

**Act for the Establishment of and Procedure for Labour Court
B.E. 2522 (1979)**

**BHUMIBOL ADULYADEJ, REX.
Given on the 30th Day of April, B.E. 2522 ;
Being the 34th Year of the Present Reign.**

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that: Whereas it is expedient to establish labour court as well as the procedure for labour cases; Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly acting as the National Assembly, as follows:

Section 1 This Act shall be called the "Act for the Establishment of and Procedure for Labour Court B.E. 2522".

Section 2 This Act shall come into force on and from the date following the date of its publication in the Royal Gazette.Y

Section 3 In this Act;

"Labour Court" means the Central Labour Court, the regional labour court or provincial labour court.

"Employer Association" means an organization of employers established under the law relating to labour relations.

"Labour Union" means an organization of employees established under the law relating to labour relations.

Section 4 The Minister of Justice and the Minister of Interior shall be in charge of this Act and shall be empowered to issue Ministerial Regulations for the implementation of this Act in the part concerning the powers and duties of the respective Ministry. Ministerial Regulations shall come into force after their publication in the Royal Gazette.

**Chapter 1
Labour Courts**

Section 5 The Central Labour Court shall be established in Bangkok Metropolis and its inaugurated date shall be proclaimed by Royal Decree.

The Central Labour Court shall have jurisdiction throughout Bangkok Metropolis, Samut Prakarn, Samut Sakhon, Nakhon Pathom, Nonthaburi and Pathum Thani provinces.

Section 6 A regional labour court shall be established and its inaugurated date shall be proclaimed by Royal Decree which shall also specify its territorial jurisdiction and its location therein.

Section 7 Should a provincial labour court be established in any province, it shall be done by an Act which shall also specify the jurisdiction of such court.

Section 8 Labour court shall have jurisdiction over the following matters:

- (1) disputes concerning the rights or duties under an employment agreement or under the terms concerning the state of employment;
- (2) disputes concerning the rights or duties under the law relating to labour protection or the law relating to labour relations;
- (3) cases where the rights must be exercised through the court according to the law relating to labour protection or the law relating to labour relations;
- (4) cases of appeal against a decision of the competent official under the law relating to labour protection or of the Labour Relations Committee or the Minister under the law relating to labour relations;
- (5) cases arising from the ground of wrongful acts between the employers and the employees in connection with a labour dispute or in connection with the performance of work under an employment agreement;
- (6) labour disputes which the Minister of Interior requests the labour court to decide in accordance with the law relating to labour relations.

Cases in the paragraph one, where the law relating to labour protection or the law relating to labour relations provides that complaint is to be made to the competent official or must be complied with steps and procedure prescribed, may be proceeded in the labour court only after actions have already been complied with steps and procedure provided by the the said laws

Section 9 In the area where the labour court has been in operation, no other court of first instance in such area shall accept cases under the jurisdiction of the labour court for adjudication.

Where a problem arises as to whether a case is under the jurisdiction of the labour court, regardless of whether it arises in the labour court or other courts, the Chief Justice of the Central Labour Court shall be the person to decide. The decision of the Chief Justice of the Central Labour Court shall be final.

Section 10 The labour courts shall be attached to the Ministry of Justice and the provisions of the Law for the Organization of Courts of Justice shall apply to the labour court mutatis mutandis.

Chapter 2 Judges in Labour Court

Section 11 In labour court, there shall be judges and associate judges in the numbers to be fixed by the Minister of Justice according to the necessity. In particular the number of associate judges for the employers and the number of associate judges for the employees shall be equal.

Section 12 Judges of the labour court shall be appointed by the King from judicial officials under the law on judicial service, who have the knowledge and understanding of labour problems.

Section 13 In the Central Labour Court and each regional labour court, there shall be a Chief Justice for each court. The Deputy Chief Justices of the Central Labour Court and of each regional labour court shall be in such number as determined by the Minister of Justice according to the necessity of each court.

In each provincial labour court, there shall be a Chief Judge for each court.

