

## Thailand Accession Report

Drawing primarily on a TUAC survey of trade union representatives in Thailand and supplemented by additional sources, this report examines the situation regarding several core principles used by the Employment, Labour and Social Affairs Committee and the Investment Committee in the OECD's accession review of Thailand. The focus is on fundamental labour rights, social dialogue and industrial relations systems in line with the 2018 OECD Jobs Strategy, as well as on the commitment and effective measures to promote responsible business conduct.

### Labour Rights

- Freedom of association and the right to organise

Thailand continues to lag behind in protecting the rights for workers to freely associate and engage in trade unions. Despite a workforce of nearly 40 million people, fewer than 0.5 percent of enterprises have a registered trade union, and large segments of the labour force remain excluded from effective protection. The ILO has repeatedly expressed concerns regarding Thailand's compliance with fundamental labour rights, particularly noting that the country has yet to ratify the core ILO Conventions No. 87 on Freedom of Association and No. 98 on the Right to Organise and Collective Bargaining. This non-ratification undermines the protection of workers' rights, contributes to persistently low unionisation rates and weak collective bargaining power, and leaves workers vulnerable to employer retaliation, discrimination, and inadequate legal safeguards. These concerns form the basis of the ILO's ongoing dialogue with the Thai government on the prospect of ratification.

While the right to organise is nominally recognised under Thai law, persistent challenges and restrictive measures prevent it from being effectively exercised. First and foremost, the law applies only to private sector and state enterprise workers, meaning that civil servants, including for example teachers, police officers, and military officials, are prohibited from forming or registering trade unions and associations with bargaining power. Foreign workers are also barred from forming and joining unions, taking on union leadership positions and engaging in union activities. Not only does this have detrimental implications on individual workers, but it further complicates trade union organising. Trade unions report that differing regulations for different groups of workers creates divisions within the trade union movement.

Although private sector workers formally have the right to form and join unions without prior authorisation, in practice, they often face obstacles when doing so. Employers are forbidden from engaging in anti-union actions only after a union is registered, resulting in the fact that many employers try to prevent workers from organising before registration has taken place.

For example, employers frequently threaten to terminate employment contracts when workers attempt to organise. In addition, employers commonly use temporary or contract workers to disrupt attempts to organise, even going so far as to replace significant parts of the workforce to prevent trade union mobilisation. There are major gaps between law and practice to protect against such anti-union activities and other forms of trade union discrimination. Discrimination, dismissal and harassment of trade union representatives is therefore common; the ITUC's Global Rights Index 2025 reports one such example where three union leaders were suspended and 38 of their members transferred by an automotive company immediately after a trade union was formed.<sup>1</sup> Many court orders to reinstate dismissed trade unionists are simply ignored, and even when courts order reinstatement, enforcement is too weak to ensure that it actually occurs. In other cases, legal proceedings drag on for so long that the workers involved are forced to resign.

In addition, it is common for trade union representatives and other civil rights groups to face other legal, regulatory, and bureaucratic obstacles. These include surveillance, tax/money-laundering probes and threats of dissolution under sedition and lèse-majesté laws. Thailand's associational and organisational rights are also severely constrained due to fears of heavy-handed use of force, criminal prosecutions of activists and limitations on public assembly.<sup>2</sup>

Because of these numerous obstacles to worker organising, the trade union density rate is only approximately 3 percent, which is extremely low globally and one of the lowest in Southeast Asia.

- Right to collective bargaining and striking

Thailand's labour rights environment also restricts collective bargaining. Collective bargaining coverage is severely limited: only between 1 and 2 percent of Thai workers are covered by collective bargaining agreements, primarily in large companies and state enterprises. In most workplaces, representation is instead channelled through legally mandated "welfare committees" for enterprises with more than 50 employees. However, these bodies generally lack independence and meaningful bargaining power.

Due to Thailand's weak collective bargaining rights, widespread exclusion from organising rights, documented union-busting and repression, and the suppression of strikes, the 2025 ITUC Global Rights Index ranked Thailand among the worst countries in the world for workers' rights.

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<sup>1</sup> International Trade Union Confederation (2025). Global Rights Index 2025.

