

# A labour perspective of Covid19 in Thailand



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# Thai Government Measures

- The Thai government has announced many measures to deal with the COVID-19 outbreaks such as:
  - postponement of the Songkran holidays (Thai new year)  
**April 13–15 will no longer be public holidays this year!!!**
  - the temporary shutdown of portions of the public and private sectors.
  - State of emergency with a curfew from 10pm to 4 am since April 3, 2020

# Governor of Bangkok measures

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## (March 23, 2020)

### **Closure of:**

- restaurants (except take-away services);
- shopping malls (except supermarkets and pharmacies);
- markets (except for fresh markets);
- exhibition halls;
- schools and educational institutions;
- barbers, beauty salons, and tattoo shops;
- game and internet shops;

# Governor of Bangkok measures

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## (March 23, 2020)

### **Closure of:**

- golf courses and sports clubs;
- beauty and cosmetic clinics, spas, massage parlors, and saunas;
- theaters;
- boxing stadiums and schools and horse racing clubs; and
- other establishments similar to the above.

# COVID19 issue

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- The intention of the Thai Government was to avoid Bangkok migrant workers going back upcountry during the Thai new year
- The Governor of Bangkok announcement stopped the work life of many migrant workers so they decided to go back upcountry before the curfew was put in place.

NOW it is a game of cat and mouse to know where all the migrant workers are and if they are confining themselves at home??

# Work From Home?

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If the nature of the business cannot accommodate working from home, or if the employer does not have any work for the employees to do from home, the following options exist:

1. Employees are entitled to use their annual leave so that they can continue to get paid during this time.
2. If the employees do not have sufficient annual leave, then the employer can instruct them to take leave without pay.
3. If an employee is actually sick during this shutdown period (regardless of whether the illness is related to COVID-19), the employee can use sick leave with pay for up to 30 days, or more if the employer's sick leave policy allows it.

# Section 75 of Thai labour protection act

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- if the employer has to wholly or partially suspend the business, the employer may, choose to pay 75% of the employee's normal wages.
- Employer must give employees, as well as the labour inspector, written notice at least three working days in advance of the suspension of the business
- Employer must prove that cannot continue the business normally

**Employer does not need the consent of the employees to exercise this option.**

# Section 75 of Thai labour protection act

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- If an employer wishes to reduce an employee's salary by more than the 25% stipulated
- Employer can only do so with the consent of the employee.

BUT

**The employer is not required to provide proof of incapability to maintain normal business.**