

Labour Inspection Country Profile: Thailand

Labour Inspection Structure and Organization

Name of institution that manages work issues

[The Ministry of Labour \(MoL\)](#) has the responsibility to formulate labour and social policy, set standards, draft legislation and ensure its application.

Department(s) responsible for Labour Inspection

The Ministry of Labour and, particularly, the Department of Labour Protection and Welfare (DLPW) monitors compliance with the law and provides support towards the improvement of working conditions and the working environment. The DLPW has several functions including: to establish and develop labour standards; encourage and supervise workplace compliance with national laws and international labour standards; to ensure worker protection, rights and benefits in the formal and informal economy; to promote and develop a system on occupational safety, health and the working environment; to promote, develop and disseminate knowledge and understanding of labour standards, labour protection, occupational safety, labour relations, state enterprise labour relations and labour welfare; and to prevent and resolve labour disputes and industrial unrest.

The DLPW is divided into four bureaus and one division. These include the Labour Protection Bureau (Conditions of Work); the Industrial Relations Bureau; the Occupational Safety and Health Bureau; the Labour Standards Bureau and the Labour Welfare Division. These units give policy advice and methodological guidance to the provincial and district labour inspectors. The Bureau of Labour Protection is further divided into two units. One for Working Conditions and Personnel Issues and the OSH Bureau, which has responsibility for the Safety Inspection Division, the National Institute for Conditions of Work and Environment, and the “Thai Labour Standards” program.

The Ministry of Industry’s Department of Industrial Works (DoIW) is responsible for enforcement of the Factories Act, and operates a Factory Inspectorate with technically qualified factory inspectors in the Bangkok Metropolitan Area and in the Provincial Offices of Industry.

The Ministry of Public Health, though formally charged with public, not workplace health and hygiene competencies, also exercises important occupational hygiene and health responsibilities. It has a Division of Occupational Health, which is responsible for developing prevention models, training and information networks.

Law that covers organization and functional composition

Labour Relations Act B.E. 2518 (1975) (Department of Labour Protection and Welfare)

Labour Protection Act B.E. 2541 (1998) (as amended) (Department of Labour Protection and Welfare) under transitory period as it has been modified by the OSHEA

Occupational Safety, Health and Environment Act, BE 2554 (2011)

Scope of labour inspection

Labour inspectors in Thailand are responsible for overseeing compliance with general working conditions, occupation safety and health, labour welfare and labour relations. Labour inspectors are likewise responsible for ensuring compliance with the Labour Relations Act with regard to the establishment of trade unions in enterprises, the negotiation and application of collective agreements and the settlement of labour disputes. Inspectors are also empowered to bring to the attention of the competent authorities any improprieties or abuses that are not specifically covered by existing legal provisions. Although it is not specified in the law, the role of providing advice and information is included among labour inspectors’ functions.

Local divisions

Thailand is divided into 77 provinces (including Bangkok) with Provincial Labour Protection and Welfare Offices (PLPWOs) and 10 District Labour Protection and Welfare Offices (DLPWOs). The PLPWOs and DLPWOs are under the administrative supervision of the Provincial/District administrations and not under the supervision of DLPW Headquarters.

Programming and communication

Labour inspection is carried out according to the policy and objectives periodically set by the DLPW as deemed to be most relevant to conditions formulated by the Ministry of Labour. The policy on labour inspection sets priorities depending upon the situation and needs of the respective period. The PLPWOs have their overall annual implementation plan, which is not monitored or controlled by DLPW Headquarters. Provincial and district offices do not receive any specific directives.

There are no cooperation agreements, or practical collaboration or consultation arrangements between the DLPW and the other government ministries and agencies involved in labour protection.

Human Resources and career development

Permanency of inspectors

Labour inspectors are civil servants and ensured permanency of employment. Only senior labour inspectors (three years on the job) have integrated responsibilities over working conditions and occupational safety and health. Newly recruited and junior inspectors carry out their work according to the specific mandate of their recruitment.

Selection process

The recruitment process for all inspectors is managed by the Civil Service Commission (CSC). All new applicants must go through a competition process and pass an entrance exam. The CSC is also responsible for taking initiatives for improving the civil service concerning recruitment, position classification, compensation and welfare, development and staff retention.