<sup>2</sup> Freedom House (2022-2025). Freedom in the World - Thailand

There are exceptions, but most workers in Thailand formally have the right to strike. However, this right is heavily restricted. Trade unions must go through a lengthy conciliation and mediation process before striking. Strikes in “essential services” are prohibited and employers are allowed to lock out workers under certain conditions. In addition, the “essential services” definition in Thailand is much broader than the ILO’s, which defines them as services in which the interruption of work would endanger life, personal safety or health of all or part of the population. Consequently, strikes are in practice difficult to organise.

The minimum wage in Thailand is set through a process that involves a provincial proposal by a tripartite wage committee, a national wage committee and cabinet approval, with input from government, employers, and trade unions. However, while the tripartite committees in theory give workers a voice, trade unions report that in practice, the system is imbalanced and driven by political election promises. Decisions often lean toward protecting business competitiveness and investment, rather than meeting workers’ cost-of-living needs. The ILO notes that trade unions are present only in 34 out of 76 provinces in Thailand – less than half - which gives rise to the question of who is actually representing workers at the provincial level tripartite committees in large parts of the country.<sup>3</sup>

Furthermore, the committees have been criticised of being passive since the processes can drag on for years without meaningful wage increases. Wage adjustments are therefore irregular and too small to keep up with inflation and rising living costs. The minimum wage currently equates to approximately € 9-11 per day, depending on the province, which is far from enough to guarantee a decent living standard. Since the system results in wage disparities, it reinforces inequality within the country. Due to the regional differences in minimum wage, workers in poorer provinces earn less, despite the fact that basic goods do not vary much in price.

- Right to a safe and healthy workplace and effective labour inspection

In June 2025, Thailand ratified ILO Convention No. 155 on Occupational Safety and Health. It will enter into force in June 2026. At the same time, Thailand launched its “Safe @ Work” initiative as part of the 37th National Occupational Health and Safety Fair, including targets to reduce injuries and deadly accidents in the workplace. Employers now have a legal obligation to conduct hazard assessments, study environmental workplace impacts and prepare control plans – including safety and health protocols – in specific sectors.

While this illustrates that Thailand has taken important steps forward, enforcement remains uneven and labour inspection systems still limited in their reach. Thailand struggles with data collection, especially around occupational diseases and coverage of informal sector workers, self-employed, micro-businesses and migrants. The ILO notes widespread underreporting and the need for standardised forms and data-sharing mechanisms. Coordination across agencies is also weak, while inspectors often lack incentives and face high staff turnover. These issues – including, among others, data gaps, coordination

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<sup>3</sup> International Labour Organization (2017). International Labour Standards and Thai Trade Unions Agenda for Labour Law Reform

problems and reactive inspection practices – hinder effective protection of workers’ health and safety and should be addressed swiftly.

- Other labour rights

Thailand continues to grapple with forced labour and human trafficking, particularly along the border between Thailand and Myanmar. Media reports document that authorities repatriated around 260 survivors of human trafficking in 2025, many of them from online scam compounds, highlighting the persistence of cross-border forced labour networks. These scam centres are notorious for extreme abuse; victims have spoken of torture including electric shocks, gruelling work hours, and coercion into fraudulent activities.

Forced labour is also widespread in other sectors, including the infrastructure and construction industry, the commercial sex industry and the domestic work sector. The fishing industry also remains plagued by slavery-like conditions, with migrant workers being trapped on boats, beaten, coerced and working gruelling hours.

Furthermore, estimates show that over a million children aged 3–18 were not in education in 2023, raising fears of child labour. Migrant and undocumented children in particular face barriers to getting an education, due to regulations tied to nationality. Figures from 2015 suggest that about 3 percent of children aged 5–17 were engaged in child labour, potentially undercounting migrant children. Thailand’s legal protections on child labour do not fully align with international standards, especially for children working outside formal employment, and data remains scarce in high-risk sectors such as agriculture and construction.

