leave, discipline and disciplinary measures, lodging of grievances, termination of employment, severance pay and special severance pay.</b>	Fine not exceeding THB 20,000
Other types of paid leave	36	Workers are <b>entitled to take paid leave for training,</b> the duration of which is subject to the employer's approval.	Fine not exceeding THB 20,000
Severance pay	118	Workers are <b>entitled to severance pay,</b> in cases where employers terminate their contract without reasonable grounds, as follows: a) The workers who have been working consecutively for <b>120 days but less than one year</b> are entitled to <b>30 days of payment at the rate of their last wage;</b>	Fine not exceeding THB 100,000 and/or imprisonment of not more than six months



Category	Article	Provision	Penalty for Employers for Violation of the Provision
		b) The workers who have been working consecutively for <b>one year, but less than three years</b> are entitled to <b>90 days of payment at the rate of their last wage</b> ; c) The workers who have been working consecutively for <b>three years but less than six years</b> are entitled to <b>180 days of payment at the rate of their last wage</b> ; d) The workers who have been working consecutively for <b>six years but less than 10 years</b> are entitled to <b>240 days of payment at the rate of their last wage</b> ; e) The workers who have been working consecutively for <b>10 years or more</b> are entitled to <b>300 days of payment at the rate of their last wage</b> ; f) The workers who have been working consecutively for <b>20 years or more</b> are entitled to <b>400 days of payment at the rate of their last wage</b> .	
	120 and 122	Special severance pay <b>must be paid in cases where the employers relocate the business establishment and the workers do not wish to work at the new place</b> . Special severance pay is also paid instead of advance notice in the cases referred to in section 121-122.	Fine not exceeding THB 20,000
Sick leave (paid and unpaid)	35 and 57	The workers are <b>entitled to sick leave per actual days of being sick but are only entitled up to 30 days of paid sick leave per year</b> . The workers may have to provide medical certificates when they are absent from work <b>for three consecutive days or more</b> .	Fine not exceeding THB 20,000
	33	The workers are <b>entitled to both leave for sterilization</b> and pay for the entire period advised by the physician.	Fine not exceeding THB 20,000
Travel for work pay	71 and 72	If workers who are usually not entitled to holiday pay, are asked to travel for work <b>on a holiday</b> and in a locality other than the locality of the worker's regular work, these workers <b>must be paid either: (a) a rate equivalent to what they would be paid on a normal working day or (b) if employer agrees, overtime or holiday overtime pay</b> .	Fine not exceeding THB 100 000 and/or imprisonment of not more than six months
Wages	54	Wages, overtime pay, holiday pay, and holiday overtime pay <b>must be paid in Thai currency</b> unless the workers consent to be paid in a foreign currency.	Fine not exceeding THB 20,000
	55	Employers <b>must pay wages, overtime pay, holiday pay and holiday overtime pay at the place of work</b> unless workers agree to be paid elsewhere or by other means.	Fine not exceeding THB 10,000

Category	Article	Provision	Penalty for Employers for Violation of the Provision
	70	Employers need to respect timeframes when making the following payments: payment of wages, overtime pay, holiday pay and holiday overtime pay, stipulated in section 70. The law states the following: a) Where wages are calculated on a daily/hourly/monthly basis, payment shall be made at least once a month, unless a more favourable agreement is reached with the workers; b) Where wages are calculated on a different basis than above, the payment shall be made as agreed between employers and workers; c) Overtime pay, holiday pay and holiday overtime pay shall also be paid not less than once a month; d) In the case of termination of employment, the amount due shall be paid within three days from the date of the workers' termination.	Fine not exceeding THB 100,000 and/or imprisonment of no more than six months
	75	In cases where work is suspended for reasons other than force majeure, workers <b>must be paid a wage not less than 75 per cent of their wage on working days.</b>	Fine not exceeding THB 20,000
	90	The minimum wage <b>applies to all employers and workers without discrimination.</b>	
	117	If workers' work is suspended during an investigation and the workers are found not guilty upon completion of the investigation, the employers <b>must pay wages to the workers for the working days they missed plus interest at a rate of 15 per cent per year.</b>	
Wage deductions	76	Employers <b>must not deduct wages, overtime pay, holiday pay and holiday overtime pay</b> unless it is a deduction for: a) Taxes; b) Trade Union dues; c) Debts of cooperatives; d) Damages incurred to the employers that are proven to be caused by a lack of caution on behalf of the migrant workers; e) Provident funds The general rule is that in aggregate, employers <b>must not deduct more than one fifth of the amount that workers are entitled to.</b>	Fine not exceeding THB 100,000 and/or imprisonment of not more than six months
Welfare committee	96	When the work place consists of 50 workers or more, employers <b>must arrange for a welfare committee</b> comprising at least <b>five worker representatives.</b>	Fine not exceeding THB 50,000
Workers	98	Employers <b>are required to hold meetings with welfare committees at least once every three months</b> or upon the request, with appropriate reason, of <b>more than half</b> of the trade union members or committee members.	Fine not exceeding THB 20,000 and/or imprisonment of not more than one month

