

ABSTRACT

Thesis Title : Repetitive Claims for Compensation Made by the Employee
Following Termination

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Compensation for termination of employment which constitutes "unfair conduct" under the Labour Relations Act B.E.2518 (A.D.1975) and compensation for "unfair termination of employment" under the Establishment of Labour Court and Labour Procedure B.E.2522 (A.D.1979) are distinguishable, have different implications and are provided for under separate legislation. Employees may file complaints on the basis of both pieces of legislation. The filing of complaints under both provisions does not constitute a double claim since they are based on separate grounds. However, the laws do not clearly proscribe whether compensation claimed on both grounds arising from the same act, such as an employer terminating the employment of his employee, are repetitive. This vagueness leads to problems and controversy as to whether or not compensation claimed under both grounds is repetitive. If the claims under both provisions are repetitive, how should this problem be rectified?

Based on my study and analysis, claims for compensation as result of termination of employment, made for both "unfair conduct" and "unfair termination of employment," are repetitive. Presently, there is no clear guideline as to how compensation should be

determined and therefore, an employee may claim compensation under both provisions. Both procedures are complex and should be improved by simplification. Guidelines in determining compensation should be clarified, so that an employee is entitled to claim compensation solely on one ground. This improvement should reduce confusion among employees and enable employers to ascertain the extent of compensation for which they may be responsible when terminating their employees.