Section 14 Associate judges shall be appointed by the King from persons in the lists of representatives of the employers and the employees compiled by the Labour Department in accordance with the vote casted by members of the employer association and the labour union which have registered their offices in the territorial jurisdiction of the labour court concerned. Where there is no employer association or labour union with its registered office in the territorial jurisdiction of such labour court, appointments shall be made by the King from the list compiled by the Labour Department on behalf of the employers or the employees.

The persons who will be proposed for appointment by the King as associate judges must possess the qualifications, and shall have none of the prohibited characteristics as follows:

- (1) having Thai nationality;
- (2) being sui juris;
- (3) having domicile or place of work in the territorial jurisdiction of such labour court ;
- (4) not being a bankrupt, incompetent or quasi-incompetent;
- (5) never been sentenced to imprisonment by a final judgment, except for an offence committed by negligence or a petty offence;

- (6) having faith in the administration of democratic regime with the King as Head of the State;
- (7) never been convicted of an offence against the law relating to labour protection or the law relating to labour relations except released for not less than two years or the period of suspension of imprisonment has elapsed;
- (8) not being a political official, a committee member or staff of any political party, a member of the National Assembly or a member of the Bangkok Metropolitan Assembly or an elected member of local council or an attorney.

The rules and procedures of compiling the lists of representative of employers and employees stated in paragraph one shall be as specified in Ministerial Regulations.

Those appointed by the King as associate judges shall be trained in the subjects related to the labour court, the powers and duties of associate judges and regulations concerned as well as the sustenance of the status as associate judges in accordance with the training regulations laid down by the Ministry of Justice.

Prior to taking up the position, the associate judges shall make a solemn declaration in the presence of the Chief Justice of the Central Labour Court, or the Chief Justice of the regional labour court, or the Chief Judge of the provincial labour court to which they belong as the case may be, that they shall impartially perform their duties, not

withstanding that they represent the employers or the employees and preserve official secrets.

The associate judge shall hold office for a period of two years. Nevertheless, those retired may be re-appointed by the King.

Section 15 An associate judge shall cease office upon;

- (1) expiration of one's term;
- (2) death;
- (3) resignation;
- (4) lack of any qualification or possessing of any prohibited characteristic under Section 14;
- (5) being sentenced to imprisonment by final judgment or court order;
- (6) removal by the King for having been absent from one's assigned duties for two consecutive times without justification or committing any act causing such removal in accordance with the law on judicial service.

The cessation of office by virtue of (4) or (6) must be approved by the Judicial Service Commission under the law on judicial service.

Section 16 The Chief Justice of the Central Labour Court, the Chief Justice of the regional labour court, or the Chief Judge of the provincial labour court, as the case may be, or the person acting in the said position, shall assign the associate judges representing the employers and the employees to be on a duty list and the said list may include reserves.

Section 17 Subject to the provisions of Section 18, an equal number of judges and associate judges representing the employers and the employees shall form a quorum for the adjudication.

Section 18 Except for the adjudication, a judge of the labour court shall be empowered to conduct any proceedings or issue any order whether or not joined by the associate judges representing the employers and the employees.

Section 19 The provisions on the challenge of judges under the Civil Procedure Code shall apply mutatis mutandis to judges of the labour court as well as associate judges.

Section 20 An associate judge who sits in the hearing of any case shall try the case until its disposal, except in case of illness or other cause of necessity. In such a case, the authorized persons under Section 16 shall arrange the associate judge who has been assigned as a reserve, if any, or other associate judge to take his place.

Section 21 An associate judge shall receive allowance, travelling and accommodation expenses and other remunerations as prescribed by the Royal Decree.

Section 22 Where the new associate judge is not appointed or has been appointed but has not taken office, the associate judge whose term expired shall continue to perform his duties for the time being.

The associate judge whose term expired shall be empowered to try and adjudicate the cases that he has been hearing until such cases are disposed of, but shall not retain his office for more than sixty days after the expiration date of his term.

Section 23 An associate judge shall be a judicial officer under the Penal Code.

Section 24 The provisions on discipline and disciplinary actions of judicial officials under the law on judicial service shall apply mutatis mutandis to associate judges.

Chapter 3
Procedure of Labour Cases
Part 1
General Provisions

Section 25 The service of pleadings or any other documents on parties in a labour case shall be made by the court official, or fixed by the labour court to serve via reply-registered mail or by other means.