Category	Article	Provision	Penalty for Employers for Violation of the Provision
Workers communication	99	Employers <b>must visibly post announcements at the workplace regarding the provision of welfare.</b>	Fine not exceeding THB 20,000
Working hours	23	According to Ministerial Regulations on health, workers <b>cannot work on</b> tasks that are harmful to their health and safety <b>for longer than 7 hours per day and 42 hours per week.</b>	Fine not exceeding THB 5,000
	23	Employers <b>must maintain regular work schedules</b> for their workers and specify the start and end times of work.	

## Advantages of Using Alternative Dispute Resolution Mechanisms

When a matter is brought before the labour inspector or the judge in the labour court, the following conditions apply:

- (a) The formal process, illustrated in the process charts presented in section I;
- (b) The order needs to be based on legal norms;
- (c) The decision is binding on all the parties and can be appealed;
- (d) Non-compliance with an order of the labour inspector or labour court is an offence under Thai law;
- (e) The process is public.

The fixed structure of a judicial process comes at a cost for the employers and workers, both in monetary and non-monetary terms.

On the other hand, the flexibility offered by ADR, notably mediation, enables the parties, meaning the employer or worker or their representatives, to propose a solution that is better tailored to their individual needs than the one catered for by law, one that considers the concerns of all sides. The solutions proposed by the law tend to be very punitive and focused on deterrence. While the payment of a fine by a company is unlikely to motivate a worker to continue working for the company, a decent award and a guarantee of non-repetition of the offence might.

*ADR are only effective if the interests of both sides are safeguarded. To guarantee this protection, the system needs to ensure that the workers and employers both participate on an equal footing, as is recommended by ILO in the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92). If such equality is not ensured, the risk is that the asymmetry of power between companies and workers, which tends to be accentuated in the context of judicial proceedings, will be mirrored in ADR. Furthermore, for ADR to be effective, all parties need to engage in good faith and commit to respecting the outcome proposed.*



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The key gains for businesses and workers from using ADR are:

## Time and Money

In general, ADR are more time efficient than judicial processes. As can be seen from Diagram A, specific timeframes and steps need to be followed when lodging a case before a labour inspector. This is not the case if ADR, such as mediation, is used. Table 2 also shows that labour courts in Thailand need to deal with thousands of cases per year, with several cases carried over to the next year. **Months of litigation not only cost the employers and workers significant amounts of money but can also be disruptive to the running of the business or personal life. For workers, the cost of long litigation could be the loss of wages. Therefore, if undertaken effectively and with the benefit of all in mind,** mediation can be more time efficient, less stressful and more convenient for both parties.<sup>20</sup>

Generally, ADR are also **less expensive than legal processes**. This is because:

- (a) ADR are usually less time consuming, thus less costly for workers and businesses;
- (b) When engaging in mediation, the settlement proposed by the parties could be better tailored to the individual needs of each party but less than the one imposed by law, which as can be seen from Table 3, can be significant;
- (c) The loss of opportunity cost: When an employer lodges an appeal before the court, the employer is asked to deposit a sum of money equivalent to the financial compensation ordered by the labour inspector. Since court cases can take months to be resolved, the employer's cash assets are frozen and cannot be invested. Therefore, the employer loses any potential profit that could be made from investing the deposited amount elsewhere.

