



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: THAILAND

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to Government: Involvement of the Employers' Confederation of Thailand (ECOT); Employers' Confederation of Thai Trade and Industry (ECONTHAI); Labour Congress of Thailand; and The National Congress of Thai Labour (NCTL) through consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the ECONTHAI. 2007 AR: Observations by the ECOT. 2004 AR: Observations by the ECONTHAI. 2003 AR: Observations by the ECOT.	
	Workers' organizations	2008 AR: Observations by the NCTL. 2007 AR: Observations by the NCTL. 2005 AR: Observations by the NCTL. 2002 AR: Observations by the NCTL. 2001 AR: Observations by the World Confederation of Labour (WCL).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Thailand ratified in 1999 the Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	YES, since 2002, for the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). 2008 AR: The ECONTHAI and the NCTL indicated their support to ratification of C.111 by Thailand. 2007 AR: The ECOT expressed its support for ratification of C.111 by Thailand. 2004 AR: According to the Government: The major duties of the Department of Labour Protection and Welfare are to develop national labour standards in accordance with International Labour Standards (ILS),

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

			including the principle and right (PR). 2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.111.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES The 1997 Constitution (article 30) provides that all persons are equal before the law and shall enjoy equal protection under the law, irrespective of their sex. Article 80 of the Constitution states that the State shall protect and develop children and youth, promote gender equality, and sustain families and communities.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: <p>2004 AR: According to the Government: The Ministry of Labour, through the Department of Labour Protection and Welfare, intends to eliminate discrimination in respect of employment and occupation.</p> <p>2003 AR: According to the Government: A set of policies in relation to the PR has been implemented. These include urgent policies, income generating policies, labour development policies, gender issues, etc.</p> <p>2001- 2002 ARs: According to the Government: The Department of Labour Protection and Welfare (DLPW) had established the Result-Based Labour Inspection programme in order to address discrimination in employment and occupation. Policies had been set up for rural areas, disabled people, tribal people, elderly people, migrant workers, and women.</p> <p>2000 AR: According to the Government: The 8th National Economic and Social Development Plan has been established, the objectives of which included combating discrimination in employment and occupation.</p> <ul style="list-style-type: none"> • Legislation <p>The Labour Protection Act B.E 2541 (1998) addresses the PR, and includes human rights principles (Chapter 8, Sections 199- 200). The Disabled Act of 1991 also deals with the PR.</p>
		Basic legal provisions	(i) The 1997 Constitution (article 30); (ii) the Labour Protection Act B.E 2541 (1998), Chapter 8, sections 199-200; (iii) the Disabled Act of 1991.
		Grounds of discrimination	2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of sex, religion, political opinion, national extraction and social origin.
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations	2000-2003 ARs: According to the Government: Women.
		Information/Data collection and dissemination	NIL
	Prevention/Monitoring, enforcement and sanctions	2006 AR: According to the Government: Employment services provided to the public by the Department of Employment, Ministry of Labour are free of charge and without discrimination. In providing such services, the department will consider job seekers' education	

	mechanisms	<p>level and experience to match the employers' requirements for job vacancies. However, the success of job placement depends on the satisfaction of employers upon the applicants' qualifications. As regard self-employment promotion, the services provided by the Department of Employment is on an equal basis, with the objective of enhancing employability and entrepreneurial skills.</p> <p>2003 AR: According to the Government: The Labour Department plays a monitoring/inspection, enforcement and defence role for the realization of this PR.</p>
	Involvement of the social partners	<p>2003 AR: According to Government: The employers' and workers' organizations have been involved in the establishment of a Remuneration Committee.</p>
	Promotional activities	<p>Institutions to promote equality</p> <p>2007 AR: According to the Government: The Ministry of Social Development and Human Security has taken the following steps:</p> <ul style="list-style-type: none"> • Drafting the Bill of «Promoting Equal Opportunity» to eliminate discrimination against women. The Bill aims to protect not only women, but also all target groups specified in the Constitutional Law of Thailand B.E.2540 (1997), who suffer from inequality of opportunity at work, education, training and access to public facilities or services. Moreover, it defines the word «discrimination» and sets up a procedure of legal complaint, an authority of concerned agencies and discrimination remedy fund. As a result, active discrimination against women and other target groups will be eliminated and they will have equal opportunity to obtain the necessary development and live with human dignity. At the moment, the Draft Bill is undergoing the legislative procedure; and • Drafting the Women Development Plan in accordance with the 10th National Economic and Social Development Plan (2007-2011) to create social equality and eliminate all unequal treatment, including employment, for women. Consequently, women and men will be treated equally. For instance, women will be able to have access to available benefits and developments to the same extent as men and with the same human dignity. This Draft Plan is also undergoing the legislative procedure. <p>The Ministry of Labour and Social Welfare and the Offices of Women's Affairs and Family Development are the institutions responsible for the promotion of the PR in the country.</p>
		<p>Other activities:</p> <p>2008 AR: According to the NCTL: It has launched a campaign to claim an equal remuneration of both wages and allowances between workers employed in contracting enterprises and workers operating in sub-contracting enterprises. It also indicates that several activities were organized in each of the 76 provinces of the country and that labour inspections are carried out on a regular basis.</p> <p>2007 AR: According to the ECOT: Some training courses have been developed on the PR in Thailand.</p> <p>2003-2005ARs: According to the Government: The Ministry of Labour and Social Welfare undertakes labour education programmes to create awareness among employers and to enforce the legal provisions in relation to the PR. The Offices of Women's Affairs and Family Development is responsible of the gender aspects of discrimination in employment and occupation.</p> <p>According to the ECOT: The PR applies to all categories of workers, including migrant workers. The Commission on Women's Affairs (NCWA) is responsible for promoting gender equality.</p> <p>2002 AR: According to the Government: The Department of Labour Protection and Welfare (DLPW) aims at promoting equal treatment between men and women in the field of remuneration and strives to empower women.</p> <p>2001 AR: According to Government: The Ministry of Labour and Social Welfare had a range of programmes and services as regards promoting employment, labour inspection and welfare of women</p>