Section 26 A labour court is empowered to, where necessary and in the interest of justice, shorten or extend the period of time prescribed in this Act or fixed by the labour court.

Section 27 The filing of a plaint as well as any proceedings conducted in the labour court shall be exempted from court costs.

Section 28 In an appropriate case, the labour court may order that proceedings be conducted at the place where the cause of action arises or any other place.

Section 29 In order to ensure cost-efficiency, convenience, expediency and fairness of the proceedings, the Chief Justice of the Central Labour Court shall be empowered, subject to the approval of the President of the Supreme Court, to issue rules to be enforced in the labour court.

Such rules shall come into force after their publication in the Royal Gazette.

Section 30 The labour court may call any knowledgeable person and expert to appear and give opinion for its consideration.

Section 31 As far as they are not inconsistent with or contrary to the provisions of this Act, the provisions of the Civil Procedure Code shall apply, mutatis mutandis, to the proceedings in the labour court.

Section 32 In the case where the labour court is of the opinion that any act of any party does not comply with any proper step or is in violation of the provisions on the law governing the labour protection or the law governing the labour relations, the labour court shall be empowered to order such party to perform or not to perform any act in accordance with such laws.

In the case of defiance of the order under paragraph one, the labour court shall be empowered to order a detention until such order has been complied with but not exceeding six months.

Part 2

Procedure for Labour Cases in Labour Court

Section 33 A labour complaint shall be filed with the labour court within the territorial jurisdiction of which the cause of action arose. If the plaintiff intends to file the complaint with the labour court within the territorial jurisdiction of which the plaintiff or the defendant has domicile, the labour court may, when the plaintiff has proved that the trial in such labour court will be convenient, allow the plaintiff to file such complaint as requested. For the purpose of this Section, the place of work of the employees shall be deemed as the place where the cause of action arose.

At any stage of the trial but prior to judgment or order disposing of the case, a party may, citing appropriate reason and necessity thereto, request the labour court where the plaintiff has filed the complaint, to transfer the case to other competent labour court. If the labour court deems appropriate, it may grant such request. However, it shall not issue such order without prior consent of the other labour court. If such consent is not given, the former labour court may submit the matter to the Chief Justice of the Central Labour Court for his decision. Such decision shall be final.

Section 34 In the locality where a provincial labour court has not yet been established, but is under the territorial jurisdiction of a regional labour court, the plaintiff may file a complaint with either the provincial court or the regional labour court. If the plaintiff files the complaint with the provincial court, the provincial court shall notify the regional labour court. If the regional labour court accepts such complaint, it shall sit at the provincial court of such locality.

Section 35 The plaintiff may either file a written complaint or state his claim orally before the court.

If the plaintiff states his claim orally, the court shall be empowered to make investigation as necessary in the interest of justice, then make a memorandum of such claim and shall have it read out to, and signed by the plaintiff.

In the case where there are several plaintiffs, the court may arrange for the said plaintiffs to appoint one or more plaintiffs to act as representative in the proceedings.

The appointment of representative under paragraph three shall be in accordance with the rule under Section 29.

Section 36 The employers or the employees may authorize an employers' association or a labour union of which they are members or a competent official who is empowered to take legal action under the law governing the labour protection or the law governing the labour relations to represent them in the proceedings.

Section 37 Having accepted a case for adjudication, a labour court shall fix the date and time for hearing without delay and issue summon the defendant to appear in court by the time fixed therein. The summons shall set forth the particulars of the charge and the relief sought. The labour court shall also order the plaintiff to appear in court on such date and time.

The defendant may file written answer prior to his appearance on the date and time fixed by the labour court.

Section 38 When the plaintiff and the defendant appear in court, the labour court shall mediate the parties to reach an agreement or a compromise. For the purpose of continuous relationship between the parties, it shall be deemed that the labour case possesses specific nature that and it should be settled with good understanding.

In a mediation of the labour court, if any party requests or when the labour court deems appropriate, the labour court may order that such mediation be held in camera in the presence of the parties only.

In the case where the labour court has conducted a mediation but the parties could not reach an agreement or a compromise, the labour court shall proceed with the trial.