## Privacy

Effective mediation takes place in respectful and neutral spaces, which facilitates mutually agreed solutions. If conducted **with the benefit of all in mind**, mediation settings guarantee workers' and companies' privacy and safety from external judgement, as details discussed during the mediation are treated as confidential and cannot be disclosed to anyone. This encourages parties to be flexible, explore options, understand and acknowledge the other's needs, and be open to creative solutions that satisfy both parties.

The confidentiality that ADR provides is particularly important for businesses that would suffer reputational damage from legal processes that can take months if not years to be resolved. **Reassured by the fact that the proceedings are kept confidential, the parties can concentrate on the merits of the dispute without having to worry about public perception.**

## Tailored to Individual Needs

The type of settlement awarded at the end of an ADR process depends largely on the type of ADR used. In the case of arbitration, the agreement usually reflects what the law states. However, in the case of mediation, where it is the parties who decide on the settlement, the outcome, whilst still within the confines of the law, could very well depart from what one would expect the court to propose as an order. **The parties have the liberty to propose a creative solution, within the frames of the law, shaped to meet their needs and interests.** In accordance with the UNGP, and as illustrated in Table 4 below, remedies can take various forms.

**Table 4: Different forms of remedies**

Remedies	Non-State-based Remediation	State-based Remediation
Acknowledgment, apologies, restitution, rehabilitation.	X	X
Prevention of harm such as guarantees of non-repetition: e.g. policy changes.	X	X
Financial and non-financial (in-kind) compensation.	X	X
Punitive sanctions: administrative and/or criminal (e.g. fines).		X

<sup>20</sup> Lisa, B. Birgham, Employment Dispute Resolution. The Case for Mediation, *Conflict Resolution Quarterly*, 22 (1-2)145-174 (Fall-Winter 2004).



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The rationale for these mechanisms is to enable both parties to reach a productive settlement and **retain a good working relationship once the dispute is remediated. Such settlement could preserve present and future working opportunities for workers and help companies retain staff.** Furthermore, the parties' involvement in the process, which is more prominent in ADR than in court, creates greater commitment to the result. When a dispute is brought before the court, the level of involvement of the parties is limited and regulated. Unlike in mediation, in litigation the judge and the parties need to strictly follow the procedures that have been set by law. Furthermore, in mediation the parties negotiate to set the terms of the settlement, whereas in litigation it is the judge who decides.

## Higher satisfaction

The fact that mediation permits parties to retain ownership of the process and reach mutually beneficial outcomes often leads to a higher rate of compliance on the employer side and higher rates of satisfaction among workers.<sup>21</sup>

## Organizational environment and learning

When one thinks of flexibility and prevention, some

of the remedies suggested in the UNGP are especially relevant, such as the guarantee of non-repetition of offence or an apology. ADR offers companies an opportunity to be proactive about redressing issues raised by workers and putting in place safeguards to prevent these issues from happening in the future, rather than simply being reactive to wrongdoings. Such proactiveness can contribute to creating a healthy, cohesive and inclusive work environment that help workers to thrive.

Through using ADR, companies can better understand the root causes of a reported issue and use this learning to reform corporate processes that led to the wrongdoing in the first place.

## Risk identification and mitigation

To companies, ADR are an opportunity to learn about human rights risks and to address these before they result in significant legal, financial and reputational issues. With mandatory human rights due diligence imminent in Europe and the proliferation of more pointed disclosure regimes around modern slavery in, among others, Australia, the United Kingdom and the United States of America, ADR is an opportunity for companies to improve risk identification and mitigation.

<sup>21</sup> Gaull, Gilbertmann R., Susan, E. Murphy, Susan and P. Adams, Dispute Resolution of Employment Discrimination Claims, Louisiana Law Review, 54(6)(1994).



## Conclusion

Running a successful business is all about making strategic decisions and mitigating risks.