Background required

The minimum qualifications required to apply for any position are set out in the Civil Service Act. A university bachelor's degree is generally needed to be recruited as a labour inspector, although there is no fixed academic requirement.

As with all civil servants, labour inspectors receive 3-5 days of initial orientation when they are recruited. This does not include specific training related to labour inspection. Inspectors do not receive pre-service training in their technical field and there is no dedicated training curriculum on labour inspection. Instead, only on-the-job training is provided and some basic training on labour migration, forced labour, child labour and trafficking. No specific training is given on the Labour Relations Act or OSH, except for newly recruited Safety Inspectors, although there is ad hoc training when new laws or regulations are adopted that affect the work of labour inspectors.

There is no overall training strategy in place to address the capacity building needs of new or existing inspectors. There is nonetheless a requirement that each labour inspector take part in 10 days of professional development each year, although this is not necessarily in a specific technical area related to labour inspection.

Visits and functions

Types of visits

The DLPW combines two methods of inspection: self-assessments for enterprises on the implementation of labour laws and traditional visits.

Although integrated labour inspection is the official policy, in practice there are two different inspections: one to verify general conditions of work, and the other to check on occupational safety and health. Visits can be initiated by request or complaint, as part of the general or provincials plan or as a follow-up visit to a previous inspection.

As a standard procedure, when inspectors visit enterprises, they always go in teams of two. Follow-up visits are organised to check concrete steps and improvements undertaken by employers.

A system of self-reporting has been set up for small and medium-size enterprises to report on their labour practices. Under the system, employers of SMEs are required to fill out a three page questionnaire addressing 19 areas with some 50 questions usually with a yes/no format, covering all the major legal obligations of SME employers under the LPA. This form has to be signed by both the employer or his/her representative as well as a representative of the employees, or at least one worker employed in the company, and returned to the Provincial Labour Office (PLPWO) where other officials help inspectors "analyze" the returns and send the results online to headquarters. If more than 70 per cent of the answers show compliance the inspector doesn't visit the enterprise.

The "Thai Labour Standards" program was set up in 2003 as a voluntary compliance scheme for large enterprises focusing on Thai Corporate Social Responsibility Requirements, which is used as a system of certification of enterprises.

Role of preventive measures

The DLPW developed a series of some 16 guidance documents on sectors such as textiles and construction, which explain to inspectors and managers in practical language what OSH issues to consider in particular sectors. They also printed some 40,000 copies and distributed them to all PLPWOs and DLPWOs for use by inspectors and enterprises. The DLPW has additionally organized training on how to use these documents in a series of 5-day meetings where all 16 guidelines are introduced. Other informative brochures on workers' rights have been developed and distributed. As for migrant workers, information materials are developed in different languages and disseminate within the migrant worker communities. Networks have been set up at the provincial level and among NGOs in order to provide advice and information to employers and workers on effective ways to comply with the law. Consultations at the local level are pursued, including participation of labour inspectors in community activities and among migrant communities in order to inform about workers' rights.

Planning of labour inspection visits

There is no information available on how the annual working plans are developed, but many visits are carried out after denunciations received from workers and civil society organizations who inform them of relevant facts and critical situations.

Registries and reporting of accidents/diseases at work

The country has a national information system for workers' health and a national registry of occupational diseases and work accidents. The labour inspectorate does not use this registry to plan inspection visits.

Sanction and administrative processes

Labour inspectors can issue a written order requiring the employer to comply with the legislation when infractions are identified.

Labour inspectors can take immediate measures when they believe that there is an imminent and serious danger to the health or safety of the workers, including temporarily suspending operations. When employers are dissatisfied with a decision made by a labour inspector, they have the right to appeal the decision.

Social dialogue and labour inspection

Labour inspectors rely on a network on civil society organizations and NGOs that inform them of actionable facts and situations, but there is no information available on formal collaboration between the social partners and labour inspection authorities.

ILO Conventions ratified

Thailand has not ratified either Convention No. 81 or Convention No. 129.