

THAILAND (2000-2019)

FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING

REPORTING	Fulfilment of Government's reporting obligations	YES, except for the 2000 Annual Review (AR).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' (Employers' Confederation of Thai Trade and Industry (ECONTHAI) and the Employers' Confederation of Thailand (ECOT)) and workers' organizations (the National Congress of Thai Labour (NCTL), the State Enterprise Workers' Federation of Thailand (SEWFOT), the State Enterprises Workers' Relations Confederation (SERC), the Confederation of Thai Labour (CTL), the Thai Trade Union Congress (TTUC) and the National Congress Private Industrial of Employers (NCPE); as well as workers' representatives of the Aeronautical Radio of Thailand Ltd. (AEROTHAI)), through communication of government reports and tripartite meetings on reporting issues.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	<p>2015 AR: Observations by the SEWFOT. Observations by the ECOT.</p> <p>2012 AR: Observations by the ECOT.</p> <p>2010 AR: Observations by ECONTHAI.</p> <p>2008 AR: Observations by ECONTHAI comprised of 22 affiliates.</p> <p>2007 AR: Observations by ECOT.</p> <p>2004 AR: Observations by ECONTHAI.</p> <p>2003 AR: Observations by ECOT.</p>	
	Workers' organizations	<p>2019 AR: Observations by the NCTL.</p> <p>2014-2015 AR: Observations by the SEWFOT.</p> <p>2013 AR: Observations by the AEROTHAI. Observations by the NCTL. Observations by the SEWFOT.</p> <p>2012 AR: Observations by the NCTL, the SERC, the CTL and the TTUC.</p> <p>2011 AR: Observations by the NCTL.</p> <p>2010 AR: Observations by the NCTL. Observations by the SEWFOT.</p> <p>2009 AR: Observations by the NCTL. Observations by the International Trade Union Confederation (ITUC).</p> <p>2008 AR: Observations by the NCTL. Observations by the ITUC.</p> <p>2007 AR: Observations by the International Confederation of Free Trade Unions (ICFTU).</p> <p>2006 AR: Observations by the ICFTU.</p> <p>2004 AR: Observations by the NCTL.</p> <p>2003 AR: Observations by the NCTL.</p> <p>2002 AR: Observations by the ICFTU. 2001 AR: Observations by the ICFTU.</p> <p>2000 AR: Observations by the ICFTU.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Thailand has ratified neither the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) (C.87), nor the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) (C.98).
		Ratification intention	<p>YES, in process since 2013, for C.87 and C.98.</p> <p>2019 AR: C.87 and C.98 are likely to be ratified.</p> <p>2016 AR: The Government indicated that progress had occurred, and that tripartite legal committees are meeting on a regular basis to draft the labour relations laws which will be submitted to a public hearing to all stakeholders including ILO experts. A number of meetings had taken place to consider the Labour Relations Act, including consideration of the following issues: formation of labour organizations, employees' committees, the national committee on the promotion of labour relations, collective agreements, collective bargaining, mediation of labour conflicts, labour conflict settlements, the protection of employees from unfair dismissal, lockout and strikes, unfair practices.</p> <p>2015 AR: According to the Government: the ratification process for C.87 and C.98 has been pursued under the procedures of the National Council for Peace and Order (NCPO) through organizing a meeting on 30th July, 2014 to discuss on the ratification of the Conventions with the offices concerned. As a result, the meeting agreed to continue proceeding with the ratification. Once all the procedures are completed, the Government will promptly inform the ILO. However, the Government indicated that, although it still intends to ratify both Conventions, the new interim constitution requires prior harmonization.</p>

		<p>Two relevant acts (Labour Relations Act and State Enterprise Labour Relation Law) have been modified but were taken back from the Cabinet to the tripartite meetings again. According to ECOT: the current political situation makes it difficult to support the ratification of C. 87. However, although ratification of C.98 can be supported, political stability must first be restored and Parliament re-established. SEWFOT is hopeful that ratification will happen in the next 2 years but expressed concern over the situation in the informal sector.</p> <p>2014 AR: According to the Government: With a view to possible ratification of C.87 and C.98, legal amendments to the Labour Relations Act B.E. 2518 (1975) and the State Enterprises Labour Relations Act B.E. 2543 (2000) have been proposed and are currently being considered by the Council of States. These legal amendments aim to bring the national legislation in conformity with the provisions of C.87 and C.98. The SEWFOT expressed its strong support for the ratification of C.87 and C.98, indicating that it had been pushing the Government to move forward in the ratification process.</p> <p>2013 AR: According to the Government: With a view to possible ratification of C.87 and C.98, legal amendments to the Labour Relations Act B.E. 2518 (1975) and the State Enterprises Labour Relations Act B.E. 2543 (2000) have been proposed and are currently being considered by the Council of States. These legal amendments aim to bring the national legislation in conformity with the provisions of C.87 and C.98. The AEROTHAI expressed its strong support for the ratification of C.87 and C.98.</p> <p>2012 AR: According to the Government: Due to current political change, the Government's position concerning the remaining non-ratified core conventions, including C.87 and C.98, will be communicated to the ILO in the near future. According to the ECOT: The Government is in the process of ratifying C.87 and C.98. A proposal of ratification has been presented to Parliament; decision is pending due to elections in July 2011. The ECOT has expressed its reservation to the ratification of C.87 and C.98. The NCTL, the SERC, the CTL and the TTUC expressed their strong support for the ratification of C.87 and C.98. According to them, the proposed ratification of C.87 and 98 has been approved without reservation by the Cabinet, as the conventions were not found to be in contradiction with the Constitution. The proposal for ratification is now back at the Ministry of Labour.</p> <p>2011 AR: The Government indicated that it was preparing draft amendments to the Labour Relations Act and the State Enterprise Labour Relations Act, which will include the principle and right (PR). These amendments will be submitted to Cabinet for preliminary approval before its submission to Parliament for final approval.