Disputes between a company and its workers are common. Being well informed of all the mechanisms available under Thai law to address such disputes and provide remediation will enable employers to better address the needs of workers and protect their business from adverse impacts.

The ADR provide a great opportunity to identify, understand and mitigate human rights risks within businesses operations, while also allowing for corporate learning and improvement of corporate governance processes.

When faced with an employment dispute, the employer needs to be able to provide adequate remediation

while limiting the harm that the process might do to the business. Going to court can have unforeseeable consequences, such as lengthy proceedings and unwanted media coverage. Resorting to ADR would save the employer and the business various costs including financial, reputational and time delays.

However, ADR should not be perceived as a mechanism that enable businesses to avoid consequences for their actions or to provide workers with worse remediation outcomes. On the contrary, ADR, notably mediation, enable employers and workers to reach an agreement that is tailored to their needs. These mechanisms, which are less formal in structure than proceedings before the labour court or labour inspector, enable the employers and workers to engage more openly and in a more creative manner than in court.



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# Annex: Forms

แบบ สก. 1

Sor Kor Ror 1

สำหรับเจ้าหน้าที่
เลขที่รับ.....
วันที่รับ.....
ชื่อผู้รับ.....

## คำขอรับเงินสงเคราะห์จากกองทุนสงเคราะห์ลูกจ้าง

เขียนที่.....  
วันที่.....เดือน.....พ.ศ.....  
1. ข้าพเจ้า นาย/นาง/นางสาว.....อายุ.....ปี  
เลขประจำตัวประชาชน.....  
อยู่บ้านเลขที่.....หมู่ที่.....ต.รอก/ชอย.....ถนน.....ตำบล/แขวง.....  
อำเภอ/เขต.....จังหวัด.....รหัสไปรษณีย์.....โทรศัพท์.....

ขอยื่นคำขอรับเงินสงเคราะห์ในฐานะลูกจ้างต่อ

- [ ] สำนักงานสวัสดิการและคุ้มครองแรงงานพื้นที่.....  
[ ] สำนักงานสวัสดิการและคุ้มครองแรงงานจังหวัด.....

2. ข้าพเจ้าทำงานในสถานประกอบการชื่อ.....  
ประเภทกิจการ.....เจ้าของ/ผู้จัดการชื่อ.....  
สำนักงานตั้งอยู่เลขที่.....หมู่ที่.....ต.รอก/ชอย.....ถนน.....ตำบล/แขวง.....  
อำเภอ/เขต.....จังหวัด.....รหัสไปรษณีย์.....โทรศัพท์.....  
ข้าพเจ้าเข้าทำงานตั้งแต่วันที่.....ถึงวันที่.....ได้รับค่าจ้าง.....บาท/ชั่วโมง/วัน/เดือน

3. ข้าพเจ้าขอรับเงินสงเคราะห์จำนวน.....บาท เนื่องจากได้รับความเดือดร้อนในกรณี

- [ ] นายจ้างไม่จ่ายค่าชดเชยและพนักงานตรวจแรงงานได้มีคำสั่งเป็นที่สุดแล้ว  
[ ] นายจ้างไม่สามารถจ่ายเงินอื่นนอกจากค่าชดเชยเนื่องจากนายจ้างตาย ล้มละลาย หรือ  
ขาดสภาพคล่องทางการเงิน และพนักงานตรวจแรงงานได้มีคำสั่งแล้ว

4. ข้าพเจ้าได้แนบหลักฐานประกอบคำขออย่างใดอย่างหนึ่งดังต่อไปนี้

- [ ] สำเนาบัตรประจำตัวประชาชน หรือบัตรอื่นที่ใช้แทนบัตรประจำตัวประชาชน  
[ ] สำเนาใบอนุญาตขับรถ  
[ ] สำเนานั่งรถไฟไปต่างประเทศ  
[ ] อื่น ๆ ระบุ.....