			workers.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Special initiatives/Progress	<p>2005 AR: According to the Government: The adoption of the practical guidelines on the Prevention and Management of AIDS in the establishments in 2004.</p> <p>2004 AR: According to the Government: The introduction of «Advisers for Woman Employees at the Workplace» in the Thai Labour Standard (Voluntary Measure) in April 2003.</p> <p>2003 AR: According to the Government: An action plan was adopted in November 2001 to promote labour standards in the export processing zones, awareness-raising activities and vocational training programmes for women. According to the ECOT: Campaigns aimed at encouraging women's participation in the village fund program can be considered as a successful initiative in relation to the PR.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2008 AR: The ECONTHAI indicated that discrimination can only be observed in small enterprises.</p> <p>2007 AR: According to the ECOT: There is a lack of data on the PR.</p>
		Workers' organizations	<p>2008 AR: The NCTL indicated that the issue of discrimination in employment and occupation is not a serious matter in Thailand. Some cases can be found in small enterprises (less than 50 workers) or in family enterprises.</p> <p>2007 AR: According to the NCTL: Sex discrimination still exists as far as retirement age and promotion are concerned. Furthermore, sexual harassment is still present in the private and public sectors.</p> <p>2002 AR: According to the NCTL: Gender inequalities persist in the labour market.</p> <p>2001 AR: According to the WCL: (i) discriminatory barriers; (ii) large proportion of less educated; (iii) large concentration in lower qualified and under-paid jobs; (iv) lack of legal protection; (iv) outsourcing as a means to avoid the provisions of minimum wage; (v) absence of sanctions in case of violation of the right to maternity leave.</p>
	According to the Government	<p>2004 AR: According to the Government: (i) lack of public awareness and/or support; (ii) lack of information and data; (iii) social values, cultural traditions; (iv) social and economic circumstances; (v) political situation; (vi) legal provisions; (vii) prevailing employment practices; (viii) lack of capacity of responsible government institutions; (ix) lack of capacity of employers' and workers' organizations and (x) lack of social dialogue on this PR.</p> <p>2002 AR: In response to the NCTL's observations, the Government indicated that national laws and regulations should be endorsed in order to achieve equality in employment and occupation in accordance with the Constitution of 1997 and the 1998 Labour Relations Act.</p>	
TECHNICAL COOPERATION	Request	<p>2008 AR: The NCTL requested ILO technical support for the elaboration of training and awareness-raising programmes on the PR for workers.</p> <p>2007 AR: According to the ECOT: ILO technical and material support is needed for training on non-discrimination at the workplace.</p> <p>2005 AR: According to the Government: A need for ILO technical cooperation to facilitate the realization of the PR in Thailand exists in the following priority areas: (1) sharing of experiences across countries/regions; (2) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle; awareness-raising, legal literacy and advocacy; strengthening</p>	

		<p>data collection and capacity for statistical collection and analysis; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; training of other officials (e.g. police, judiciary, social workers, teachers); strengthening capacity of employers' organizations; strengthening capacity of workers' organizations; developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration; establishing or strengthening specialized institutional machinery; coordination between institutions (e.g. various ministries and relevant commissions). According to the NCTL: ILO cooperation would be needed in order to strengthen the capacity of workers' organizations at both enterprise and national levels.</p> <p>2003 AR: According to the ECOT: Technical cooperation is needed, especially in strengthening capacity of employers' organizations and developing fair labour market policies.</p>
	Offer	ILO (labour law review).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted the intentions expressed by most governments, including the Government of Thailand, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification. Given that many countries have requested ILO technical cooperation in the ratification process (on the content of Conventions Nos. 100 and 111, labour law review, ratification process, etc.), the IDEAs requested the Office to strengthen its assistance in this regard (Cf. Paragraphs 66 and 67 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs complimented Thailand for its efforts in terms of research, advocacy activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms, and/or ratification, but in having (along with other four governments) given special attention to specific categories of workers or enterprises and encouraged the country to enhance its efforts in reducing and eliminating this type of discrimination (Cf. Paragraphs 13 and 270 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that despite receiving very late reports or observations, it had been possible to compile them so as to allow Thailand to be taken into account in this annual review. They nevertheless urged the country to send reports within the prescribed time frame, so as to ensure the smooth running of the annual review process (Cf. Paragraph 21 of the 2008 Annual Review Introduction – ILO: GB.289/4).</p> <p>2001 AR: The IDEAs appreciated efforts that Thailand made, compared to the previous year's review, with regard to the provision of more factual information, particularly in respect to sex-based discrimination (Cf. Paragraph 114 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	