</p> <p>The NCTL expressed its full support for the ratification of C.87 and C.98 and urged the Government to speed up the process.</p> <p>2010 AR: The Government reiterated the ratification commitment it had made under the 2009 AR. The ECONTHAI indicated its full support for the ratification of C.87 and C.98 by Thailand.</p> <p>The NCTL and the SEWFOT expressed its full support for the ratification of C.87 and C.98 and urged the Government to speed up the process.</p> <p>2009 AR: According to the Government: The Government has appointed a working group to prepare draft amendments to nationals with a view to ensuring compliance with the provisions of C.87 and C.98.</p> <p>The NCTL reiterated its support for the ratification of C.87 and C.98 as the principle and right is promoted in the new national Constitution B.E 2550 (2007).</p> <p>2008 AR: ECONTHAI supported the ratification of C.87 and C.98 and indicated that a tripartite meeting had been set up.</p> <p>The NCTL also indicated its support for the ratification of C.87 and C.98.</p> <p>2007 AR: According to the Government: The survey for ratification of C.87 and C.98 has been completed. However, ILO</p>
--	--	---

		<p>technical cooperation would be needed to ensure compliance of national labour laws with the provisions of C.87 and C.98.</p> <p>The ECOT stated that ratification of C.87 and C.98 should be considered following national labour law review and tripartite consultations.</p> <p>2004 AR: The Government, through the Department of Labour Protection and Welfare (DLPW), stated that a budget had been allocated to study the readiness of Thailand to ratify C.87 and C.98.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (2002): The Government intended to ratify C.87 and C.98.</p> <p>2001 AR: The Government indicated that it had undertaken to review national legislation and practices in respect of C.87 and C.98, after discussions with ILO experts in the multidisciplinary team (MDT) in Bangkok. It had planned to undertake a study and research in the first quarter of 2001, funded by the ILO on relevant existing national laws and practices.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES.</p> <p>2008 AR: According to the Government: A new Constitution (B.E. 2550 (2007)) was promulgated in August 24, 2007, which provides freedom for association for all persons including Government and State officials. The Constitution of the Kingdom of Thailand, B.E. 2540 (1997), in chapter 8, sections 199 and 200, provides for freedom of assembly and association, except by virtue of a law specifically enacted for protecting the common interest of the public, maintaining public order or good morals or preventing economic monopoly (section 45).</p>
	<p>Policy-Legislation and/or Regulations</p>	<ul style="list-style-type: none"> • Policy 2007 AR: According to the Government: the Department of Labour Protection and Welfare (DLPW) of the Ministry of Labour and Social Welfare has established a policy and procedures to enhance the capacity of the social partners on the principle and right (PR). 2001 AR: According to the Government: the Department of Labour Protection and Welfare of the Ministry of Labour and Social Welfare has established policy guidelines for labour officers to promote sound industrial relations through: (i) bipartite consultation system in order to prevent labour disputes and labour management committees; (ii) grievance procedures; (iii) effective mechanisms; (iv) tripartite bodies for joint consultations on broad social and economic policies affecting industrial relations; (v) the establishment of employers' and workers' organizations; (vi) training programmes for employers and workers; and (vii) review of industrial relations provisions. <ul style="list-style-type: none"> • Legislation 2019 AR: The draft Labour Relations Act B.E., has been approved by the Ministry of Labour's (MoL) Committee on Legislative Review and is currently under the consideration of the Office of the Council of State. The draft State Enterprise Labour Relations Act B.E. is currently under the consideration of the MoL's Committee on Legislative Review and will be proposed to the Cabinet and the Office of the Council of State, respectively, for consideration. After the new labour laws are enforced, the MoL, with the technical assistance of the ILO, will organize the tripartite meeting for convention validation regarding the consistency of the new laws and the provisions of the Convention No. 98 before proceeding to ratification of the Convention. For the Convention No. 87, the government will proceed the ratification respectively. Furthermore, the National Empowerment and Development of Informal Workers Act B.E. has been drafted and is currently under the consideration of the MoL's Committee on Legislative Review. The said draft act stipulates that the empowerment and development of informal workers must recognize the principles of association and forming an organization of informal workers to increase negotiation power of the group for fair employment condition, work benefits as well as skill development. In addition, the National Tripartite Committee on Empowerment and Development of Informal Workers shall be

		<p>established with a key mandate to set the policies and strategies to empower and develop informal workers.</p> <p>2015 AR: According to the Government: The Council of State has reviewed the draft revisions of the Labour Relations Act B.E.2518 (1975) and the State Enterprise Labour Relations Act B.E.2543 (2000). The draft laws are being submitted to the Cabinet and the National Legislative Assembly for approval.</p> <p>2013-2014 ARs: According to the Government: The Department of Labour Protection and Welfare have conducted a revision of the Labour Relations Act B.E. 2518 (1975) and the State Enterprises Labour Relations Act B.E. 2543 (2000), with the aim of developing the labour relations system in compliance with the provisions of C.87 and C.98. The drafts are pending before the Council of State.</p> <p>2013 AR: The AEROTHAI indicated that there is a need for legal changes and the introduction of collective agreements as a regulative measure. The NCTL and the SEWFOT shared a detailed report of contradictions that had been identified between the Thai Labor Relation Act and the provisions of</p> <p>C.87 and C.98: (i) different criteria for who is eligible to organize a trade union and a trade union committee; (ii) different principles on trade union association and organization; (iii) the number of trade unions in one company/enterprise; (iv) outsourced/contracted workers are not allowed to be trade union members; (v) the right to manage a trade union without any intervention from the Government; (vi) different regulations concerning the right to strike; (vii) differences in trade union protection and the right to collective bargaining.