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**LABOUR &
EMPLOYMENT
DISPUTES**

Thailand

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Labour & Employment Disputes

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PRE-ACTION CONSIDERATIONS

Key Requirements

Are there any pre-action requirements for employment claims? If so, what are the consequences of non-compliance?

In Thailand, there are generally no pre-action requirements for filing an employment claim with the Labour Court. However, for certain types of employment claims, the plaintiff must satisfy certain actions before he/she can file a claim with the Labour Court. Failure to comply with such requirements would result in the Labour Court's dismissal of the complaint. For instance, an employee filing a claim for unfair treatment pursuant to sections 121 or 123 of the Labour Relations Act BE 2518 (1975) must file a labour claim with the Labour Relations Committee first. The employee can then file a claim for revocation of the Labour Relations Committee's order if he/she disagrees with the order.

Law stated - 19 August 2024

Third-party funding

Are there any rules or restrictions on third parties funding the costs of litigation or agreeing to pay adverse costs?

There are no Thai laws or regulations that specifically mention third-party funding. However, third-party funding may not be recognised by Thai courts and may be deemed contrary to 'public order or good morals' (ie, public policy) and thus legally unenforceable. According to Supreme Court precedent, an agreement where a third party receives benefits in return for funding litigation or arbitration without their involvement in the dispute is considered an act of seeking benefit from the legal proceedings of others. The Supreme Court views such funding arrangements where the funder has no interest or involvement in the case as contrary to public order and good morals.

Law stated - 19 August 2024

Contingency fee arrangements

Can lawyers act on a contingency fee basis? What options are available? What issues should be considered before entering into a contingency fee arrangement?

There are no Thai laws or regulations that specifically prohibit contingency fee agreements. However, contingency fee arrangements may be deemed contrary to 'public order or good morals' (ie, public policy) and thus legally unenforceable if the courts find that such arrangements result in the lawyer sharing a financial interest in the case outcome that would not have existed otherwise.

Law stated - 19 August 2024

ISSUING A CLAIM

Forum

What is the appropriate forum for complaints concerning individual employment rights?

Complaints concerning employment rights must generally be filed with the Labour Court. However, for certain types of labour claims, the law requires a specific forum in which the labour claims must be made. For instance, an employee filing a claim for unfair treatment pursuant to sections 121 or 123 of the Labour Relations Act BE 2518 (1975) must file a labour claim with the Labour Relations Committee first. The employee and the employer can then file a claim for revocation of the Labour Relations Committee's order if the party disagrees with the order.

Furthermore, for some labour claims, employment laws provide the alternative of filing a labour claim with the labour authority under the applicable employment law instead of with the Labour Court. For instance, an employee making a labour claim against its employer for any payment under the Labour Protection Act BE 2541 (1998), namely wages, severance pay, and/or payment in lieu of advanced notice, may file their claim with the Labour Inspector instead of with the Labour Court.

Law stated - 19 August 2024

Territorial jurisdiction

Are there any limitations on territorial jurisdiction?

Labour claims generally must be filed with the Labour Court in the territory in which the underlying claim arises, which, in most cases, will be the location of the employee's workplace. Alternatively, the plaintiff in such claim may instead file a labour claim with the Labour Court in the territory in which the plaintiff or the defendant's domicile is located. In such case, the plaintiff must submit a petition for the Court's permission, proving that the trial at such alternative Labour Court will be more convenient. The Labour Court has the discretion whether to grant the plaintiff's petition.

Law stated - 19 August 2024

Standing

Who can bring a claim?

Any person whose rights under an employment agreement or employment law have been violated or any person who wishes to exercise his/her rights under an employment agreement or employment law is entitled to file a labour claim with the Labour Court or the competent labour authorities, depending on the nature of the underlying claims.

Law stated - 19 August 2024

Commencing claims

| How are claims commenced?