5. เงินที่กองทุนสงเคราะห์ลูกจ้างให้การสงเคราะห์แก่ข้าพเจ้า กองทุนสงเคราะห์ลูกจ้างจะเรียกให้นายจ้าง  
ชดเชยเงินเต็มจำนวนที่จ่ายให้ข้าพเจ้าพร้อมดอกเบี้ยในอัตราร้อยละสิบห้าต่อปี

ข้าพเจ้าขอรับรองว่าถูกต้องและเป็นความจริงตามคำขอทุกประการ

ลงชื่อ.....ผู้ขอรับเงิน  
(.....)  
วันที่.....เดือน.....พ.ศ.....

คำแนะนำ

- ก. ให้ผู้ยื่นขอรับเงินสงเคราะห์ลงลายมือชื่อรับรองสำเนาเอกสารทุกฉบับที่แนบด้วย  
ข. การขอรับเงินสงเคราะห์ตามข้อ 3 หากประสงค์จะยื่นทั้งสองกรณี ให้แยกยื่นกรณีละหนึ่งคำขอ

<b>การพิจารณา (กรณีนายจ้างไม่จ่ายค่าชดเชย)</b>	<b>การพิจารณา (กรณีอื่นนอกจากค่าชดเชย)</b>
<p>เรียน.....</p> <p>ได้ตรวจสอบข้อเท็จจริงการขอรับเงินสงเคราะห์แล้ว และพนักงานตรวจแรงงานได้มีคำสั่งที่...../..... ลงวันที่.....จึงพิจารณาเห็นว่า</p> <p>[ ] ไม่สมควรอนุมัติจ่ายเงินสงเคราะห์ เนื่องจาก.....</p> <p>[ ] สมควรอนุมัติจ่ายเงินสงเคราะห์ เนื่องจาก.....</p> <p>จำนวนเงิน.....บาท(.....)</p> <p>ลงชื่อ..... (.....)</p> <p>ตำแหน่ง.....</p> <p>วันที่.....เดือน.....พ.ศ.....</p>	<p>เรียน.....</p> <p>คณะกรรมการกองทุนสงเคราะห์ลูกจ้างได้ประชุม ครั้งที่...../..... เมื่อวันที่.....  และได้มีมติที่ประชุมดังนี้</p> <p>[ ] ไม่เห็นชอบ ให้จ่ายเงินสงเคราะห์</p> <p>[ ] เห็นชอบ ให้จ่ายเงินสงเคราะห์</p> <p>จำนวนเงิน.....บาท(.....)</p> <p>ลงชื่อ..... (.....)</p> <p>ตำแหน่ง.....</p> <p>วันที่.....เดือน.....พ.ศ.....</p>

### คำอนุมัติ

- [ ] ไม่อนุมัติ เนื่องจาก.....
- [ ] อนุมัติจ่ายเงินสงเคราะห์จากกองทุนสงเคราะห์ลูกจ้าง จำนวนเงิน.....บาท(.....)
- ลงชื่อ.....  
(.....)
- ตำแหน่ง.....
- วันที่.....เดือน.....พ.ศ.....

### ใบรับเงิน

สำนักงาน.....

วันที่.....เดือน.....พ.ศ.....

ข้าพเจ้า นาย/นาง/นางสาว..... อายุ.....ปี

อยู่บ้านเลขที่..... หมู่ที่..... ต.รอก/ชอย..... ถนน..... ตำบล/แขวง.....

อำเภอ/เขต..... จังหวัด..... รหัสไปรษณีย์..... โทรศัพท์.....

ได้รับเงินสงเคราะห์จากกองทุนสงเคราะห์ลูกจ้าง จำนวน.....บาท (.....) ไว้ถูกต้องแล้ว

ลงชื่อ.....ผู้รับเงิน      ลงชื่อ.....ผู้จ่ายเงิน  
(.....)      (.....)

ตำแหน่ง.....

### บันทึกการรับเงินคืน

กองทุนสงเคราะห์ลูกจ้างได้รับคืนเงินสงเคราะห์ข้างต้นจากนายจ้าง จำนวนเงิน.....บาท (.....)

ดอกเบี้ย.....บาท (.....) รวมเป็นเงิน.....บาท (.....)

เมื่อวันที่.....ตามใบเสร็จรับเงินเล่มที่.....เลขที่.....

ลงชื่อ.....เจ้าหน้าที่ผู้บันทึก  
(.....)