</p> <p>2012 AR: According to the NCTL, the SERC, the CTL and the TTUC: A decision has been taken by the Parliament to amend the current labour legislation as it is not in line with C.87 and C.98.</p> <p>2011 AR: According to the Government: The Labour Relations Act B.E. 2518 (1975) and the State Enterprise Labour Relations Act B.E.2543 (2000), is in the process of revision, with the aim of developing the national labour relations system in compliance with the PR. In addition, the Civil Servants Act, B.E.2551 (2008) section 43, has been amended to incorporate the provisions of the PR. Civil servants enjoy freedom of association as mentioned in the Constitution, provided that such assembly has no political objectives and does not affect the efficiency of the national administration and the continuity of public services.</p> <p>According to the NCTL: The Royal Decree that allows Thai civil services to form their own union is not enacted, despite the amendments made to the Civil Service Act in 2008.</p> <p>2008 AR: According to the NCTL: The new draft Labour Relations Law will guarantee workers' rights in the public and private sectors.</p> <p>2007 AR: According to the Government: In 2005, the DLPW set the Code of Practice for Promotion of Labour Relations in Thailand B.E.2548, which was a revision of Code of Practice B.E. 2539, aiming to rectify the Code to be appropriate with changing of current situations to enhance trade unions competitiveness especially in industrial sector.</p> <ul style="list-style-type: none"> - Government's prospects: Harmonize national labour laws with ratified Conventions and ILO fundamental Conventions. - Means of action: Legal reform in process since 2001 in cooperation with the ILO. <p>The Labour Relations Act, B.E. 2518 (1975); the State Enterprise Labour Relations Act, B.E. 2534 (1991) and its amendment (in 2000); the Establishment of the Labour Court and Labour Court Procedure Act, B.E. 2522 (1979) and the Code of Practice for the Promotion of Labour Relations in Thailand, B.E. 2539 (1996) relate to the PR.</p> <p>2002 AR: The Government received assistance from the ILO specialists based in the ILO Regional Office for Asia and the Pacific, in particular in reviewing existing labour relations laws to</p>
--	--	---

			<p>harmonize them with the PR. The Government, through the Ministry of Labour and Social Welfare, strongly encouraged and invited civil society and social partners to participate actively in strengthening the PR at national and international levels.</p> <p>2001-2002 ARs: According to the Government: The country labour laws are being reviewed to incorporate the provisions of ratified Conventions and those of the fundamental principles and rights at work. Human, material and financial resources have been provided to facilitate the realization of the PR and amendments have been made to the Labour Relations Act of 1975 to make it more compatible with the PR.</p>	
		Basic legal provisions	<p>(i) Constitution of the Kingdom of Thailand, B.E. 2540 (1997) (chapter 8, sections 199 and 200); Labour Relations Act, B.E. 2518 (1975); (iii) State Enterprise Labour Relations Act, B.E. 2534 (1991) and its amendment (in 2000); (iv) Establishment of the Labour Court and Labour Court Procedure Act, B.E. 2522 (1979); (v) Code of Practice for the Promotion of Labour Relations in Thailand, B.E. 2539 (1996); (vi) Civil Service Act, B.E. 2551 (2008), section 43.</p>	
		Judicial decisions	<p>NIL.</p>	
	Exercise of the principle and right	At national level (enterprise, sector/ industry, national)	For Employers	<p>2003 AR: Prior government authorization is necessary to operate employers' organizations (compulsory registration by the Registrar under the Labour Relations Act B.E. 2518, section 55). All categories of employers can set up their organizations.</p>
			For Workers	<p>2012 AR: According to the Government: All workers in the public sector do not enjoy freedom of association, and civil servants, teachers, university officials, legislative body officials, police officers, public prosecutor, judges, autonomous organization officials, Bangkok Metropolitan officials, provincial administration officials, sub-district administration organization officials, municipal officials, workers of the Bank of Thailand, as well as management in state enterprises cannot exercise the right to collective bargaining.</p> <p>2003 AR: Prior government authorization is necessary to operate workers' organizations (compulsory registration by the Registrar under the Labour Law, section 87). Freedom of Association (FOA) can be exercised by medical professionals, teachers, and agricultural workers, workers engaged in domestic work, workers in export processing zones (EPZs) or enterprises/industries with EPZ status, migrant workers, workers of all ages, and workers in the informal economy. The State Enterprise Labour Relations Act B.E. 2543, section 42, contains provisions for the establishment of a State Enterprise Trade Union. However, FOA cannot be exercised by all public servants or workers under the age of 15. Concerning domestic workers, the right to organize and the right to collective bargaining shall be considered as the basis of the legal relations between employers and employees under the labour law.</p>
			Special attention to particular situations	<p>2019 AR: Special attention has been paid to workers in export processing zones (EPZs) or enterprises industries with EPZ status; Migrant workers; and Workers in the informal economy. The Government works on the implementation of a project on Enhancing Participation in Constructive Labour Relations Management under Inclusive Policy</p>

				<p>Guidelines in Special Economic Zones (SEZs) covering 10 SEZs provinces, with an aim to support and promote cooperation between employers and workers to prevent conflicts in workplaces.</p> <p>2013 AR: According to the AEROTHAI: Special attention is given to organizing workers in the private sector, with a view to raise the minimum standards of working conditions and wage levels for the workers worst off in the private sector.</p>
			Information/ Data collection and dissemination	According to the Government: There is a lack of information and data.
