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***and Similar Institutions***

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**Social Dialogue in Thailand**

The application of social dialogue in Thailand based on the goal of social dialogue expressed by the ILO pinpoints the creation of opportunities for the major social partners, i.e. employers and workers to play key roles in the formulation and implementation of social policies (Salamon 2000).

Theoretically, the form of social dialogue is therefore stressed on the **bipartite level** where workers or trade union consult with employers or management without the involvement of government officials. This bipartite dialogue occurs at various levels including at the entrepreneurial, industrial, provincial, regional, and national levels. The scope of the dialogue includes the issues of wage determination, work relationships, job security, safety, health and work environments, benefits and welfare, to improve the quality of the work life of workers which at the end is to improve the quality of life of the people in a society. The rationale is that once the workers in enterprises receive better compensation, the working conditions are improved and there are no or less on-the-job injuries, and workers have job security; the security will expand to the members of the family of workers who are the majority in an industrial society. It will at the end result in social peace and sustainability.

However, the **tripartite dialogue** where a government representative participates in the consultation or negotiation is also a mechanism to promote the dialogue to achieve its goal. Therefore, tripartite dialogue is also implemented along with the bipartite system. In Thailand, the government has policies to promote the bipartite system by promoting the establishment of trade unions and collective bargaining between employees or trade unions and management or employers in order to establish and amend the terms and conditions of employment. However, due to the fact that Thailand has not been fully developed into an industrialised society the government still has to play a key role in tripartite dialogue. So, the social dialogue practices in Thailand are in both bipartite and the government dominated tripartite forms.

The bipartite dialogue in practice now begins from information sharing with employees through various types of media such as meetings, bulletin boards, newsletters, and circulars in an enterprise including providing a grievance system for employees. The next level is joint consultation between management and workers. The consultation is both voluntary and mandatory. The voluntary consultation is usually done through a joint consultation committee. The mandatory consultations are done by laws that include the establishment of a welfare committee, safety, health and working environment committee, under the provision of the Labour Protection Act. Under the Labour Relations Act there are provisions for the establishment of employee committees. The laws require management to consult with these committees regularly. The next level is collective bargaining to establish or amend the terms and conditions of employment. It can be done both by employees directly and through trade unions. The Labour Relations Act provides the details of the process and the time frame for the submission of demands and negotiation including the provisions for settlement of labour disputes through various means such as conciliation and arbitration including the exercise of various industrial actions such as a strike or lockout and the authority of the Minister of Labour to end the dispute when it appears to harm the nation’s economy and social harmony.

The tripartite dialogue in practice now can be divided into two forms.

The first type is an ad hoc or a nonrecurring consultation. This type of dialogue includes the organisation of a tripartite meeting or seminar on various issues related to economic and social problems. This type of meeting or seminar is usually organised by a government agency by inviting both employers and workers to join the meeting or seminar. The purpose of this type of dialogue is mainly to seek comments or opinions from both parties as an input to the proposed plans or policies to be implemented by the government. However, in some cases the government may organise a meeting or seminar to hear the voice of both parties for example when the country is facing an economic crisis, or introduces an idea to enact a new law to use certain types of measures to resolve labour and social problems. The results of this type of meeting or seminar that lead to objective measures are in the case of the code of practice to remedy a mass layoff during an economic crisis, and the code of practice for sound labour relations.

The second type of tripartite dialogue in practice is the establishment and operation of various tripartite committees. There are more than 10 tripartite committees for example; the National Advisory Council for Labour Development, the National Vocational Training Coordination Committee, the Wage Committee, the Labour Relations Committee, the Social Security Committee, the Occupational Safety, Health and Work Environment Committee, the Welfare Committee and the Skills Development Promotion Committee, and etc. These committees are national committees.

One of the major problems of operation of the tripartite committees in Thailand is that there is no work integration among these committees. Each committee performs it functions according to the duties and responsibilities as specified in the legislation promulgating the committee. There are certain overlapping and sometimes conflicting functions and operations. Thus, it causes conflicts and leads to inefficiency and ineffectiveness in their performance. The major conflict and competition of tasks occurred clearly in the areas of vocational education and training which is under the Ministry of Education and skills development is under the Ministry of Labour. This could lead to a deficiency of the country in preparing to cope with the ASEAN free flow of labour to be effective on 1 January 2015 according to the provisions of the ASEAN Economic Community (AEC).

