



+66 2 679 6005



law@ilct.co.th



www.ilct.co.th



REGULATORY UPDATE



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solicitors

The amendments to the Labor Protection Act B.E. 2541 have been published in the "Work from Home Bill"

Thailand's Work from Home Bill introduces an amendment to the Labor Protection Act B.E. 2541, a critical labor law in the country. In particular, the amendment adds Section 23/1 to the Act, providing a clear regulatory framework for employers and employees who engage in remote work relationships, outlining their respective rights and obligations. The bill aims to offer additional options for work arrangements, elevate the level of labor protection, provide work stability, and enhance the quality of life for employees in Thailand.

According to the amendment, an employer and employee can reach an agreement on home and remote working in the employment contract or in the form of electronic information where it can be accessed and utilized without changing the meaning. The agreement may allow the employee to work outside the business premises using information technology, like computers and smartphones if the job nature permits. The agreement must be in writing, whether physical or electronic, and contain specifics such as the period of the agreement, working hours, rest periods, overtime work and holiday work criteria, leave types, work scope, and employer control and supervision.

Under the amendment, remote employees can refuse contact from their employers or supervisors beyond working hours, unless they gave prior written consent. Furthermore, the bill also requires employers to treat on-premises and remote employees equally. As such, it requires the adoption of policies to regulate every aspect of remote working, including the amendment of current work policies. Other topics that may be included in remote work policies would be the distribution of company supplies among all employees and related costs, the protection of company data, and IT security. In addition, employers shall ensure that remote working settings will not undermine teams' collaboration and instead will support innovation.

It is worth noting that the amendment does not compel employers to allow remote work; it only provides the option and the regulatory guidelines to do so if mutually agreed. The amendment also does not impose any criminal penalties for violating its provisions. However, the employees who violate the consent letter and the employment contract may be penalized by the Company's Work Rules.

The Work From Home Bill will be effective on April 18, 2023, 30 days after its publication. The regulation will significantly impact the labor landscape in Thailand, offering flexibility and added benefits to both employers and employees.

ILCT can support can advise and assist companies in all labor matters, including compliance with labor protection and labor relations law, preparation of work policies, and dispute resolution in the Labor Court.

If you are looking for a law firm that can keep pace with sophisticated and groundbreaking business transactions, **ILCT** is here to help. Contact us to learn more about our services.

Wasantachai Watanavongvisudhi

Partner

wasantachaiw@ilct.co.th