		At international level		According to the Government: There are no particular restrictions for the international affiliation of employers' and workers' organizations.
	Monitoring, enforcement and sanctions mechanisms			<p>2004 AR: According to the Government: Any employer who violates the PR shall be liable to a fine or to imprisonment (section 130 of the Labour Relations Act, B.E. 2518, sections 158 and 159).</p> <p>2001-2005 ARs: According to the Government: Inspection/monitoring mechanisms are envisaged to ensure the implementation of the PR. The PR is enforced through law, collective agreements, free dispute settlement procedures and tripartite consultations at all levels.</p>
	Involvement of the social partners			<p>2019 AR: The representatives of employers' and workers' organizations participate in the Tripartite Committee on Labour Relations which has a key mandate in considering and settling labour disputes. In addition, many tripartite consultation meetings and public hearings have been organized to include the right of social partners in setting up labour policies and strategies and listen to the voice of social partners.</p> <p>2013 AR: According to the AEROTHAI: Social dialogue is practiced in terms of negotiations concerning wage levels, social security and welfare issues.</p> <p>2012 AR: According to the Government: C.87 and C.98 have previously been under social dialogue. According to the ECOT: Tripartite collaborations took place before the proposal of ratification was presented to Parliament, where ECOT expressed their reservation to the ratification of C.87 and C.98. A good collaboration exists between the ECOT and the trade unions. According to the NCTL, the SERC, the CTL and the TTUC: The Government is currently working closely with the workers' representatives to amend the labour law and finalize the ratification of C.87 and C.98. The employers' representatives have approved the ratification, as it has been approved by Government and social partners in the National Working Group, in which the NCTL, the SERC, the CTL and the TTUC take part.</p> <p>2009-2010 ARs: According to the Government: The Government has appointed a working group to prepare draft amendments to national laws with a view to ensuring compliance with the provisions of C.87 and C.98. The ILO has been invited to provide technical support to this group and formulate observations and recommendations on the draft amendment.</p> <p>2001-2002 ARs: According to the Government: Employers' and workers' organizations have been involved in the promotion and training on labour relations and in strengthening the PR at both the national and international levels.</p>
	Promotional activities			<p>2018 AR: According to the Government, the Department of Labour Protection and Welfare (DLPW) conducted the following activities to promote freedom of association and the effective recognition of the right to collective bargaining: i) the Seminar on Unfair Labour Practices for labour officers in order to enhance their capacities in enforcing the applicable laws to protect rights to collective bargaining of employees; ii) a Training course on labour relations management provided for employees at manager level in order to increase productivity responding to Thailand 4.0; and iii) Onsite visits to encourage the employers and representatives of employees in realizing the concept of Labour Relations and Partnership. The Government further reports that particular attention has been paid to: i) employees working in fishery establishments in 22 coastal provinces; ii) employees working in sea fishing boats; and iii) employees working in establishments located in Maesod Special Economic Zone, Tak province.</p> <p>2016 AR: The Government reported that a number of training programmes were carried out: a programme concerning awareness raising on freedom of association and the right to collective bargaining was organized in the context of the preparation for ASEAN community (for 447 participants), a programme concerning social dialogue for employers and employees in enterprises that have sound labour relations management system (219 participants) and a programme on productive labour relations in special economic zones (5 batches including a total of 376 participants) and a programme on bilateral labour relations</p>

	<p>in enterprises for conflict reconciliation and productivity increases (4 batches and 2015 participants).</p> <p>2015 AR: According to the Government: the Ministry of Labour organized five seminars for trade union representatives in both formal and informal sectors, which garnered a total of 541 participants.</p> <p>2013 AR: According to the Government: In 2012, the Department of Labour Protection and Welfare conducted training courses for over 250 workers and trade union representatives. It continuously undertakes significant measures to promote and respect the PR by supporting the establishment of trade unions, in line with the Thai Labour Standard (TLS. 8001-2003).</p> <p>According to the AEROTHAI: AEROTHAI has been promoting legal changes to encourage the Government to ensure that the provisions of C.87 and C.98 are incorporated into the national legislation. Trade unions operating within state owned enterprises, in which trade union membership is compulsory, have created better working conditions in comparison to the conditions in the private sector.</p> <p>2012 AR: According to the Government: Capacity building for employers' and workers' organizations has been conducted covering both freedom of association and the right to collective bargaining, as well as awareness raising and advocacy on the issues.</p> <p>According to the ECOT: In accordance with the Constitution, a public hearing is expected to take place before a final approval to ratify C.87 and C.98 will be given by the Parliament. This might push the completion of the ratification process further ahead.</p> <p>2011 AR: According to the Government: Awareness raising campaign and training programmes have been organized.</p> <p>2010 AR: According to the NCTL: A working team has been set up to help workers better understand and promote the PR.</p> <p>2009 AR: The Government indicated that it had encouraged the establishment of workers' committees and encouraged workers to form trade unions.</p> <p>2008 AR: ECONTHAI indicated that it had organized several activities regarding the promotion of the PR including bipartite discussions.</p> <p>According to the NCTL: several activities were carried out within the industrial sectors in order to train the unions. Seminars on collective bargaining are also organized regularly in collaboration with the social security services. The NCTL is moreover participating in the labour law review process regarding the new draft Labour Relations Law and has submitted its comments to the Government.</p> <p>2007 AR: According to the Government: The DLPW has established a policy and procedure for preparing the capacity of the social partners by means of organising training courses on the PR. Since Government Fiscal Year 2004, training courses on labour relations have been organized for employers and employees. Number of training courses, 125 and number of trainees 8,365.</p> <p>2001-2005 ARs: The Government reported on frequent training of and dissemination of information to government officials and social partners. Awareness-raising initiatives have been implemented in relation to the PR, through the Code of Practice for the Promotion of Labour Relations in Thailand, 1996.</p>
