

The Amended Act sets out the following guidelines for Work From Home implementation:

The Amended Act sets out the following guidelines for **Work From Home** implementation:

1. The employer must clearly set out a policy or practice guideline since the Amended Act stipulates that the employer must prepare the agreement on the arrangement in writing or in the form of electronic data that is accessible and reusable without altering its meaning. That is to make it easy to understand and the content whether it is a booklet or electronic data must have the same meaning.

2. This may include the 5 following details:

(1) Commencement and end date

This refers to the period of time that is determined to remote working, which day to which day it will be enforced, in general, at least, should not be less than 6 months or 1 year because it can be assessed and adjusted in accordance with the human resource management process.

In light of this Amended Act, how to determine the employees which already have a policy for remote working?

(2) Normal working days and hours, rest periods, and overtime work

One option is to create a new framework, or the second option is to apply the existing one by which we have designed by adding workplace conditions to cover other places that will be established as well, such as the accommodation of employees. However, with the new framework, the executives must take into account the difference and fitness that will affect the internal atmosphere as well.

(3) Rules of overtime and holiday work, and other types of leave

This can remain unchanged as the previous sub-section but should determine the right approach.

(4) Scope of work of the employee as well as control and supervision by the employer

This item will consist of 2 important topics: one, determining the role of the employee and two is the supervision from the employer. In this regard, the HR counsel should define and prepare a manual and guidelines for the work for remote working in three sets: that of the commander, that of remote worker and that of supporting role such as HR, IT, Admin, etc.

(5) Duties to procure and provide work equipment and tools as well as necessary expenses arising out of the work.

This is regarded as a supervising matter. Is it necessary for the employer to provide and support in terms of all work equipment or not? Because the law does not specify, for example, tables, chairs, computers and support in terms of expenses,

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Work From Home Law in Thailand

The Labour Protection Act B.E. 2541 (“Amended Act”) with effective date on the 18th April 2023: implications for employers The Act fully protects the remote workers.

Some employers may have the impression that remote workers already benefit indirectly for example, by being at home more than usual, so some employers may consider reducing some matters such as the right to accrue annual holidays. However, the Amended Act prevents employers from doing so by stating that “employees who work at home or accommodation or working through the use of information technology in any place has the same rights as employees working in the business premises or the employer’s office. This means that the employer cannot reduce other benefits without the employee’s consent.

The turning point of this Amended Act is the right to disconnect.

The most elevated element of this Amended Act is, at the end of normal working hours as agreed upon by the employer and employee or the end of work as assigned by the employer, the employees have the right to disconnect from any communication in any way whatsoever with employers, supervisors, supervisors or inspectors, unless the employees have given consent in writing in advance.

It means that after work, not just overtime work that employees have the right to disconnect from the supervisors, colleagues, and customers in terms of any communication work related through all channels such as telephone, Line application, Email, unless the employee has given consent. This would sound almost impractical in many lines of work, for example, marketing, IT, digital work, which each company must find a way to balance between the letter in this law and drive of business to form a mutual understanding.