**แบบคำร้องต่อพนักงานตรวจแรงงาน  
ตามพระราชบัญญัติคุ้มครองแรงงาน พ.ศ.๒๕๕๑**

เขียนที่.....  
วันที่.....เดือน.....พ.ศ. ....

๑. ข้าพเจ้า นาย/นาง/นางสาว.....

หมายเลขประจำตัวประชาชน.....

ออกให้ ณ.....วันออกบัตร.....วันหมดอายุ.....

สัญชาติ.....หมายเลขใบอนุญาตทำงาน (ถ้ามี) .....

อายุ.....ปี ปัจจุบันอยู่บ้านเลขที่.....หมู่ที่.....ถนน.....

ตำบล/แขวง.....อำเภอ/เขต.....

จังหวัด.....รหัสไปรษณีย์.....โทรศัพท์.....

โดยมีภูมิลำเนาตามทะเบียนบ้านอยู่บ้านเลขที่.....หมู่ที่.....ถนน.....

ตำบล/แขวง.....อำเภอ/เขต.....

จังหวัด.....รหัสไปรษณีย์.....โทรศัพท์.....

ขอยื่นคำร้องต่อพนักงานตรวจแรงงานในฐานะ

( ) ลูกจ้าง

( ) ทายาทโดยธรรมของลูกจ้าง ชื่อ นาย/นาง/นางสาว.....

หมายเลขประจำตัวประชาชน.....

ใบมรณบัตรเลขที่.....ออกให้ ณ.....

สัญชาติ.....หมายเลขใบอนุญาตทำงาน (ถ้ามี) .....

ซึ่งเกี่ยวข้องเป็น.....ของลูกจ้าง

๒. ลูกจ้างทำงานในสถานประกอบกิจการชื่อ.....

เจ้าของ/ผู้จัดการชื่อ นาย/นาง/นางสาว.....ประกอบกิจการ.....

สำนักงานตั้งอยู่เลขที่.....หมู่ที่.....ถนน.....ตำบล/แขวง.....

อำเภอ/เขต.....จังหวัด.....รหัสไปรษณีย์.....

โทรศัพท์.....ใกล้เคียงกับ.....



สถานที่ทำงานของลูกจ้างตั้งอยู่เลขที่.....หมู่ที่.....ถนน.....ตำบล/แขวง.....

อำเภอ/เขต.....จังหวัด.....รหัสไปรษณีย์.....

โทรศัพท์.....ใกล้เคียงกับ.....

๓. ลูกจ้างทำงานตั้งแต่วันที่.....ถึงวันที่.....

ทำงานในหน้าที่.....ฝ่าย/แผนก.....

หัวหน้างานชื่อ นาย/นาง/นางสาว .....ได้รับค่าจ้าง.....บาท/ชั่วโมง/วัน/เดือน

หรือตามผลงาน หน่วยละ.....บาท และได้รับเงินอื่น.....

ที่ตกลงเป็นค่าจ้าง.....บาท/ชั่วโมง/วัน/เดือน

๔. ลูกจ้างทำงานสัปดาห์ละ.....วัน วันละ.....ชั่วโมง โดยเริ่มตั้งแต่ เวลา.....น.

ถึงเวลา.....น. เวลาพักตั้งแต่ เวลา.....น. ถึงเวลา.....น.

๕. กำหนดเวลาในการจ่ายเงินต่าง ๆ ดังนี้

๕.๑ ค่าจ้าง กำหนดจ่าย.....

๕.๒ ค่าล่วงเวลาในวันทำงาน กำหนดจ่าย.....

๕.๓ ค่าทำงานในวันหยุด กำหนดจ่าย.....

๕.๔ ค่าล่วงเวลาในวันหยุด กำหนดจ่าย.....

๖. สาเหตุการยื่นคำร้อง เนื่องจาก.....

.....

๗. ข้าพเจ้าขอเรียกร้องให้นายจ้างจ่ายเงินให้แก่ข้าพเจ้า ดังนี้

๗.๑ ค่าจ้าง ตั้งแต่วันที่.....ถึงวันที่.....