<p>Special initiatives-Progress</p>	<p>2019 AR: In 2019, over 1,400 establishments across the country has achieved the requirements of TLS 8001 – 2010, which includes the principle of freedom of association and collective bargaining. Those numbers consist of 646 export oriented businesses which account for export value of 654,154 million baht. Since September 2017, more than 18,000 establishments in Thailand have formally declared that they applied GLP principles, including promoting freedom of association and bipartite dialogue, in their establishments. Those comprise of four types of industrial sectors namely poultry farm and hatchery, seafood processing, shrimp farm and general businesses. The MoL organizes annual Thailand Labour Management Excellent Award as an incentive to establishments. This activity successfully promotes bilateral mechanisms to improve the quality of life of workers and commit themselves to improving labour management to international standards.</p> <p>2016 AR: The Government referred to its programme on labour harmonization for productive economy in the country which was implemented in eight provinces involving 4,886 workers in 871 enterprises. The programme's evaluation, showed that 98.74 per cent of the enterprises which participated in this programme did not have labour disputes or conflicts. The Government communicated a statistical table indicating that in the fiscal year 2015, there were 418 unfair practice cases submitted to the Labour Relations Committee involving 418 employees in 68 enterprises, while 429 cases were settled covering 429 workers in 80 enterprises by means of mediation.</p> <p>2013 AR: According to the Government: The Department of Labour Protection and</p>

		<p>Welfare has taken significant measures to promote the establishments voluntarily applying to the requirements 5.1 of the Thai Labour Standard (TLS. 8001-2003) that is “the establishment shall respect the employees’ rights of association to form and join a trade union and also respect the employees’ rights to bargain collectively”. A total of 1,713 establishments have benefited from these measures from fiscal years 2003 to 2012.</p> <p>2012 AR: According to the Government: C.87 and C.98 have previously been under social dialogue and presented to the Parliament, the decision of which is pending.</p> <p>2011 AR: According to the Government: Several measures have been taken to promote the establishments voluntarily applying to the Thai Labour Standards (TLS 8001-2003). Promoting the PR is set in the requirement 5.10 which provides that “the establishments shall respect the workers’ rights of association to form and join a trade union as well as the workers’ rights to bargain collectively”. 1,471 establishments are voluntarily applying the requirements of this standard.</p> <p>2009-2010 ARs: According to the Government: The Government has appointed a working group to prepare draft amendments to nationals with a view to ensuring compliance with the provisions of C.87 and C.98. The Ministry of Labour has organized tripartite seminars on these issues where ILO was invited to provide technical support and formulate observations and recommendations on the draft amendment.</p> <p>2004 AR: According to the Government: Special initiatives on the PR have been taken through: (i) the revision of existing labour relations laws; (ii) the promotion of a bipartite and tripartite labour relations system; and (iii) the support provided to trade unions, training of employers and workers.</p>				
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<table border="1"> <tr> <td data-bbox="555 853 715 1014"> <p>Employers’ organizations</p> </td> <td data-bbox="715 853 1477 1014"> <p>2010 AR: According to the ECONTHAI: There is a lack of understanding of the PR and international labour standards (ILS) by the tripartite partners.</p> <p>2007 AR: According to ECOT: There is a lack of data on the PR.</p> <p>2004 AR: According to the ECOT: There is a lack of information and data.</p> </td> </tr> <tr> <td data-bbox="555 1014 715 2087"> <p>Workers’ organizations</p> </td> <td data-bbox="715 1014 1477 2087"> <p>2014 AR: According to the SEWFOT: Legal obstacles are the main challenge to the ratifications of C.87 and C.98. The Government has shown little political will to undertake legal revisions and move ahead with the ratifications, despite workers’ organizations’ efforts to promote the ratifications. Trade unions are operating in state enterprises, but the governmental and private sectors remain challenging for realizing the PR.</p> <p>2013 AR: According to the AEROTHAI: Despite efforts to promote the ratifications of C.87 and C.98 and negotiation efforts with the Government, the Government has shown little political will to move ahead with the ratifications. The Government and the employers have taken on a joint position against the ratification of the conventions, due to a problematic common interest between the two parties with several politicians also being employers of large enterprises. Many politicians are due to this situation reluctant to ratify C.87 and C.98, as they believe the ratifications would affect them personally in the sense that it would change the environment in which they are operating in as employers. Furthermore, political instability is hampering both the ratification of C.87 and C.98 as well as the realization of the PR. The political instability has, along with the insecurity in the world economy, created economic instability. Both political and economic instability will have to be stabilized before the Government will be able to focus on labour and social security such as ensuring freedom of association and the right to collective bargaining. Another challenge is that the employers in general do not see their role in the labour relations, and do not see the trade unions as a social partner with which there should be collaboration. The power imbalance between the employers and the trade unions seriously destructs attempts to realize the PR. There is also a lack of legal provisions to protect workers who are being dismissed as a consequence of repression against trade union members. It is in particular challenging to realize the PR in there private sector, where freedom of association and the right to collective bargaining currently is very limited.