



Legal Alert

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New remote working rules effective on 18 April 2023

The Labor Protection Act B.E. 2541 (1998) was amended on 19 March 2023 (the “Act”) and is taking effect from 18 April 2023 onwards focusing on remote works of employees.

The Act introduces a new Section 23/1 that sets out the rights and obligations of employers and employees engaging in remote work. According to the new section, employers may allow employees to work remotely outside of business premises or to work at their residence or allow employees to work using information technology such as computers and smartphones in any location. An agreement may be made for the benefit of employers, employees' work-life balance, or in case of necessity such as pandemic restrictions.

Such agreement requires to be made in writing or by electronic means that can be accessed and may provide the following information, among other details:

- Start and end dates;
- Normal working days and hours, including overtime;
- Overtime and holiday work rules, and rules for different types of leave;
- The employee's scope of work and the employer's control and supervision policies; and
- Duties of the employer to provide work equipment and tools as well as payments for necessary work expenses.

To highlight that an employee has the right to disconnect, meaning that they can refuse or abstain from communication with their employer after normal working hours or after completing the assigned work. However, employees may give written consent to be contacted during such times.

The Act also specifies that remote workers shall have the same rights as employees who work at business premises.

Deloitte's observation

As the new provisions regarding remote work is now taking effect, companies need to take certain actions to ensure that they are ready to comply with the requirements of the new law. Deloitte would suggest the actions that companies should take as follows:

- Review and update remote work policies: Companies should review their existing policies related to remote work and update them to comply with the new provisions of the law.
- Establish clear communication with employees: Companies should establish clear communication between the companies and remote workers, including the frequency and methods of communication, the scope of work, and the right to disconnect. This will help to ensure that managers can effectively supervise remote workers, and remote workers can stay connected and engaged with their teams.
- Provide work equipment and tools: Companies should ensure that remote workers have access to the necessary work equipment and tools to perform their jobs effectively. This may include providing computers, smartphones, internet access, and other necessary tools.
- Establish clear performance evaluation criteria: Companies should establish clear performance evaluation criteria for remote workers to ensure that their work is evaluated fairly and objectively. This may include setting specific goals, providing regular feedback, and conducting performance reviews at regular intervals.
- Ensure that remote workers have equal rights as those working in the office: Companies shall ensure that remote workers have the same rights as employees who work at business premises.

By taking these actions, companies can ensure that they are ready to comply with the new provisions of the Act related to remote work and that their remote workers are equipped to perform their jobs effectively and efficiently.

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