

# COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Thailand - 2022

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

### REPORTING

#### Fulfilment of Government's reporting obligations

87-98 Fulfilment of Government's reporting obligations

yes

#### Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, the Government consulted? [10.1]

a) The most representative employers' organizations, b) The most representative workers' organizations

94. Description of the consultation process(es). [10.2]

The copy of the government report is circulated to employers' and workers' organization for their comments and inputs on 21 November 2022.

### OBSERVATIONS BY THE SOCIAL PARTNERS

#### Employers' and workers' organizations

95. Did employers organizations comment on the report? [11a]

No

97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them

As of 2 December 2022, there is no comment from either employers' or workers' organization. Any responses received will be posted to the following url:  
[https://www.dropbox.com/sh/nmwdowh3bouto3l/AAD2rNqLFOe\\_dQbBFUf97jfOa?dl=0](https://www.dropbox.com/sh/nmwdowh3bouto3l/AAD2rNqLFOe_dQbBFUf97jfOa?dl=0)

## EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT

### Ratification

#### Ratification status

87-98 Ratification status

Neither convention is ratified

#### Ratification intention

6. What are the prospects for ratification of Convention No. 87?

Likely

7. What are the prospects for ratification of Convention No. 98?

Likely

8. The impediments to the ratification of Convention No. 87 and/or Convention No. 98

The amendment of related laws that need to take into account of the development of the labour relation and changing socio-economic situation, in particular the amendment of the Labour Relations Act B.E. 2518 (1975) and the State Enterprise Labour Relations Act B.E. 2543 (2000), as well as the amendment of other relevant internal laws such as the laws and regulation of the Office of the Civil Service Commission (OCSC) to be aligned with the provisions of the Convention 87 and 98. After the Labour Relations Acts and the relevant laws have been amended and come into force, the Ministry of Labour will proceed to ratify the ILO Convention Nos. 98 and 87 respectively, according to the process prescribed in the Constitution of Thailand.

### Recognition of the principle and right (prospect(s), means of action, basic legal provisions)

#### Constitution

9. Have there been changes in law and practice in your country as regards freedom of association and the effective recognition of the right to collective bargaining?

Yes

10.b.

At present the draft Labour Relations Act B.E. .... and the draft Labour Relations in State Enterprise Act B.E. .... as amended was considered by the Council of State and the

	both draft Acts is being processed in the following steps: 1) the draft Labour Relations Act B.E. .... is in the process of joint discussion among the Ministry of Labour, the Council of State and Workers' Representatives to reach settlement in particular issues before proposing to the Cabinet for further consideration. 2) the draft Labour Relations in State Enterprise Act B.E. .... is in the process of consideration by the House of Representatives
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## Policy-Legislation and/or Regulations

9. Have there been changes in law and practice in your country as regards freedom of association and the effective recognition of the right to collective bargaining?	Yes
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## Judicial decisions

9. Have there been changes in law and practice in your country as regards freedom of association and the effective recognition of the right to collective bargaining?	Yes
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## Exercise of the principle and right

### At national level (enterprise, sector/ industry) and international level

#### For Employers and workers

12.1. Please specify and indicate the involvement of social partners.	In order to enhance good labour relations between employers, workers and trade unions, both parties should be compromised by being both givers and takers. These mean the employers should provide what the workers need as appropriate, while the workers should provide the outputs, or work which is efficient in good quality in return. To promote welfare and improve workers the quality of life, Thailand continues to implement project to encourage long-term relationships between employers and workers, with good attitude and a sense of unity, as well as seeking a way forward in addressing labour issues. In addition, social partners are members of the Ministry of Labour's tripartite committees, such as the Labour Welfare Committee, the Labour Relations Committee, and the State Enterprise Labour Relations Committee, etc.
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#### Special attention to particular situations

14. Has particular attention been paid to specific groups of population, workers or sectors of activity in the efforts to	Yes
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promote freedom of association and the effective recognition of the right to collective bargaining?

## Information/ Data collection and dissemination

12. If yes, please specify:

b) Information/data compilation, c) Training, e) Other related activities

12.e. Please specify other

b) Information/data compilation: Collection of data on the monitoring of employment agreements, employment conditions, claims, conflicts, labour disputes, employers' associations, labour unions, employers' federations, labour federations, employers' organization council and the employee organization council in the information system of the Department of Labour Protection and Welfare. Collecting input from public hearing on the draft Labour Relations Act B.E. .... and the draft Labour Relations in State Enterprise Act B.E. for further consideration. c) Training: such as the capacity building of conciliator officials and Training program for enterprises to acquire knowledge on labor relations through onsite and online systems. e) Other related activities: such as the National Labour Day, the excellence enterprise award in labour relations and labour welfare, and the excellent state Enterprise award in labour relations award

## Monitoring, enforcement and sanctions mechanisms

9. Have there been changes in law and practice in your country as regards freedom of association and the effective recognition of the right to collective bargaining?