</p> <p>2012 AR: According to the NCTL, SERC, CTL and TTUC: Several barriers remain to be overcome in the amendment of the labour law, and hence in the ratification process. The National Working Group needs to overcome some differences of opinion regarding specific sections in the amendment of the labour law. The time frame for finalization and adaptation of the amended labour law depends on how successful the collaboration process in the National Working Group will be. This consultation process should</p> </td> </tr> </table>	<p>Employers’ organizations</p>	<p>2010 AR: According to the ECONTHAI: There is a lack of understanding of the PR and international labour standards (ILS) by the tripartite partners.</p> <p>2007 AR: According to ECOT: There is a lack of data on the PR.</p> <p>2004 AR: According to the ECOT: There is a lack of information and data.</p>	<p>Workers’ organizations</p>	<p>2014 AR: According to the SEWFOT: Legal obstacles are the main challenge to the ratifications of C.87 and C.98. The Government has shown little political will to undertake legal revisions and move ahead with the ratifications, despite workers’ organizations’ efforts to promote the ratifications. Trade unions are operating in state enterprises, but the governmental and private sectors remain challenging for realizing the PR.</p> <p>2013 AR: According to the AEROTHAI: Despite efforts to promote the ratifications of C.87 and C.98 and negotiation efforts with the Government, the Government has shown little political will to move ahead with the ratifications. The Government and the employers have taken on a joint position against the ratification of the conventions, due to a problematic common interest between the two parties with several politicians also being employers of large enterprises. Many politicians are due to this situation reluctant to ratify C.87 and C.98, as they believe the ratifications would affect them personally in the sense that it would change the environment in which they are operating in as employers. Furthermore, political instability is hampering both the ratification of C.87 and C.98 as well as the realization of the PR. The political instability has, along with the insecurity in the world economy, created economic instability. Both political and economic instability will have to be stabilized before the Government will be able to focus on labour and social security such as ensuring freedom of association and the right to collective bargaining. Another challenge is that the employers in general do not see their role in the labour relations, and do not see the trade unions as a social partner with which there should be collaboration. The power imbalance between the employers and the trade unions seriously destructs attempts to realize the PR. There is also a lack of legal provisions to protect workers who are being dismissed as a consequence of repression against trade union members. It is in particular challenging to realize the PR in there private sector, where freedom of association and the right to collective bargaining currently is very limited.</p> <p>2012 AR: According to the NCTL, SERC, CTL and TTUC: Several barriers remain to be overcome in the amendment of the labour law, and hence in the ratification process. The National Working Group needs to overcome some differences of opinion regarding specific sections in the amendment of the labour law. The time frame for finalization and adaptation of the amended labour law depends on how successful the collaboration process in the National Working Group will be. This consultation process should</p>
<p>Employers’ organizations</p>	<p>2010 AR: According to the ECONTHAI: There is a lack of understanding of the PR and international labour standards (ILS) by the tripartite partners.</p> <p>2007 AR: According to ECOT: There is a lack of data on the PR.</p> <p>2004 AR: According to the ECOT: There is a lack of information and data.</p>					
<p>Workers’ organizations</p>	<p>2014 AR: According to the SEWFOT: Legal obstacles are the main challenge to the ratifications of C.87 and C.98. The Government has shown little political will to undertake legal revisions and move ahead with the ratifications, despite workers’ organizations’ efforts to promote the ratifications. Trade unions are operating in state enterprises, but the governmental and private sectors remain challenging for realizing the PR.</p> <p>2013 AR: According to the AEROTHAI: Despite efforts to promote the ratifications of C.87 and C.98 and negotiation efforts with the Government, the Government has shown little political will to move ahead with the ratifications. The Government and the employers have taken on a joint position against the ratification of the conventions, due to a problematic common interest between the two parties with several politicians also being employers of large enterprises. Many politicians are due to this situation reluctant to ratify C.87 and C.98, as they believe the ratifications would affect them personally in the sense that it would change the environment in which they are operating in as employers. Furthermore, political instability is hampering both the ratification of C.87 and C.98 as well as the realization of the PR. The political instability has, along with the insecurity in the world economy, created economic instability. Both political and economic instability will have to be stabilized before the Government will be able to focus on labour and social security such as ensuring freedom of association and the right to collective bargaining. Another challenge is that the employers in general do not see their role in the labour relations, and do not see the trade unions as a social partner with which there should be collaboration. The power imbalance between the employers and the trade unions seriously destructs attempts to realize the PR. There is also a lack of legal provisions to protect workers who are being dismissed as a consequence of repression against trade union members. It is in particular challenging to realize the PR in there private sector, where freedom of association and the right to collective bargaining currently is very limited.</p> <p>2012 AR: According to the NCTL, SERC, CTL and TTUC: Several barriers remain to be overcome in the amendment of the labour law, and hence in the ratification process. The National Working Group needs to overcome some differences of opinion regarding specific sections in the amendment of the labour law. The time frame for finalization and adaptation of the amended labour law depends on how successful the collaboration process in the National Working Group will be. This consultation process should</p>					