เป็นเงิน.....บาท (.....)

๗.๒ ค่าจ้างขั้นต่ำ เป็นเงิน.....บาท (.....)

๗.๓ ค่าจ้างตามมาตรฐานฝีมือเป็นเงิน.....บาท (.....)

๗.๔ ค่าจ้างแทนการบอกกล่าวล่วงหน้า เป็นเงิน.....บาท

(.....)

๗.๕ ค่าล่วงเวลาในวันทำงาน ตั้งแต่วันที่.....ถึงวันที่.....

เป็นเงิน.....บาท (.....)

๗.๖ ค่าทำงานในวันหยุด ตั้งแต่วันที่.....ถึงวันที่.....  
เป็นเงิน.....บาท (.....)

๗.๗ ค่าล่วงเวลาในวันหยุด ตั้งแต่วันที่.....ถึงวันที่.....  
เป็นเงิน.....บาท (.....)

๗.๘ ค่าชดเชยการเลิกจ้าง สำหรับการทำงานตั้งแต่วันที่.....  
ถึงวันที่.....เป็นเงิน.....บาท(.....)

๗.๙ ค่าชดเชยพิเศษ การเลิกจ้างเพราะเหตุที่นายจ้างปรับปรุงหน่วยงาน กระบวนการ  
ผลิต การจำหน่ายหรือการบริการ อันเนื่องมาจากการนำเครื่องจักรมาใช้หรือเปลี่ยนแปลงเครื่องจักรหรือ  
เทคโนโลยีสำหรับการทำงานตั้งแต่วันที่.....ถึงวันที่.....  
เป็นเงิน.....บาท (.....)

๗.๑๐ ค่าชดเชยพิเศษแทนการบอกกล่าวล่วงหน้าเพราะเหตุที่นายจ้างปรับปรุงหน่วยงา  
กระบวนการผลิต การจำหน่ายหรือการบริการ อันเนื่องมาจากการนำเครื่องจักรมาใช้หรือเปลี่ยนแปลงเครื่องจัก  
หรือเทคโนโลยี เท่ากับค่าจ้าง.....วัน เป็นเงิน.....บาท

๗.๑๑ หลักประกันที่เป็นเงินสด.....บาท (.....)

๗.๑๒ เงินอื่น ๆ (ระบุ) .....  
.....  
.....

๗.๑๓ ดอกเบี้ย เป็นเงิน.....บาท (.....)

๗.๑๔ เงินเพิ่ม เป็นเงิน.....บาท (.....)

๘. ข้าพเจ้าประสงค์ให้นายจ้างจ่ายเงินตามที่เรียกร้องให้แก่ข้าพเจ้า ณ สถานที่ ดังต่อไปนี้

( ) สถานที่ทำงานของลูกจ้างตามที่ระบุในข้อ ๒

( ) สำนักงานของพนักงานตรวจแรงงาน ได้แก่ กลุ่มงานสวัสดิการและคุ้มครอง  
แรงงานพื้นที่...../สำนักงานสวัสดิการและคุ้มครองแรงงานจังหวัด.....

( ) อื่น ๆ  
(ระบุ).....  
.....

ข้าพเจ้าขอรับรองว่าถูกต้องและเป็นความจริงตามคำร้องทุกประการ

ลงชื่อ.....ผู้ยื่นคำร้อง  
(.....)

หมายเหตุ ข้อมูลข่าวสารส่วนบุคคลของท่านที่ปรากฏตามคำร้องนี้จะนำไปใช้ในการพิจารณาคำร้อง และมีคำสั่งตามมาตรา ๑๒๔ แห่งพระราชบัญญัติคุ้มครองแรงงาน พ.ศ. ๒๕๕๑ ซึ่งแก้ไขเพิ่มเติมโดยพระราชบัญญัติคุ้มครองแรงงาน (ฉบับที่ ๒) พ.ศ. ๒๕๕๑ และอาจส่งไปยังสำนักงานประกันสังคมเพื่อใช้ประกอบการพิจารณาคำร้องกรณีขอรับประโยชน์ทดแทนกรณีว่างงาน







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