Any person whose rights under an employment agreement or employment law have been violated or any person who wishes to exercise his/her rights under an employment agreement or employment law can file a labour claim directly with the Labour Court. However, for some specific types of labour claims, the employment laws require a specific forum in which the labour claims must be made. For instance, an employee filing a claim for unfair treatment pursuant to sections 121 or 123 of the Labour Relations Act BE 2518 (1975) must file a labour claim with the Labour Relations Committee first. The employee and the employer can then file a claim for revocation of the Labour Relations Committee's order if he/she disagrees with the order.

Furthermore, for some labour claims, the employment laws provide the alternative of filing a labour claim with the labour authority under the respective employment laws instead of with the Labour Court. For instance, an employee making a labour claim against its employer for any payment under the Labour Protection Act BE 2541 (1998), namely wages, severance pay, payment in lieu of an advanced notice, may file such labour claim with the Labour Inspector instead of with the Labour Court.

Law stated - 19 August 2024

| Fees

Are fees payable for the issuing of a claim?

There are no court fees for filing a labour claim with the Labour Court and for any subsequent court procedures, including filing fees and fees for the service of summons on the defendant. However, for certain types of claims, the employment laws require the plaintiff to deposit money as a condition for filing such labour claims with the Labour Court. For instance, section 125 paragraph 3 of the Labour Protection Act BE 2541 (1998) requires an employer filing a claim for a revocation of the Labour Inspector's order to deposit the same amount that he/she is owed under the Labour Inspector's order to the Labour Court in order for the Labour Court to accept his/her complaint.

Law stated - 19 August 2024

| Service

Is any qualifying service required?

At the time of filing a labour claim, the plaintiff must submit a request for the Labour Court to serve a summons and a copy of the complaint to the defendant's domicile. The Labour Court has the discretion to require the plaintiff to submit any statement or supporting evidence for the purpose of such service. Failure to comply with such order of the Labour Court may result in the Labour Court striking the case from the Labour Court's records. However, after any labour court accepts any labour claim, the labour courts will serve the summons to the other party without any fees charged to the plaintiff.

Law stated - 19 August 2024

Defendants and legal personality

Against whom can a claim be brought? Can claims be brought against natural persons as well as corporations?

A labour claim can be brought against both natural persons and juristic persons.

Law stated - 19 August 2024

Types of claims

What types of claims can be brought?

Claims that can be brought to the Labour Court are generally those concerning the rights or duties under an employment agreement or labour laws. Section 8 of the Thai Labour Court and Labour Procedure Act BE 2522 (1979) provides the following list of types of claims that can be brought to the Labour Court:

- (1) Claims regarding the rights or duties under an employment agreement or an agreement related to employment conditions.
- (2) Claims regarding the rights under the laws of labour protection, labour relations, state enterprise's labour relations, job seeker protection, social security, or workmen's compensation.
- (3) The cases where a person wishes to exercise his/her rights under the laws of labour protection, labour relations, or state enterprise's labour relations to the Labour Court.
- (4) Appeals against an order of the labour authorities under the labour protection law, the Labour Relations Committee or the Minister of Labour under the labour relations law, the Appeal Committee under the social security law, or the Committee of the Workmen's compensation Fund under the workmen's compensation law.
- (5) Claims arising from a wrongful act between an employer or an employee in consequence of a labour dispute or a performance according to an employment agreement, as well as a wrongful act between employees occurring in the course of employment.
- (6) Labour disputes that the Minister of Labour requests the Labour Court to consider according to the labour relations law, the state enterprise's labour relations law, or the job seeker protection law.
- (7) Claims that the law stipulates to be in the Labour Court's jurisdiction.

Law stated - 19 August 2024

Time limits

What are the time limits for bringing employment claims?

