

Topics April 2023

Explanation by Ministry of Labour : Labour Protection Act (No.8) B.E.2566 (2023)

According to the Labour Protection Act (No. 8) B.E. 2566 (2023), announced in the Government Gazette on 19th March B.E.2566 (2023) and the law shall come into force on 18th April B.E.2566 (2023), this law issued to enforce work in accordance with the changing working situation. According to the allowing that employers and employees can make the agreement to work in the non-office of employers and to work by information technologies from any place, the Department of Labour Protection and Welfare has therefore prepared an explanation according to the Act. In order to understand clearly and practice correctly.

Subject 1 Employees to work from their domiciles or accommodations and to work by information technologies from any place, relevant laws under section 23/1, paragraph one

In the case, the employers and the employees can agree that the employee can to work from their domiciles or accommodations and to work by information technologies from any place. As such, it was seen that the new work style must be established by mutual agreement. It is not obligatory for employers to provide employees to work from their domiciles or accommodations and to work by information technologies from any place if the employer has not agreed to such a form of work. An employee shall have the duty to go to work at the place specified by the employer.

Subject 2 Framework for the agreement(s) between employers and employees under Section 23/1, paragraph two

In the case where the employers and the employees have agreed that the employee may take the official work out of the normal place of work under the Section 23/1, paragraph one. The employer has a duty to provide an agreement with details under Section 23/1, paragraph two (1)-(5), which must be made in writing or the electronic data form.

In this case that there is an agreement between both parties that an employee works outside the employer's place of business or work in a manner through information technology before the Labor Protection Act (No. 8) B.E.2566 (2023) Employers have a duty to prepare written or the electronic data form to be accurate as required by law.

However, both parties may agree on various details in addition to the second paragraph of Section 23/1 (1) – (5), such as turning on the camera during working hours or setting conditions for traveling out of the house or accommodation during working hours, etc.

Subject 3 The rights to disconnect from employee's communication with the employers after the end of the working period under Section 23/1, paragraph three

The employees have the rights to refuse to communicate with the employers after the end of normal working hours as agreed with the employers. Unless the employees have given prior written consent. In order not to cause the employers to not be able to communicate the employees in out of non-working time, when working out of non-working time in the normal workplace to punish the employees

Although the employees have agreed that the employers can communicate to the employees out of non-working time. Such communication should only be made in case of the urgent need and must not involve employees working. If the communication between both parties that the employees have to work, the employers must pay overtime as required by law.

Also, if the employees want to cancel the consent can be made in advance written notice to the employers.

Subject 4 The rights and duties of employees working outside the employer's place of business, relevant laws under Section 23/1, paragraph four

In the case that the employees work outside the office of employers or to work by information technologies from any place. Employees have the same rights as working in the office of employes in all respects.

Subject 5 The sanction of the law

To encourage work in accordance with Section 21/3 of the Labour Protection Act B.E. 2541 (1998), There are no criminal penalties if they are not followed, but if both parties have agreed to work in such manner, but there is made in writing or the electronic data form. Labour inspecstor may order employers to comply with Section 139 (3) of the Labour Protection Act B.E. 2541 (1998).