Thailand Amends the Labour Protection Act to Recognize Working-From-Home

The Labour Protection Act (No. 8) B.E. 2566 (2023) ("**Act No. 8**") was gazetted on 19th March 2023 to amend the Labour Protection Act B.E. 2541 (1998) ("**LPA**") to set out the requirements and guidelines for work-from-home arrangements. The Act No. 8 will come into force on and from 18th April 2023.

The Act No. 8 adds Section 23/1 to the LPA. We summarized the key provisions of Section 23/1 as follows:

- 1. The employer and the employee may enter into a work-from-home agreement. Such agreement must be made in writing, or in an electronic data format which is accessible and retrievable, to allow the employee to work from his/her home or residence or any other place through the use of the information technology.
- 2. The work-from-home agreement may include provisions on: (i) the time of beginning and ending of the agreement; (ii) the normal working days and hours, break times and overtime work; (iii) the rules on overtime and holiday works and different types of leave; (iv) the scope of work and the employer's supervision; and (v) the obligations of the employer to provide the necessary working tools or equipment and expenses in relation to the performance of the work, etc.
- 3. The employee has the right to refuse to remain in contact with his/her employer or supervisor after the normal working hours, unless the employee has given a written consent to the employer in advance.
- 4. The employer must give the work-from-home employees the rights and benefits equal to those of the on-premises employees of the employer.

Section 23/1 of the LPA does not require the employer to allow the employee to work from home. It does not impose any penalty on the employer who fails to enter into a work-from-home agreement with the employee.



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