The time limits for filing a labour claim with the Labour Court vary depending on the nature of the labour claim. For example, claims for wages under the Labour Protection Act BE 2541 (1998) must be filed within two years. Claims for severance pay under the Labour Protection

Act BE 2541 (1998) and claims for an unfair termination compensation under the Labour Court and Labour Procedure Act BE 2522 (1975) must be filed within 10 years. Claims for interest payment must be filed within five years.

Furthermore, there are also different time limits for commencing certain specific employment claims. For instance, section 125 of the Labour Protection Act BE 2541 (1998) requires that a claim for a revocation of the Labour Inspector's order be filed with the Court within 30 days from when the plaintiff becomes aware of the order. Claims for an unfair practice under sections 121 and 123 of the Labour Relations Act BE 2518 (1975) must be filed with the Labour Relations Committee within 60 days of the unfair treatment.

Law stated - 19 August 2024

Counterclaims

Can any counterclaims be brought by an employer?

Defendants can file a counterclaim together within an answer to the complaint, provided that the counterclaim pertains to the original complaint. The defendant's counterclaim must also meet the substantive requirements of the complaint, including elaborating clear underlying grounds and reliefs sought.

Law stated - 19 August 2024

CASE MANAGEMENT

Procedure

What is the typical sequence of procedural steps in an employment dispute?

Once a labour claim has been filed with the Labour Court, the court will normally schedule a hearing for mediation first. If the parties reach an agreement, the case would typically be resolved by either the plaintiff's withdrawal of the claim or the parties' reaching of a compromise agreement and the Court's consent to such compromise agreement.

However, if the mediation fails, the Court would proceed to schedule a pre-trial hearing and order the defendant to submit an answer to the complaint, with possible extensions of time upon request and the C's permission, which would typically be granted to until the pre-trial hearing.

At the pre-trial hearing, the court would determine the disputed issues based on the complaint and the answer and would determine the witness examination (trial) arrangements, including the number of witnesses, the parties' allocated time to present their witnesses, and the witness examination hearing dates. The court would also enter orders for the parties to submit written witness statement(s) and relevant documentary and object evidence to the court before the witness examination hearing dates.

After the witness examination hearing, the court will schedule a judgment hearing typically one to two months after the last witness examination hearing in order to allow the parties' submission of a closing statement.

The losing party has the right to appeal the lower court's judgment, only on legal issues, within 15 days, with possible extensions upon request and the court's permission. The appeal court's judgment is subject to a final appeal to the Supreme Court by the losing party within one month, with possible extensions upon request and the court's permission. The final appeal must be submitted together with a petition for the Supreme Court's permission to accept the final appeal for consideration, elaborating on how the claim pertains issues that are worthy of the Supreme Court's consideration.

Alternatively, in the event that a labour claim is commenced by filing a labour claim with the respective labour authority, once the labour claim has been filed, the labour authority will generally call the alleged party to provide statements of facts and to provide supporting evidence in response to the complaint. After determining that there are sufficient facts and evidence, the labour authority will issue an order. The labour authority's order is subject to appeal to the competent Labour Court (by way of filing a claim for the revocation of the labour authority's order) in accordance with the requirements under the respective employment laws.

Law stated - 19 August 2024

Rules

What rules apply to case management?

The provisions of the Labour Court and Labour Procedure Act BE 2522 (1979) and Regulation of the Labour Court are the primary rules that govern proceedings in the Labour Court. In the absence of specific provisions under the Labour Court and Labour Procedure Act BE 2522 (1979), the provisions of the Civil Procedure Code shall apply in so far as it does not contradict with the provisions of the Labour Court and Labour Procedure Act BE 2522 (1979).

Law stated - 19 August 2024

Amendments to claims

Under what circumstances can amendments to claims be made?

Plaintiffs may petition the Labour Court for permission to amend the complaint before the hearing for the Court's determination of the disputed issues or at least seven days before the witness examination hearing dates where there is no hearing for the determination of disputed issues. The permitted scope of amendments generally includes increasing or lowering the claim amount, waiving certain claims, providing further elaboration on the complaint, or amending the underlying allegations or claims. The plaintiff may petition the court for permission to amend the complaint after the foregoing periods of time if there were reasonable grounds preventing the plaintiff from submitting such petition earlier or the amendment involves an issue concerning public order or a slight mistake.