Section 39 If there is any issue which could not reach an agreement or compromise, the labour court shall record the issue in dispute, the plaintiff's statement and the defendant's answer. The court shall read the memorandum to the parties who shall then sign it. The labour court may direct any party to adduce evidence first or afterward, and fix the date of taking evidence promptly.

If the defendant refuses to make an answer, the labour court shall record this fact and then proceed with the trial.

Section 40 If the plaintiff who is aware of the order requiring him to appear in court under Section 37 fails to appear without notifying the labour court of the reason of his non appearance, it shall be deemed that the plaintiff has no intention to proceed with the case. The labour court shall then issue an order striking the case out of the case-list.

If the defendant on whom a summons to appear in court under Section 37 has been served does not appear without notifying the labour court of the reason of his non appearance, the labour court shall issue an order declaring the defendant to be in default and then try the case ex parte.

If the plaintiff or defendant has notified the labour court of the reason of his non appearance and the labour court is of opinion that the reasons are justified, the labour court shall fix the new date for both parties to appear in court.

Section 41 In case the labour court has issue the order striking the case out of the case-list under Section 40 paragraph one or the order declaring the defendant to be in default under Section 40 paragraph two; if the plaintiff or defendant notifies the labour court of the reason of his non appearance within seven days from the date of issuing the order, the labour court shall have power to make an inquiry of such reason. If the labour court deems appropriate, it shall set aside the order under Section 40 and proceed with the trial after the issue of such order as if the annulled proceedings had never been conducted.

Section 42 If the defendant refuses to make an answer under Section 39 paragraph two or the labour court will try the case ex parte under Section 40 paragraph two, the labour court may take necessary evidence before adjudicating the case.

Section 43 The labour court, at any stage of the trial, have power to bring about an agreement of a compromise as implied in Section 38.

Section 44 In order to have the complete facts, the adduction of evidence and filing of a list of evidence by either party shall be made within the time specified as the labour court deems appropriate.

Section 45 In the interest of justice, the labour court shall have power to take evidence on its own motion in order to clarify the fact of the case.

The labour court shall examine the witness by itself regardless of whether the witness is adduced by any party or summoned by the labour court. The parties or their lawyers may examine the witness only upon the permission of the labour court.

In the interest of expediency, the labour court shall proceed with the hearing without adjournment unless in the case of necessity which the labour court may adjourn the proceedings for no more than seven days.

Section 46 The labour court may, if it thinks fit, record the testimony of the witness in brief and have the witness append the signature.

Section 47 A knowledgeable person or an expert called by the labour court or the Supreme Court to appear and give opinion and the witness called by the labour court shall be entitled to allowance, transportation and accommodation expenses in the amount that the labour court or the Supreme Court, as the case may be, thinks appropriate.

Section 48 In the trial of a labour case, the labour court shall take into account the working condition, the cost of living, the employee's hardship, the level of wages or the rights and any other benefits of the employee in the same type of business as well as the

status of employer's business and the economic and social condition in general so as to provide fairness to both parties.

Section 49 In the dismissal case, if the labour court thinks the dismissal is unfair, it shall order the employer to reinstate the employee at the same level of wage at the time of dismissal. However, if the labour court thinks that such employee and employer cannot work together, it shall fix the amount of compensation to be paid by the employer which the labour court shall take into consideration the age of the employee, the working period of the employee, the employee's hardship when dismissed, the cause of dismissal and the compensation the employee is entitled to receive.

Section 50 After all the necessary evidence has been taken, the trial shall be closed. However, the parties may close their case by oral argument on the day the trial is over. The labour court shall then pronounce the judgment or order within three days from such date. The associate judge who has already signed in the judgment or order may not present at the time of pronouncing the said judgment or order.

Before the labour court pronounces the judgment or order, it may proceed further with the trial if it thinks appropriate to do so in the interest of justice.

Section 51 The judgment or order of the labour court shall be made in writing and shall state or specify the facts as found in brief and the decision on the issues along with the grounds for such decision. The labour court shall send a copy of the judgment or order to the Department of Labour without delay.