		<p>approximately last one year. General elections taking place in July 2011 will need to be taken into account when considering the time frame, as the outcome of the elections may change the ratification prospects.</p> <p>2010 AR: The NCTL and SEWFOT raised the following challenges: (i) employers restrained the right to establish trade unions in their enterprises; (ii) freedom of association is restricted in state enterprises; (iii) a little percentage of workers are unionized; (iv) national legislation needs to be amended to merge the state and private unions; (v) inform the employers of the benefit of enjoying freedom of association; and (vi) as a prerequisite to realize implement the PR, the Labour Relation Act needs to be amended.</p> <p>2007-2009 ARs: According to the ICFTU and the ITUC: (i) lack of priority given by the Government to labour issues; (ii) labour courts are very slow to handling disputes; (iii) no effective protection against anti-union discrimination; (iv) no union protection in universities; (v) restrictions on trade union rights to have more than two advisers; (vi) limitation of freedom of association in state enterprises; (vii) only a small proportion of workers are unionized; (viii) an estimated 5 per cent of employed workers are covered by collective bargaining agreements; (ix) migrant workers cannot enjoy full freedom of association.</p> <p>2008 AR: The NCTL is still concerned about the implementation of the principle of FACB in the police, civil servants and military sectors, particularly regarding their right to strike. It added that 50 per cent of the workers are in the agricultural sector. They are not aware of their rights, particularly their right to organize. Finally, the NCTL indicated that the multinationals operating and investing in Thailand often don't abide by national legislations. The ITUC raised the (following) additional challenges: (i) civil servants are excluded from both the State Enterprise Labour Relations Act (SELRA) and the Labour Relations Act (LRA), and there are clear government regulations saying they cannot form unions; (ii) restrictions on the right to strike in state enterprises, civil servants are denied this right and in the private sector the government may restrict strikes that would "affect national security or cause severe negative repercussions for the population at large"; (iii) the LRA forbids strikes in "essential services", which it defines in broader terms than those set out by the ILO; (iv) labour courts are very slow in handling disputes.</p> <p>2006 AR: The ICFTU raised the following additional challenges: (i) there are no specific protections for union founders or committee members; (ii) affiliation between State enterprise unions and private sector labour congresses or federations is restricted by the State Enterprise Labour Relations Act; (iii) a very small proportion of the total workforce is unionised (3.5 per cent in 2002); (iv) an estimated five per cent of employed workers are covered by collective bargaining agreements; (v) workers who do enjoy the right to join a union and collective bargaining are often victims of anti-union harassment; (vi) employers frequently dismiss workers trying to form trade unions; (vii) even where a court has ordered the reinstatement of an illegally fired worker, employers often react by offering substantial severance pay in lieu of reinstatement.</p> <p>2000-2005 ARs: The ICFTU raised the following challenges: (i) there is a lack of protection of unions; (ii) restrictions on trade union rights to have advisers; (iii) legal and political barriers in establishing and operating trade unions; (iv) absence of union for civil servants; (v) there are restrictions on the right to strike; (vi) trade union rights are weak under the proposed new law; (vii) there are restriction on FOA in the context of privatization; (viii) there are abuses of legal provisions (such as article 75 of the 1998 Labour Protection Act) to keep trade unionists out of the factory; (ix) labour courts are inefficient; (x) there are restrictions on freedom of association of migrant workers; (xi) decentralized industries are located in border areas, where union density is low or non-existent.</p> <p>2005 AR: The NCTL raised the following challenges: (i) there are no major improvement in FOA; (ii) there is a lack of organization of workers in the public service and in the informal sector; (iii) the right to organize is denied to workers that are not employees; and (iv) there is lack of a general union in lieu of enterprise unions.</p> <p>2002-2004 ARs: The NCTL raised the following challenges: (i) there are restrictions on the right to establish trade unions; (ii) State enterprise</p>
--	--	--

		employees in the private sector are banned from joining a federation or a confederation; (iii) the right to establish trade unions is violated; and (iv) there is a need to amend the Labour Relations Act, 1975.
	According to the Government	<p>2019 AR: Diversity and complexity of migrant workers are the main challenges to the promotion and realization of those rights in the country. Therefore, the government has put best effort to encourage the ongoing process of nationality verification for those working in Thailand with an aim to systematically manage their employment and protect their right.</p> <p>2018 AR: According to the Government, the main difficulties are: a) lack of understanding of relevant Government agencies; b) lack of acceptance of concerned social partners; and c) complicated procedures of national law amendment.</p> <p>2012 AR: According to the Government: Similarly to previous years, the main difficulties encountered with respect to realizing the principle of freedom of association and effective recognition of the right to collective bargaining are related to: (i) lack of public awareness and/or support; (ii) social values and cultural traditions; and (iii) legal provisions.</p> <p>2011 AR: The Government indicated that a survey was conducted among government agencies to assess the difficulties of realizing the PR in the country. It further mentioned that the main challenge for the country was to find a different system for workers' representation given the high percentage of migrant workers in the country. This should be carried out without endangering the country's sovereignty.</p> <p>2009 AR: The Government stated that it needed to overcome many bureaucratic problems.</p> <p>2004-2006 ARs: The Government identified the main difficulties encountered in Thailand in realizing the PR as follows: (i) social values, cultural traditions; (ii) social and economic circumstances; (iii) political situation; (iv) legal provisions; (vi) prevailing employment practices; and concerning collective bargaining, the Government also encounters difficulties related to the lack of capacity of employers' and workers' organizations.</p> <p>2004-2005 ARs: In response to the ICFTU's observations, the Government made the following comments: Prior to taking any legal actions, a trade union must be registered under the Labour Relations Act (LRA 1975). The revised draft of the LRA 1975 prohibits unfair labour practices, promotes FOA and provides for collective bargaining and dispute settlement. Furthermore, under section 4 of the LRA 2000 (3rd issue), a State enterprise trade union federation can become a member of an employees' organization council. Moreover, the Government has undertaken a survey with a view to ratifying C.87 and C.98. When strikes are prohibited, it happens especially in enterprises of public interest. In addition, tripartite consultations are being envisaged by the Department of Labour Protection and Welfare with a view to revising the LRA. The draft revision of the LRA provides for the protection of the rights to establish trade unions. Moreover, the Constitution, article 30, guarantees equal protection for all. Unfair labour practices are prohibited by LRA 1975.</p>