**The Roles of the National Economic and Social Advisory Council (NESAC) for Social Dialogue**

The National Economic and Social Advisory Council (NESAC) was originally established under the provisions of the Constitution of the Kingdom of Thailand B.E. 2540 (1997). Under the provisions of the constitution the National Economic and Social Advisory Council Act B.E. 2543 (2000) was enacted. This act provides the guidelines for establishment and operations of NESAC. In the year 2007 the Constitution of the Kingdom of Thailand B.E. 2540 (1997) was overthrown and the Constitution of the Kingdom of Thailand B.E. 2550 (2007) was promulgated. However, the National Economic and Social Advisory Council Act B.E. 2543 (2000) has continued to be in force. It is still being used as a guideline for operation of the NESAC.

Article 258 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) prescribed that the NESAC has the duties to provide advice and make recommendations to the Cabinet on various problems related to the economy and society including the related laws, national economic and social development plan and other plans as prescribed by laws that must be reviewed and commented on by the NESAC prior to promulgation. At the same time, the National Economic and Social Advisory Council Act B.E. 2543 (2000) prescribed that the NESAC shall have the following major duties:

* (1) Provide advice and make recommendations to the Cabinet on matters related to the economy and society for the benefit of actions to be taken according to the guidelines of the basic policies of the state as prescribed in Part V of the Constitution of the Kingdom of Thailand;
* (2) Provide opinions related to the National Economic and Social Development Plan and other plans as prescribed by laws that must be reviewed and commented by the NESAC prior to promulgation;
* (3) Provide advice or opinions on matters that the Cabinet considers appropriate for advices and opinions to use as a basis for consideration in determining a policy related to such matter which may have an impact on the condition of economy and society in general;
* (4) Consider and conduct studies, make reports of recommendation and propose to the Cabinet on matters that are appropriate to be guidelines for determination of national economic and social policies;
* (5) Have the authority to appoint working committees comprised of members of the NESAC or any person to conduct a study or take any action of the NESAC.

The opinions of the NESAC to propose to the Cabinet must be in the form of a report expressing the opinions of all members who expressed their opinions both to support and oppose such matters with reasons thereof and the pros and cons or the effect of approaches to actions according to the opinions being proposed and to open to the public for acknowledgement. When the Cabinet has considered the recommendations submitted by the NESAC it must make a report to the NESAC of the results of the consideration or actions taken on such recommendations and open to the public for acknowledgement as well.

Based on the provisions of the Constitution of the Kingdom of Thailand B.E. 2550 (2007) and the National Economic and Social Advisory Council Act B.E. 2543 (2000) the NESAC has the following roles:

* (1) develop the process of participation of the people;
* (2) be a forum for reflecting public issues and reducing conflict in society;
* (3) develop learning processes and promote the combination of the people sector;
* (4) motivate people to be more conscious of social responsibility;
* (5) be an important mechanism to enhance the efficiency of the government policy formulation on national development;
* and (6) develop a process of learning towards a sufficiency economy to attain a sustainable balance.

To provide a clear direction of the organisation the NESAC has a vision of being an intellectual organisation to provide advice and reflect the problems from people to the state. To ensure a clarity of function for operation the NESAC has defined its missions as to prepare quality, up-to-date and farsighted policy recommendations to the Cabinet by study and participation for the progress of the nation and wellbeing of the people.

The Constitution of the Kingdom of Thailand B.E. 2550 (2007) provides that the NESAC is comprised of 99 members elected through an indirect election from various organisations representing people in various occupations and professions.

In terms of operation, the NESAC convenes its meetings regularly twice a month. Working committees were established to perform various functions of the NESAC. At present, there are 13 standing working committees in operation.

The operations of the NESAC are under the guidance of the Chairman and two Vice Chairmen, one for Administration and one for Academics. Its operation is supported by the Secretariat headed by the Secretary General reporting to the Prime Minister and the position of the Secretary General is equivalent to the Permanent Secretary of a Ministry. The functions of the NESAC cover a wide range of activities and the Working Committee for Labour and Social Welfare was established to be responsible for the area of labour.

Since its inception in 2000 until the present the NESAC has submitted 258 policy recommendations to the Cabinet. Some of the most important recommendations include: the Agreement on Free Trade between Thailand and the United States of America, the project on the tree lines cable train, strategy for developing the service sector of the economy, guidelines for income distribution based on the rights and resource, and policies for developing the quality of life for Thais in specific target groups.

The process of preparing the recommendations includes the conducting of public hearings to obtain opinions and suggestions related to the economic and social issues from the people, private sector organisations and local network organisations of each region in the country. The data is then analysed and synthesised through the academic process and methodology to come up with a draft report of recommendation and presented to the general meeting of the NESAC for review and approval prior to submission to the Cabinet. For the issue of the national harmony the NESAC has submitted a report of recommendations for creating harmony in Thai society during the past political crisis to the Prime Minister for consideration and implementation.

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