Section 52 The labour court shall not give judgment or order for anything in excess of or not included in the plaint except that the labour court deems appropriate, in the interest of the justice to both parties, to give judgment or order in excess of the relief sought.

Section 53 A judgment or order shall be binding only the parties to the proceedings. However, the labour court may state that the judgment or order may be binding upon any other employer and employee who share the common interest in the subject matter of the case.

Chapter 4

Appeal

Section 54 Subject to the provisions of this Act or other legislations, only the question of law in the judgment or order of the labour court can be appealed and the appeal shall lie with Supreme Court within fifteen days from the date of its pronouncement.

Appeal shall be lodged by filing a petition in writing with the labour court that gave the judgment or order. The labour court shall serve a copy of the petition in order for the respondent to make an answer within seven days from the date of receiving such copy.

If there is an answer from the respondent or the respondent does not file an answer within the time specified in paragraph two, the labour court shall promptly forward the file of the case to the Supreme Court.

Section 55 The lodging of an appeal does not entail a stay of execution of the judgment or order of the labour court, but the party lodging the appeal may apply to the labour court which gave the judgment or order by motion setting forth reasonable grounds for the application in order to have the Supreme Court order the stay of execution.

Section 56 The Supreme Court shall promptly consider the labour case and give judgment or order.

In considering the case, the Supreme Court shall rely on the facts established in the labour court. But, if the facts are not sufficient, the Supreme Court shall order the labour court to hear further facts and then return the file to the Supreme Court without delay.

In the case where the labour court is of the opinion that the new facts shall alter the decision made, the labour court shall enter a new judgment and Sections 54 and 55 shall apply mutatis mutandis.

Section 57 The President of the Supreme Court shall set up a Labour Case Division in the Supreme Court for the adjudication of labour cases that may be appealed from the labour court.

In case of necessity and in the interest of justice, the Supreme Court may call any knowledgeable person of expert to appear and give opinion for its consideration.

Chapter 5

Provisional Measures before Judgment and Execution of Judgments or Orders

Section 58 Before making the judgment or order, if there is any necessity to safeguard the interest of the parties or the person involved, or to secure the execution of the judgment or order, the labour court shall have power, other than that provided in general in the Civil Procedure Code, to issue any order as deemed appropriate.

Transitional Provisions

Section 59 Cases under the jurisdiction of the labour court which are pending in a court of first instance in accordance with Section 3 of the Law for the Organization of Courts of Justice on the inauguration date of the Central Labour Court or the regional labour court or provincial labour court shall be determined and disposed of by the said court of

first instance. However, if the said court of first instance deems appropriate, it shall transfer the case to the Central Labour Court , the regional labour court, or provincial labour court which has jurisdiction over the case for adjudication.

Section 60 During the period when a regional labour court and provincial labour court have not been inaugurated, the Central Labour Court shall have jurisdiction in that locality. The plaintiff may file a plaint with the provincial court of that locality. The provincial court shall then notify the Central Labour Court of the matter. After the Central Labour Court has accepted the case for adjudication, it shall conduct the proceedings at the relevant provincial court.

Countersigned
S. Hortrakit
Deputy Prime Minister

Remark :- The reason for the promulgation of this Act is as follows : Whereas the labour case has a characteristic different from general civil and criminal cases. This is because the labour case is the dispute of between an employers and employees, arisen contrary to the employment contract or relevant to the rights of employers and employees specified in the labour protection law and law on labour relations. Such dispute should be considered by judges having knowledge and understanding in labour problems, together with associated judges from both sides, employer and employee. The proceedings should be under circumstances which are conveniently, economically, espediently, equitably, equally undertaken, with the main aim is to make all parties concerned reconcilable and be able to work jointly without the fell of being adversary. In order to make the cases appealing and convenient, the proceedings in labour cases except steps and procedures being practical in civil cases specified by the Civil Procedure Code. It is, therefore, necessary to enact this Act.

**TRANSLATOR : JUDGE TJUMPOL PINYOSINWAT
JUDGE MONTRI SILLAPAMAHABUNDIT
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* Published in the Royal Gazette (special issue) volume 96, section 76, page 1, dated 11th May, B.E. 2522 (1979)