TECHNICAL COOPERATION	Request	<p>2019 AR: The main technical cooperation need is sharing of experiences across countries/regions.</p> <p>2018 AR: According to the Government, the technical cooperation needs are: i) helping in making clear the understanding of relevant Government agencies; and ii) helping in convincing concerned social partners in accepting the principle of freedom of association.</p> <p>2015 AR: The Government requested ILO technical cooperation for experience sharing with ASEAN member countries, ASEAN+3 and ASEAN + 6 concerning the application of C.87, C.98 and other ratified Conventions.</p> <p>SEWFOT requested ILO technical cooperation to strengthen the capacity of workers' organizations and to assist all tripartite members to understand FPRW better.</p> <p>2014 AR: The SEWFOT requested ILO technical cooperation to strengthen the capacity of workers' organizations and to support their efforts in promoting the ratification of C.87 and C.98.</p> <p>2013 AR: The AEROTHAI requested ILO technical cooperation to strengthen the trade unions in order to support their targeted activities to enhance the working conditions and wage level for workers in the private sector, who are being paid the least and works under the worst conditions.</p> <p>2012 AR: According to the Government: The most important technical cooperation needs are: (1) Awareness-raising, legal literacy and advocacy, capacity building of responsible government institutions as well as strengthening the capacity of workers' organizations and tripartite social dialogue in the country; (2) There is a need to improve data collection systems and capacity for statistical analysis, to train other officials such as the police, judiciary, social workers, teachers, and to strengthen the capacity of employers' organizations; and (3) An assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle would be needed,</p>

		<p>along with sharing experiences across countries/regions.</p> <p>The ECOT requested for the ILO to conduct trainings for the business sector so as to sensitize business leaders about the implications of ratifying C.87 and C.98. It further requested the continuation of the ongoing ILO support.</p> <p>The NCTL, the SERC, the CTL and the TTUC also requested the continuation of the ongoing ILO technical cooperation.</p> <p>2011 AR: According to the Government: ILO technical cooperation is needed to increase training activities for stakeholders.</p> <p>The NCTL requested ILO technical assistance for the elaboration of training programmes for employers' and workers' organizations.</p> <p>2010 AR: According to the ECONTHAI: Training session by ILO's expert of the tripartite partners on the ILS is needed. According to the NCTL: There is a need of more information on the PR through explanatory documents to distribute to workers.</p> <p>According to the SEWFOT: Needs for technical cooperation to facilitate the realization of the PR in Thailand exist in the following areas: (i) educate and train the responsible tripartite partners on how to better promote and realise the PR; (ii) strengthening social dialogue; (iii) limitation of coming migrant workers in the country.</p> <p>2009 AR: According to the Government: The ongoing ILO programme should be maintained to support Thailand.</p> <p>2008 AR: The ECONTHAI requested ILO technical assistance for the elaboration of training programmes.</p> <p>The NCTL also called for the same assistance and added that assistance would be needed on the translation and vulgarization of the PR into the vernacular languages.</p> <p>2007 AR: According to the Government: With a view to ratifying C.87 and C.98, ILO technical cooperation is needed to harmonize national labour laws with the provisions of these Conventions.</p> <p>The ECOT requested ILO technical cooperation for awareness-raising activities on the PR.</p> <p>2005 AR: According to the Government: Needs for technical cooperation to facilitate the realization of the PR in Thailand exist in the following areas, in order of priority: (1) strengthening capacity of workers' organizations; (2) strengthening tripartite social dialogue; (3) awareness-raising, legal literacy and advocacy; (4) strengthening data collection and capacity for statistical analysis; (5) sharing of experiences across countries/regions; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; training of other officials; assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR.</p> <p>2001-2005 ARs: According to the Government: There is a need for further ILO cooperation in terms of capacity building and reporting.</p>
	Offer	NIL.
EXPERT-ADVISERS' OBSERVATIONS-RECOMMENDATIONS		<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) welcomed the inclusion of the principle and right within the Constitution of Thailand. They also acknowledged the high number of promotional activities concerning the realization of the PR in Thailand (and some other countries), and encouraged the Office to maintain its support to these activities. However, they noted that restrictions on the right to organize of certain categories of workers in Thailand, such as migrant workers, workers in the public service and agricultural workers, were not compatible with the realization of this principle and right (cf. paragraphs 33, 35 and 38 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The ILO Declaration Expert-Advisers (IDEAs) listed Thailand among the countries where some efforts were being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification (cf. paragraph 13 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003 AR: The IDEAs were encouraged to see the Government of Thailand pointing out the needs in this country to strengthen the capacity building of workers' and employers' organizations and that it turned to the ILO for help. In light of requests by Thailand for ILO cooperation in assessing the difficulties and implications for realizing the principle and right, they called upon the Governing Body to request that high-level contacts be made straight away between the Office and two or three countries not yet served by ILO technical projects in this field (cf. paragraphs 73 and 74 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p>
GOVERNING BODY OBSERVATIONS/RECOMMENDATIONS		<p>2015 AR: At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office's resource mobilization initiatives.</p> <p>2013 AR: At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal</p>

	<p>nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p> <p>2011 AR: At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101st Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2013 AR: In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316th Session in November 2012.</p> <p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>