Law stated - 19 August 2024

Adding parties to proceedings

Can additional parties be brought into a case after commencement?

Any third parties related to the case may be brought into the case as co-plaintiffs, co-defendants, or interpleaders after the case commences. Interpleading may occur either by the third-party's voluntary petition to the court or by the court's summons upon the party's petition or at the court's own initiative upon its discretion.

Law stated - 19 August 2024

Consolidating proceedings Can proceedings be consolidated?

Pending court proceedings which contain the same set of parties, whether in the same or different courts, including those in the Labour Courts, may be consolidated. The consolidation may occur upon either party's petition before the lower court's judgment or at the court's own initiative, subject to the court's determination that the cases are related to one another and that the consolidation will cause the proceedings to be more convenient.

Law stated - 19 August 2024

Class and collective actions – special considerations Are there any special considerations for class actions, multi-party or group litigation?

For certain types of claims, including labour claims, the Civil Procedure Code allows the plaintiff to petition the court to conduct class action proceedings. The court shall permit such petition only if the plaintiff is able to prove to the court's satisfaction that there is a class of persons sufficiently sharing the same specific characteristics, interests, and underlying claims with those of the plaintiff's, and that the class action proceedings will be more efficient and convenient than ordinary proceedings. In the event that the court permits the class action proceedings, the court's judgment will be binding upon the class members even though they are not direct parties to the case.

However, it is more common in Thailand for disputed parties, which in most cases would be employees, to join together as co-plaintiffs to file a labour claim against their employer with the competent Labour Court instead of petitioning for class action proceedings. In the case of multiple employee-plaintiffs, the Labour Court may designate the plaintiffs' representative(s) to act on behalf of the employee-plaintiffs for the purpose of court proceedings in the case.

Law stated - 19 August 2024

Evidence How is witness, documentary and expert evidence dealt with?

The Labour Court has the unique power to take the initiative in seeking evidence by requiring the parties or any related persons to produce relevant documentary evidence, statements, or

expert testimony or evidence that the Labour Court deems relevant to the case. The Labour Court also has the authority to question all witnesses. The parties or lawyers may question the witnesses only with the Labour Court's permission.

Furthermore, similar to an ordinary civil claim in Thailand, it is also common for the Labour Court, upon the parties' agreement, to require the parties to submit written witness statements in lieu of witness questioning to the court before the witness examination. Any documentary and object evidence, and translations thereof, must also be submitted to the court before the witness examination hearing dates.

Law stated - 19 August 2024

Witnesses

Can a witness be compelled to give evidence? Can a witness give evidence from abroad?

The Labour Court has the power to summon any persons to testify as a witness or to issue a subpoena order to any persons requiring their production of documentary or object evidence that the Labour Court deems relevant to the case. The Labour Court also has the power to issue summonses or subpoenas upon the parties' request or at the Court's own initiative.

Law stated - 19 August 2024

Witnesses

Is cross examination of a witness permitted?

A witness may testify from abroad upon the Labour Court's permission. In the event that the court permits such testimony, the testimony would typically be by virtual means, and the Court can also impose requirements for such virtual testimony. For instance, the Court may require the witness to be in an appropriate place (for instance, a court or an official office), and to be accompanied by another person who can verify the witness' identity.

Law stated - 19 August 2024

Tactical considerations

What steps can a party take during proceedings to achieve tactical advantage in a case?