Yes

## Involvement of the social partners

12.1. Please specify and indicate the involvement of social partners.

In order to enhance good labour relations between employers, workers and trade unions, both parties should be compromised by being both givers and takers. These mean the employers should provide what the workers need as appropriate, while the workers should provide the outputs, or work which is efficient in good quality in return. To promote welfare and improve workers the quality of life, Thailand continues to implement project to encourage long-term relationships between employers and workers, with good attitude and a sense of unity, as well as seeking a way forward in addressing labour issues. In addition, social partners are members of the Ministry of Labour's tripartite committees, such as the Labour Welfare Committee, the Labour Relations Committee, and the State Enterprise Labour Relations Committee, etc.

## Promotional activities

<p><b>13. Have any initiatives resulted in successful examples or good practice in promoting freedom of association and the effective recognition of the right to collective bargaining?</b></p>	<p>Yes</p>
<p><b>13.1. Please Specify</b></p>	<p>1) Encourage enterprises to implement Good Labour Practices (GLP) in labour management. Currently, there are 4 volumes of GLP consisting of (1) Good Labour Practices for General Enterprises (2) Good Labour Practices in Thailand's Seafood Industry (3) Good Labour Practices for Shrimp Farms in Thailand and (4) Good Labour Practices for Poultry Farms and Hatchery in Thailand. Every volume contains the content stipulating that enterprises should provide freedom of association and open communications. 2) Include a provision on freedom and collective bargaining as a requirement in the Thai Labour Standard (TLS) Social Responsibility of Business or TLS 8001 – 2020. 3) Honor enterprises with awarding system such as the Excellent Award on labour relations and welfare for the outstanding enterprises in labour relations and labour welfare, and the Thailand Labour Management Excellent Award for outstanding enterprises in labour management system. Good labour relations and labour welfare system are one of the criteria for these award.</p>

**Special initiatives/Progress**

<p><b>13. Have any initiatives resulted in successful examples or good practice in promoting freedom of association and the effective recognition of the right to collective bargaining?</b></p>	<p>Yes</p>
<p><b>13.1. Please Specify</b></p>	<p>1) Encourage enterprises to implement Good Labour Practices (GLP) in labour management. Currently, there are 4 volumes of GLP consisting of (1) Good Labour Practices for General Enterprises (2) Good Labour Practices in Thailand's Seafood Industry (3) Good Labour Practices for Shrimp Farms in Thailand and (4) Good Labour Practices for Poultry Farms and Hatchery in Thailand. Every volume contains the content stipulating that enterprises should provide freedom of association and open communications. 2) Include a provision on freedom and collective bargaining as a requirement in the Thai Labour Standard (TLS) Social Responsibility of Business or TLS 8001 – 2020. 3) Honor enterprises with awarding system such as the Excellent Award on labour relations and welfare for the outstanding enterprises in labour relations and labour welfare, and the Thailand Labour Management Excellent Award for outstanding enterprises in labour management system. Good labour relations and labour welfare system are one of the criteria for these award.</p>

**CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT**

**According to the social partners**

## Employers' and workers' organizations and the Government

16.d.

1) The situation of COVID-19 pandemic, including announcements and orders of the Center for Administrative Situation due to the outbreak of the Communicable Disease Coronavirus Disease 2019, limited the activities that require gathering of people with a view to preventing the spreading of disease. 2) Challenges in raising awareness and acceptance of the labor relations process for both employers and employees, in the economy that focuses on profit and survival rather than business partnerships.

## TECHNICAL COOPERATION

### Request

17.d.

case studies in addressing issues, such as complaints, conflicts and disputes

17.j.

Research or study on strategic resolution of collective bargaining or the settlement of labour disputes

17.i.

Strengthening capacity of workers' organizations on modern Labour relations process which values a negotiation in good faith.

17.h.

Strengthening capacity of employers' organizations on modern Labour relations process which values a negotiation in good faith.

17.j.

Research or study on strategic resolution of collective bargaining or the settlement of labour disputes

17.i.

Strengthening capacity of workers' organizations on modern Labour relations process which values a negotiation in good faith.

17.h.

Strengthening capacity of employers' organizations on modern Labour relations process which values a negotiation in good faith.

**17. What are the technical cooperation needs in your country to promote freedom of association and the effective recognition of the right to collective bargaining?**

d) Sharing of experiences across countries/regions,h)  
Strengthening capacity of employers' organizations,i)  
Strengthening capacity of workers' organizations,j)  
Strengthening tripartite social dialogue