

LABOR LAW IN THAILAND: PART 7 – The Labor Protection Act: work rules

The major legislation governing labor protection law in Thailand is the Labor Protection Act (the “LPA”). The LPA prescribes labor protection standards applicable to both employers and employees working in Thailand. However, the LPA does not apply to Government and State Enterprise employees.

Once an employer employs ten or more employees, that employer must provide “Work Rules”. These Work Rules must be provided in the Thai language and they must be announced and in force within fifteen days of the employer’s labor force reaching ten or more employees. And the employer must submit the Work Rules — as well as any later amendment to the Works Rules — to the Department of Labor Protection and Welfare within seven days of the Work Rules coming into force.

The employer’s Work Rules may contain any legally permissible conditions of employment. However, at a minimum, the Work Rules must include details of the following particulars:

- regular working hours and breaks;
- work holidays and the rules for taking holidays;
- rules concerning overtime work and work on holidays;
- the date and place of payment of wages, overtime pay, holiday pay and holiday overtime pay;
- leave and rules for taking leave;

- terms and procedure for employee discipline and punishment for employment misconduct by the employee;
- the procedure for the submission and consideration and settlement of complaints regarding employment conditions or issues by an employee to the employer;
- protections afforded to any such complaining employee; and
- the procedure and terms for termination of employment, severance pay, and special severance pay, if any.

The employer must distribute the Work Rules to all employees and post them in a conspicuous position at the work place. In the event that the employer less than ten employees at some later time, the Work Rules must remain in effect.

Note: any employer who violates or fails to comply with the LPA may be punished according to the level of his or her offence with a fine of Thai Baht 5,000 to Thai Baht 200,000, or imprisonment of up to one year, or both.

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