The Civil Procedure Code, which applies to Labour Court proceedings, provides legal tools that the parties may utilise to achieve a tactical advantage in their case. For instance, either party can petition for the court to enter a preliminary order on a legal issue that, if decided in their favour, may resolve all or certain issues of the case without a full hearing. However, in practice, the Court tends to defer these issues to consideration and decision at a later stage instead of deciding the issues straightaway. Furthermore, the parties have the option of reaching a settlement and concluding an in-court compromise agreement. This option

would result in the Court's consent judgment in accordance with the compromise agreement, resolving the case without a full hearing.

Law stated - 19 August 2024

INTERIM RELIEF

Availability

Can interim relief be sought in employment disputes? If so, in what types of claims?

Interim relief can generally be sought in employment disputes. For instance, in a labour claim where an employee-plaintiff claims any payments under the Labour Protection Act BE 2541 (1998) from an employer-defendant, the plaintiff may petition for the court's order for a seizure or attachment of the defendant's assets. In the labour claim where the plaintiff alleges that the defendant breaches the employment agreement, the plaintiff may petition for the court's order refraining the defendant from repeating or continuing the acts constituting such breach.

Law stated - 19 August 2024

Requirements

Are there any particular requirements relating to applications for interim relief?

Plaintiffs seeking interim relief must submit a petition to the court proving to the Court's satisfaction that the complaint has a preliminary basis and there is sufficient grounds for requested interim relief to be applied, the circumstances for which vary depending on the nature of the claims and are on a case-by-case basis.

Law stated - 19 August 2024

TRIAL

Hearings – conduct and typical time frames

How is a final hearing conducted for common types of employment disputes? How long does a hearing typically last?

The final hearing in an employment dispute is the judgment hearing. At this hearing, the Labour Court would read the judgment to the parties and issue an order for the defendant's compliance with the court's judgment if the judgment requires the defendant's performance. The judgment hearing typically takes approximately one to two hours, depending on whether there is any other case on the same schedule as the employment disputes in question and the length of the court's judgment. The official copy of the court's judgment is typically available to the parties within seven to 10 business days.

Law stated - 19 August 2024

Confidentiality and public access

How is confidentiality treated? Can all evidence be publicly accessed? How are sensitive employment issues dealt with? Is public access granted to the courts?

As a general rule, only the parties to the case can access or review the case file, which includes the parties' pleadings and submissions, evidence, mediation reports, and court's memoranda. Any related persons who are not parties to the case may be granted access to the case file only upon a written request and the court's permission. Particularly, mediation reports and mediation discussions are kept confidential and typically in a separate file from the case file. Similarly, the Labour Court conducts all trials openly, except when the court issues an order for conducting a case confidentially based upon special reasons. However, the public has a limited right to access some very limited information (such as the names of the parties and some very brief details regarding the claims) via the court's computer database.

Law stated - 19 August 2024

Media reporting

How is media interest dealt with? Are there any restrictions on media reporting?

The Labour Court normally allows the parties, lawyers, related persons and the public to be in a courtroom during court proceedings. It is also a general rule that any form of recording, whether by picture, video, or voice recording is not permitted in the courtroom. Any person violating such rule may be found in contempt of court. Nevertheless, the Civil Procedure Code does not impose restrictions on media reporting of court cases and court proceedings, but there may be potential liabilities relevant to defamation, both civil and criminal, associated with such reporting.

Law stated - 19 August 2024

Elements of successful claims and burden of proof

How does a court decide if the claims or allegations are proven? What are the elements required to find in favour, and what is the burden of proof?

In a labour claim, both parties generally bear the burden of proof for their claims and defences, the standard of which is preponderance of evidence.

Law stated - 19 August 2024

ALTERNATIVE DISPUTE RESOLUTION

Available types

What types of alternative dispute resolution (ADR) are available for employment disputes in your jurisdiction?

Labour claim filed with the Labour Court must undergo at least one session of mediation. Even if this mandatory mediation session fails, the parties can still engage in a mediation session and the Labour Court can engage the parties to do so at any stage of the court proceedings up until the reading of the lower court's judgment. If the parties are able to reach a settlement, the parties can conclude an in-court compromise agreement and the Labour Court would render a judgment in accordance with such compromise agreement to resolve the claim. Alternatively, the plaintiff can withdraw the claim to enter into an out-of-court compromise agreement to resolve the claim.