Access to social protection is severely hampered by the fact that 63 percent of the Thai workforce – more than 20 million people – is in the informal economy. These workers lack legally binding contracts and paid leave and earn significantly lower wages; in 2023, informal workers earned around half the wages of their formal counterparts. They often also face higher risks of hazardous conditions and limited access to occupational safety, healthcare and legal protections. Accident rates for informal workers are significantly higher than for formal workers and given their exclusion from social protection programmes, workers find themselves in vulnerable and highly dependent situations which are easily exploited by irresponsible employers.

Moreover, there is a substantial gender pay gap in Thailand, partly due to the fact that women are still overrepresented in lower-paid, informal and/or support roles. This is particularly the case in rural areas, and women remain underrepresented in politics and senior public positions.

## **Social dialogue and industrial relations in line with the 2018 OECD Jobs Strategy**

The OECD's 2018 Jobs Strategy calls for the promotion of quality industrial relations systems based on inclusive collective bargaining with a wide reach. The Jobs Strategy considers the existence of well-organised social partners based on broad membership as the best way to achieve such high collective bargaining coverage and, in the absence of the latter, the extension of sectoral agreements.

As previously noted, significant challenges remain with regard to trade union organising, collective bargaining, social dialogue, and the effective protection of fundamental labour rights in Thailand. In light of these concerns, TUAC is of the view that progress will be essential for Thailand to fully meet the expectations associated with OECD membership. Industrial relations are characterised by trade unions that are tied to a single company, and collective bargaining agreements that are limited in scope and subject to employer resistance and state restrictions. Tripartite bodies such as the wage committees are often perceived as being biased in favour of employers and government. Trade unions take part in these committees. However, there is often a lack of negotiation and consultation, with labour issues not being adequately discussed or resolved. Independent worker participation remains weak, while informal and migrant workers - the majority of the workforce - are excluded from any formal industrial relations.

## **Promoting responsible business conduct**

The accession roadmap for Thailand includes recommendations for improving alignment with OECD standards and best practices, including effective measures to promote Responsible Business Conduct. Among other things, this includes the demonstration by businesses of respect for human rights, employment and industrial relations, the environment, and anti-corruption efforts. It also requires the adherence to the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, which would see the establishment of a National Contact Point and adequate legal and regulatory due diligence frameworks in the different areas covered by the Guidelines.

TUAC is of the view that the future establishment of a National Contact Point, in line with the OECD Guidelines, should be accompanied by meaningful engagement with trade unions. Such engagement would be best secured either through the inclusion of trade union organisations in an advisory body to the NCP, or through ensuring that the NCP is constituted on a tri- or quadripartite basis.

Moreover, Thailand faces major challenges in creating and enabling frameworks for businesses to act responsibly that need to be resolved, as pointed out by the OECD's Investment Policy Review for 2021. Child labour, forced labour, informality, a lack of access to grievance and dispute resolution mechanisms, and the need for meaningful engagement with trade unions as key stakeholders, are all systemic issues which must be addressed.

## **Key demands for the accession process of Thailand**

TUAC calls on the OECD to ensure that the following measures are taken before Thailand joins the OECD:

- Ratify the core ILO Conventions No. 87 on Freedom of Association and No. 98 on Right to Organise & Collective Bargaining.
- Ensure that all workers, including public sector and migrant workers, have the right to join and form trade unions and engage in trade union activities without retaliation.
- Strengthen protection against anti-union actions and discrimination, including during the period before a trade union is formally registered.
- Reform the process of wage determination and adjustment by strengthening worker participation in the tripartite wage committees and developing regular and transparent mechanisms for adjusting wages at national level, so that pay better reflects the cost of living in all parts of the country.
- Improve the coverage and quality of occupational health and safety inspections, including by addressing coordination issues and improving inspection practices and data collection.
- Prevent forced labour, child labour and human trafficking by improving enforcement and aligning legal protections with international standards.
- Reduce the extreme prevalence of informal work, as well as improve social protection coverage.
- Reduce the gender pay gap, including by increasing the number of women in public functions, expanding access to education, particularly in rural areas, and by improving maternal and child health services.
- Adhere to the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and, in accordance with the Guidelines, establish a National Contact Point (NCP) and meaningfully engage with trade unions, either by involving them in an advisory body to the NCP, or by making the NCP tri- or quadripartite.
- Widely promote the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct in all sectors and ensure their implementation.