

## Thailand

In Thailand, there is no statutory law allowing the right to telework. “Home Office” is up to the employer’s discretion.<sup>1</sup> In this case, section 75 of the Labour Protection Act concerning the suspension of work does not apply and wages must be paid in full. However, employers may enter into agreements with employees to cut working hours and wages.

Under Thai labour law rights and obligations of employees working from home remain unchanged. Consequently, duties from employers remain unchanged for teleworking practices.

However, it is worth noting that changes to company policies and procedures affecting employment terms and conditions must be notified and communicated in accordance with the requirements of the applicable labour laws. Moreover, any reduction in working hours or salary and other monetary entitlements will continue to constitute a change in working conditions requiring employee’s consent.

There is no statutory requirement to reimburse electricity, internet and other expenses incurred by employees working from home. Employers should check their employment terms to determine if there is a contractual obligation to meet such costs.

“During the lock-down, both Employers & Employees seem to adopt Telework effectively, although difficulties on the part of Employees were visible due to inadequate of appropriate office settings at their residences, family disturbances including young children cares, but benefits clearly outweigh including time & cost savings from no commuting, better work-life-balance, etc. However, after ending the 1<sup>st</sup> Lockdown, some Employers required Employees to return to office and some Employees willingly wanted to go back to office. On benefits of the national scale, during Lock-down, we can observe much less traffic and better air quality, in particular, PM 2.5 during the winter months.

In-Post Covid-19, the Government should ensure Telework to continue for White-Collar Workers to reap those benefits. Incentives for business should be in place including:

1. Tax benefits for business that have certain percentage of Employees commit to Telework
2. Tax benefits & low interest rate for Home Improvement to accommodate Home Office
3. National Policy to promote Telework as part of Digital Transformation

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<sup>1</sup> Watson Farley & Williams, “Covid-19 and Thailand (Part 2) – Key Employment Law Issues to Consider”, 1 April 2020, available at <https://www.wfw.com/articles/covid-19-and-thailand-part-2-key-employment-law-issues-to-consider/>.

#### 4. Study on National Benefits from Telework