Labour claims are also subject to arbitration upon the parties' agreement, whether by an arbitration clause in the employment agreement or by a separate agreement between the parties to refer the claims to an arbitration.

However, certain types of labour cases, particularly those related to labour protection laws, may not be eligible for alternative dispute resolution methods. This restriction is because these cases involve disputes concerning legal rights under laws related to public order or good morals.

Law stated - 19 August 2024

Requirements and expectations

Are the parties required or expected to engage in ADR at the pre-action stage or later in the case? What are the consequences of failing to engage in ADR?

Once a labour claim has been filed with the Labour Court, the labour claim must undergo at least one mandatory session of mediation before the Labour Court could conduct any further proceedings. Labour Court proceedings conducted without a mediation session would be deemed improper. In the event that such labour claim proceeds to the appeal court or the Supreme Court, the appeal court or the Supreme Court has the power to revert the case file back to the lower court to engage the parties in a mediation first and to conduct court proceedings again after the mediation session.

Law stated - 19 August 2024

Enforcement

How are ADR decisions and awards enforced for employment disputes in your jurisdiction?

In Thailand, ADR decisions and awards are enforced through filing a claim with the court. A party seeking to enforce an out-of-court compromise agreement must file a civil claim for breach of contract with the court. On the other hand, since an in-court compromise agreement typically contains a clause permitting a commencement of an immediate legal execution upon breach, a party seeking to enforce such in-court compromise agreement can typically initiate legal execution procedures upon the debtor without the need to file a

separate civil claim. A party seeking to enforce an arbitral award rendered in Thailand or in foreign jurisdictions must file a claim with the Thai court within three years.

Law stated - 19 August 2024

COLLECTIVE EMPLOYMENT AND LABOUR RIGHTS

Enforcement of collective rights

How are collective employment rights enforced?

In Thailand, collective employment rights are reflected in a collective bargaining agreement pursuant to the Labour Relations Act BE 2518 (1975). The collective bargaining agreement is a product of the exchanges of demands and negotiations between the employer and the employee in accordance with the provisions of the Labour Relations Act BE 2518 (1975). In the event that no agreement could be reached, thereby constituting a labour dispute, the employee and the employer will have to notify the Conciliation Officer, the officer must conduct a mediation for both parties and both parties must proceed with the LRA's process until they determine that a settlement cannot be reached. Thereafter, the employee and the employer will generally have the right to strike and to lock-out, respectively, in accordance with the requirements under the Labour Relations Act BE 2518 (1975). Once a collective bargaining agreement is concluded and a dispute concerning such agreement arises, the parties can file a labour claim with the competent Labour Court to enforce such agreement.

Law stated - 19 August 2024

Standing

Who can bring a claim in relation to collective employment rights?

The parties to a collective bargaining agreement, typically the employee and the employer, as well as their representatives, can bring a claim to the competent Labour Court.

Law stated - 19 August 2024

REMEDIES AND ENFORCEMENT

Available remedies

What remedies are available?

The remedies available in a labour claim vary depending on the nature of the claim. The remedies include payments for claims for outstanding payments under employment laws, an order requiring the employer to reinstate the employee and/or compensation for an unfair termination claim, or contractual performance for a claim for breach of an employment contract.

Law stated - 19 August 2024

Assessing compensation

How is any compensation assessed?

The determination of compensation amount is a factual issue and is subject to the Labour Court's sole discretion based on the evidence. In a labour claim, the Labour Court is required to take into account the work conditions, the living costs, the employee's distress, the amount of wages, or any other benefits that the employees in the same type of business receive, as well as the financial condition of the employer's business and the economic and social circumstances in general when considering a labour claim. Specifically, in a claim for unfair termination, the Labour Court is required to consider the employee's age, length of service, the employee's distress as a result of the termination, the grounds for termination, and severance pay to which the employee is entitled, when assessing and determining compensation to be awarded to the employee.

