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COVID-19: Prohibition on Lockouts and Strikes

In order to control the spread of the COVID-19 pandemic in Thailand, the Thai government announced an emergency decree which applies to all areas in Thailand from 26 March to 30 April 2020 (“**Emergency Decree**”). On 28 April 2020, the Thai government extended the Emergency Decree further until 31 May 2020 (“**Emergency Decree Period**”). There is currently no information available on whether the Emergency decree Period will be extended further. Under the Emergency Decree, the Thai government has issued several notifications in order to prevent and suppress the outbreak.

One of the most recent notifications issued pursuant to the government’s powers under the Emergency Decree is the notification of the Ministry of Labour Re: Referral of unsettled labour disputes to the labour relations committee for settlement and prohibition on employers to cause a lockout or employees to cause a strike during the period of the emergency situations in accordance with the laws on public administration in emergency situations (“**Notification**”). The Notification came into force on 8 May 2020. It is widely understood that the Notification is intended to prevent a potential spread of the disease by prohibiting employee strike action, and at the same time allowing employees who were previously subject to a lockout, to return to work.

The Notification urges employers and employees to strictly comply with the Labour Relations Act 1975 (“**LRA**”). The Notification applies only to situations where there is an unsettled labour dispute under the LRA, providing that any unsettled labour disputes under the LRA during the Emergency Decree Period must now be referred to the Labour Relations Committee for settlement. A lockout by the employer or strike by employees is now prohibited in all areas of Thailand.

It is important to note that this Notification deals with the unsettled labour disputes and does not apply specifically to business closure arising from the COVID-19 pandemic or other reasons. A labour dispute under the LRA means a conflict between an employer and an employee relating to employment conditions, including a conflict on working hours, wages and welfare.

Under the LRA in normal circumstances, if there is an unsettled labour dispute, an employer may impose a lockout or employees may strike (subject to the requirements and limitations under the LRA), or the employer and the employees may agree to appoint a labour dispute arbitrator to consider the dispute and render an award accordingly.

However, as mentioned above, the Notification now prohibits employers from imposing a lockout and employees from going on strike in all areas of Thailand. For any lockouts or strikes that had taken place before the Notification came into force, the employer who imposed a lockout must allow the employees

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to return to work and the employees who went on strike must return to work as normal. In the case where there is an unsettled labour dispute, the matter must be referred to the labour relations committee for further consideration instead of being dealt with by imposing a lockout or going on strike.

Visit our [COVID-19 Resource Centre](#) for views from our lawyers across the region on common issues and legal implications brought about by COVID-19. For specific inquiries, please reach out to your relationship partner or send an email to our [COVID-19 Legal Team](#).

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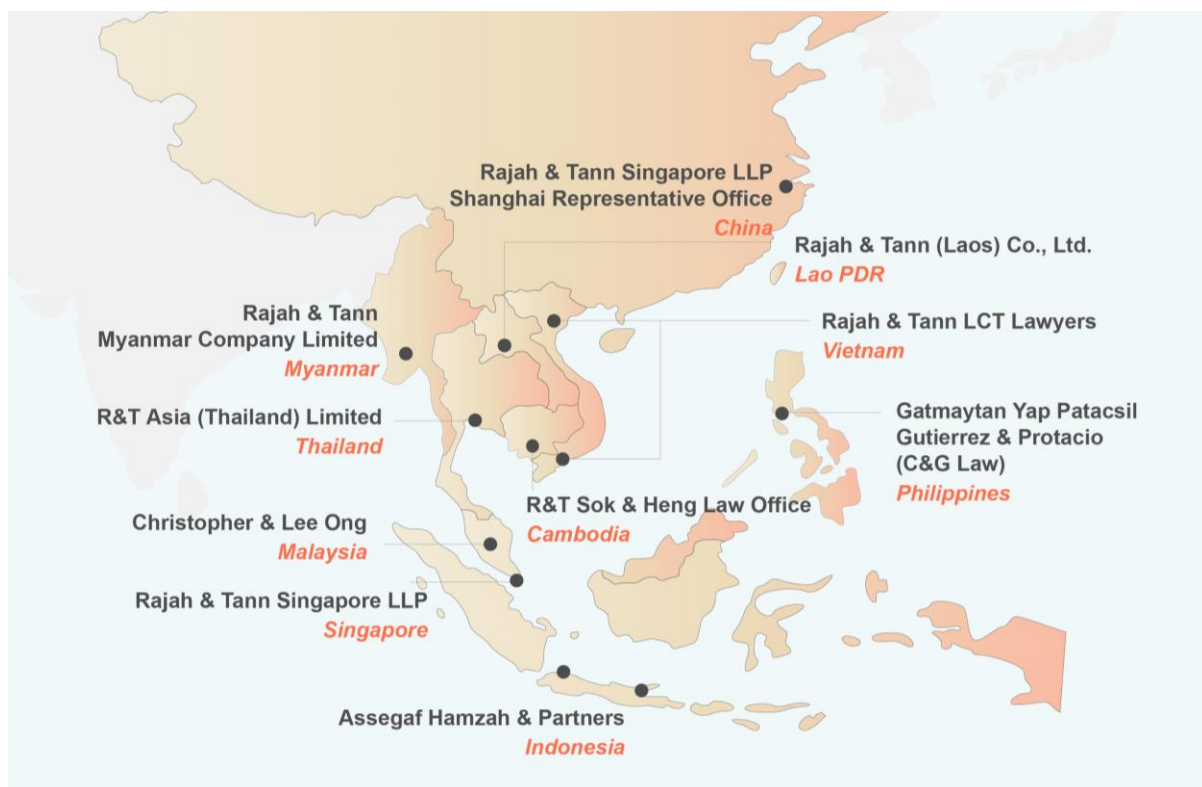
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