Law stated - 19 August 2024

Enforcement mechanisms

How can any judgment be enforced?

In labour claims, court judgments are typically enforced through legal execution procedures. If the judgment requires the defendant's payment, and the defendant fails to comply with the judgment, the plaintiff may petition for enforcement to collect such payment via public auction of defendant's assets.

Law stated - 19 August 2024

APPEALS

Appeal procedure and time frames

How and when can judgments be appealed? How many stages of appeal are there and how long do appeals tend to last?

In labour claims, the lower court's judgment is subject to appeal only on issues of law by the losing party within 15 days, with possible extensions upon request and the court's permission. The timeframe for the appeal court's consideration until the appeal court's judgment could take approximately six to 12 months, depending on the amount of evidence and facts and the case complexity.

The appeal court's judgment is subject to a final appeal to the Supreme Court by the losing party within one month, with possible extensions upon request and the court's permission. The final appeal must be submitted together with a petition for the Supreme Court's permission to accept the final appeal for consideration, elaborating on how the claim pertains to issues that are worthy of the Supreme Court's consideration. The timeframe for the Supreme Court's stage could take approximately six to 12 months or more, depending on the amount of evidence and facts and the case complexity.

Law stated - 19 August 2024

Other means of challenge

Can a judgment be challenged other than through the appeal process?

In Thailand, a judgment, including in a labour claim, generally cannot be challenged other than through the appeal process.

Law stated - 19 August 2024

UPDATE AND TRENDS

Recent cases and developments

What are the key cases, decisions, judgments and policy and legislative developments of the past year?

A recent update to Thailand's Labour Protection Act (LPA) has formalised work-from-home arrangements, introducing important provisions for both employers and employees. One key element is the right to disconnect, which allows employees to refuse work-related communication outside of regular working hours. This measure is intended to safeguard employees' personal time, helping to maintain a healthy work-life balance.

The law also requires that remote workers be treated equally to their on-site colleagues in terms of benefits and opportunities. However, the legislation does not impose an obligation on employers to permit remote work, leaving this decision up to their discretion. Notably, the law does not include criminal penalties for non-compliance, such as failing to allow remote work or occasionally breaching the right to disconnect. This suggests that the legislation aims to guide and encourage best practices rather than enforce them rigidly.

These provisions reflect a balanced approach that supports modern work arrangements while respecting the operational needs of businesses.

Law stated - 19 August 2024

Technology developments

What impact is technology having on employment litigation in your jurisdiction?

The Court Integral Online Service (CIOS) is one of the key features that have been introduced to facilitate litigation. Applicable to most cases, including labour claims, the CIOS serves as a one-stop-service online platform, allowing parties and lawyers to submit pleadings and evidence and to request a copy of documents without the need to personally appear before the court. Specifically, for a labour claim, the CIOS provides a shortcut for the parties to request for the Labour Court to conduct a virtual hearing instead of a traditional petition to the Labour Court.

Law stated - 19 August 2024

Other issues

Are there any other special considerations to be taken into account when defending an employment claim in your jurisdiction?

The primary purpose of Thai employment law is generally to protect the interest of employees who, in the eyes of the law, are deemed to be at a disadvantage in terms of costs and knowledge compared to their employers. This shifts the burden of proof in labour claims to employers to prove to the Labour Court's satisfaction that their claim is admissible and holds more weight than the opposing employee. In order to maximise their chances of success, the employer has to substantiate and demonstrate that the actions they took were necessary and reasonable. The employer must be able to address potential questions or arguments from the court and the opposing employee with sufficient and concrete evidence, while also negating the opposing employee's purported claim or defence and evidence.

Law stated - 19 August 2024